

5.07. MATERIAL CHANGE OF USE - DISPLAY FACILITIES - MOSSMAN HARDWARE

REPORT AUTHOR(S): Neil Beck, Planning Officer
GENERAL MANAGER: Paul Hoyer, General Manager Operations
DEPARTMENT: Sustainable Communities

PROPOSAL Material Change of Use (Impact Assessment) -
Display Facilities (hardware store)

APPLICANT Mossman Canegrowers Limited
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

LOCATION OF SITE 5 Mossman Street & 2 Mill Street Mossman

PROPERTY LOT 50 on RP706250 & 51SP113404

LOCALITY PLAN



LOCALITY Mossman and Environs

PLANNING AREA Commercial

PLANNING SCHEME Douglas Shire Planning Scheme 2008

REFERRAL AGENCIES

State Assessment and Referral Agency
Department of Transport and Main Roads

NUMBER OF SUBMITTERS

Three (3)

STATUTORY ASSESSMENT DEADLINE

17 May 2016

APPLICATION DATE

22 December 2015

RECOMMENDATION

That Council approves the development application for - Display Facilities (hardware store) over land described as Lot 50 on SP706250, located at 5 Mossman Street MOSSMAN, 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
On-Street Parking & Swept Path	PR128488-2 Issue A	9/09/2015

ASSESSMENT MANAGER CONDITIONS

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 no later than 6 months from the date the Development Permit takes effect except where specified otherwise in these conditions of approval.

Operational Works

3. An Operational Works Approval is required for the site works, concrete surfacing or sealing of hardstand areas and storage areas, drainage and external works associated with the development.

A Statement of Compliance must be provided for the Operational Works Application as required by the FNQROC Development Manual (refer Appendix A of Application Procedures (AP1)).

All plans submitted to Council must be certified by a suitably qualified and experienced registered professional engineer of Queensland (RPEQ) as required by the FNQROC Development Manual and conditions of this Development Permit.

The works must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer.

Roads and Paths

- 4. The applicant must provide supporting information including existing and finished surface contours to demonstrate that the proposed access to be provided from Junction Street does not create a nuisance or impede access to the existing access to Lot 97 on SR836110.**
- 5. The applicant must provide an updated traffic assessment for the proposed development identifying the impact of the development on the existing transport network (including a consideration of likely impacts on the road network, the public transport network, freight movements, pedestrians and cyclists); In particular, the report must specifically address: -**
 - a. Updated swept path diagrams of the access and egress points of the development for the design vehicle for the finalised design layout. Plans showing the swept path diagrams for entry, exit and circulation within the proposed development for the nominated design vehicle(s) are to be provided.**

Compliance with the requirements of AS2890.1 and AS 2890.2. A suitably qualified and experienced RPEQ must be required to certify that the proposed plans comply with these identified Australian Standards, and the FNQROC Development Manual.

- b. Any mitigation measures required to ameliorate the effects of the proposed development with indicative timings nominated. Specific consideration must be given to the mitigation measures to be provided for any impacts from Junction Road access (access to the site and Lot 97 on SR836110), on and off – street parking considering the required geometry to access the site), and similarly, impacts of the development which are shown to occur on Mossman Street must also be ameliorated with additional on-street parking provided;**
- c. Traffic controls required for Mossman to control the parking to ensure the carriageway remains clear to facilitate the exit movement;**
- d. The traffic study is to consider parking, access, ramping, pedestrian conflicts and movements and cyclists.**

The traffic assessment must be to the satisfaction of the Chief Executive Officer. The Operational Works application must detail the proposed on-street works associated with the point to the development from Mossman Street which is consistent with the findings and recommendations of the traffic assessment.

Heavy Vehicle Access & Unloading & Loading of Vehicles

- 6. All heavy vehicles accessing the site must do so via Junction Road. Gates are to be installed on the Junction Road access and are to be closed to prevent general vehicle access to site.**

All unloading and loading of vehicles must be undertaken on-site at all times.

External Works

- 7. Undertake the following works external to the land at no cost to Council:**
 - a. Provision of a concrete crossovers and aprons for all points of entry and egress in accordance with FNQROC Development Manual Standard Drawings for commercial crossover. The extent of the crossovers is to be minimised where possible to limit the conflict with pedestrians utilising the roadway verge;**

Consideration is to be given to commencing the left turn associated with exit manoeuvre for the semi-trailer within the site to minimise the apron width and the carriageway encroachment on Mossman Street.

The extent of crossovers proposed is to be substantiated with the swept path diagrams for the design vehicle at each point of entry or egress.

Note: The maximum grade for a cross-over is 2.5% and the new cross-over must not interfere with existing footpath formation.
 - b. Confirm clearance to existing power poles for the swept path of the design vehicles having regard to the proposed ingress and egress points of the site. This may determine if further works are required to the electrical reticulation system and poles;**

- c Replacement of the displaced on street parking with additional parking on the western side of Mossman Street to the satisfaction of the Chief Executive Officer as follows:**
 - (i) Angled parking generally as shown on the RPS Drawing PR128488-2 Issue A dated 26 November 2015 except that the northern extent must be for the full frontage of the development (generally aligning with the northern boundary of Lot 15 on RP706250;**
 - (ii) The parking is to be angled parking and is to be imperviously sealed and line-marked;**
 - (ii) The parking must be graded to drain back to a new FNQROC Type 1 concrete invert to be provided at the current kerb location;**
 - (iv) Where required to protect existing trees including their roots, construct tree guard around the existing trees in the road reserve;**
- d. Repair the existing damaged kerb and channel commencing approximately 3m south from the southern entry/exit and extending to tie into the driveway to adjacent lot 49 on RP706250. These sections of kerb having been damaged by previous entry, exit and unloading operations associated with the use of this site.**
- e. Repair any damage to footpaths, verges or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development;**
- f. Suitable traffic and parking signs are to be located along Mossman Street to control parking and keep the carriageway free for the exit manoeuvre. The signage is to be in accordance with MUTCD and to the satisfaction of Council.**

The external works outlined above require operational works approval. The works must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer.

Earthworks

- 8. Earthworks and/or ramping required to provide access to and from the property must be created within the bounds of the property unless otherwise approved by Council. Ramping of the access in the public road reserve steeper than 5% is not supported.**

The concrete footpath cross fall must not exceed 2.5% as required under the access codes.

Landscaping Plan

- 9. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:**
 - a. a 2-metre-wide landscaped buffer adjacent the northern and eastern boundary of the site;**
 - b. Nominate the plant species to be used and planting densities in order to achieve screening of the development from adjoining properties over time;**
 - c. Detail ground preparation and removal of potential contaminated soils associated with concrete surfacing works. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth;**
 - d. The selection of plant species to ensure the integrity of the retaining wall adjacent the eastern boundary is not compromised;**
 - e. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping;**
 - f. Detail the extent and height of the screen fence to be provided. The top of the fence must have the same reduced level and be designed in consultation with adjoining property owners with respect to the overall height of the fence.**
 - g. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.**

The Landscape Plan must accompany the application for Operational Works and be endorsed by the Chief Executive Officer. All landscaping works must be undertaken in accordance with the endorsed plan and maintained at all times to the satisfaction of the Chief Executive Officer.

