ORDINARY MEETING
5 MAY 2015

MATERIAL CHANGE OF USE (CODE ASSESSMENT) - INTENSIVE ANIMAL HUSBANDRY (HOMELESS ANIMAL SHELTER & BOARDING KENNELS & ADMINISTRATION BUILDING) & CARETAKER'S RESIDENCE - L1 CAPTAIN COOK HIGHWAY, KILLALOE

Jenny Elphinstone, Senior Planning Officer: MCUC 727/2015 #449717

PROPOSAL: MATERIAL CHANGE OF USE (CODE

ASSESSMENT) - INTENSIVE ANIMAL HUSBANDRY (HOMELESS ANIMAL SHELTER & BOARDING KENNELS & ADMINISTRATION BUILDING) &

CARETAKER'S RESIDENCE

APPLICANT: HOMELESS ANIMAL SOCIETY AND BOARDING

KENNELS INC PO BOX 719

PORT DOUGLAS QLD 4877

LOCATION: L1 CAPTAIN COOK HIGHWAY, KILLALOE

PROPERTY: LOT 1 ON RP843595

LOCALITY: RURAL AREAS AND RURAL SETTLEMENTS

PLANNING AREA: RURAL

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2008

REFERRAL AGENCIES: DEPARTMENT OF STATE DEVELOPMENT,

INFRASTRUCTURE AND PLANNING (DEPARTMENT OF MAIN ROADS AND

TRANSPORT) CONCURRENCE MACKAY SUGAR (THIRD PARTY)

NUMBER OF SUBMITTERS: NOT APPLICABLE

STATUTORY ASSESSMENT

<u>DEADLINE:</u> 26 MAY 2015

APPLICATION DATE: 6 MARCH 2015

APPENDIX: 1. APPROVED PLAN(S) & DOCUMENT(S)

2. CONCURRENCE AGENCY AND MACKAY SUGAR CONDITIONS & REQUIREMENTS

3. ADOPTED INFRASTRUCTURE CHARGES

LOCALITY PLAN



RECOMMENDATION:

That Council approves the development application for a Material Change of Use for Intensive Animal Husbandry (Homeless animal shelter and boarding kennels and administration building) and Caretaker's Residence over land described as Lot 1 on RP843595, located at Captain Cook Highway, Killaloe, subject to the following:

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

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

Drawing or Document	Reference	Date	
Site Plan and GFA	Paws and Claws Facility	6 March 2015	
Site Plan 1:200	Paws and Claws Facility	6 March 2015	
Admin and Kennel Plan	Paws and Claws Facility	6 March 2015	
Admin and Kennel Elevation /Section	Paws and Claws Facility	6 March 2015	
Cat Boarding Plan Elevation-Section	Paws and Claws Facility	6 March 2015	
Cane Railway Standard Road Crossing	Mossman Central Mill Drawing No.19/145	8 April 1996	

ASSESSMENT MANAGER CONDITIONS

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:

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.

Special Use Conditions

- 3. Animals are to be kept in enclosures, inside buildings at all times, between the hours of 6.00pm and 7.00am.
- 4. A person who is responsible for the supervision of the operation of the development is accommodated at the site at all times. Contact details for the responsible person must be made available to the public.
- 5. Facilities that house animals incorporate noise attenuation measures. A report prepared by a qualified Acoustical Consultant must be submitted at the time of lodgement of an application for a Development Permit for Building Work and endorsed by the Chief Executive Officer prior to the issue of the Development Permit for Building Work. The report must indicate design and construction features to be incorporated in the development to ensure that the development is acoustically insulated having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 2008.
- 6. The use of the land must be in accordance with the Environment Protection Act 1994 Environment Protection (Noise) Policy 2008 or any subsequent superseding legislation.
- 7. Animals must not be kept so that they cause a nuisance or are injurious or prejudicial to health, including a nuisance from a dog or any animal that creates noise that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or social well-being of a reasonable person.
- 8. Buildings are adequately ventilated to avoid odour nuisance.
- 9. Buildings used to house animals have impermeable floor surfaces to assist in cleaning and drainage.
- 10. The use provides animal proof fencing immediately surrounding the kennels and catteries, including the pens and runs, that are a minimum of 2.0 metres in height, constructed of chain, mesh or similar materials which prevent animal escape through climbing, jumping or digging.
- 11. The use ensures solid wastes are collected and placed in weather-proof, fly-proof and vermin-proof receptacles and disposed of by a licensed disposal service. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements 'Requirements for Refuse Storage' are available from Council.

- 12. The use ensures drainage and disposal of liquid waste is directed to a wastewater treatment system or a holding tank for collection by a licensed liquid waste transporter.
- 13. Stormwater drainage is diverted away from buildings, structures and areas used for the keeping or washing of animals and waste disposal areas.

External Works

- 14. Undertake the following works external to the land at no cost to Council:
 - a. Provision of a concrete crossover to the sugar mill cane railway to a minimum of 500mm outside the edge of the access roadway in accordance with the Cane Railway Standard Road Crossing drawing No.19/145 prepared by Mossman Central Mill dated 8 April 1996.

The design and construction must be certified by a qualified RPEQ Engineer. The work must be undertaken by an approved Mackay Sugar contractor or under a Mackay Sugar License inspection regime. The construction must only be undertaken at a time suitable to Mackay Sugar.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size 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 prior to Commencement of Use.

