

ORDINARY COUNCIL MEETING 1 APRIL 2014	3
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REQUEST TO CHANGE CONDITIONS OF APPROVAL – MATERIAL CHANGE OF USE FOR SHOPPING FACILITIES & BUSINESS FACILITIES – 73-85 FRONT STREET, MOSSMAN

Neil Beck: MCUC 3102/2009 (417515)

PROPOSAL:

REQUEST TO CHANGE CONDITIONS OF APPROVAL – MATERIAL CHANGE OF USE FOR SHOPPING FACILITIES & BUSINESS FACILITIES

APPLICANT:

PRIME CONSTRUCTIONS
PO BOX 1056
NORTH CAIRNS QLD 4870

LOCATION:

73–85 FRONT STREET, MOSSMAN

PROPERTY:

LOT 2 ON SP258887

LOCALITY:

MOSSMAN AND ENVIRONS

PLANNING AREA:

COMMERCIAL

PLANNING SCHEME:

DOUGLAS SHIRE PLANNING SCHEME 2008

REFERRAL AGENCIES:

NOT APPLICABLE

NUMBER OF SUBMITTERS:

NOT APPLICABLE

STATUTORY ASSESSMENT DEADLINE:

24 APRIL 2014

APPLICATION DATE:

7 MARCH 2014

APPENDIX:

1. PREVIOUSLY APPROVED PLAN
2. REVISED SITE PLAN
3. DETAILS OF MURAL
4. ALTERNATIVE RECOMMENDATION B

LOCALITY PLAN



RECOMMENDATION:

- A. That Council approves the request to Change Conditions of Approval for a Material Change of Use for Shopping Facilities & Business Facilities over land described as Lot 2 on SP258887, located at 73–85 Front Street, Mossman, subject to the following:

1. That Condition 1 be amended as follows:

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
Proposed Site Plan	07125-DA100B <u>602682</u> <u>DA01 D</u> <u>602682</u> <u>DA01 E</u>	Jan 2009 <u>27/02/2014</u>
Proposed Elevations <u>Elevations and Section</u>	07125 – DA101B <u>602682</u> <u>DA02 D</u>	Jan 2009 <u>23/11/2012</u>

Main Roads Concept Layout	GCS06 - 194	06/05/07
DMR Option Concept Layout	GCS06 - 194	06/05/07
<u>3D Views</u>	<u>602682 DA03 C</u>	<u>23/11/2012</u>

2. That Conditions 4, 5 & 21 are deleted.
 3. That all other conditions of Decision Notice for Development Permit 8/38/2 dated 14 December 2010 and as amended by Decision Notice dated 15 January 2013 remain unchanged.
- B. That Council advises the Applicant that in order to comply with Condition 22a of the Decision Notice dated 15 January 2013, the walkway extending from the existing building on Lot 1 on SP258887 to the existing structure in the centre traffic island on Lot 2 on SP25887 must be covered.**
- C. That Council advises Woolworths Limited that the placement of the mural on the eastern façade of the building facing Front Street as detailed in the submission dated 27 February 2014 is welcomed and endorsed.**
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EXECUTIVE SUMMARY:

Council is in receipt of a request to change conditions of a development approval and to obtain Council's endorsement that what has been constructed internal to the site complies with the Development Approval and good engineering practice. The submission also seeks endorsement for the placement of a mural on the eastern façade of the building.

The request relates to the development of the Woolworths shopping centre which was originally approved by the former Douglas Shire Council in August 2007 and was subject to further amendments. Consideration and subsequent approval of such amendments were undertaken by the former administration being Cairns Regional Council.

This request and report is only concerned with the works internal to the site and does not in any way relate to the external works and the installation of the signalised intersection. Being a State-controlled road, the works required in order to facilitate access to both Town & Country and the Woolworths development has been determined by the Department of Transport and Main Roads (DTMR).

With respect to Condition 22(a), Council is provided with a recommendation which provides an option as to whether what has been constructed complies with the intent of the condition. This is discussed further within the body of the report.

No concerns are raised with respect to the balance of the request or the placement of the mural on the eastern façade of the building.

