

Our ref: AU009246

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Date: 22 May 2023

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

Attn: Rebecca Toranto, Planning Officer

Dear Rebecca,

**37 Splendour Road, Mossman, MCU (Transport & Equipment Depot)
Information request response (pursuant to Section 13 of the Development Assessment Rules)
Your Ref: MCUI 2023_5339/1**

We refer to Councils information request, dated 26 April 2023, for the development application over the above site.

Pursuant to sections 13 of the *Development Assessment Rules* we provide our response to this information request below.

In accordance with Section 13.3 of the *Development Assessment Rules*, we confirm that this letter and attachments constitute our response to Council's information request. Accordingly, we advise that you must proceed with assessment of this development application.

Information request response

1 Extent of Use

1. Please clarify the extent of use of the shed and the yard area (as nominated in the planning report) will be used for the proposed Bulk Landscape supplies. Where the use of the shed and the yard is not exclusive to the use of Bulk landscape supplies, please advise as to the nature and extent of any other use(s). Please advise whether the shed and supplies are also used for the continuing sugar cane production activity operating on the land. Please provide advice as to whether the application also involves a material change of use for a Transport depot. Please note other uses that are not lawfully established will require the application to be amended in order to legitimise the use of the land.
2. Please provide advice as to the type of equipment stored in the shed used for the proposed development.
3. Please advise what is the intended use of the yard area where the bulk materials are currently stored? Note – the application needs to clarify where an activity /storage is not related to the proposed Bulk landscape supplies and needs to be included in the application. Where the activity is not lawfully established the applicant should consider amending the application.
4. Please advise as to whether a contracting business operates from this section of land and whether there is any car parking associated with the use. That is, for the operator or others. It is noted that where a contractor also uses the site for storage of materials, the use is likely to be defined as a medium impact industry.

Response

In response to Councils Information request and following a meeting between the applicant and Councils Planning Officer, it has been decided to amend the application to better reflect that nature of the proposed use. The application is to be amended to be an application for a Development Permit for Material Change of

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Use to facilitate the use of the site for the purpose of a Transport and Equipment Depot rather than a Bulk Landscape Supplies use as originally suggested.

A copy of the revised application form and revised supporting planning statement is submitted with this response to information request.

The proposed Transport and Equipment Depot would include the associated and ancillary minor storage of bulk raw materials, as set out in the original application. There would be no retail sales of this material to the public and the materials would be used on the farm and in association with the Transport and Equipment Depot use only. The site would be used by a machinery contracting business, Marrin Pty Ltd, operated by Ronald Jack.

The use would operate alongside the continued use of the sheds and yards for farming activities and storage and maintenance of farm equipment associated with the cultivation of sugarcane. Apart from the lawful existing farming use and the use the subject of this application no other uses are proposed and there is not proposed to be an increase in the scale or intensity of the existing use. The raw materials stored on the premises would be used for short notice emergency jobs fixing flood erosion repair works, emergency road repair works and minor contracting jobs that do not require significant quantities of materials. These same materials would also be used on the farm for headland, farm road and bridge maintenance and other sugar cane production related activities.

It is true to say that the site has historically been used for stockpiling of materials by government and quasi government organisations. It is also unlikely that the Council will have a record of any approval as under Schedule 6, section 26 of the *Planning Regulations 2017* the planning scheme is prohibited from stating government supported transport infrastructure is assessable development. On this basis, it is unlikely that an application was made or a decision issued for the use of the land as identified in the planning report.

In terms of the proposed use that is the subject of the application, "Bulk Landscape Supplies" was probably the wrong classification of proposed use as the amount of bulk raw materials stockpiled on the site would be considered minor and ancillary to the primary function of the site being that of a Transport and Equipment depot and that there will be no sales of bulk landscape supplies to retail customers on site.

In association with the existing and proposed use the following machinery would be stored in the shed:

- Farm Machinery and equipment;
- Four Trucks,
- One Loader, and
- One Excavator.

Please note that the equipment would generally be away from the premises at work sites and the above is the likely maximum equipment storage. This machinery would not all be at work on the premises. Storage of machinery on the premises would vary throughout the year depending on weather, contracts, and maintenance requirements.

Traffic movements associated with the use would be relatively limited consisting of approximately six heavy rigid vehicle movements and a minor number of domestic scale vehicle movements per day.

The balance of the yard would be used for general parking and the continued use associated with the lawful farming use of the site as a whole.