Damage to Council Infrastructure

15. In the event that any part of Council's existing infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

Water Supply and Sewerage Works Internal

- 16. Undertake the following water supply works internal to the subject land:
 - a. Provide a single internal water connection;
 - b. Water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Act 2000 (applies to developments which will be reconfigured by Building Format Plan and separately titled)

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

On-Site Effluent Disposal

17. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Vehicle Parking

18. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of seven (7) spaces of which one (1) must be provided as a visitor space. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design.

In addition all driveway and vehicular manoeuvring areas must be imperviously sealed. The car parking areas must be graveled to an standard acceptable to the Chief Executive Officer.

Protection of Landscaped Areas from Parking

19. 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.

Landscaping Plan

- 20. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
 - a. Deep planting of setback areas, including retention of as many mature trees on site where practical;
 - b. Provision of a 1.5m minimum width, deep planting landscape buffer to the frontage of the land to the Captain Cook Highway excepting those areas where sight line visibility is necessary for safe vehicle egress from the land. The landscaping in this area is to provide a buffer for screening for dust with a minimum 2m height to be achieved within 5 years of growth;
 - c. Plantings to give protection to western walls;
 - c. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping; and
 - d. 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.
 - Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Building Colours

21. The exterior finishes and colours of buildings must be non-reflective and must blend with the natural colours of the surrounding environment. Roofs and structures must be of moderately dark to darker shades of green, grey, blue and brown. White and shiny metallic finishes are not to be used on external surfaces.

Lawful Point of Discharge

22. 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

23. 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).

Ponding and/or Concentration of Stormwater

24. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Advertising Signage

25. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrence	Concurrence Agency	Date	Council Electronic
Agency	Reference		Reference
Department of	SDA-0315-019010	31 March 2015	451622
Transport and Main			
Roads			

Refer to Appendix 2: Concurrence 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 Section 339 and Section 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 potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
- 3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.

4. Infrastructure Charges

A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

LAND USE DEFINITIONS

In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Intensive Animal Husbandry* is defined as:

Means the use of premises for the keeping or farming of animals as a commercial activity at a density which requires supplementary feeding and/or containment in feel lots, sheds or pens.

The use includes facilities commonly described as:

- beekeeping;
- cattery;
- kennels;
- lot feeding;
- piggeries;
- poultry farm; or
- stables.

^{*} The proposed Intensive Animal husbandry use is limited to 'Homeless animal shelter and boarding kennels and administration building' as a set out in the application.

In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Caretaker's Residence is defined as:

Means the use of premises comprising one (1) Dwelling Unit for the use by a caretaker or manager, including their Household, who is employed for caretaking or management purposes in connection with a commercial, industrial, recreational or other non-residential use conducted on the premises.

The use does not include:

• A manager's unit located within Multi-Unit Housing; Holiday Accommodation; or Short Term Accommodation.

*These definitions are 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:

Application has been made to establish a homeless animal shelter, boarding kennels, administrative building and a caretaker's residence on the land. The application will provide for the relocation of the current existing use located in Craiglie to this new location. The proposed Intensive Animal Husbandry (Homeless animal shelter, boarding kennels administrative building) and Caretaker's Residence is code assessable in the Rural planning area. As the application is code assessable it did not undergo public notification. The proposed development is found to be in general compliance with the relevant codes contained within the planning scheme and, where necessary, special conditions of approval have been applied to contain potential amenity impacts, most notably barking dogs.

PLANNING CONSIDERATIONS:

Background

The 4094m² allotment was created in 1992 under the family lot subdivision clauses of the 1996 Douglas Shire planning Scheme. The land previously supported at least a shed that had plumbing approvals for a toilet and shower with an onsite septic treatment facility. All building structures have been removed and the land is currently vacant. The land is surrounded in all directions by rural activities (cane paddocks and a pony riding enterprise).

The Homeless Animal Society and Boarding Kennels Incorporated (common referred to as 'Paws and Claws') currently operates from premises in Craiglie. Paws and Claws is a not-for-profit organisation that services the Douglas Shire and surrounding area providing assistance to homeless and neglected domesticated animals, as well as providing a boarding service for dogs.

Proposal

The proposal is to establish kennels for both boarding and sheltering dogs and a cattery for sheltering cats. The development includes an office/work area together with ventilated animal keeping pens and exercise yards. A caretaker's residence is also included.

Access to the site will be gained at the southern end of Lot 1 in a location that currently serves as an access point for farm equipment to adjoining rural premises. This access is from the Captain Cook Highway and across cane rail tracks.

Seven (7) car parking spaces are proposed. The access driveway is to be sealed and the car spaces will be of gravel road base.

The kennel/cattery will operate twenty-four hours a day, seven days a week with operating hours open to the public being 8.00am – 12.00pm and 2.00pm to 4.00pm, seven days per week, unless prior arrangements are made. There are currently two staff members who work singularly, with one overlap per day. It is understood that acceptance for kennel boarding during busy holiday periods will be organised so booking entries occur in an orderly manner.

Douglas Shire Planning Scheme Assessment

The proposed kennel and cattery is defined as 'Intensive Animal Husbandry' in the Douglas Shire Planning Scheme.

