

YOUR REF: 637-001-001L
OUR REF: MCUI 777/2015 (731167)

7 October 2015

Mr Phillip Wren
C/- Projex Partners Pty Ltd
PO Box 2133
CAIRNS QLD 4870

Attention: Mr Peter Robinson

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR
CAPTAIN COOK HIGHWAY, MOWBRAY**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 29 September 2015, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Development and Environment on telephone number 07 4099 9482.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

Phillip Wren
C/- Projex Partners Pty Ltd
PO Box 2133
CAIRNS QLD 4870

ADDRESS

Captain Cook Highway, Mowbray

REAL PROPERTY DESCRIPTION

Lot 47 on RP749351

PROPOSAL

Industry (Vegetation Mulching and Blended Materials for Sale)

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

29 September 2015

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State-controlled road	Department of Infrastructure, Local Government and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Work

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

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

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

Drawing or Document	Reference	Date
Designated Development Area	Projex Partners drawing 637-001-SK2 Revision A	7 July 2015
Generalised Activity Area	Projex Partners drawing 637-001-SK1 Revision A	7 July 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;
 - 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.

Noise Emissions

3. Machinery and equipment operated at the approved facility must not make an audible noise between 6:00 pm and 7:00 am Monday to Saturday, and 6:00 pm and 8:00 am on Sundays and Public Holidays.

Environmental Management Plan

4. An Environmental Management Plan for the site must be prepared by a suitably qualified person with respect to the potential environmental impacts of the development and compliance with the *Environmental Protection Act* and subordinate legislation, Council's Local Law No 3 (Community and Environmental Management) 2011, and other relevant legislation. The plan is to include, but not be limited to the following:

a. Fire Management Plan.

The stockpiling of mulch meets the Local Law No 3 (Community and Environmental Management) 2011 definition of a fire hazard. A 'fire hazard' means anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire. The plan must include details of how the risk of spontaneous combustion of mulch stockpiles will be managed including the provision of a suitable water storage / supply that includes a 50 mm ball valve with a camlock fitting.

b. Dust Mitigation Plan.

The operation of the approved development has potential to create a dust nuisance from vehicle movements and maintaining stockpiles of mulch and other materials (eg potting mixtures). The plan must include details of how the generation of dust and other airborne materials will be minimized.

c. Stormwater Management Plan

Potential water contaminants contained on the site must be prevented from release to stormwater drainage and watercourses. Examples of water contaminants prescribed in the Environmental Protection Regulation include plant matter, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products. The plan must include details of how potential contamination of stormwater runoff is prevented.

d. Pest Control Plan

Materials stored at the approved facility may provide an environment suitable for breeding and harbourage of vermin, and mosquitoes which are vectors for Dengue and other mosquito-borne diseases. The plan must include details of how the harbourage and breeding of designated pest species will be prevented.

e. Electric Ant Management Plan

Electric Ant infestations have occurred in the area and a number of movement control areas are located in Port Douglas and Craiglie. Electric Ants are able to be spread via the movement of plant material. The plan must include details of measures put in place to ensure the facility does not accept material sourced from movement control areas (see attached document movement control flow chart), and what measures will be put in place to monitor the facility and respond to any identified presence of electric ants.

f. Weed Management Plan

There are infestations of locally and State declared plants in the area which can be spread via the movement of propagating material such as seeds, tubers, cuttings etc. Examples of locally declared species are *Hiptage beghalensis* and *Brillantasia lamium*. Examples of State declared weed species in the area include *Miconia spp*, Siam weed, *Thunbergia spp* and African Tulip tree. The plan must include details of what measures will be put in place to ensure that the facility does not contribute to the distribution of declared plant propagation material.

Two (2) copies of the Environmental Management Plan must be submitted and approved by the Chief Executive Officer prior to the Commencement of Use. The Environmental Management Plan must be implemented during the operation of the approved development, and copies of the Plan must be kept on site during hours of operation.

Limitation on Number of Deliveries

5. The number of daily deliveries will be limited to a maximum of five (5) deliveries per day of green waste to the site and a maximum of five (5) delivered per day of processed material from the site utilising an up to eight (8) m³ capacity truck. All trips are to be conducted in daylight hours. The retailing or wholesaling of any material directly from the site is not permitted.

Damage to Council Infrastructure

6. In the event that any part of Council's existing road 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/owner's cost, prior to the Commencement of Use.

External Works

7. Undertake the following works external to the land at no cost to Council:
- a. Provision of a concrete crossover(s) and apron(s) in accordance with FNQROC Development Manual Standard Drawing S1105.

Such work must be constructed in accordance with part a. above to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Vehicle Parking

8. The following must be provided:
- a. A hard standing area with a rock gravel road base for the parking of at least one truck together with a suitable turning movement area; and

- b. A driveway access connecting the hard standing area to the access.

The hard standing area, turning area and driveway must be constructed of a suitable rock gravel road base to the satisfaction of the Chief Executive Officer prior to the Commencement of Use.

Signage

9. Erect signs advising that 'No Public Dumping is Permitted'. The signs must be erected prior to Commencement of Use. One (1) sign must be located on the Captain Cook Highway frontage and the other to Trezise Road frontage. The signs must be of an appropriate size comparative to adjacent traffic speeds to the satisfaction of the Chief Executive Officer. The signs must be erected prior to the Commencement of Use.

