

5. AGENDA ITEMS

5.1. DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - MEDIUM IMPACT INDUSTRY (WATER BOTTLING FACILITY)

REPORT AUTHOR	Daniel Lamond - Planning Officer
GENERAL MANAGER	Paul Hoye, Manager Environment and Planning
DEPARTMENT	Environment and Planning
APPLICATION NO	MCUI 2019_3302
PROPOSAL	Medium Impact Industry (Water Bottling Facility)
APPLICANT	V E Noli & J P Noli C/- Brazier Motti Pty Ltd PO Box 1185 CAIRNS QLD 4870
LOCATION	Upper Daintree Road, Upper Daintree
PROPERTY	LOT: 10 SP: 304851 PARCEL 157960
PLANNING SCHEME	2018 Douglas Shire Council Planning Scheme Version 1.0
ZONING	Rural Zone
LEVEL OF ASSESSMENT	Impact
PROPERLY MADE DATE	30 September 2019
STATUTORY ASSESSMENT DEADLINE	The decision period ends on 30 May 2020.
REFERRAL AGENCIES	N/A
LOCALITY	



Figure 1 Locality Plan

RECOMMENDATION

That Council approves the development application for material change of use for medium impact industry (water bottling facility) over land described as LOT: 10 SP: 304851, 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
Access Road and Building Pad concept Arrangement	Plan Prepared by Civil Walker Consulting Engineers, Drawing No. 106-002-C01	28 November 2019
Part Site Plan	Plan prepared by Greg Skyring Design and Drafting Pty Ltd, Plan No. 101-19	3 September 2019
Floor Plan	Plan prepared by Greg Skyring Design and Drafting Pty Ltd, Plan No. 101-19	3 September 2019
Elevations	Plan prepared by Greg Skyring Design and Drafting Pty Ltd, Plan No. 101-19	3 September 2019
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; and
 - (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.

Building Colours

3. The exterior finishes and colours of the facility must be non-reflective and must blend with the natural colours of the surrounding environment. Colours must be

endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Landscaping Plan

4. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must detail the following:
 - (a) A ten (10) metre wide planting buffer separating the bottling facility and the common boundary to Lot 180 on C157273 having regard to Planning Scheme Policy SC6.7- Landscaping;
 - (b) Planting of setback areas immediately in front of the facility on the hillslope separating the facility and Upper Daintree Road;
 - (c) A species list detailing all proposed vegetation types to be used.

One A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Acoustic Report / Attenuation Measures

5. The development application material advised that the proposed use can utilise acoustic, noise attenuated building design measures to mitigate noise produced by plant. A noise impact assessment report prepared by a suitably qualified and experienced acoustic engineer must be prepared to demonstrate the affect of reasonable and practicable measures proposed to be implemented to minimise the impact of noise on the existing acoustic environment of the surrounding dwelling houses and demonstrate compliance with condition 6 below. The acoustic report must;
 - (a) investigate potential noise impacts on sensitive land uses external to the site, namely the dwelling houses neighbouring the site;
 - (b) establish the noise profile of the locality;
 - (c) detail the generation of noise associated with all noise emitting plant to be used;
 - (d) detail proposed attenuation treatments to the building with building plans;
 - (e) any other matters considered relevant by the acoustic engineer to ensure the proposed development does not unduly impact on neighbouring or surrounding properties.

The acoustic report must be submitted and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Acoustic Report / Noise Emissions

6. Average maximum noise level (L_{max,T}) of plant must not exceed at an affected building:

- **Day (7am to 6pm): Background noise level L90,T + 5 dBA (with the exemption of reverse signals from machinery and plant).**
- **Night (6pm to 7am): No audible noise.**

Attenuation Measures for Machinery and Service Truck

- 7. Machinery and trucks used at the facility which are required to be fitted with reversing signal equipment must be fitted with a directional broadband noise emitter or another non-auditory alarm signal rather than a tonal reversing beeper, to the satisfaction of the Chief Executive Officer.**

Hours of Operation

- 8. Hours of operation are limited to between 7am and 6pm daily.**

Rate of Production

- 9. No more than 200 tonnes per annum of beverage can be produced at the facility.**