Do	ouglas Shire Panning Scheme Code	Code Applicability	Compliance
Locality	Rural Areas and Rural Settlements	✓	Complies
Planning Area	Rural Planning Area	✓	See comment below
Defined Use Code	Aquaculture and Intensive Animal Husbandry	✓	See comment below
	Acid Sulfate Soils Code	X	n/a
Overlay Codes	Cultural Heritage and Valuable Sites Code	X	n/a
-	Natural Hazards Code	X	n/a
	Caretaker's Residence Code	✓	Complies
	Design and Siting of Advertising Devices Code	✓	Condition to comply
	Filling and Excavation Code	X	n/a
General Codes	Landscaping Code	✓	Condition to comply
General Codes	Natural Areas and Scenic Amenity Code	X	n/a
	Reconfiguring a Lot Code	X	n/a
	Vehicle Parking and Access Code	✓	Complies
	Sustainable Development Code	X	n/a

Compliance Issues

Rural Planning Area Code

The lot is 4094m² in area and is 43.5 metres deep. This small lot size and depth results in non-compliance issues with the Acceptable Solutions contained within the Rural Planning Area Code, being:

- a. Frontage setback to State-Controlled Road (Acceptable Solution 40 metres: Proposed development 4.9 metres); and
- b. Rear property setbacks (Acceptable Solution 6 metres: Proposed development 3 metres)

This particular lot size is an anomaly in the Rural Planning Area and a result of the family lot subdivision under which it was initially created. The lot is significantly smaller than the permitted minimum lot size in the Rural Planning Area under the Planning Scheme. While the intention of the family lot subdivision was to create household lots for local farming families, there was no limitation on the use being solely residential. The lot can be used for a number of rural purposes and activities. The proposed use is a code assessable development. The lot is surrounded by rural properties that are in the size range of 10 to 20 hectares. The development will sit within its rural surroundings and it is considered that it will be subservient to the rural character of the area.

The development is setback 34 metres from the edge of the bitumen to the Captain Cook Highway. Elsewhere along this section of the Captain Cook Highway there are a number of similar small allotments which have been developed with Houses. Many of these are much closer to the highway pavement (particularly on the eastern side of the highway). The State has conditioned the use in respect to the siting adjacent to the state-controlled road and this includes considerations for the setback.

It is not considered that the proposed low-set development will detract from the rural scenic amenity along his part of the Captain Cook Highway in Killaloe.

Aquaculture and Intensive Animal Husbandry Code

The proposed development does not comply with the Acceptable Solution for the setback provisions to the Rural Settlement Planning Area that is nominated by the Scheme as 1000 metres for the use of Intensive Animal Husbandry. The closest part of the Rural Settlement Planning Area in Ocean View Drive is less than 390m from the proposed development site and contains housing that is elevated above the proposed kennels.

Both the kennels and the cat boarding buildings will have extensive trussed roofs which will be insulated and the kennel ceiling will be provided with acoustic treatment for sound absorption. The kennels have been sited behind the administrative building so that visitors to the facility do not disrupt the animals. Only staff will be allowed to enter the kennel and cat building, unless organised by prior arrangement. The dog kennels have 1200mm block walls between them to reduce visual stimulus between dogs. The design of the kennel has a central access hall, which is essentially at the rear of each kennel that allows staff to bring dogs and to move with minimal disruption to the dogs. In addition, to prevent noise from travelling, sound screens will be used on walling and fencing. Earth mounding will be used where appropriate.

The proposed development has the potential to detract from the acoustic amenity of the surrounding rural area. However it is noted that the proposed use is adjacent to the Captain Cook Highway and a rifle range is also nearby. It is also acknowledged that rural amenity is not the same as residential amenity and land uses of the type proposed can be expected to establish on rural land. A condition has been applied requiring an acoustic report detailing noise amelioration measures that will be incorporated into the proposed development.

Even in instances where a development such as this meets the Acceptable Solution that siting would not necessarily negate the impacts of the development on a Rural Settlement Planning Area. Uses included in the definition of an intensive animal husbandry use can range from small scale operations, such as beekeeping and cattery/kennels, to much larger operations of piggeries and poultry farms. Under the construction of the Scheme the meeting of an Acceptable Solution does not necessarily infer that the Performance Criteria is achieved. Both the Acceptable Solution and the Performance Criteria are identified Scheme outcomes. The proposed siting is considered a sufficient distance in respect to odours. The proposed kennels have the potential to interfere with the amenity of housing in this nearby Rural Settlement estate, namely from noise of barking dogs. The conditions of the approval seek that the animals are housed during the evening periods and that the kennel/cattery is sufficiently attenuated to diffuse the noise at the source to an acceptable level.

The proposed use has the potential for other amenity impacts. Special conditions have been attached to the approval that address the following matters:

a. General site management issues, including hours for animal containment within buildings, and on-site supervision of animals at all times;

- b. Ventilation of buildings to prevent odour nuisances;
- c. Impermeable floor surfaces within buildings for cleanliness and drainage;
- d. Fencing to prevent animal escape;
- e. Disposal of solid and liquid waste; and
- f. Directing storm water away from buildings and waste waster management / holding areas.

Referrals

Access to the site from the state-controlled road has been approved by the State and this advice is included in Appendix 2.

Mackay Sugar has required conditions be included requiring a vegetative screen, the rail crossing to be concreted to its standard, the crossing upgrade to be constructed outside the Mill's operational period and by an approved contractor. A copy of the Mill's correspondence is included in Appendix 2 and the requested standard design is included in Appendix 1. Concern is raised with the suggested requirements that any upgrade work be constructed out of the Mill's operating season. The upgrade works are relatively minor and the proposed condition provides more flexibility while still respecting the Mill's requirement.

