

ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF: PR113314
OUR REF: 8/13/1740 SEDA (4168788)

29 October 2013

Mackay Sugar Limited
C/- RPS Australia East PR113314
PO Box 1949
CAIRNS QLD 4870

Dear Sir/Madam

**DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR KIDD STREET MOSSMAN**

With reference to the abovementioned Development Application which was determined under Instrument of Delegation on 29 October 2013, 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.

This notice also includes an Infrastructure Charges Notice issued in accordance with s648F of the *Sustainable Planning Act*.

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Services Team on telephone number (07) 4099 9457.

Yours faithfully

Graham Boyd
Manager Development & Regulatory Services

Att.

APPLICANT DETAILS

Mackay Sugar Limited
C/- RPS Australia East PR113314
PO Box 1949
CAIRNS QLD 4870

ADDRESS

Kidd Street MOSSMAN

REAL PROPERTY DESCRIPTION

Lot 27 on RP804231

PROPOSAL

1 lot into 2 lots + Access Easement

DECISION

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

DECISION DATE

29 October 2013

TYPE

Reconfiguration of a Lot (Development Permit)

REFERRAL AGENCIES

Department of Environment & Heritage Protection (EHP)
Department of State Development, Infrastructure & Planning
Northern Regional (Cairns 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

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SUSTAINABLE PLANNING ACT 2009

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
Proposed Plan of Reconfiguration	Drawing number PR113314-1 prepared by RPS Australia East Pty Ltd (Council ref no 4041574).	7 Mar 2013

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 the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.

Master Plan

3. The site has become an Industrial Estate with associated expectations from lessees and users and as a consequence a Master Plan of the whole Mill Site must be provided that sets out the following :
 - a. Location and dimensions of all leased areas (long term and short term);
 - b. Location of all significant buildings;
 - c. Location of all essential services including; water supply, sewer, power, and physical access;

- d. Details of road formations at the entrance to the estate; and
- e. Location of all easements.

The Masterplan must be provided prior to the issue of a Compliance Certificate for the Plan of Survey.

Street Layout and Design

- 4. The existing internal roadway intended for use as the proposed access easement must be upgraded to comply with the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:
 - a. The formation must have a minimum dimensions of an Access Place i.e. sealed width of 5.5 metres (FNQROC STD DRAWING S1005B); and
 - b. The formation must be drained to a lawful point of discharge;
 - c. The entrance to the easement at Mill Street must be made safe and legible and constructed in terms of the FNQROC Manual.

A plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Access & Services Easement/s

- 5. Create Access and Services Easement to provide for legal vehicle access and on-site manoeuvring and to provide essential services (water, sewer, stormwater drainage), all to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey.

Existing Services

- 6. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:

- a. Relocate the services to comply with this requirement; or
- b. Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of a Compliance Certificate for the Plan of Survey creating the lot.

Water Supply and Sewerage Works Internal

7. Undertake the following water supply and sewerage works internal to the subject land:-
 - a. Each lot must be serviced by a single internal sewer connection and their own separate water connection;
 - b. Existing water and sewerage connections and internal plumbing must be contained within the lot it serves. If not then the connection and internal plumbing must be relocated to within the lot serviced or covered by a reciprocal easement;

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

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to issue of a Compliance Certificate for the Plan of Survey.

Damage to Council Infrastructure

8. In the event that any part of Council's existing sewer / water or 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 Cairns Regional 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.

Landscape Plan

9. Undertake landscaping of Lot 2 in accordance with the *FNQROC Development Manual* and Planning Scheme Policy No 7 – Landscaping and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:

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- a. Provision of screening plantings along frontages;
- b. Provision of plantings that will screen areas used for loading and unloading, storage, utilities and car parking;
- c. Revisit the design of Lot 2 to ensure that the new allotment is of sufficient area to accommodate landscaping in accordance with the FNQROC Development Manual and Planning Scheme Policy No 7 - Landscaping;
- c. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to 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 prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

10. 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 to the requirements and satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

11. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans 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).

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
DSDIP	SDA-0713-003549	20 August 2013	4088637

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 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.

Infrastructure Charges Notice

4. 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.

5. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdip.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

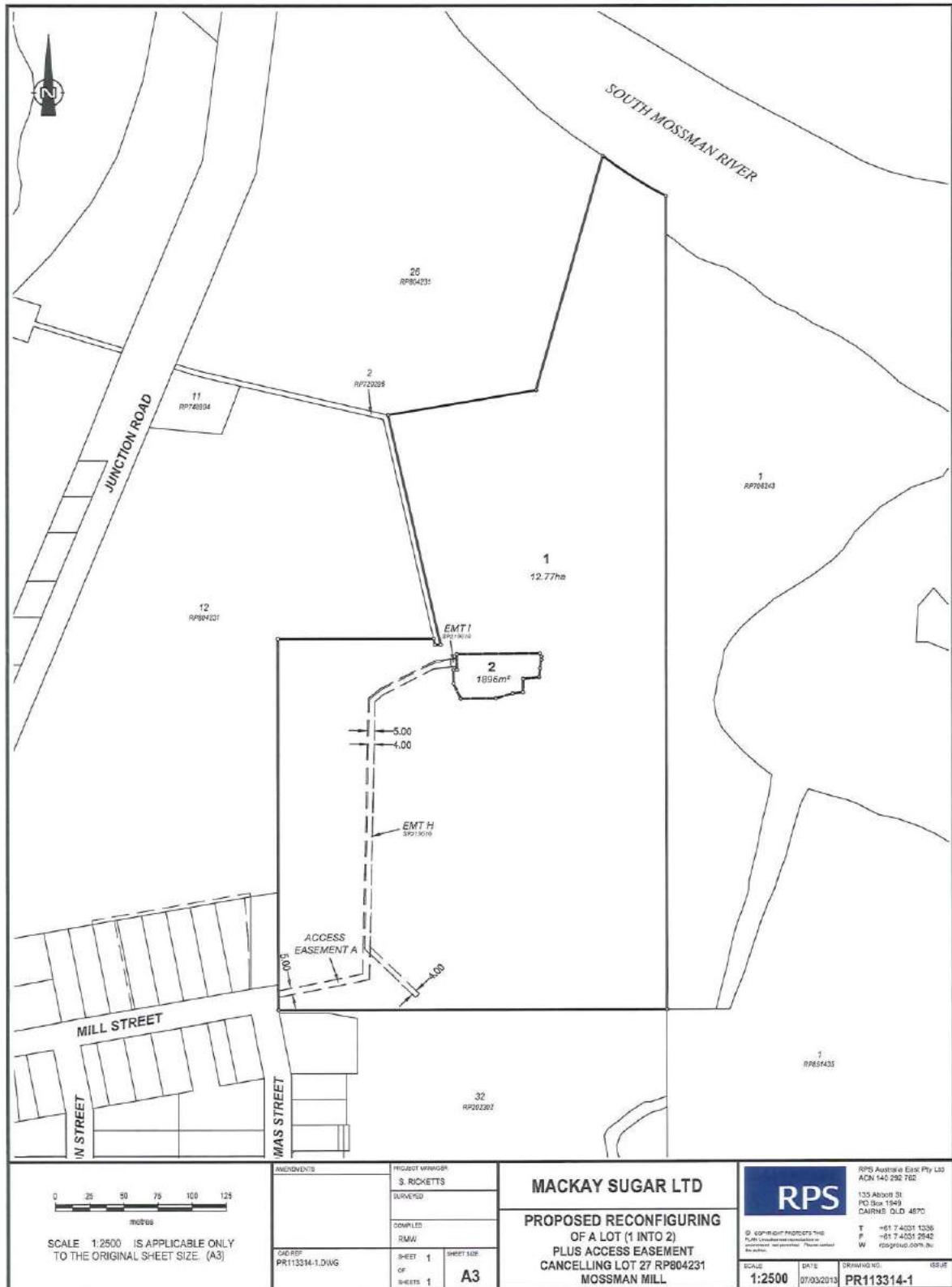
RIGHTS OF APPEAL

Attached

End of Decision Notice

**DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009**

APPENDIX 1: Approved Drawing(s) & Document(s)



APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

SDA-0713-003549



Department of
State Development,
Infrastructure and Planning

Our reference: SDA-0713-003549
Your reference: PR113314/SDR/AMB/L72309

Date: 20/08/2013

Peter Tabulo
Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

Dear Peter

Concurrence agency response—no requirements

Reconfiguration of a lot (1 into 2 lots and access easement) converting existing 'Lease E' to freehold title for land formally described as Lot 27 on RP804231 – Mossman Mill, Mossman
(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 31 July 2013.

Applicant details

Applicant name: Mackay Sugar Limited
C/-RPS Group Cairns
Applicant contact details: 135 Abbott Street
PO Box 1949
Cairns, QLD, 4870

Site details

Street address: Mill Road Mossman
Real property description: Lot 27 on RP804231
Site area: 12.96 ha
Local government area: Cairns (Douglas Shire Planning Scheme)

DECISION NOTICE DETAILS
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SDA-0713-003549

Application details

Proposed development: Reconfiguring a lot 1 into 2 lots and access easement to convert existing 'Lease E' to freehold title

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Description of Proposal	Level of Assessment
Reconfiguring a Lot	Development permit	Reconfiguration of a Lot (1 lot into 2 and access easement).	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 2, Item 22—Contaminated land

No requirements

The department advises the assessment manager, under section 287(2) (a) of the *Sustainable Planning Act 2009*, that it has no requirements relating to the application.