Vehicle Parking and Access

- 10. A minimum of three (3) car parking spaces must be provided at the facility. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and Australian Standard AS2890.6. In addition, all parking and vehicular maneuvering areas must be imperviously sealed, drained and line marked. The parking area must be provided prior to the issue of a Certificate of Classification or commencement of use, whichever occurs first. The access driveway can be constructed with a finished treatment of gravel but must not cause a dust nuisance to surrounding properties.**

Erosion and Sediment Control

- 11. All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual and must comply with the following:**
 - (a) Measures nominated in the ESCP must be implemented prior to commencement of any earthworks.**
 - (b) The ESC Plan must address the Institution of Engineers' Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual.**

Emissions

- 12. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.**

Refuse Storage

- 13. Refuse storage is required to service the site in accordance with Council requirements.**

Operational Works

- 14. The construction of the facility triggers the requirement for a Development Permit for Operational Works given the earthwork required to establish a pad for the facility. Obtain a development permit for Operational Works for earthworks prior to the issue of a Development Permit for Building Work.**

Raw Water Purchase Agreement

- 15. Enter into a commercial agreement with Council for the purchase of up to 10,000 litres per day of raw water from the Daintree water intake. The agreement must bind the applicant to pay a rate for raw water to be used as part of the operation of the water bottling facility.**

Access Crossover

- 16. Provide an access crossover in accordance with standard drawing S1105D from the FNQROC Development Manual.**

Heavy Vehicle Movements

- 17. No more than one body truck or heavy vehicle movement to and from the facility is permitted per day.**

Reasons for Decision

The reasons for this decision are:

Sections 60, 62 and 63 of the *Planning Act 2016*:

- to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
- to ensure compliance with the *Planning Act 2016*.

Findings on material questions of fact:

- a) the development application was properly lodged to the Douglas Shire Council 30 September 2019 under section 51 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.

Evidence or other material on which findings were based:

- a) the development triggered assessable development under the Assessment Table associated with the Rural zone;
- 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:

Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

EXECUTIVE SUMMARY

Proposal

Council is in receipt of a development application for a Material Change of Use for Medium Impact Industry (Water Bottling Facility) on land located at Upper Daintree Road, Upper Daintree and properly described as Lot 10 on SP304851.

The applicant proposes to tap into Council's existing raw water intake line from the Daintree water intake, located at Lot 80 on SP224299. The water will be gravity fed to a 10,000 litre holding tank and then piped to the water bottling facility, where the water is filtered and treated and then bottled into paperboard packaging cartons ready to be transported off site for storage and distribution.

Council's Water and Waste Department has given an in principle water allocation from the raw water main to a maximum amount of 10,000 litres per 24 hours.

The applicant's intention is that output from the facility may be in the order of 20,000 500ml cartons of water per day. It is also proposed to have a bore which pumps ground water to the facility for use in the bottling plant. There are times where turbidity levels from the Daintree intake increase above a filterable level. For contingency, the bore may be used.

The proposed facility building is a single storey shed and has a total floor area of approximately 250m². The shed will contain the water filtration and treatment system as well as the carton forming, filling and sealing equipment. The building will provide amenities and a staff room for the two staff the facility will require.

The proposed building is located in the North Western part of the site, being setback approximately 30 metres from the western rear boundary and approximately 110 metres from the northern side boundary. An access driveway from Upper Daintree Road will provide vehicle access to the facility.

The applicant proposes to have one truck (body truck) movement to and from the site per day. On site car parking and manoeuvring area will be provided in front of the facility as identified on the site plan.

Site Description

The land is within the Rural zone and is located at Upper Daintree Road, Upper Daintree and has an area of approximately 74.87 hectares with a frontage to Upper Daintree Road. The subject land is currently used for grazing purposes and is generally void of existing vegetation. The subject land does not contain any existing buildings or structures however, the two allotments which border the land both contain dwelling houses which will be approximately 250 and 900 metres away from the facility. The lower parts of the land near the road frontage are subject to flooding from the Daintree River, which is why the bottling plant is proposed to be constructed on the top of one of the hills on the site approximately 16 metres above the flood plain.