The Mill has raised issue with reverse amenity and possible impacts on animals from the Mill's operation of a nearby cane railway siding. The Mill has required a landscape buffer to the frontage and this has been included in the conditions package.

ADOPTED INFRASTRUCTURE CHARGES

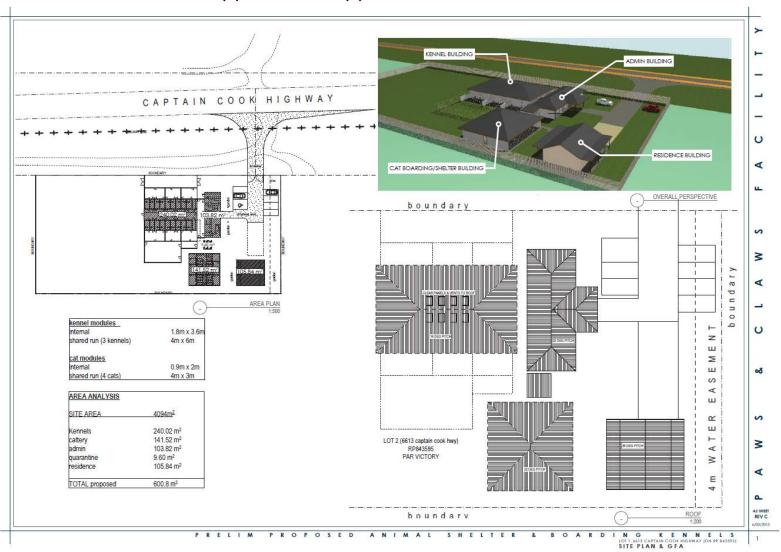
The proposed development triggers Adopted Infrastructure Charges. Refer to Appendix 3 to view calculations.

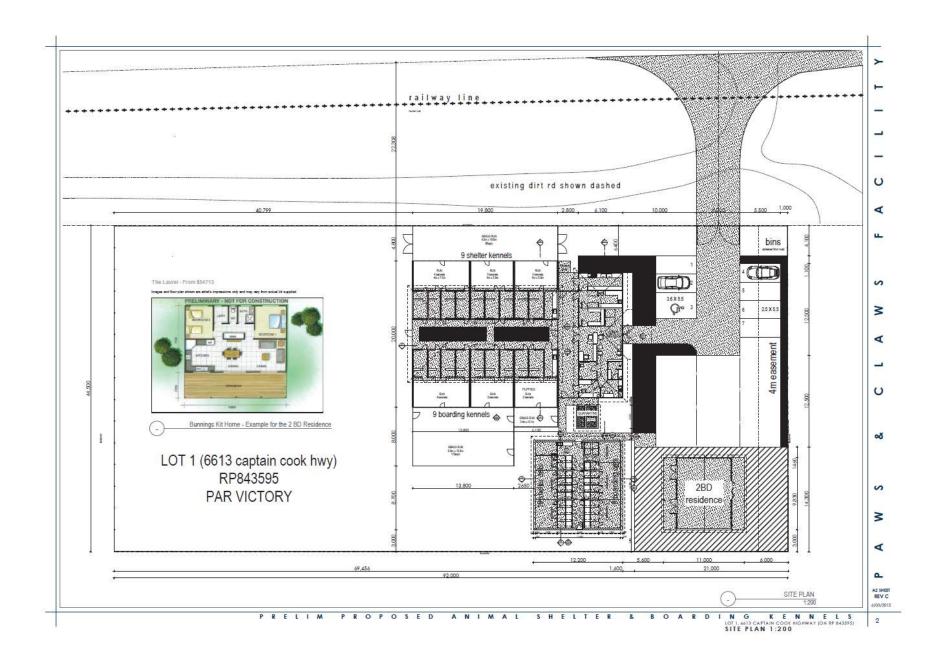
COUNCIL'S ROLE

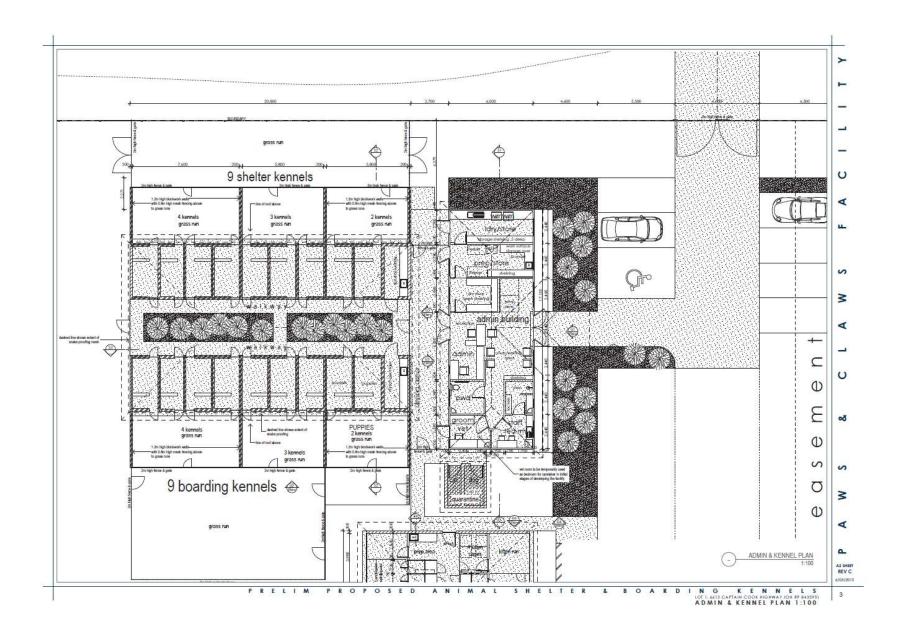
Under the Sustainable Planning Act 2009 and the Sustainable Planning Regulation 2009, Council is the assessment manager for the application