Approval of the request is recommended.

PLANNING CONSIDERATIONS:

Background

The site consists of a 1.393 hectare, regularly-shaped, flat lot on the western side of Front Street, at the southern end of Mossman Town Centre. The lot is designated as being in the Commercial Planning Area within the Douglas Shire Planning Scheme 2008.

The site is currently improved by the substantially completed new 'Woolworths' supermarket and associated car parking.

The history of applications lodged over the site is summarised as follows:

On 8 August 2007, the former Douglas Shire Council issued a Development Permit (MCUC 007/07) for Shopping Facilities and Business Facilities over the entire site (including existing supermarket and specialty stores).

On 12 May 2009, a minor change was made to the layout of the approved Material Change of Use.

On 8 December 2010, Council approved an extension to the relevant period for the existing approval until 8 August 2015.

On 31 August 2011, an Operational Works Permit (8/10/56) was issued for works associated with the approved Material Change of Use.

On 21 November 2012, Council issued a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots) (8/13/1688) to excise the existing Woolworths building from the proposed development on vacant land to the south. This reconfiguration has since been acted upon and the two lots now exist.

On 15 January 2013, approval was issued for a request for a minor change. Additional conditions were added to the approval requiring a covered pedestrian walkway, designated disabled car parking spaces and screening of the pad mount sub-station adjacent the south eastern corner of the building. A copy of the approved plan being Drawing No DA 01 Issue D is attached at Appendix 1.

Request to Change Conditions

The purpose of the submission is fourfold being:

1. amend the approval to reflect the most recent plans due to modifications brought about by works external to the site. The revised plan is attached at Appendix 2;
2. remove conditions of the approval which are considered no longer relevant;
3. seek confirmation that the development complies with conditions of approval and good engineering practice (for development internal to the site); and
4. obtain Council's endorsement for a mural to be installed on the eastern façade of the building.

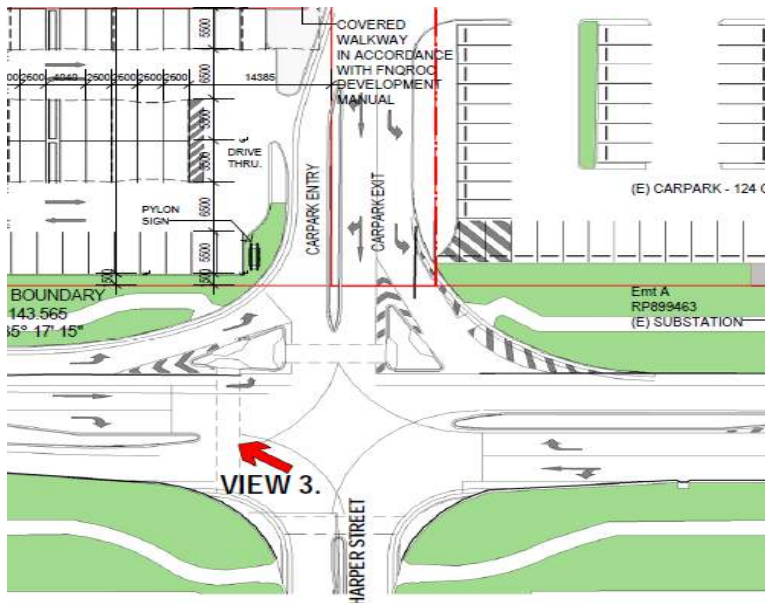
Each of the above items is discussed in the respective order below.

Item 1 – Revised Plan

As a consequence of DTMR requirements for the construction of a signalised intersection, the internal access road and approaches required amending in order to align with the works external to the site. Minor amendments were required with respect to the car parking layout, internal traffic aisles and islands in order to accommodate the intersection treatment as illustrated below.



Existing approved plan illustrating entrance (DA01 – Issue D)



Revised site plan to accommodate external works as determined by DTMR (DA01-Issue E)

No issue is raised with the amended site plan and therefore the plan has been included in the table of approved drawings identified in Condition 1 of Recommendation A. A copy of the revised plan is attached at Appendix 2.