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, and provides 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 to the extent relevant to the proposed development. Therefore further assessment against the SPP is not necessary.

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 proposed development is not in conflict with the FNQ Regional Plan.

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.

ASSESSMENT PROVISIONS

Definition

The proposed use is defined as Medium Impact Industry in the Douglas Shire Planning Scheme 2018, as follows:

"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: potential for noticeable impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise; potential for noticeable offsite impacts in the event of fire, explosion or toxic release; generates high traffic flows in the context of the locality or the road network; generates an elevated demand on the local infrastructure network; onsite controls are required for emissions and dangerous goods risks; the use is primarily undertaken indoors; evening or night activities are undertaken indoors and not outdoors."

It must be noted that the use as applied for is considered Medium Impact industry as the table of Industry thresholds from the Planning Scheme allows the bottling of beverages of up to 200 tonnes per annum for the Medium Impact Industry land use.

This would amount to the bottling of 10,000 litres per day for 200 days per year based on the rate of bottling proposed. If the rate of production was to increase to above 200 tonnes per year, then a new development application would be triggered for the High Impact Industry land use. A condition has been imposed to cap the rate of production at 200 tonnes per year in order to clarify what land use is approved.

Planning Area

The site is included in the Rural Zone under the Douglas Shire Planning Scheme 2018. Medium Impact Industry is identified as impact assessable development in this zone and is identified as an inconsistent land use for this zone within the zone code from the Planning Scheme.

Assessment Benchmarks

The following benchmarks are applicable to the proposed development:

Table 1.

Douglas Shire Planning Locality	Comment
Planning Zone	
Rural zone code	See comment below
Land Use Codes	
Industry activities code	See comment below.
Overlay Codes	
Acid sulphate soils overlay code	Complies
Flood and storm tide hazard overlay code	Complies
Landscape values overlay code	See comment below
Natural areas overlay code	Complies
Other Development Codes	
Access, parking and servicing code	Complies
Environmental performance code	See comment below
Filling and excavation code	See comment below
Infrastructure works code	Complies
Landscaping code	See comment below

Compliance Issues

Rural Zone Code

AO4 of the code requires that uses identified in the inconsistent uses table are not established within the Rural Zone. The bottling facility constitutes the medium impact industry land use. The Planning Scheme does not intend for Industrial land uses to be established on Rural land. Generally, land within the Rural Zone should provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping, extractive industries and other primary production activities.

The use is dependent on being established in this location where the water is. The proposed infrastructure associated with the facility is low scale and is marginally different to infrastructure which could be established for a rural use. It is also noted that while the proposed development is defined as Medium Impact Industry, the nature of the proposed land use is very low impact and not typically industrial.

The proposal can be considered to be consistent with the purpose of the Rural Zone code as the relatively small shed being 250 square metres in size does not detract from the viability

of the land to be used for rural uses. The land will continue to be used to graze cattle and the intensity of cattle production will not be diminished in any way by the proposal.

Industry Activities Code

The relevance of the Industry Activities Code is limited in this case as the code generally guides industrial development on industrial land. However, there are some relevant benchmarks. PO4 of the code requires that landscaping enhances the appearance of the development and the streetscape. A condition has been imposed to require a landscaping plan in accordance with Planning Scheme Policy SC6.7- Landscaping, which includes deep planting of nominated setback areas. In particular, the intent is to have dense landscaping buffers hide the shed from view from neighbouring residences and minimise the effect on amenity when viewed from the road.

Landscape Values Overlay Code

AO2.2 of the code requires that development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer. The proposed shed site is on the top of a small ridge around 25m AHD in elevation, which is around 16 metres above the road. The shed will not be screened from view from the road by existing vegetation or land forms. A condition has been imposed to landscape part of the setback area in between the road and the shed to minimise the impact on landscape values from the shed. Further, the proposed facility consists of a single storey shed of around 250 square metres. The scale of the shed is considered to have a minimal impact on the amenity of the area.