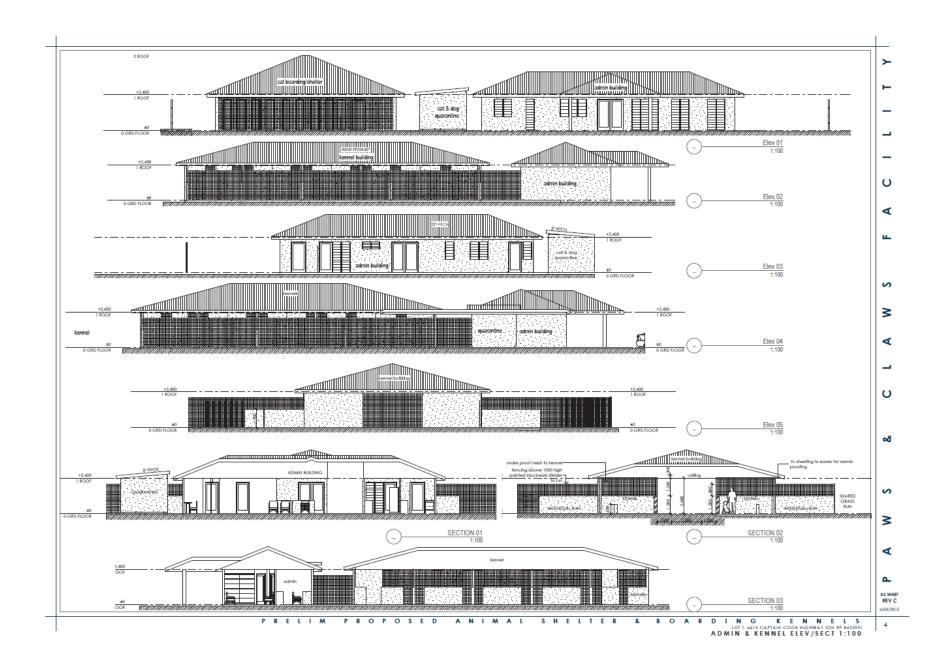
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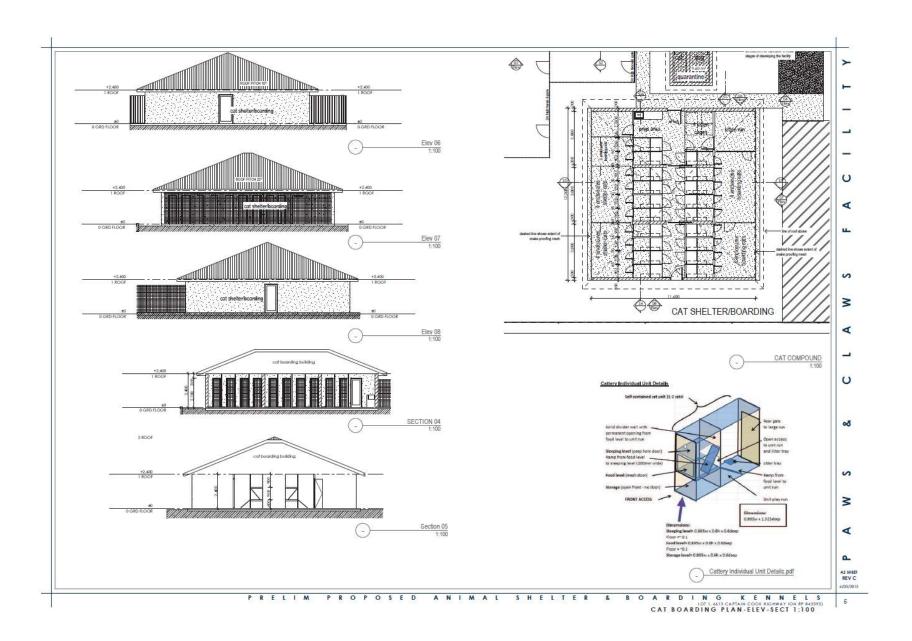
APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)