10. Details of the proposed retaining walls and the interface between the proposed concrete hardstand surfacing must be provided with the operational works application. This must include section through the wall, landscaped buffer and into existing properties to enable the relative levels and interface to be assessed.

The landscaped buffer on the northern boundary is to be a minimum of 2m wide and must include a solid screen fence.

Structural Certification must be required for any new or existing retaining walls over 1.0m in height. The certification must include consideration of the additional loading which may be applied to the wall as a consequence of the design vehicle for the site.

Protection of Landscaped Areas from Parking

11. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Stormwater

12. The applicant must demonstrate how the proposed development is able to convey the stormwater run-off to a lawful point of discharge – as required by the principals of QUDM and the FNQROC Development Manual (D4.04 Cl.2).
13. The size and extent of the existing stormwater infrastructure must be identified and assessed for compliance with the principals of QUDM and the Council's FNQROC Development Manual (D4.04 Cl.4, 5 and 6). A plan of works must be submitted with the application for Operational Works.

Such works must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer.

Drainage Study of Site

14. Undertake a local drainage study on the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the subject site must have no worsening effect on the drainage of upstream or downstream properties. The study must also identify the need and location of any drainage easements to convey stormwater to the lawful point of discharge. The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works with such works being undertaken in accordance with the endorsed study.

Inspection of Existing Stormwater Drainage

- 15. CCTV inspections of existing stormwater drainage must be undertaken prior to commencement of works on site and a condition report provided to Council as supporting information to the application for Operational Works for the concrete hardstand and storage areas.**

The condition report must identify the age, material type, class of pipe and cover. An assessment of the proposed loads and the pipes ability to carry those loads must also be provided. This must include loads from construction equipment when pipe cover may be compromised.

Further CCTV inspections of the stormwater drainage must be undertaken at works completion and a condition report provided to Council. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.

Amalgamation of Lots Required

- 16. A Plan of Survey must be prepared amalgamating Lot 50 and Lot 51 into one allotment. The Plan of Survey must be registered with the Department of Natural Resources and Mines and a new certificate of title issued at the applicant's/owner's cost.**

Drainage Easements

- 17. Create a Drainage Easement having a minimum width of 3 metres along the entire length of the existing drainage line within the site must be provided. A copy of the easement documents must be submitted to Council for approval.**

The approved easement documents must be lodged and registered with the Department of Natural Resources & Mines at the same time as the amalgamation of Lot 50 & Lot 51.

Lawful Point of Discharge

- 18. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.**

Sediment and Erosion Control

- 19. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).**

Inspection of Sewers

- 20. CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.**

Damage to Council Infrastructure

- 21. In the event that any part of Council's existing; sewer, water, road, or drainage infrastructure is damaged as a result of construction activities occurring on the site or adjoining road, the applicant/owner must notify Douglas Shire Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council.**

Noise Nuisance & Traffic Impact Mitigation Measures

- 22. Operational aspects of the approved development must be undertaken in accordance with the following requirements: -**
 - a. Delivery and loading of goods are only permitted to occur between the hours of 7.00am and 7.00pm Monday to Saturday (excluding public holidays).**
 - b. Noise generated by activities on the site must be mitigated and managed to ensure that the environmental values for noise sensitive receptors (e.g. dwellings) are achieved, as per section 7 of the Environmental Protection (Noise) Policy 2008.**
 - c. The delivery of goods to and from the site must be co-ordinated to avoid delivery trucks arriving at the site prior to times stated in Item (a) above and to avoid multiple trucks arriving at the site at the same time.**

Lighting

- 23. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.**

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)	SDA-0216-028001	10 March 2016	#769399

Refer to Attachment 2: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

- 1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.**
- 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 cyclone watch 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 all other relevant Local Laws and other statutory requirements.**
- 4. Further noise mitigation and amenity concerns can be improved through investigating operational aspects of the activity being undertaken onsite. Examples of noise mitigation measures include:**
 - replacing tonal reversing beepers with directional broadband noise emitters or other non-auditory alarm signals.**
 - ensuring the layout of the loading/delivery area encourages only forward movement of vehicles attached with reversing beepers or other auditory alarms.**
 - locating noise generating equipment in places with less potential for impacting noise sensitive receptors.**

LAND USE DEFINITIONS*

In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Display Facilities is defined as:

Means the use of premises for the display, hire or sale, by retail or by auction, of goods such as:

- **Building and construction materials with or without hardware;**
- **garden supplies including plants, tools, garden furniture and equipment and other products for use in gardening and Landscaping;**
- **vehicles including cars, trucks, motor cycles, boats, caravans and trailers;**
- **produce, animal fodder and farming goods and equipment.**

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

EXECUTIVE SUMMARY

Council is in receipt of a Development Application for a Material Change of Use for 'Display Facilities,' (Hardware Store) over land located at 5 Mossman Street and 2 Mill Street Mossman being formerly described as Lot 50 on RP706250 and Lot 51 on SP113404.

The land is currently contained within the designated Town Centre of Mossman and contained in the Commercial Planning Area within the Planning Scheme. Both allotments have a combined site area of 4659m². Existing residential uses in the form of detached housing adjoin the site to the north and to the east.

Lot 51 on SP113404 being 2 Mill Street has been used for many years as a retailing outlet for a range of products servicing the residents of Mossman. The use of the land for this purpose precedes the introduction of the 1981 Planning Scheme and therefore existing use rights have been established. The same cannot be said for the adjoining allotment being 5 Mossman Street which is currently being used for storage and service areas associated with the Hardware Store.

A number of complaints have been received by Council over a period of time primarily relating to dust, activities taking place on Mossman Street (unloading and loading of vehicles), noise, damaged kerb and channel and damage to the nature strip.

As a consequence, the development application seeks to legitimise current operations taking place on the land.

The proposal is identified as Impact Assessable development within the Planning Scheme and was therefore publically notified in accordance with the requirements of the Sustainable Planning Act (2009). A total of three submissions were received, two of which were properly made and one submission was not.

The assessment of the application in conjunction with the submissions received has identified a number of issues that are to be addressed in order to legitimise the use of the premises as proposed. Such matters relate to access, drainage, noise and external works to Mossman Street in order to accommodate heavy vehicle movements exiting the premises and making good damaged infrastructure.

The application is recommended for approval subject to reasonable and relevant conditions.

TOWN PLANNING CONSIDERATIONS

Background

The use of 2 Mill Street for the purpose of a retail outlet is well established. The site has been used for this purpose well before the introduction of the first Planning Scheme in 1981 and therefore the existing use of 2 Mill Street as a Hardware Store is considered a lawfully established use. A number of building approvals have issued by the former Douglas Shire Council over this land for a range of additions and improvements since the early 1980's.

When first submitted, the development application only sought approval over 5 Mossman Street. The Applicant was advised that the development related to both allotments being 2 Mill Street and 5 Mossman Street and therefore the development application must include all of the land. The Applicant subsequently amended the IDAS forms to relate to both allotments.