In addition, it is recommended to remove all reference to DTMR's approved drawings in Condition 1 as plans referenced in this table should only relate to plans being approved by Council. It is noted that the DTMR's plans referenced in this table are superseded and no longer relevant.

Item 2 – Request to Change Conditions

The applicant has sought to remove a number of conditions relating to the lodgement of security bonds and remove the requirement for an extended landscape maintenance period of three (3) years. The original decision by the former Douglas Shire Council required the lodgement of a \$10 000 landscape bond and a \$195 000 landscape and headworks bond to ensure compliance. These requirements are detailed in Conditions 4, 5 and 21 of the original approval.

It is agreed that these bonds are no longer required as all landscaping is contained within the lot and headwork contributions have already been paid. The issue of landscaping is discussed in further detail below (Item 3).

With respect to the maintenance period, having regard to the amendments to the development approval over time, the basis on which to require a three (3) year extended maintenance period is no longer present. The three (3) year extended maintenance period would essentially relate to a grassed road verge. The removal of the condition will mean that the standard three (3) month maintenance period applies. This is a reasonable request in this instance and is supported at officer level.

It is recommended that Conditions 4, 5 and 21 be deleted.

Item 3 – Compliance with Conditions

With respect to compliance with conditions, there are two (2) areas which require Council's further consideration. This relates to Condition 3 and Condition 22. The conditions are referenced below followed by the applicant's comment and officer comment.

Landscaping

3. The following amendments are to be made to the landscaping plan, titled Landscape Concept Planting Design, numbered LCPP-0001 and dated 7 Feb 2007, submitted with the proposed development:
 - (a) The landscaping area along the rear western boundary is to be increased to 1.5 m wide to allow for dense screening vegetation;
 - (b) Golden Penda's or a similar native shade tree is to be incorporated into the landscaped area along the road frontage at 4 metre centres to provide shade to the car parking area directly adjacent.

The amended plan is to be submitted to Council prior to obtaining a building permit/operational works permit.

Applicant's Comment

'Cairns Regional Council has endorsed a Landscape Plan which illustrates the landscaping of the 1.5 metre setback area adjacent the building and car parking area along the frontage of the site. The plants to be installed in this area are shallow-rooted plantings due to the location of services in the area. However, as we are aware that Douglas Shire Council would like to see the reinstatement of some shade trees along the frontage of the site, we are intending to re-instate some shade trees in the area between the north-east corner of the building, to the north-east corner of the site as a gesture of good will. While the services are very tight here, we believe this area can accommodate the trees requested.'

Officer Comment

While aware of the Landscape Plan endorsed by Cairns Regional Council which did not provide any shade trees, the applicant was approached to see if this aspect can be revisited to either include some deep rooted shade trees in the road reserve or alternatively within the site to soften the appearance of the development and to provide some shading to hard stand areas as anticipated by the original approval.

Due to the location of services within the road reserve, deep-rooted trees in this area are not possible. As an alternative, the applicant is willing to re-instate some shade trees within the planting design at four (4) metre centres being consistent in part with the original condition.

It is agreed that no trees will be placed between the building and the front boundary.

Subject to the inclusion of some shade trees as detailed, officers are satisfied that this condition will be complied with.

22. Amendment to Design

The proposed plan of development (Proposed Site Plan 602682 DA01 D) must be amended to accommodate the following changes;

- a. Provision of a covered pedestrian walkway that is constructed in accordance with the FNQROC Development Manual, to achieve an integrated shopping/commercial development. The pedestrian walkway must be designed to provide the safest and most direct pedestrian link practicable between Proposed Building A and the existing covered footpath of Existing Building C.*
- b. Provision of a pedestrian crossing at the location on the Supermarket Car Park Entry Road where the above pedestrian walkway connection from Proposed Building A and the existing footpath of Existing Building C meet.*
- c. Identify appropriately marked and dimensioned car parking spaces for disabled persons to service Existing Building C.*
- d. Provision of suitable screening of the proposed sub-station on the southern corner of the site to minimise the visual impact of the development on the Front Street streetscape. The materials used must be consistent with or complementary to the materials proposed for the screening of the service court and condenser deck.*