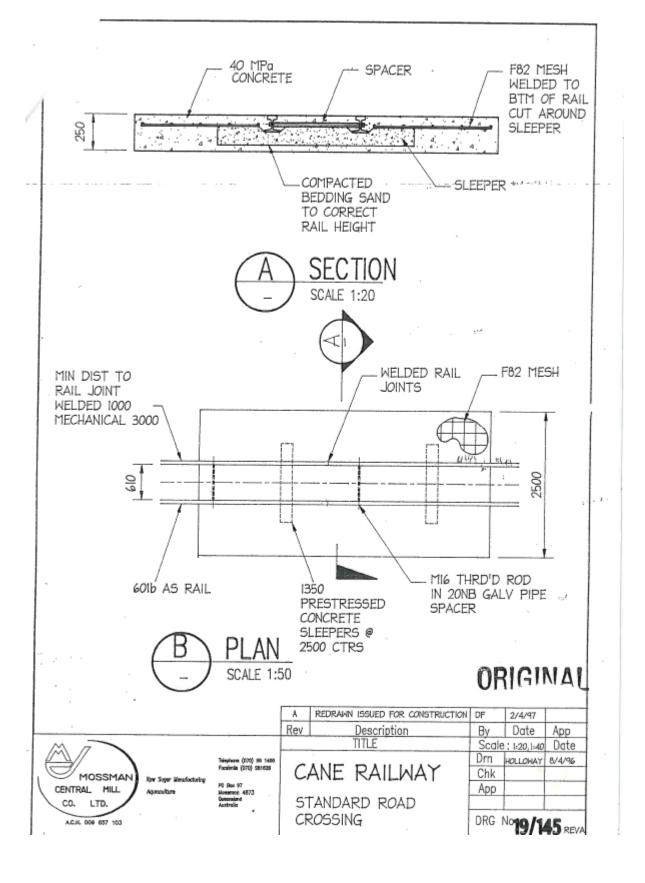












APPENDIX 2: CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



State Development, Infrastructure and Planning

Our reference: SDA-0315-019010 Your reference: MCUC 727/2015

31 March 2015

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

Att: Jenny Elphinstone

Dear Madam

Concurrence agency response—with conditions

Material change of use for intensive animal husbandry (homeless animal shelter and boarding kennels) and administration and caretaker building on land at Captain Cook Highway, Killaloe and more particularly described as Lot 1 on RP843595 in the Douglas Shire (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 State Development, Infrastructure and Planning under section 272 of the Sustainable Planning Act 2009 on 12 March 2015.

Applicant details

Applicant name: The Homeless Animal Society & Boarding Kennels Inc.

Applicant contact details: PO Box 719

Port Douglas QLD 4877 michael.kerr@news.com.au

Site details

Street address: Captain Cook Highway Killaloe, Douglas Shire

Lot on plan: Lot 1 on RP843595 Local government area: Douglas Shire

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Far North Queensland Regional Office Ground Floor, Calms Port Authority PO Box 2358 Calms QLD 4870

Application details

Proposed development: Development permit for material change of use for intensive

animal husbandry (homeless animal shelter and boarding kennels) and administration and caretaker building

Aspects of development and type of approval being sought

Nature of	Approval	Brief Proposal of	Level of
Development	Type	Description	Assessment
Material Change of Use	Development permit	Intensive Animal Husbandry (Homeless Animal Shelter and Boarding Kennels) and administration and caretaker building	Code Assessment

Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger

Schedule 7, Table 3, Item 1 - State-controlled road

Conditions

Under section 287(1)(a) of the Sustainable Planning Act 2009, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the Sustainable Planning Act 2009, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Further advice

Under section 287(6) of the Sustainable Planning Act 2009, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Ma	terial change of use			
Site Plan & GFA Paws & Claws Facility	Unknown	6/03/2015	N/A	С
Site Plan Paws & Claws Facility	Unknown	6/03/2015	N/A	С
Concept Drawing	TMR	12/02/2015	275/20A (500- 811)	A

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

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

Yours sincerely

Angela Foster

A/Manager (Planning)

Omgeler Footel

The Homeless Animal Society & Boarding Kennels Inc, email: michael.kerr@news.com.au cc:

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-0315-019010

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing					
	ial change of use for intensive animal husbandry (homeless oarding kennels) and administration and caretaker building						
Susta. Direct author	dule 7, Table 3, Item 1: State-controlled road —Pursuant to sinable Planning Act 2009, the chief executive administering the or-General of the Department of Transport and Main Roads trity for the development to which this development approval relations and enforcement of any matter relating to the following	Act nominates the to be the assessing ates for the					
1.	The development must be carried out generally in accordance with the following plans: • Site Plan & GFA Paws & Claws Facility, dated 6/03/2015, Revision C. • Site Plan Paws & Claws Facility, dated 6/03/2015, Revision C. • TMR Concept Drawing, dated 12/02/2015, reference No 275/20A (500-811), Issue A.	At all times					
Locat	ion of the direct vehicular access to the state-controlled ro	ad					
2.	The permitted road access location, for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained, is to be located between Lot 1 on RP843595 and the Captain Cook Highway, generally in accordance with Site Plan Paws & Claws Facility, dated 6/03/2015, Revision C.						
3.	Direct access is not permitted between the Captain Cook Highway and the subject site at any location other than the permitted road access location (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained). At all times						
Storm	water and Drainage impacts on the state-controlled road						
4.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Any works on the land must not: i. create any new discharge points for stormwater runoff onto the state-controlled road; ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; iii. surcharge any existing culvert or drain on the state-controlled road; iv. reduce the quality of stormwater discharge onto the state-controlled road.	(a) and (b) At all times					