A review of the property file for 2 Mill Street located correspondence dated in May 1996 between the land owner and Douglas Shire Council regarding the provision of five (5) on-site car parking spaces associated with the establishment of the garden centre. Such spaces were to be located towards the Junction Street frontage of the site.

Storage and set down areas associated with the Hardware Store have encroached onto 5 Mossman Street overtime to the extent that the entire site is used for these activities.

The proposal seeks to address a number of issues associated with the overall operation of the Hardware Store. Such matters relate to access, drainage, noise and external works to Mossman Street in order to accommodate heavy vehicle movements exiting the premises.

At present, the site does not have suitable site access for large delivery trucks. Loading and unloading currently occurs via Mossman Street, generating public safety issues, traffic conflicts and significantly impacts on the residential use to the north.

An application for Operational Works was lodged in March 2016 seeking approval to concrete seal outdoor storage areas and to construct the accesses. The Applicant was advised that the assessment of such works was currently before Council in the form of the Material Change of Use (MCU) application and it is likely that conditions of the MCU approval would likely require the application for Operational Works to be amended. The Applicant was accepting of this advice.

Proposal

The development application seeks to approval for a Display Facilities (Hardware Store) in accordance with the proposed layout as illustrated at Attachment 1.

The proposed development largely seeks to maintain existing operations at 2 Mill Street while revisiting designated storage areas, loading and unloading of vehicles and heavy vehicle movements, entry and exit locations and on-site car parking.

As illustrated on the plan, the trade entrance to the site will be located at the northern most entry fronting Mossman Street and exit adjacent the garden centre. The site plan provides for enhanced internal vehicle and pedestrian circulation and designated storage areas all of which will be imperviously sealed.

Heavy vehicle movements are proposed via Junction Road and exit onto Mossman Street. The proposal involves the construction of a new access at the Junction Road frontage and will require modifications to existing road infrastructure in Mossman Street.

The proposal plan and supporting planning report nominates the construction of a screen fence and a landscape buffer installed adjacent the northern and eastern boundaries to assist with reducing impacts on the neighbouring residential properties. The Applicant is of the view that noise and amenity issues are likely to be significantly reduced once the site is sealed and concreted.

State Planning Requirements

Schedule 7 of the Sustainable Planning Regulation 2009 prescribes that the development application triggers state agency referral to the State Assessment Referral Agency (SARA) as concurrence agency due to the site being in close proximity to a State controlled road. The application was referred to the Department of Transport and Main Roads through SARA.

Council has assessed the application against the State Planning Policy July 2014, and in particular the interim development assessment provisions (Part E) in relation to natural hazards, risk and resilience and to the extent it is relevant to the proposed development.

In this case, assessment against the works to take place on-site against the natural hazards of flooding, bush fire and acid sulphate soils are not relevant to the proposal as the site is within the established Mossman Township and does not involve matters of State interests as reflected in the State Planning Policy.

It is important to note that the area of Mossman Street and Mossman-Daintree Road containing the signature Raintrees is contained on the State Heritage Register. The nature of the application did not require referral to the Department of Environment & Heritage Protection. However, works required in Mossman Street adjacent to this area will need to ensure works are undertaken in a careful and sympathetic manner. This is discussed in further detail in the body of the report.

Douglas Shire Planning Scheme Assessment

The land is part of the Mossman & Environs Locality and is included within the Commercial Planning Area and identified as being within the designated Town Centre. The land use of "Display Facilities" is identified as an Impact Assessable development and is therefore assessable against the entire Planning Scheme.

Achieving Outcomes through the Planning Scheme

Development within the Shire must satisfy outcomes identified in the Planning Scheme which seek to achieve ecological sustainability. Outcomes are categorised within the following levels:

- Desired Environmental Outcomes
- Overall Outcomes for Localities
- Specific Outcomes for areas affected by an Overlay
- Specific Outcomes for Planning Areas or Particular Development
- Performance Criteria and associated Acceptable Solutions for a Specific Outcome,
- Performance Criteria and associated or Acceptable Solutions for Overall Outcomes.

Desired Environmental Outcomes

Chapter 2 of the Planning Scheme outlines the Desired Environmental Outcomes that underpin the Planning Scheme.

The Desired Environmental Outcomes are grouped under core matters which comprise ecological sustainability as follows:

- Ecological Processes and Natural Systems;
- Economic Development;
- Cultural, Economic, Physical and Social Well-being of the Community.

(1) Ecological Processes and Natural Systems

Desired Environmental Outcome	Comment
DEO 1: The unique environmental values of the Shire, which result from its location within the Wet Tropics Bioregion, are maintained and protected for current and future generations.	The development of the land for Display Facilities will not compromise the unique environmental values of the Shire. External works are required within the Mossman Street road reserve in an area identified on the State Heritage Register. Works will not compromise this asset of the Mossman Township.
DEO 2: Those parts of the Shire located within the Wet Tropics and Great Barrier Reef World Heritage Areas and other adjacent areas of environmental value and ecological significance, are preserved and protected for nature conservation, landscape/scenic quality, biodiversity and habitat values, in particular the protection of the Southern Cassowary and its habitat and to ensure the integrity of natural processes.	The development of the land will not impact on the integrity of the World Heritage Areas of the Shire.
DEO 3: Natural waterways such as the Daintree River, the Mossman River, the Mowbray River and Dickson's Inlet, all wetlands but particularly those on the Directory of Wetlands of Importance in Australia, being the Lower Daintree River, Alexandra Bay and the Hilda Creek Headwater; and all catchments located in the coastal areas within the Shire, are managed to protect their ecological processes, enhance water quality, conserve riparian ecological values and landscape/scenic quality, while acknowledging nature based recreation opportunities.	The site is not adjacent any waterway. The site will be sealed and improve the existing situation with respect to stormwater.

DEO 4: The unique environmental character of the Shire comprised of internationally renowned landscapes, ecologically significant rainforest systems, sensitive coastal systems and areas of unsurpassed natural beauty, are maintained in association with sustainable development practices, which seek to minimise the effects of development on the natural environment.	The proposed development will not compromise the unique environmental character of the Shire.
--	---

(2) Economic Development

Desired Environmental Outcome	Compliance
DEO 5: A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities is supported by the sustainable use and management of the natural resources of the Shire.	The proposed development will support the local economy. The hardware store is an important retail outlet supporting local trades and employment.
DEO 6: The natural resources of the Shire, such as GQAL, extractive resources, water and forestry resources, are protected and managed in a manner that ensures their ecological and economic values are assured for present and future generations.	The proposed development will not deplete or compromise the natural resources of the Shire.
DEO 7: The values of the Shire are protected by a preferred pattern of development through identifying GQAL which sustains productive primary industries, particularly sugar, horticulture and cattle grazing industries, and consolidates growth and employment opportunities, primarily in the identified locations of Mossman and Port Douglas.	The land is contained within the Commercial Planning Area and located in the Mossman Township.
DEO 8: The economic development of the Shire is facilitated by the provision of physical infrastructure which complements the conservation economy of the Shire with 82% of its lands within the WTWHA in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the efficient movement	Not relevant to the proposed development

of people and goods, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire.	
---	--