Car parking for operators associated with the proposed use of the premises, will also be available next to the site office/ toilet block shown on the site plan submitted with the revised application material.

2 Environmental Considerations & Bushfire Hazard

5. Please provide a qualified assessment of the extent of the impact of noise on nearby sensitive uses. The assessment should nominate the nearby sensitive uses considered.
6. Please advise as to how the impact of dust and particle emissions will be mitigated so as not to cause harm or nuisance to nearby sensitive uses and to the adjacent road.
7. Bulk storage of mulch can be self-combustible. Please advise as to what safeguards will be in place regarding the mulch storage. Please also confirm that there is no composting of organic material on the site (processing of mulch).

8. Please provide advise as to whether there will be any retail sales of bulk landscape materials to the public. If so, on what days and hours will these sales occur. If, so please provide advice of any temporary parking areas adjacent to the site office. Please also provide advice on any proposed advertising devices.

Response

The proposed use would be small scale and limited in nature and would not involve any retail sales of materials directly to the public. It is not considered that this level of activity would result in noise impacts that would exceed that associated with the rural use of the site.

The reference to noise concerns that the officers are referring perhaps relate to the historic use of the site by Road Tek for the purpose of Government Supported Transport Infrastructure works, which occurred for an 8 week period and has now ceased. As identified above the Council has no ability to regulate Government Supported Transport Infrastructure works. The scale of the operation the subject of this application is very minor compared to that use.

The dust from the minor use of the site would be managed through dust suppression by water truck or by sealing the main trafficable areas of the site. There would be limited dust generated by the small scale use of the land.

In respect of the self-combustible nature of mulch it should be noted that for this to occur the mulch needs to be stored in significant quantities and it must reach temperatures of in the order of 150 - 200 degrees Celsius (South West Research Institute). The rate of air movement must be sufficient to provide enough oxygen for the oxidation reaction but not so fast as to stop the material heating to its ignition temperature. Spontaneous combustion is more likely to occur in warm dry climates than in tropical climates where the mulch becomes dry and hot enough. In this instance the mulch would only be stored in an 80m³ maximum capacity and given the tropical climate, is unlikely to dry out sufficiently for combustion to occur. Notwithstanding, the mulch would be contained within a concrete bund and significantly removed from any other combustible material to provide a suitable fire break in the event that a fire did occur.. It would also be monitored and where necessary turned over to ensure that the lower temperatures are maintained to ensure that spontaneous combustion did not occur.

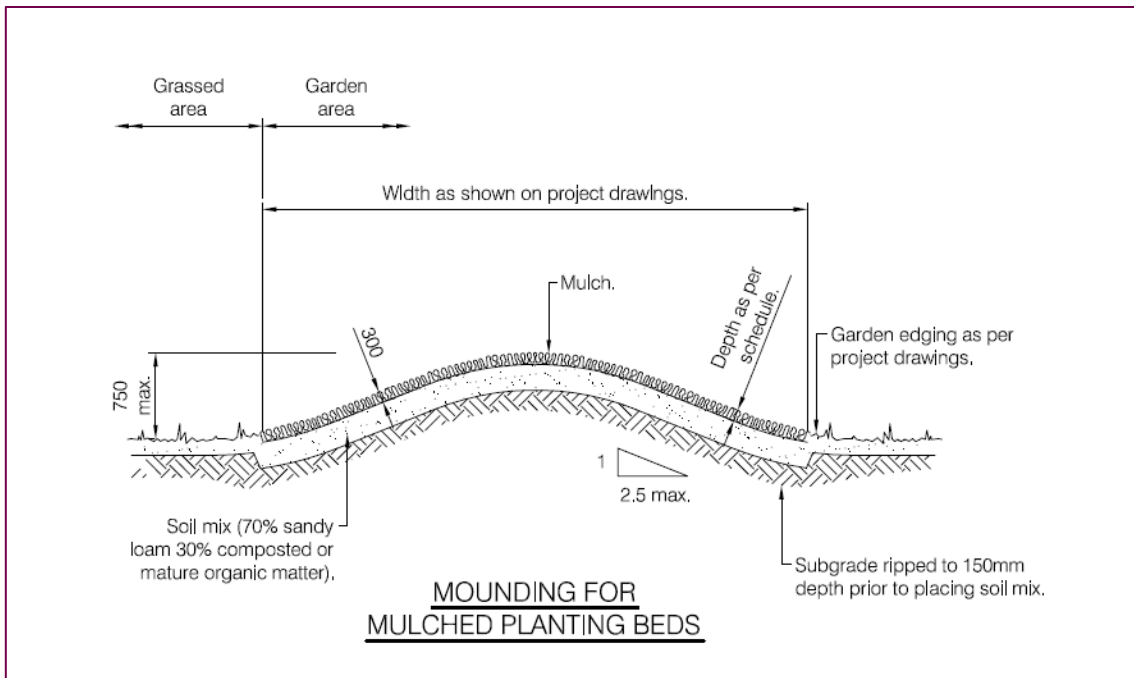
In terms of composting, as Officers are aware this is defined as a High Impact Industry in the Planning Scheme and does not form part of the application submitted. Consequently, I can confirm that we are not proposing to undertake any composting on the site as part of this application.