Environmental Performance Code

The Environmental Performance Code seeks to ensure that development is designed and operated to avoid or mitigate impacts on sensitive receiving environments. The proposed development has been conditioned to regulate impacts that it has the potential to cause relating to light, odour, stormwater quality, sediment and erosion control and dust. In particular, one of the most important considerations for an industrial use in a rural setting with a house nearby is noise emissions. AO2.1 of the code requires that the development does not create noise nuisance. The water bottling plant will include a number of different types of machinery including a large compressor and a fork lift. A condition has been imposed to require that an acoustic report with attenuation measures and recommendations be prepared in support of the proposal. The application did not include any acoustic assessment of the proposal and locality. In addition to the requirement for an acoustic report, a benchmark has been given for the noise emissions at an affected premises that the acoustic report will need to achieve.

A condition has been imposed to require any forklift used on site to be fitted with a directional broadband noise emitter rather than a tonal reversing beeper to minimise the noise nuisances generating from the site. This condition is also worded to regulate the reversing signal of the truck used to service the facility. Other conditions regulating operating hours have been imposed to require compliance with the code also.

Landscaping Code

AO1 of the code requires that development is landscaped in accordance with Planning Scheme Policy SC6.7 and to the minimum dimensions prescribed for the land use. In this case, a condition has been imposed to require a landscaping plan to be submitted for Council endorsement prior to the issue of a Development Permit for Building Work. The primary reason for this is to screen the facility from view from the neighbouring house and

partially screen from view from the road to minimise the impact on amenity that the facility may have.

Strategic Outcomes

The proposal is generally consistent with the strategic outcomes sought for the Shire from the Strategic Framework within the Planning Scheme.

Theme 1- Settlement Pattern

The strategic outcomes for Theme 1 could be considered in conflict with the proposal as the settlement pattern intends for industrial development to be established within the Industry zones of Mossman and Craiglie. Given this is not a typical industrial land use with frequent heavy vehicle movements, significant and obvious noise emissions, air pollutants or other environmental nuisances that can't be regulated through conditions, it can be considered that this theme does not need to be strictly adhered to.

Theme 2- Environment and Landscape Values

The strategic outcomes for Theme 2 are complied with for the proposal as there are no particular environmental impacts on ecology proposed. The shed and facility area are to be sited within an existing cleared paddock on top of a hill with a new access driveway being constructed through the paddock. No vegetation damage is required for construction. Conditions have been imposed to regulate impacts such as sediment and erosion and noise nuisances. The landscape values of the area will be partly enhanced through the implementation of landscaping buffer planting around the facility which is a requirement of an imposed condition.

Theme 3- Natural Resource Management

Theme 3 includes strong emphasis on the exclusion of non-agricultural land use activities in primary production areas and maintaining the viability of agricultural land to support agricultural pursuits. The proposal for introduction of an industrial land use into rural land is not necessarily in conflict with these outcomes as it has virtually no affect on the viability of the land to continue to support the existing cattle grazing land use on site. The shed is only 250 square metres and the operation includes one driveway access, a parking and manoeuvring area, a water storage tank and the water bottling shed. Further, water security is not affected by the proposal is previously discussed.

Theme 4- Strong Communities and identity

The strategic outcomes from Theme 4 require the sense of place to be retained for the shires settlements and villages, including Daintree Village. The industrial land use brings non-residential, non-rural and non-tourism traffic through Daintree Village in the form of the medium rigid truck servicing the bottling plant. This vehicle movement should be noted but the relatively infrequent amount of trips (one trip to and from the facility per day) makes the impact negligible when considering amenity. A condition has been imposed to limit one trip to and from the facility per day for the service truck.

Theme 5- Economy

The proposal is consistent with theme 5. In particular, the strategic outcomes seek a prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities which are supported by the sustainable use and management of the Shire's natural resources. The strategic outcomes seek to broaden the shires economic base and provide

improved employment opportunities. The proposal is an example of diversifying the use of land without compromising the viability of the existing grazing land use on site. Up to two full time employees are expected to be required to operate the facility.

Theme 6- Infrastructure and Transport

Theme 6 gives strict requirements for the consideration of water infrastructure where a development may rely upon or affect it. The strategic outcomes require that water supply resources are protected and used efficiently and sustainably. Council's Water and Waste Water Department has calculated and confirmed that the extraction of up to 10,000 litres of water per day will not pose a risk to water security for the Daintree water treatment plant.