(3) Cultural, Economic, Physical and Social Well-being of the Community

Desired Environmental Outcome	Compliance
DEO 9: Places of cultural and heritage significance, both Indigenous and European, are identified, protected and retained for their significance and importance to the history and identity of the Shire.	The proposed development does not impact on places of cultural or heritage significance in the Shire.
DEO 10: A range of housing options, which provide a high standard of living and a variety of different residential lifestyle opportunities, are available in the Shire and are provided in a sustainable manner with regard to the environment, including its people and communities and the provision of services and facilities.	Not relevant to the proposed development
DEO 11: The distinctive character and unique sense of place of the towns, villages and other settlement areas in the Shire including the Daintree Lowlands Community, are maintained, promoting community pride and well-being and community safety and prosperity.	The distinctive character and unique sense of place of the Shire's towns, villages and other settlement areas will not be impacted by the proposed development.
DEO 12: Residential communities, particularly within the major tourism areas of Port Douglas, Daintree Village and the Daintree Lowlands maintain a prosperous economy, a sense of community with the natural features, character of those areas and community values and cohesion, promoting harmony between residents and visitors.	The proposed development is adjacent residential properties and to the north and to the east which give rise to potential areas of conflict primarily relating to noise and traffic impacts. Amenity and traffic impacts are discussed in further detail below.

Overall Outcomes for Localities

The land is included within the Mossman & Environs Locality where the predominant form of surrounding development is residential to the north and the Mossman Township to the south. The site forms the northern bookend of commercial development for the Mossman Township.

The proposed use is considered to be generally consistent with the overall outcomes of the locality code, as outlined below:

- The proposed development in conjunction with conditions of approval seeks to minimise the impact of the development on the adjoining residential properties. The Locality Code acknowledges that in certain circumstances conflicts will arise due to adjoining alternative land uses.
- The proposed development seeks to formalise the use of the site which in turn will contribute to the overall function and appearance of the precinct.
- The existing use of the Hardware Store supports a wide range of agricultural, commercial, industrial and domestic activities. The proposed development contributes to the consolidation of Mossman as the major commercial centre of the Shire. However, it is equally important that the adjoining sensitive land uses are protected from incompatible use to the extent practically possible.

Specific Outcomes for Areas affected by an Overlay

The subject land is affected by the Acid Sulfate Soils Overlay and the Natural Hazards Overlay.

The Acid Sulfate Soils Overlay is not relevant to the proposed development as the elevation and the extent of works proposed does not trigger an assessment against the code.

The Natural Hazards Overlay (Low - Medium Bushfire Hazard) is of limited relevance to the proposed use as the land is located within an urban setting. The purpose of the associated Natural Hazards Overlay Code is to ensure that development does not occur in areas prone to the natural hazard of bushfires and to minimise any risks associated with bushfires. Clearly this is not relevant to the assessment of the application.

The Natural Hazards Overlay Code is of no consequence to the proposed development.

Specific Outcomes for Planning Areas

The land is included within the Commercial Planning Area in which the establishment of Display Facilities is identified as an Impact Assessable use. Land contained within the Commercial Planning Area is intended to be developed for a range of commercial and shopping uses which achieves consolidation of commercial areas and serves the needs of the local and wider community.

The code seeks to encourage development which is in keeping with the amenity and character of the area while protecting the amenity of adjoining land uses. The code amongst other requirements seeks to ensure safe vehicle entry and exit locations and to ensure conflict is avoided.

Elements of the code are discussed in further detail below under Compliance Issues.

Douglas Shire Planning Scheme Assessment

Douglas Shire Mossman and Environs Planning Locality		Code Applicability	Compliance
Locality	Mossman and Environs	✓	Complies
Planning Area	Commercial	✓	See Comment below
Defined Use	Display Facilities	✓	Conditioned to comply – see comment below
Overlay Codes	Acid Sulfate Soils Code	✗	-
	Cultural Heritage and Valuable Sites Code	✗	-
	Natural Hazards Code	✗	-
General Codes	Design and Siting of Advertising Devices Code	✗	-
	Filling and Excavation Code	✗	-
	Landscaping Code	✓	Conditioned to comply
	Natural Areas and Scenic Amenity Code	✗	-
	Reconfiguring a Lot Code	✗	-
	Vehicle Parking and Access Code	✓	Conditioned to comply - see Comment Below
	Sustainable Development Code	✗	-

Compliance Issues

Car Parking & Access

The proposal is not consistent with the Vehicle Parking and Access Code which requires one (1) car space per 25m² of net lettable area of building area for Display Facilities. The proposal nominates the provision of nine (9) on site car spaces and indicates the availability of 19 on street spaces for upgrade and formalisation. The proposed plan also nominates the construction of two spaces within the road reserve adjacent the proposed access from Junction Road.

The functionality of the nine (9) spaces nominated on site is questionable with regard to the location of the spaces to be utilised for such purposes i.e adjacent the northern boundary and within internal circulation aisle for delivery vehicles.

As previously identified in the report, the site has been used for a retail outlet which precedes the introduction of the first Planning Scheme for the Shire. With the exception of the five car parking spaces referred to in correspondence in May 1996, the issue of onsite car parking is difficult to establish given the existing use of the premises for an extended period of time and that the proposed development does not include the construction of additional net lettable floor area which would attract additional on-site spaces under the current Planning Scheme.

Other than the accommodation of several delivery vehicles, it is understood that the site does not provide for any on-site staff parking or customer parking.

It is noted that there are 42 on street car parking spaces within the vicinity of the site, which have historically catered for the demand for car parking generated by the Hardware Store. It also noted that loading and unloading vehicles takes place on the Mossman Street frontage which had caused significant damage to the existing road pavement, kerb and channel and road verges. Council in recent times has replaced the most impacted and damaged sections of kerb and channel along both sides of Mossman Street. However, conditions of approval require damaged areas to be fixed and redundant cross overs reinstated.

The proposed development seeks to formalise and improve vehicle access with heavy vehicles entering the site via Junction Road and exiting the site in forward gear onto Mossman Road. Smaller delivery vehicles will be able to enter the site via the most northern entry on Mossman Street and exit in a forward gear. All loading and unloading of vehicles will take place onsite.

As illustrated on the swept path diagram, the movements of heavy vehicles exiting onto Mossman Street extends onto the adjacent carriageway of the road and impacts on the use of the road verge to accommodate on-street parking albeit informal on-street parking at present. In order to safely perform this manoeuvre, this section of the carriageway must be controlled and kept clear of conflict in the form of parked vehicles or other impediments in this location. Sign posting is required to advise of “no standing” for the extent of parking which is compromised by heavy vehicle movements being approximately 9 spaces.

Conditions have been included on the approval requiring a detailed traffic assessment and that works be undertaken to the western side of Mossman Street for the frontage of Lot 15 (the land opposite) to formalise on street car parking and to relocate displaced on-street parking as a consequence of heavy vehicle movements. In addition, conditions require the installation of new kerb and channel and reinstate redundant crossovers of the eastern side of Mossman Street. Such detail will be provided at the time of seeking Operational Works approval.