No.	Conditions	Condition timing
Desig	n vehicle and traffic volume	
5.	Road access works comprising of a sealed rural basic left turn treatment (BAL) to the development, (for which approval under section 33 of the <i>Transport Infrastructure Act 1994</i> must be obtained), at the permitted road access location, must be provided generally in accordance with TMR Concept Drawing, dated 12/02/2015, Reference No 275/20A (500-811), Issue A. The road access works must be designed and constructed generally in accordance with Department of Transport and Main Roads Road Planning and Design Manual and Part 4A of Austroads Guide to Road Design: Unsignalised and Signalised Intersection, Figure 8.2.	Prior to the commencement of use and to be maintained at all times
	ial and external manoeuvring associated with direct vehicul controlled road	ar access to the
6.	All vehicles must enter and exit the subject site at the permitted road access location (for which approval under section 62 of the <i>Transport Infrastructure Act 1994</i> must be obtained) in a forward motion.	At all times

Our reference: SDA-0315-019010

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
- the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road
- access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road
- that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor
- the design of any road access maintains the safety and efficiency of the statecontrolled road
- the turning movements of vehicles entering and exiting the premises via the road access maintains the safety and efficiency of the state-controlled road

Our reference: SDA-0315-019010 Your reference: MCUC 727/2015

Attachment 3—Further advice

General advice

State Planning Policy July 2014 interim development assessment provisions

 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, such Natural hazards, risk and resilience to the extent it is relevant to the proposed development.

Advertising device

2. Under section 43 of the Transport Infrastructure Act 1994, a local government must obtain approval from the Department of Transport and Main Roads if it intends to approve the erection, alteration or operation of an advertising sign or other 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.

Further development permits, compliance permits or compliance certificates

Road access works approval

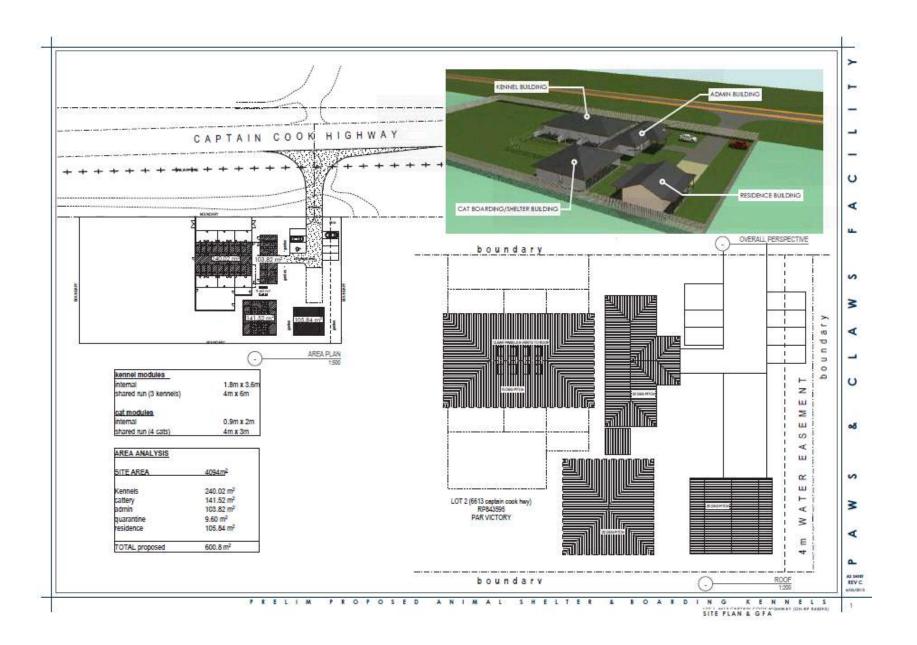
 Under sections 62 and 33 of the Transport Infrastructure Act 1994, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road.

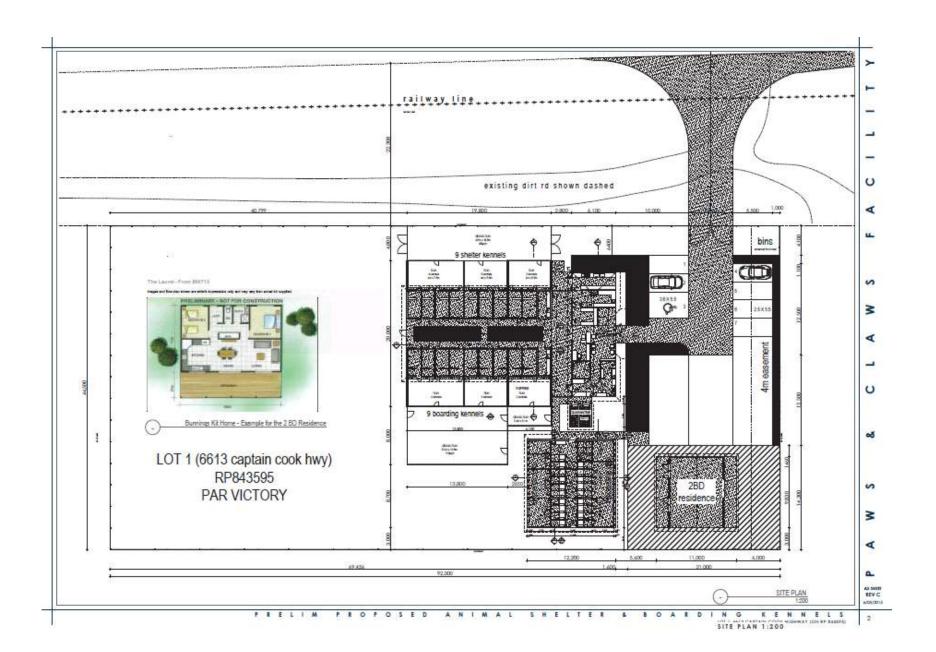
Please contact the Department of Transport and Main Roads on 4045 7144 at the Cairns district office to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).