Air Emissions

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

Storage of Machinery and Plant

11. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Landscaping Plan

12. 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 generally to the road frontages to apply to both Captain Cook Highway and Trezise Road to generally screen the activities from the roads;
 - b. Species to have regard to Council's Planning Scheme Policy No 7 Landscaping with an aim for a height of at least five (5) m height within five (5) years of the Commencement of Use. Landscaping is to provide for middle and upper canopy to screen the mulch piles;
 - c. Inclusion of any other relevant conditions included in this Development Permit.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be approved by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the approved plan prior to the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Stormwater

13. Any mounding of mulch, fencing, landscaping or other activities on the land must not interfere with stormwater being accepted or discharged from the property 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.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Fence Off Existing Access to State Controlled Road

14. The land must be satisfactorily fenced and/or landscaped to prevent vehicle access from the Captain Cook Highway and be designed to permit access only from the point on Trezise Road approved by the State.

Fuel Storage

15. Any fuels must be stored in an undercover and secure location at all times.
16. This Development Permit does not approve the manufacturing of product or creation of soil conditioners as contemplated by the Development Application. Such an expansion may be considered as a Permissible Change under the Sustainable Planning Act dependant upon the nature and scale of such proposed operations. A determination as to whether such an expansion can be considered as a Permissible Change or whether a new Material Change of Use application will be required is a matter for Council to decide once details of such an expansion and the method of distribution and sale of the product is made known.

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)	SDA-0615-021351	27 July 2015	461345

Refer to Appendix 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 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. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .
4. For information relating to the *Sustainable Planning Act 2009* log on to <http://www.statedevelopment.qld.gov.au/planning/planning-framework/legislation.html>.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

5. Mulching of green waste is a prescribed recycling activity under the *Waste Reduction and Recycling Act 2011* (Qld) and subordinate legislation, therefore the processing of more than 1000 tonnes per financial year is required to be reported to the Department of Environment and Heritage Protection.
6. Your attention is drawn to the subject site being located nearby to Electric Ant Movement Control Areas declared under the *Plant Protection Act 1989* to prevent the spread of electric ants from known infested areas of Queensland. Restrictions apply to the movement of materials that pose a high risk of spreading electric ants within and from these control areas. For further information on the consult the Department of Agriculture and Fisheries (telephone 13 25 23) and the following website:
www.daf.qld.gov.au.

RIGHTS OF APPEAL

Attached

End of Decision Notice

**APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)
DESIGNATED DEVELOPMENT AREA:**



Designated Development Area (DDA)

Designated Development Area
N.T.S.

Projex Partners

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Projex Partners

PROJECT MANAGEMENT - ENGINEERING - PLANNING
SUNSHINE COAST MACKAY CAIRNS
107 5430 3680 6771 8387 4988 1071 4381 5118
projex@projex.com.au



CLIENT

Philip Wren

No.	Description	Date	Drawn	Design	Check	RFPE/CA
A.	INITIAL ISSUE	07/03/18	ENR	-	-	-

APPROVED

PROJECT



PROPOSED MULCH INDUSTRY DEVELOPMENT

DESIGNATED DEVELOPMENT AREA

637-001-SK2

A

APPENDIX 2: REFERRAL AGENCY REQUIREMENTS



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0615-021351
Your reference: MCU1 777/2015

27 July 2015

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

Attn: Jenny Elphinstone

Dear Sir / Madam

Concurrence agency response—with conditions

Captain Cook Highway, Mowbray more particularly known as Lot 47 on RP749351
(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 22 June 2015.

Applicant details

Applicant name: Phillip Wren
Applicant contact details: C/- Projex Partners Pty Ltd
PO Box 2133
Cairns QLD 4870
peterrobinson@projexpartners.com.au

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Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
Corner Grafton and Hartley Streets
PO Box 2358
Cairns QLD 4870

Site details

Street address: Captain Cook Highway, Mowbray
 Lot on plan: Lot 47 on RP749351
 Local government area: Douglas Shire Council

Application details

Proposed development: Development permit for Material change of use (industry – processing vegetation mulch and blended materials for sale)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Producing vegetation mulch and blended materials for sale	Impact 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 roads

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.

Relevant period

Under section 287(1)(d) of the *Sustainable Planning Act 2009*, the relevant period for any development approval is to be four years from the date this approval takes effect.

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: material change of use (Industry (Processing Vegetation Mulch & Blended Materials for Sale))				
Generalised Activity Area (Access)	Projex Partners	07/07/15	637-001-SK1	A
Designated Development Area (DDA)	Projex Partners	07/07/15	637-001-SK2	A

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

For further information, please contact Michele Creecy, A/ Senior Planning Officer, SARA Far North QLD on 4037 3206, or email michele.creecy@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Robin Clark
Manager (Planning)

cc: Phillip Wren, Cf- peterrobinson@projexpartners.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-0615-021351
 Your reference: MCU1 777/2015

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Aspect of development: - Material Change of Use (Industry (Processing Vegetation Mulch & Blended Materials for Sale))		
Schedule 7, Table 3, Item 1 – State-controlled roads—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of 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):		
1.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Generalised Activity Area (Access) prepared by Projex Partners, dated 07/07/15, Drawing Number 637-001-SK1 and Revision A. • Designated Development Area (DDA) prepared by Projex Partners, dated 07/07/15, Drawing Number 637-001-SK2 and Revision A. 	At all times.
2.	The existing vehicular property access located between Lot 47 on RP749351 and Captain Cook Highway must be permanently closed and removed.	Prior to the commencement of use.

Our reference: SDA-0615-021351
Your reference: MCU1 777/2015

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 maintain the safety and efficiency of the state-controlled road by reducing the number of road accesses.

Our reference: SDA-0615-021351
 Your reference: MCU1 777/2015

Attachment 3—Further advice

General advice	
Advertising Device	
1:	<p>A local government should obtain advice from Department of Transport and Main Roads (TMR) 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: TMR 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 / or a device which is deemed that it creates a danger to traffic.</p>

Our reference: SDA-0815-021351
Your reference: MCU1 777/2015

Attachment 4—Approved plans and specifications