While it is commendable that the owners of the premises are seeking to formalise and legitimise the back of house and storage areas and undertake the loading and unloading of vehicles onsite, the external works as conditioned above will also seek to accommodate the impacts generated off the site with respect to heavy vehicle movements and the absence of onsite car parking spaces.

The external works as conditioned in the Recommendation will significantly improve the road infrastructure required to accommodate the activities and demands placed upon it by the Hardware Store and as a consequence, significantly enhance the appearance and function of this section of Mossman Street.

It is also important to note that given the use has already commenced, Condition 2 of the Recommendation requires that all works as required by the conditions are completed within 6 months of the Development Permit taking effect. This wording accommodates future actions taken by either the Applicant or submitters in response to Council’s decision on this application.

Drainage

An underground stormwater drainage line currently extends from Mossman Street through the north western corner of 5 Mossman Street and into the adjoining property to the north as illustrated below.



(Above) Drainage line through north western corner of Lot 50 (5 Mossman Street)

The drainage line is a significant drainage asset which is not currently contained within an easement. The proposal is to seal and drain the hardstand and storage areas and discharge stormwater to the existing drainage infrastructure.

Concerns are held with respect to the current integrity of this drainage infrastructure which maybe further compromised as a consequence of additional load being placed on this infrastructure and being inaccessible due to the proposed concrete sealing works. Conditions of approval require the Applicant to prepare a condition report in order to assess the age, material type class of pipe and cover and an assessment of the proposed loads and pipes ability to withstand those loads at the time of seeking Operational Works approval.

Noise & Amenity

It is acknowledged that the alternative uses of residential and Display Facilities gives rise to noise and amenity issues, particularly having regard to operational practices carried out by Mossman Hardware.

It is important to note that while the lots immediately adjoining the land to the north and east each contain a dwelling, such land is included within the Commercial Planning Area and also identified as being within the designated Town Centre within the Planning Scheme. A plan illustrating the designation of land surrounding the site is included as Attachment 3.

The Display Facilities code requires that where land adjoins land being used for residential purposes, a three-metre-wide landscaped buffer be installed while the Commercial Planning Area codes requires a 1.8-metre-high screen fence. The proposed plan nominates a screen fence and 1.5-metre-wide landscape buffer to the hard stand area. A condition of approval requires the landscaped buffer be widened to two (2) metres.

In order to address the issue of noise and amenity, a condition of approval requires that deliveries only take place between the hours of 7.00am to 7.00pm Monday to Saturday excluding public holidays which aligns with the Environmental Protection Act with regard to regulated devices. An advice statement has also been added requesting alternative measures be installed to replace the reversing beeper on machinery such as forklifts and the like.

Council's Environmental Health Officer provided the following advice with respect to this matter: -

"Safety signal noise from a reversing vehicle" is exempt from the noise nuisance provisions of the EP Act. However, tonal reversing beepers are recognised as a source of nuisance noise both nationally and internationally. Consequently, there is a move at an industry-level to implement alternative alarm systems that will cause less nuisance while still complying with Workplace Health and Safety legislation. For example, the Port of Sydney is implementing a phase-out of tonal reversing beepers which are being replaced by broadband (squawker) alarms or other alternatives (e.g. motion sensors, flashing lights). The Department of Environment and Heritage Protection industry Code of Practice for concrete batching plants requires that "reversing alarms are of the squawker type rather than beepers".

Preliminary advice from the Applicant has indicated they are willing to explore available options.

Amalgamation of Lots

The Applicant has requested that the site not be amalgamated into one title and provided the following advice to support the request.

The proposed development seeks approval for the operation of the hardware store to occur over Lot 50 on RP706250. We note that it is evident that examples exist of land uses that have occupied more than one title. RPS suggest that in order to counter the potential for sale of a sole title, the inclusion of a proposed condition on a development approval mandating that should Lot 50 on RP706250 be sold separating from Lot 51 on SP113404, the approval for Lot 50 would lapse.

The 'back of house' and storage areas taking place on 5 Mossman Street are paramount to the operation of the Hardware Store.

Concern is held that in the event 5 Mossman Street is on-sold and the approval lapses as suggested, there will be no opportunity to contain the use to the site and impacts will be further compounded on the surrounding streets. It is also noted that three (3) on-site spaces are identified on this allotment.

It is recommended that the use be consolidated and formalised through the amalgamation of the lots. This action does not preclude a future application being made to reconfigure the land to reinstate this lot if it could be demonstrated that it had planning merit.

Referral Agency Requirements

The State Assessment Referral Agency (SARA) has referred the application to the Department of Transport and Main Roads (TMR). Conditions imposed by TMR are included in Attachment 2.

SARA was contacted by Council Officers with respect to Condition 1 which reads as follows:-

The development must be carried out generally in accordance with the following plans: On-Street Parking & Swept Path prepared by RPS, dated 26/11/2015, Reference Drawing No PR128488-2, Issue A (as amended in red) (See Attachments 1 and 2)

Concern was raised with respect to the crossing out of the on-street car parks on the western side of Mossman Street.

In response to this concern, SARA advised that the approved plan was marked up to remove the parking with the Queensland Heritage Boundary, as the applicant confirmed that: -

“The proposed on-street parking shown in blue along Mossman Street (on Drawing Number PR128488-2a) was included on the plan in order to demonstrate to Council (and the State) how the proposed turning circle for the delivery vehicles could be appropriately accommodated without disrupting the potential for future parking bays along Mossman Street.

As shown on the plan, the parking bays on Mossman Street are to be provided by others (i.e Council). The two additional parking bays shown in blue next to the proposed Heavy Vehicle entry will be completed during construction.

We note that the development provides for sufficient on-site parking bays and that there are also existing public spaces located along Junction Road. While shown, the proposed parking bays shown on Mossman Street are not part of the Development Application.”

SARA advised that as a consequence of the Applicant stating that on-street did not form part of the proposed development, SARA marked up the plan removing those spaces from the approved plan to clarify this aspect.

SARA confirmed that the Concurrence response does not preclude the construction of on-street spaces on the western side of Mossman Street.

Public Notification / Submissions

Public notification was carried out in accordance with Section 299 - 301 of the *Sustainable Planning Act 2009*. Notices were placed on the subject land in the way prescribed under the regulation on 17 March 2016 and maintained for a period of no less than 15 business days. Letters to the adjoining owners were sent by regulated mail in the 17 March 2016, and a notice was published in the Mossman Port Douglas Gazette on the 17 March 2016.

A total of two (2) properly made submissions were received during the public notification period and one (1) not properly made submission. The not properly made submission was received outside of the notification period. However, planning matters raised in the submission have been considered.

The following section of the report summarises the grounds of the submissions followed by Officer comment.

Insufficient car parking is provided to service the development. The proposed number of onsite spaces does not comply with the Vehicle Parking and Access Code of the 2006 Douglas Shire Planning Scheme.