REFERRALS

External Referrals

The application did not require referral to the State Assessment and Referral Agency.

ADOPTED INFRASTRUCTURE CHARGES

The development does not trigger Infrastructure Charges.

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: Meeting the responsibilities associated with regulating activities through legislation or local law.

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

CONSULTATION

Internal

Council's Water and Waste Water Department was consulted to determine whether there would be an allowance to tap a connection into the water main traversing the land which supplies Daintree Village. The Water and Wastewater Department calculated that 10,000 litres of water per day was available without impacting the supply to or the performance of the Daintree water treatment plant.

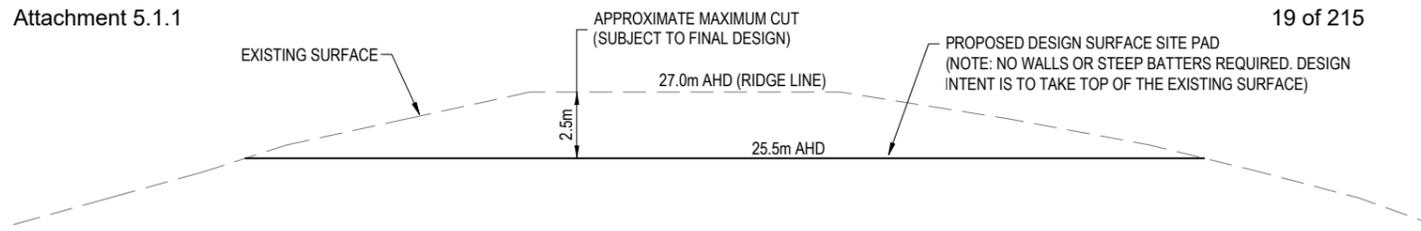
The connection will have a valve arresting the flow rate so that the 10,000 litres is taken over the entire 24 hours resulting in a negligible impact to treatment plant supply. Subsequent to this application being approved, Council will need to enter into a commercial agreement with the applicant to charge a rate per kilolitre of water. The standard rate for raw water is \$1.20/kl.

External

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 no submissions received by Council in relation to the proposed development.