An amended plan of development incorporating the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Applicant's Comment

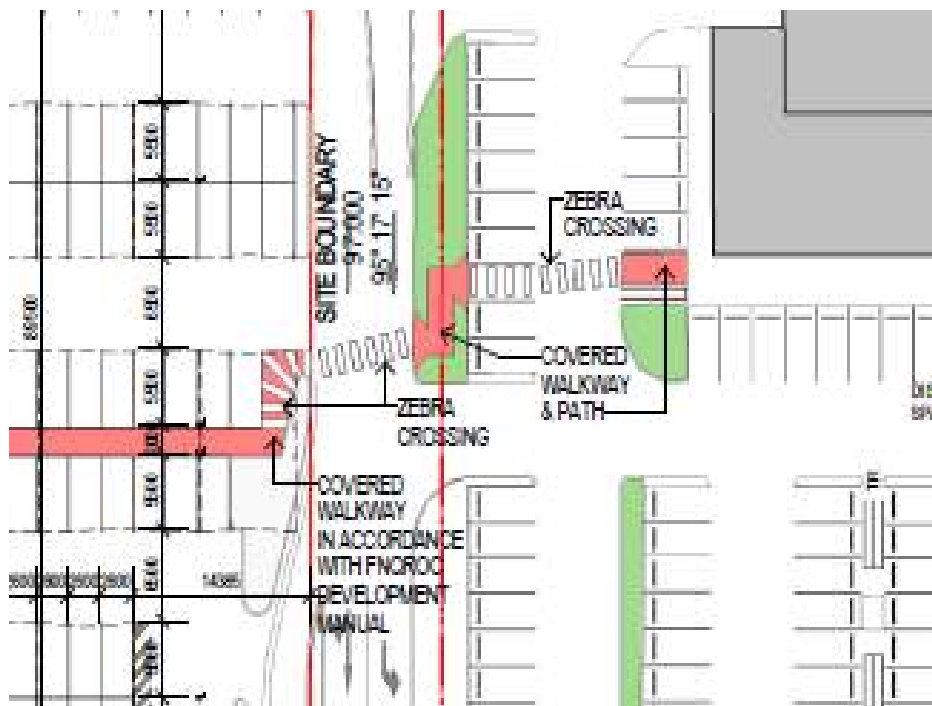
Drawing No DA 01 Issue E depicts the covered walkway between the two properties as required by Condition 22a. It is the position of the applicant that this is exactly what has been provided as per the indicated covered driveway on DA01 Issue E. This walkway has been majority completed on site and the installation of Pedestrian Zebra crossings and PWD tactile indicators are due to be installed in the coming week to complete the walkway. The route shown on DA01-E is clearly the most direct route between the two Centres as requested. We ask that Douglas Shire Council judges that this walkway does indeed comply with the DA requirement and is considered resolved.

Officer Comment

Condition 22a required a covered pedestrian walkway to achieve an integrated commercial development. Importantly, such an amended plan was to be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Despite the walkway being constructed, Drawing No DA01 Issue E has not been endorsed by the Chief Executive Officer and was only formally submitted to Council on 7 March 2014.

Drawing No DA01 Issue E identifying the walkway is attached at Appendix 2. The section of the plan detailing the connection and the extent of the walkway to be covered as put forward by the applicant is detailed below.



“We have observed many smaller ‘Pantech’ type deliver trucks using this route when the larger trucks are at the loading dock. These trucks would again necessitate raising the roof structure higher than would provide practical shelter. Also this end of the car park is utilised by the Winnebago/RV type customers due the presence of height restriction bars for the awning and shade structures to T&C.

Due to the design restrictions that the Signalised intersection has placed on the circulation of the exiting Town and Country car park (current exit adjacent to Harper St intersection had to be blocked off), to put a covered structure over this part of the roadway would create a further tightening of options for Town and Country and their tenants and customers.

As mentioned previously we believe the provided structures address the requested wording in the DA under Condition 22(a)”.