Insufficient turning area for the proposed heavy vehicle access and exit, and associated road safety issues. Proposed access from Junction Road prevents access to adjoining residential property and does not provide sufficient detail to gain an understanding of potential earthworks and drainage impacts.

Officer Comment

As noted in the report above, the issue of onsite car parking spaces is difficult to establish given the existing use of the premises for an extended period of time and that the proposed development does not include the construction of additional net lettable floor area which would attract additional on-site spaces under the current Planning Scheme. Concerns are also raised with respect to the functionality of the spaces with respect to the location of spaces adjacent the northern boundary and within internal vehicle circulation aisles.

Conditions of approval require external works be undertaken to Mossman Street as a consequence of heavy vehicle movements and the requirement to be able to have control over the carriageway to perform this movement. Works also involve the formalisation of on-street spaces on the western side of Mossman Street to assist with overcoming the impacts of the development on the external street network. Such works will be undertaken in a sympathetic manner to ensure existing street trees are not damaged.

Council has the ability to enforce the 'no standing' signs on Mossman Street should issues arise with the approved vehicle swept path and parked vehicles.

The proposal makes mention of a desire to acquire the road area required for access off Junction Road via a permanent road closure, with the applicant incurring all associated costs. The acquisition of the land is not necessary to create access to the site as this is just as practicable by continuing the current tenure arrangement.

It is noted that access to the adjoining Lot 97 is a secondary access for this property. However, there is no reason to believe that this secondary access could not be maintained through the construction of the heavy vehicle access off Junction Road. A condition of approval requires the retention of a secondary access to Lot 97. However, there is no requirement for this access to be constructed to the residential property. Conditions also require further detail to demonstrate stormwater will not cause a nuisance to adjoining properties in high rainfall events.

The unloading and loading of vehicles takes place early in the morning and adversely impacts on the adjacent residential uses from noise nuisance. Further, the claim in the planning report of approximately one (1) service delivering goods from Cairns per week is not a true representation of the frequency of deliveries to the site, further impacting on the amenity of the surrounding residences.

Delivery trucks have to wait while staff vehicles are relocated to facilitate delivery. Trucks arrive before business hours and park on Mossman Street waiting for the store to open.

The development does not comply with the Display Facilities code and provide a 3-metre-wide landscape strip adjacent the boundary.

Officer Comment

Conditions of approval require that deliveries only take place between the hours of 7.00am to 7.00pm Monday to Saturday excluding public holidays which aligns with the Environmental Protection Act with regard to regulated devices.

All unloading and loading of vehicles will take place on site with all heavy vehicles accessing the site via Junction Road. The Junction Road access will be closed to all other traffic. This aspect is the most significant aspect of the proposed development. A condition of approval will reinforce this requirement and requires the operations of the Hardware Store to co-ordinate delivery vehicles to prevent queuing and heavy vehicles being stored on-street or left standing idle.

In response to submitters concerns, the Applicant has provided further detail with respect to delivery movements being: -

- Five small delivery trucks daily
- One medium delivery truck weekly
- One semi fortnightly
- Two medium trucks on site permanently

The external works required to Mossman Street will assist with accommodating staff vehicles and will not require those vehicles to be moved to facilitate the delivery of good.

In terms of the landscape strip, it is accepted that the conditioned 2 metre buffer does not satisfy the width of the buffer nominated as an Acceptable Measure in the code. It is suggested that with the use of appropriate species a suitable landscape buffer can be provided within the buffer provided which will assist with obscuring views of the property. A screen fence will complement the landscaping along the northern and eastern boundaries to minimise the impacts associated with the alternative land uses. In addition, the width of the buffer has been increased while seeking to align with the existing northern access onto Mossman Street. This outcome is considered reasonable given the circumstances. A condition of approval requires the preparation of a landscape plan which will detail the plants and densities to be installed in conjunction with the details of a solid screen fence. Consultation with the adjoining owners is required on the fencing treatment.

An advice statement is also included regarding alternative options to the reversing beeper and other considerations in order to assist with reducing noise nuisance to the surrounding properties. Such considerations include: -

- replacing tonal reversing beepers with directional broadband noise emitters or other non-auditory alarm signals;
- ensuring the layout of the loading/delivery area encourages only forward movement of vehicles attached with reversing beepers or other auditory alarms;
- locating noise generating equipment in places with less potential for impacting noise sensitive receptors.

Provided delivery vehicles operate within the above times, it is considered not reasonable or relevant to restrict the frequency of delivery vehicle movements.

It should be noted that the Environmental Protection Act environmental nuisance and default noise standards will still apply to all other relevant aspects of the construction and operational phase of the development.

The proposal includes a desire to acquire the road area required for access off Junction Road, through a permanent road closure with the applicant incurring all associated costs. The acquisition of the land is not necessary to create access to the site as this is just as practicable by continuing the current tenure arrangement, whereby the applicant would most appropriately apply to conduct works within the road. Access to the adjoining Lot 97 on SR836110 should not be impeded by the entry to the site.

The business operation is incongruent with plans to develop the vicinity into a cultural precinct with Mossman Botanical Gardens, historic church, historic town hall and Douglas Art Bank in the historic old Commonwealth Bank. There is presently no safe pedestrian access from the proposed Botanic Gardens into the CBD.

Officer Comment

It is suggested that the existing operation of the premises has an unacceptable impact on areas external to the site. The proposed development seeks to formalise existing operations to better contain and accommodate impacts on site.

It is not agreed that the proposed development is incompatible and inconsistent with this precinct of the Mossman Town Centre and that the existing and continued use of the land can't co-locate. It is important to note that the Hardware Store supports a wide range of agricultural, commercial, industrial and domestic activities in the Shire and contributes to the consolidation of Mossman as the major commercial centre.

However, it is equally important that site operations are formalised and managed in a manner that respects and gives due regard to the precinct in which it sits and the adjoining properties.

The issue of pedestrian access from the proposed Botanic Gardens to the CBD is not relevant to the proposal.

Site works impacting drainage and fencing to adjoining allotments, particularly relating to adverse impacts on drainage.

Officer Comment

Further detailed investigations regarding drainage of the site will be explored as part of the Operational Works process. From a conceptual perspective, the plans nominate draining the site to a central location and discharging stormwater to the existing underground stormwater network. No concern is raised with respect to this proposal.

Further detail and calculations will be required to establish the discharge of stormwater to a lawful point of discharge without causing nuisance or adverse impacts on adjoining properties.

Adjoining property values will be reduced as a result of increased nuisance from diesel truck fumes and noise.

Officer Comment

The issue of property values as a consequence of development activity is not a valid planning ground. With respect to impacts on amenity, reference is made to the above comments.

Underground drainage infrastructure exists at the site which runs diagonally through the site and into an adjoining allotment. No building work can be built over this as access for maintenance will be required.

Officer Comment

No new building work is proposed, however a condition assessment report of the drainage infrastructure is required as detailed in the body of the report. A drainage easement in favour of Council is required as a condition of the approval.