3 Plans of Development

9. Please provide details of the height and width of the proposed vegetated tree bund mound including a simple a cross-section of this mound. Note the vegetated landscaped mound must be sited wholly within the property. Please clearly delineate the property frontage boundary (to the road) on the plans.
10. Please provide a landscape plan that considers the removal of any weeds and pest species, vegetation for the mound to the road etc.

Response

Whilst there is no planning requirement for a landscaped mound, the applicant has offered this as a visual buffer to improve the visual amenity of the area. The landscaped mound is able to be provided as identified in FNQROC standard drawing S4220 – Landscape Mounding and as illustrated below.



(Source – FNQROC Drawing S4220 – Landscape Mounding)

The mound would be wholly located within the site boundaries shown on the site plan provided with the revised application, which is based QLD Globe imagery and DCBD boundaries, and is able to be landscaped in accordance with a landscaping plan.

The mound and the site as a whole will be regularly mowed, weeded and sprayed stopping the potential establishment and spread of weed pest species. The mound will be re-mulched, fertilised, watered and pruned when necessary.

The mound will be planted out using fast growing native seedlings sourced from the local area and the council nursery depot. These seedlings will be selected under the advice of the nursery manager and staff and a local arborist will be consulted regarding speed of growth, suitability, pruning and general care. The seedlings will be planted at a suitable spacing to promote healthy growth while also ensuring adequate aesthetic screening of the site from the road.

4 Lease Arrangement

11. Please advise if there is any lease arrangement over this part of the land for the proposed development. If so, state the nature and length of the lease. Note, where the lease is for a period of ten years or more the application will need to be amended to include a Reconfiguration of a Lot application for a Lease Agreement.

Response

There is no lease arrangement as part of this development that would constitute reconfiguring a lot, as defined by the *Planning Act 2016*.

5 Fuel Storage

12. Please advise of any proposed fuel storage to be located on site in respect to the proposed development.

Response

It is likely that there will be fuel storage in the site consistent with the existing farming use and which may also be used for the Bulk Landscape Supplies use. The storage would be limited to a tank of in the order of 5,000 litres. The location of which is to be determined following the grant of approval. This small scale of storage does not trigger any known requirements for a planning application or planning assessment.

6 Traffic Engineering Advice

13. Please provide engineering advice regarding the proposed access and egress to the site for a range of vehicle types including small rigid vehicles, large heavy rigid vehicles and large articulated heavy vehicles where these are anticipated to utilise the site. The advice is to include the consideration of sight lines for the proposed landscaped earth mound. Also include advice as to whether the road needs upgrading for hard standing needs for vehicles turning on and off the road.

Response

Syndicate road, at the site frontage is identified as an 80km/hour speed environment. In accordance with the Transport and Main Roads, Road Planning and Design Manual, a sight stopping distance of 131-142 metres is required. From the centre of the existing access to the north west, and accommodating the existing partly constructed landscaped mound on the site, the development would provide a sightline distance of approximately 140 metres, as shown in the image below.



Source: Queensland Globe

To the south east the development would achieve a sight distance of in excess of 300 metres, as shown in the image below.

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Source: Queensland Globe

We trust that this addresses the concerns of the Council officers and we look forward to continuing working with you on this development. In the meantime, if you have any queries please contact the writer (contact details below).

Yours sincerely,
for RPS AAP Consulting Pty Ltd

A handwritten signature in blue ink, appearing to be 'Patrick Clifton', written in a cursive style.

Patrick Clifton
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