It must be noted that this area consists of an enclave of 13 spaces being four (4) per cent of the total number of spaces servicing both developments. Both developments have well defined loading and unloading areas along with the necessary reciprocal easements to facilitate this. The anecdotal evidence of either ‘Pan Tek’ trucks or Winnebago/RV type vehicles accessing these particular car parking spaces is considered insufficient grounds to avoid covering this section of the walkway. As illustrated in the photograph below, it is a considerable span and the pedestrians using this area would benefit greatly, particularly in times of inclement weather.



Photograph of the area of interest – looking east towards Front Street

With respect to the main access thoroughfare, it is agreed that this area should not be covered.

The recommendation placed before Council requires this area to be covered in order to comply with Condition 22a. Should Council hold a different view and be satisfied that what has been constructed satisfies the condition, then alternative wording for Recommendation B is provided at Appendix 4 for Council's convenience.

Item 4 – Installation of a Mural

Woolworths have approached Council seeking approval for the placement of a mural along the eastern façade of the building. This is a joint initiative between Woolworths and the Douglas Shire Historical Society. The mural will consist of five (5) separate panels of perforated galvanised aluminium sheeting displaying various themes of the region's cultural heritage. The mural will have a total length of 40 metres and be 1.5 metres in height.

Details of the mural including details of each of the five (5) panels is attached at Appendix 3.

The initiative by Woolworths will not only provide an insight into the region's cultural heritage but is also anticipated to form an attractive feature of the building.

The initiative is welcomed and the recommendation has been worded advising of Council's support.

Neil Beck
Action Officer

Donna Graham
Manager Development & Environment

Paul Hoyer
General Manager Operations

Approved / ~~Not Approved~~

APPENDIX 2 – APPROVED PLAN (AMENDMENTS TO ACCOMMODATE INTERSECTION WORKS)

1. The proposed amendments to the approved plan are as follows:

2. The proposed amendments to the approved plan are as follows:

3. The proposed amendments to the approved plan are as follows:

4. The proposed amendments to the approved plan are as follows:

5. The proposed amendments to the approved plan are as follows:

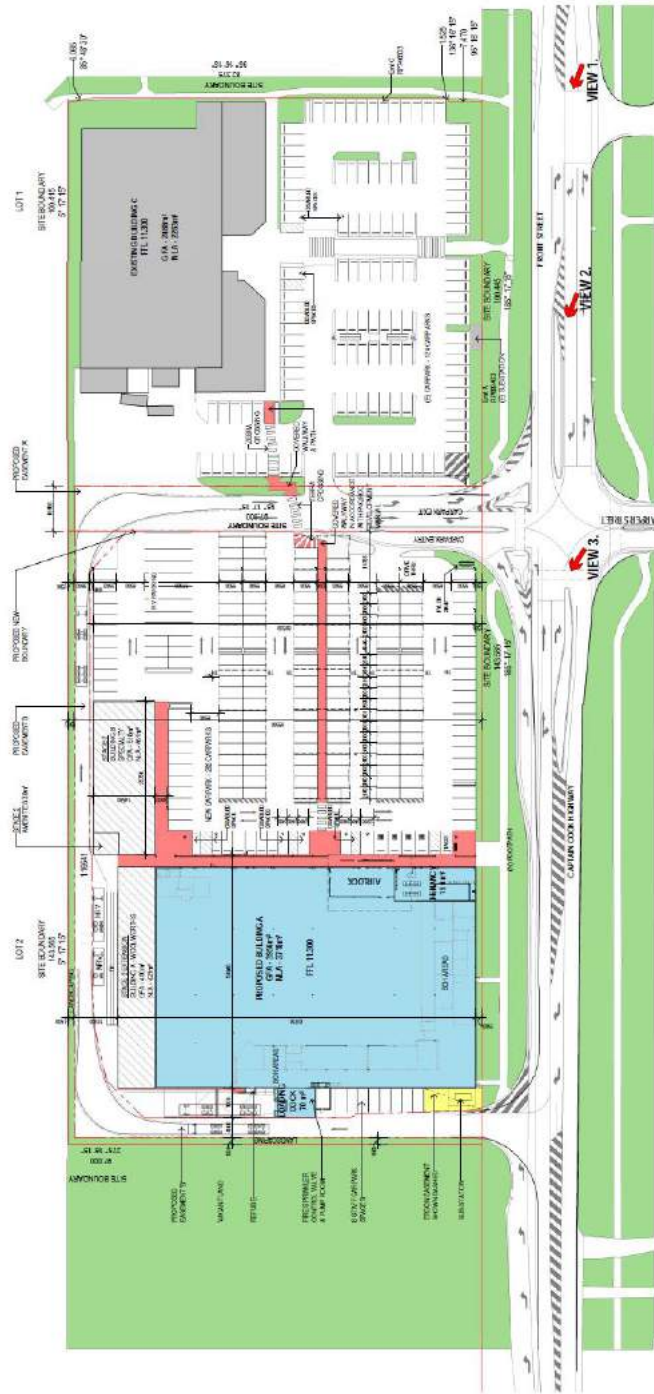
6. The proposed amendments to the approved plan are as follows:

7. The proposed amendments to the approved plan are as follows:

8. The proposed amendments to the approved plan are as follows:

9. The proposed amendments to the approved plan are as follows:

10. The proposed amendments to the approved plan are as follows:



PRELIMINARY
NOT FOR CONSTRUCTION

1. The proposed amendments to the approved plan are as follows:

2. The proposed amendments to the approved plan are as follows:

3. The proposed amendments to the approved plan are as follows:

4. The proposed amendments to the approved plan are as follows:

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8. The proposed amendments to the approved plan are as follows:

9. The proposed amendments to the approved plan are as follows:

10. The proposed amendments to the approved plan are as follows:

602682 DA01 E
suterspgd

APPENDIX 3 – DETAILS OF MURAL:

WOOLWORTHS LIMITED
ABN 88 000 014 675

1 Woolworths Way, Bella Vista
 New South Wales 2153 Australia
 Telephone +61 2 8885 0000
 Facsimile +61 2 8885 0001
woolworthslimited.com.au

27th February 2014

Douglas Shire Council
 Att: Mayor Ms Julia Leu
 64-66 Front St
 Mossman Qld 4873

E-mail: julia.leu@douglas.qld.gov.au

Dear Ms Leu

RE: Woolworths Mossman

Thank you for your time recently to discuss the proposed opening ceremony for the new Woolworths supermarket at Mossman.

I am pleased to advise that the scheduled opening ceremony is planned for early evening on Tuesday 1st April 2014. This date may need to be revised if the builder is delayed by wet weather. We hope to be able to confirm the opening ceremony date shortly but would appreciate if you could diarise between 4pm and 6pm on Tuesday 1st April 2014 for the official opening of the supermarket.

During our meeting I raised the issue as to whether an application would be required for the community artwork that is intended to be displayed on the eastern façade of the building.

I have attached to this correspondence the artists images that will be displayed on the façade of the building, representing home of the Kuku Yalanji people, the cedar cutters and early settlers in horse drawn drays, sugar-growing and its cartage on trains and boats, the sugar mill and the Mossman Gorge.

The artwork measuring 40m in length and 1.5m in height will be bolted on aluminium rails attached to the eastern concrete tilt up façade. The material being used is perforated galvanised aluminium approximately 2mm thick. I have attached an elevation of the building showing the location of the artwork, a photograph of the eastern building façade and a fact sheet on the perforated aluminium sheeting.

ALH Group | BIG W | BWS | Cellarmasters | Countdown | Danks | Dan Murphy's |
 Masters | Woolworths | Woolworths Petrol

We look forward to receiving confirmation as to whether a DA application for the artwork is required or if the information included in this correspondence is sufficient for Council.

Yours sincerely
Woolworths Limited


A handwritten signature in black ink, appearing to read 'Graeme Jones', with a long horizontal stroke extending to the right.

Graeme Jones
Senior Development Manager

Cc: Mr John MacPherson – Prime Group
inc.