Concerns raised with respect to the integrity of this drainage infrastructure are valid and are appropriately dealt with by conditions of approval.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development does not trigger Adopted Infrastructure Charges as a consequence of no new building work being proposed which would increase the demand on Council's reticulated water supply and sewer network.

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 *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

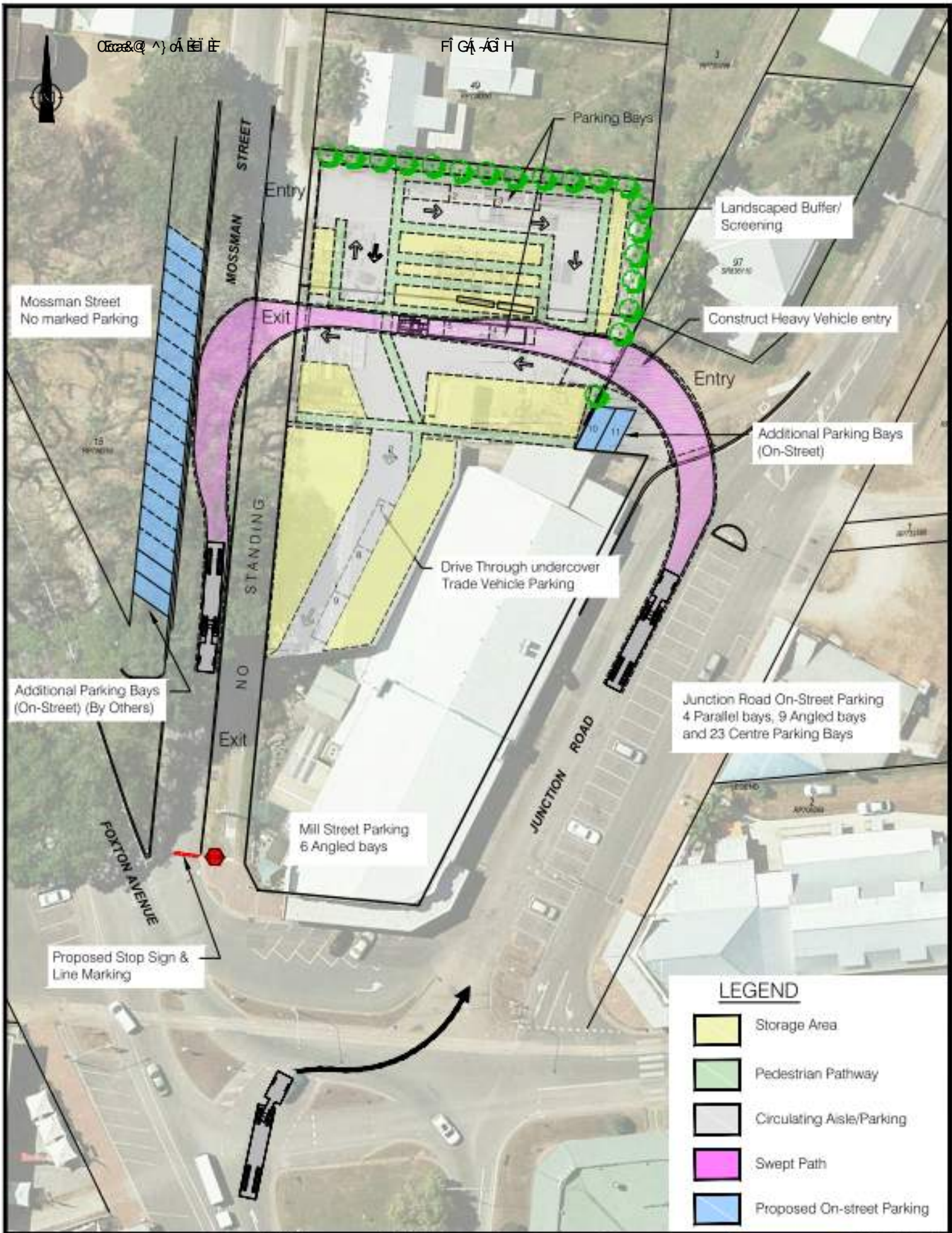
CONSULTATION

Internal: Council's Regulatory Services and Environmental Health Unit were engaged for internal consultation with specific regard to the noise nuisance from the current operation of the Hardware Store.

External: Public notification was undertaken by the applicant in accordance with the requirements of the Sustainable Planning Act 2009, section 299-301.

ATTACHMENTS

- Attachment 1 – Approved Plan(s) & Document(s)
- Attachment 2 – Referral Agency Conditions & Requirements
- Attachment 3 – Designation of Surrounding Properties



<p>0 4 8 12 16 20 25</p> <p>metres</p> <p>SCALE 1:400 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)</p>	<p>PROJECT MANAGER D. Perkins</p> <p>DATE 5/9/2015</p> <p>COMPILE RMS</p> <p>CAD REF PR128488-2a.DWG</p> <p>128488-105.DWG</p>	<p>Mossman Canegrowers Limited</p> <p>On-Street Parking & Swept Path</p> <p>Lot 51 on SP113404 & Lot 50 on RP706250</p> <p>Off Mossman Street & Junction Road, Mossman</p>	<p>RPS</p> <p>100% Australia First Pty Ltd ACN 146 202 762</p> <p>138 Abbott St PO Box 10000 CARING OLD 4875</p> <p>T +61 7 4011 1335 F +61 7 4011 2042 W rpsgroup.com.au</p> <p>SCALE 1:500 DATE 2011/2/2015 DRAWING NO. PR128488-2 SHEET A</p>
---	--	--	---



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0216-028001

Your reference: MCUI 1232/2015

10 March 2016

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

Att: Jenny Elphinstone

Dear Sir / Madam

Concurrence agency response—with conditions

Development application for material change of use for display facilities (hardware store) on land located at 5 Mossman Street and 2 Mill Road, Mossman and described as Lot 50 on RP706250 and Lot 51 on SP113404

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 23 February 2016.

Applicant details

Applicant name: Mossman Cane Growers Limited
c/- RPS Australia East Pty Ltd

Applicant contact details: PO Box 1949
Cairns QLD 4870
alex.bowen@rpsgroup.com.au

Site details

Street address: 5 Mossman Street and 2 Mill Road, Mossman

Lot on plan: Lot 50 on RP706250 and Lot 51 on SP113404

Local government area: Douglas Shire Council

Application details

For further information, please contact Joanne Manson, Principal Planning Officer, SARA Far North QLD on 4037 3228 or email joanne.manson@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Hubert

Brett Nancarrow
A/Manager (Planning)

cc: Mossman Cane Growers Limited, c/- RPS Australia East Pty Ltd, email: alex.bowen@rpsgroup.com.au

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

Our reference: SDA-0216-028001
Your reference: PR128488/OLD/AMB/L75011

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use - Display Facilities (Hardware Store)		
Schedule 7, Table 3, Item 1 – State-controlled road —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
In accordance with approved plans		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> On-Street Parking & Swept Path prepared by RPS, dated 26/11/2015, Reference Drawing No PR128488-2, Issue A (as amended in red) 	Prior to the commencement of use and to be maintained at all times
In accordance with approved report		
2.	The development must be generally in accordance with the Town Planning Report prepared by RPS, date 18 December 2015, Reference PR128488/OLD/AMB/L75011, in particular: <ul style="list-style-type: none"> Inbound deliveries from Cairns generate 1 service per week, this schedule will not change in the near future. Delivery vehicles must access the subject land via Junction Road only and leave the subject site via Mossman Street. 	Prior to the commencement of use and to be maintained at all times
Wayfinding signage		
3.	Signage, indicating vehicles must stop before proceeding, is to be installed at the Mossman Street / Mossman-Daintree Road (Foxton Avenue) intersection in accordance with the Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices.	Prior to the commencement of use

Our reference: SDA-0216-028001
Your reference: PR128488/OLD/AMB/L75011

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application
- To ensure the development does not compromise the safe and efficient management or operation of the state-controlled.
- To ensure the development achieves the outcomes in 19.1 Access to state-controlled roads state code in the State Development Assessment Provisions version 1.7.