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

If you require any further information, please contact Michele Creecy, Planning Officer, on 4039 8095, who will be pleased to assist.

Yours sincerely




Robin Clark
Manager, Planning

cc: Mackay Sugar Limited
C/-RPS Group Cairns
PO Box 1949
CAIRNS QLD 4870

**DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009**

APPENDIX 3 DEVELOPER CONTRIBUTION CALCULATIONS

	2006 Douglas Shire Planning Scheme Applications		
INFRASTRUCTURE CHARGES NOTICE			
Mackay Sugar Limited	Mossman Central Mill	N/A	
<small>DEVELOPERS NAME</small>		<small>ESTATE NAME</small>	
Mill Street	Mossman	Lot 27 on RP804231	3538
<small>STREET No. & NAME</small>		<small>PARCEL No.</small>	
ROL (1 into 2 & Access Easement)		8/13/1740	30-Jun-13
<small>DEVELOPMENT TYPE</small>		<small>QUARTER ENDING</small>	
4148851	1	This logsheet is indexed appropriately only for payments made within the quarter noted above.	
<small>SKIDS No.</small>		<small>VERSION No.</small>	

	DIST.	\$ / ERA	NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
WATER	EX 9	4,144.75 X	7.58	0.00	\$31,417.22		T 615/ 05672
	Pro 9	29.22 X	7.58	0.00	\$221.46		T 616/ 05658
	Water sub - total					\$31,638.68	
SEWERAGE	EX 1	2,154.74 X	7.58	0.00	\$16,332.90		T 617/ 05684
	Pro 1	6,460.76 X	7.58	0.00	\$48,972.57		T 618/ 05678
	Sewerage sub - total					\$65,305.47	
Road Network	Not Applicable in Former DSC Area			0			
	District No.	0			\$0.00		000/ 0
DRAINAGE	Not Applicable in Former DSC Area			None			
	Stream Management				\$0.00		0
	Stormwater Quality				\$0.00		0
OPEN SPACE	Former DSC Area				\$0.00		T 614 / 546
BONDS	None				\$0.00		
	None				\$0.00		
OTHER	Port Douglas General road upgrade				\$0.00		348 / 05427
	None				\$0.00		
TOTAL					\$96,944.14		

Prepared by	M Henderson	on	11-Oct-13	Amount Paid	
Checked by	Trish Read	on	11-Oct-13	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

Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue, Development Assessment Team, Cairns Regional Council prior to payment for review

Charges are payable to: Cairns Regional Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Cairns Regional Council, PO Box 359, Cairns QLD 4870. Cheques must be made payable to Cairns Regional Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post

Any enquiries regarding Infrastructure Charges can be directed to the Development Assessment Team, Cairns Regional Council on 07 4044 3044 or by email on townplanner@cairns.qld.gov.au

ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF:
OUR REF: 8/13/1740 SEDA (skids number)

29 October 2013

Mackay Sugar Limited
C/- RPS Australia East PR113314
PO Box 1949
CAIRNS QLD 4870

Dear Sir/Madam

ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR KIDD STREET MOSSMAN

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with 648F of the *Sustainable Planning Act 2009* (the Act).

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

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.

These charges are payable prior to the issue of a Compliance Certificate for the Plan of Subdivision.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your appeal rights with respect to the Adopted Infrastructure Charges Notice.

Should you have any enquires in relation to this Adopted Infrastructure Charges Notice, please contact Michelle Henderson of Council's Development Assessment Team on telephone number (07) 4099 9457.

Yours faithfully

Graham Boyd
Manager Development & Regulatory Services



2006 Douglas Shire Planning Scheme Applications

INFRASTRUCTURE CHARGES NOTICE

Mackay Sugar Limited	Mossman Central Mill	N/A
DEVELOPERS NAME	ESTATE NAME	STAGE
Mill Street	Mossman	Lot 27 on RP804231
STREET No. & NAME	SUBURB	LOT & RP No.s
ROL (1 into 2 & Access Easement)	8/13/1740	30-Jun-13
DEVELOPMENT TYPE	COUNCIL FILE NO.	QUARTER ENDING
4148851	1	4
SKIDS No.	VERSION No.	

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	District No.	0			\$0.00		000/ 0
DRAINAGE	Not Applicable in Former DSC Area			None			
	Stream Management				\$0.00		0
	Stormwater Quality				\$0.00		0
OPEN SPACE	Former DSC Area				\$0.00		T 614 / 546
BONDS	None				\$0.00		
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