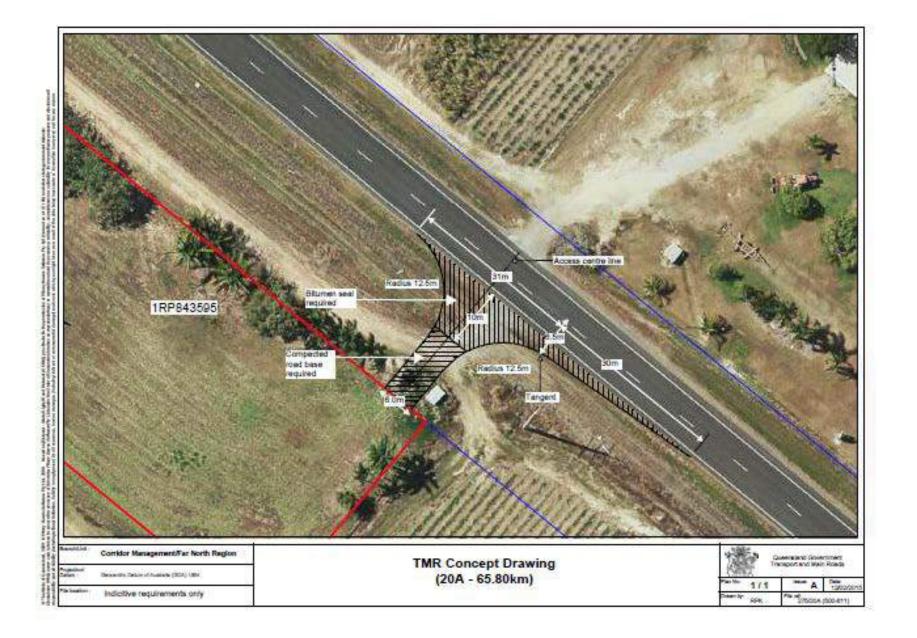
The road access works approval process takes time – please contact the Department Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.

Our reference: SDA-0315-019010

Attachment 4—Approved plans and specifications











27 April 2015

Douglas Shire Council PO Box 723 Mossman QLD 4873

Dear Sir/Madam

RE: Material Change of Use – Intensive animal husbandry & caretaker's residence

at Captain Cook Highway, Killaloe. Your reference MCUC 727/2015 (449723)

This is in relation to the use of the existing access in the development of the intensive animal husbandry facility.

Mackay Sugar's Mossman mill operates from May to December each year. The rail siding at this location is used by a number of growers periodically through this period to load trains.

Mackay Sugar train shunting and grower train loading operations will block this access for generally short periods of time, and there may be noise and dust generated as a result. Mackay Sugar will not accept responsibility for inconvenience, or loss of amenity during operations that results as a consequence of this material change of use.

It is recommended that screening vegetation is planted along the eastern boundary to reduce the risk of problems from noise & dust.

Mackay Sugar will require the rail crossings to be concreted as per the attached standard drawing to at least 500m outside the edge of the proposed access roadway. The work will have to be done at a time suitable to Mackay Sugar and outside of the operational period. It shall also be done by an approved contractor, or under a MSL inspection regime.

Yours faithfully,

W.

Don Fowler Cane Supply Transport Manager Mossman Mill

APPENDIX 3: ADOPTED INFRASTRUCTURE CHARGES

DOUGLAS SHIRE COUNCIL INFRASTRUCTURE CHARGES NOTICE								
	Но	meless Anima	I S	ociety		NA		0
	D	EVELOPERS	N/	ME		ESTATE NAME		STAGE
L1 CAPTAIN O	соок	HIGHWAY		K	illaloe	L1 RP843595		4975
STREET	No. &	NAME		SL	JBURB	LOT & RP	No.s	PARCEL No.
MCU	J Cod	le		43.2	015.727	31-Dec-	14	4
DEVELOP	MEN	T TYPE		COUNC	IL FILE NO.	R&B INDEX QUAR		VALIDITY PERIOD
45	3540				1		exed appropriately n the quarter note	only for payments made ed above.
DSC Refere	ence	Doc . No.		VER	SION No.			
	DIST	\$ / EDC		NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code & GL Code
WATER Existing	9	4,194.23	Х	2.20	0.00	\$9,227.30		859 GL 07470.0135.0823
Proposed	9	29.57	х	2.20	0.00	\$65.04		873 GL 07470.0135.0824
Mossman South	$\overline{}$	Water sub -				\$9,292.34		
SEWERAGE								
Existing	8	0.00	Х	0.00	0.00	\$0.00		0
Proposed	8	0.00	X	0.00	0.00	\$0.00		0
None		Sewerage su	b -	total		\$0.00		
OPEN SPACE	DSC	Area				\$0.00		894 GL 07230.0135.0825
Off-Site Car Parking	0.00					\$0.00		
					TOTAL	\$9,292.34		
Prepared by	Prepared by J Elphinstone				on	28-Apr-15	Amount Paid	
Checked by	hecked by Neil Beck on				on	28-Apr-15	Date Paid	
Date Payable								
Amendments						Date	•	
							Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the Sustainable Planning Act 2009 (SPA).

Charge rates are subject to index adjustments (QLD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

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

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