Our reference: SDA-0216-028001

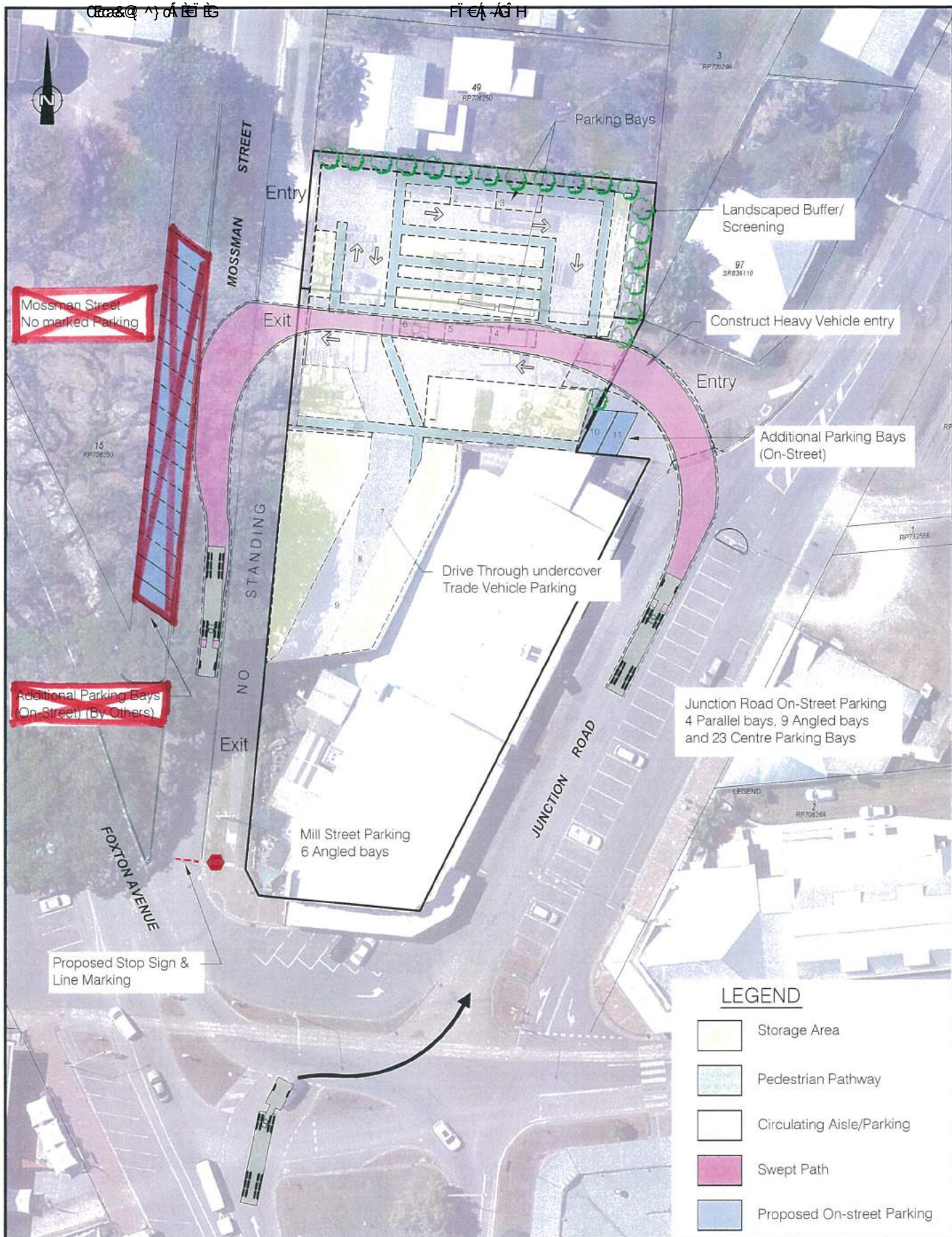
Your reference: MCUI 1232/2015

Attachment 3—Further advice

General advice	
Ref	State Planning Policy July 2014 interim development assessment provisions
1.	Douglas Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy July 2014, and in particular the interim development assessment provisions (Part E), such Natural hazards, risk and resilience and to the extent it is relevant to the proposed development.
Ref	Advertising device
2.	<p>A local government should obtain advice from the Department of Transport and Main Roads if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: The Department of Transport and Main Roads has powers under section 111 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2005</i> to require removal or modification of an advertising sign and / for a device which is deemed that it creates a danger to traffic.</p>
Further development permits, compliance permits or compliance certificates	
Ref	Road access works approval
3.	<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road.</p> <p>Please contact the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval. 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>The road works approval process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

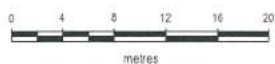
Our reference: SDA-0216-028001
Your reference: PR128488/OLD/AMB/L75011

Attachment 4—Approved plans and specifications



LEGEND

- Storage Area
- Pedestrian Pathway
- Circulating Aisle/Parking
- Swept Path
- Proposed On-street Parking



SCALE 1:400 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

AMENDMENTS

NOT INCLUDED IN APPROVED PLAN

CAD REF: PR128488-2a DWG
128488-100.CCX

PROJECT MANAGER

D. Pinkham
SURVEYED: MW 9/09/2015
COMPILED: RMS
SHEET 1 OF 1
SHEET SIZE: A3

Mossman Canegrowers Limited

On-Street Parking & Swept Path
Lot 51 on SP113404 & Lot 50 on RP706250
Cnr Mossman Street & Junction Road, Mossman

RPS

© COPYRIGHT PROTECTS THIS PLAN. Unauthorised reproduction or modification is prohibited. Please contact the author.

RPS Australia East Pty Ltd
ACN 140 292 762
135 Abbott St
PO Box 1949
CAIRNS QLD 4870
T +61 7 4031 1336
F +61 7 4031 2942
W rpsgroup.com.au

SCALE: 1:500 DATE: 25/11/2015 DRAWING NO: PR128488-2 ISSUE: A

Ulaq as A ^ ^ ^ q * Kk I A as /C/ I