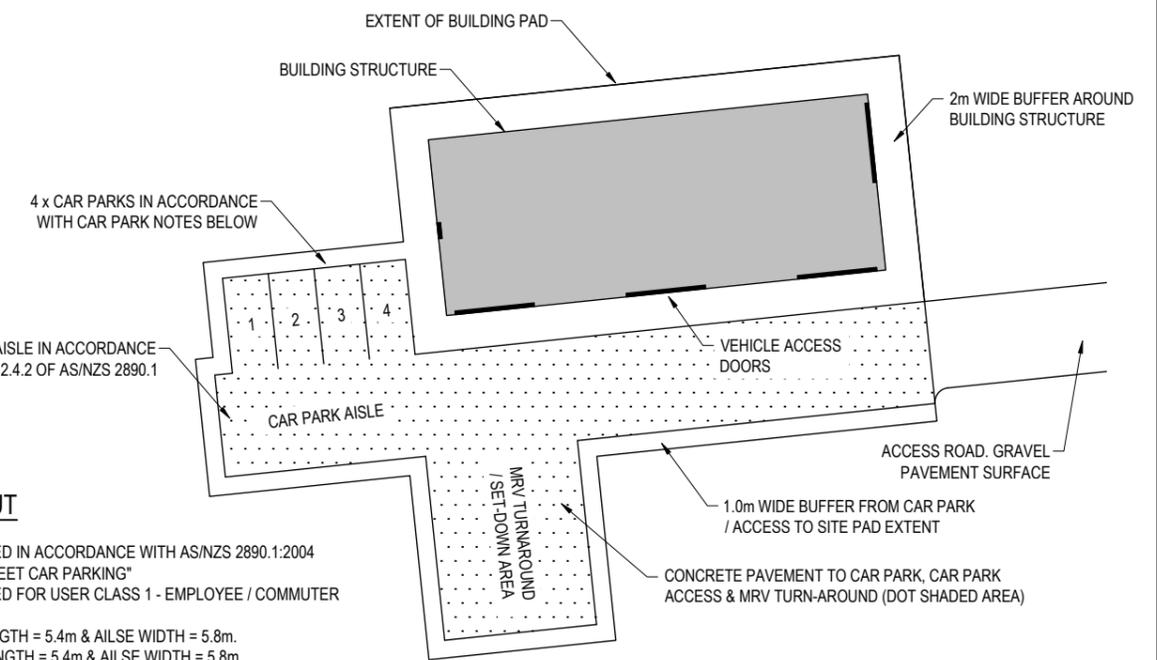
ATTACHMENTS

1. Attachment 1- Approved Plans [5.1.1 - 4 pages]



SECTION 1 - THROUGH BUILDING PAD

SCALE: 1:150 @ A1
1:300 @ A3

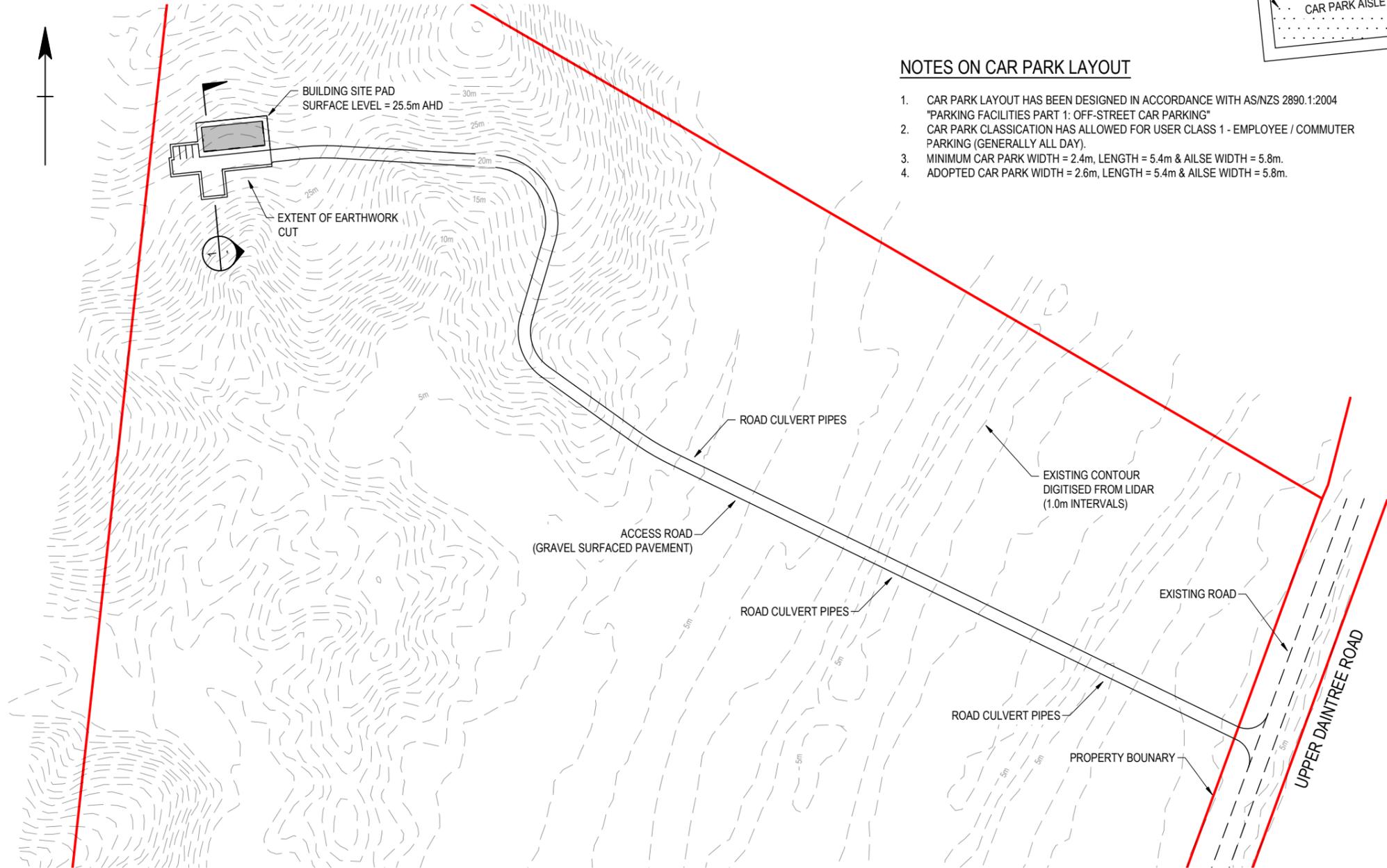


NOTES ON CAR PARK LAYOUT

1. CAR PARK LAYOUT HAS BEEN DESIGNED IN ACCORDANCE WITH AS/NZS 2890.1:2004 "PARKING FACILITIES PART 1: OFF-STREET CAR PARKING"
2. CAR PARK CLASSIFICATION HAS ALLOWED FOR USER CLASS 1 - EMPLOYEE / COMMUTER PARKING (GENERALLY ALL DAY).
3. MINIMUM CAR PARK WIDTH = 2.4m, LENGTH = 5.4m & AISLE WIDTH = 5.8m.
4. ADOPTED CAR PARK WIDTH = 2.6m, LENGTH = 5.4m & AISLE WIDTH = 5.8m.

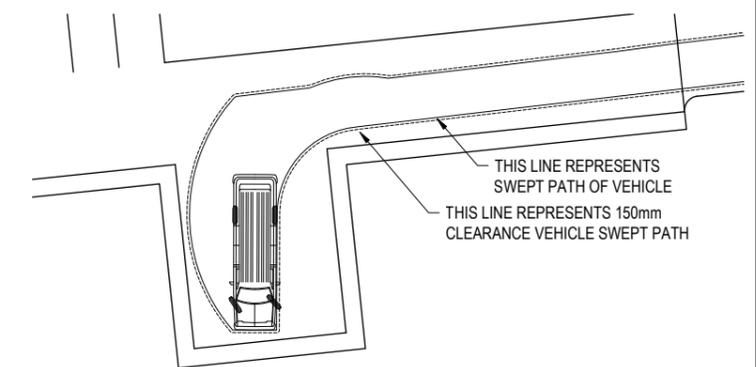
CAR PARK LAYOUT

SCALE: 1:200 @ A1
1:400 @ A3

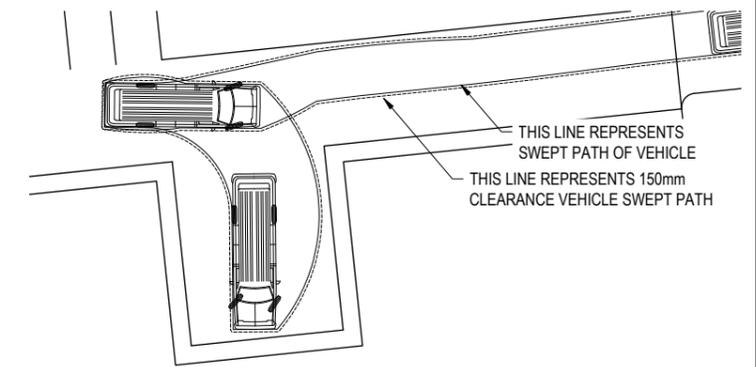


SITE LAYOUT

SCALE: 1:1000 @ A1
1:2000 @ A3



MRV ENTRY SWEEP PATH



MRV EXIT SWEEP PATH

REVISIONS	NO.	DATE	DESCRIPTION	DESIGN	APPROVED
1	28.11.19	INITIAL ISSUE			

CLIENT
J & V NOLI

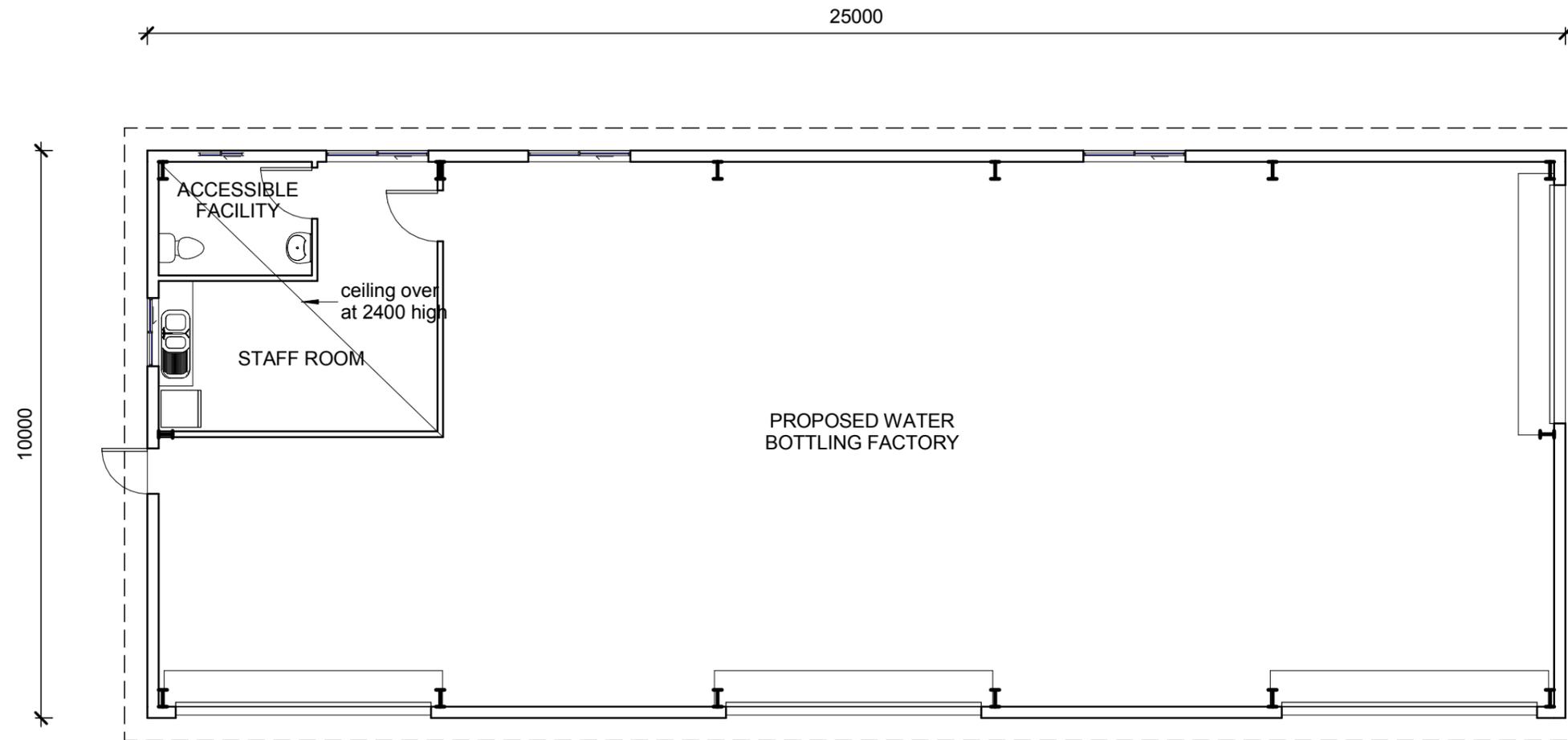
SCALE
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1:400
1:1000 0 10 20 30 40 50 60 A1
1:2000
ALL DIMENSIONS IN METRES UNLESS NOTED OTHERWISE

CivilWalker
Consulting Engineers
Ordinary Council Meeting - 26 May 2020

DRAWN	JW	CHECKED	DJW
DESIGNED	JW	CHECKED	DJW
APPROVED			

DAINTREE WATER SHED
ACCESS ROAD & BUILDING PAD
CONCEPT ARRANGEMENT

DRAWING NO. 106-002-C01
REVISION 1



1 Floor Plan
1 : 100