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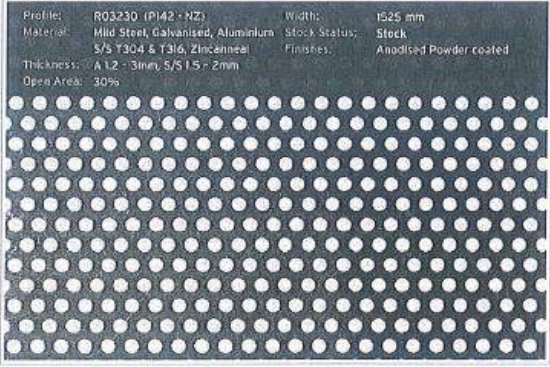
A valmont COMPANY




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Profile: R03230 (P142 - NZ)
Material: Mild Steel, Galvanised, Aluminium
Thickness: A 1.2 - 3mm, S/S 1.5 - 2mm
Open Area: 30%

Width: 1525 mm
Stock Status: Stock
Finishes: Anodised Powder coated



General Industrial - Perforated [Product Profile Gallery](#)

Overview	Specifications	Brochure
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Locker Group has the largest capacity and capability for perforating metal in Australia and New Zealand. This depth of tooling combined with extensive experience allows Locker Group the flexibility to hold stock lines across the country, relevant to the requirements of each state.

Exploit our respected experience and expertise and be safe in the knowledge that every product stocked meets or exceeds industry accepted standards. And of course, should you have a custom request, Locker Group can take care of that as well. For details of Locker Group perforated stock sheets, download the perforated stock brochure from our downloads section.

Stock sheets are available in a variety of materials, open area, material thickness and hole patterns, including:

- Round
- Square
- Slotted
- Diamond
- Club & Round
- Hexagonal
- Flanged (raised) holes

Architect: Hassell

Location: Adelaide Zoo



Example of perforated metal sheets

WOOLWORTHS MOSSMAN HISTORIC PANELS

Five replica mural panels will appear above this text. Descriptions as below will go beneath each panel. (Anything in italics will not be printed.)

Panel 1 Kuku Yalanji Bama

For many thousands of years, Kuku Yalanji people lived in harmony with the rainforest. The rocky Mossman River and Manjal Dimbi, now called Mt. Demi, have a cultural significance to the traditional owners of this area. The escarpments on the mountain resemble native animals and Kubirri, a good spirit who protects everyone. The local Bama people still have a strong spiritual connection to their culture, land, flora and fauna.

Artists from Yalanji Arts: Sheryl Burchill, Kirsty Burchill, Vanessa Cannon, Lenice Shonenberger. Special mention to Jennifer Burchill

Panel 2 Cedar cutters

European pioneers followed explorer George Dalrymple's enthusiastic reports and arrived to cut cedar trees along the Mossman and Daintree Rivers in 1874. In ten years, they stripped the area of the 'red gold', which was floated down the rivers to ships waiting in deeper water. One of the cutters, Dan Hart from Jamaica, was the first to settle on the riverbank where the Mossman Swimming Pool is now, and grew sugar cane and tropical fruits.

Artists from DAB: Inger Rowe, Deirdre Whiteley

Panel 3 Sugar cane and Mossman Central Mill

The Mossman Central Mill began crushing sugar cane in 1897 with 23 suppliers. In the early days, Chinese and Kanaka labourers cut the cane by hand. Italians, Yugoslavs and other Europeans followed.

An extensive rail network brought the cane to the Mill, then took bagged sugar to Port Douglas wharf. The Mill and cane trains still operate between June and November, but harvesting is now mechanized and the sugar is transported by road to Cairns.

Artists from DAB: Robyn Kendall, Billie Noli

Panel 4 Mossman

The Exchange Hotel, now the Daintree Inn, was built in 1896 opposite the railway station. By the early 1900s it was one of five hotels in town and over the years all were well-patronised by itinerant cane workers. In the early days, several shops in Mossman were operated by Chinese owners. Many structures including the Exchange were damaged in the 1911 and 1934 cyclones and then rebuilt. Timber Queenslander-style houses were well suited to the tropics but were also susceptible to fire.

Artists from DAB: Jeanette Yarr, Pat Lane

Panel 5 The Present

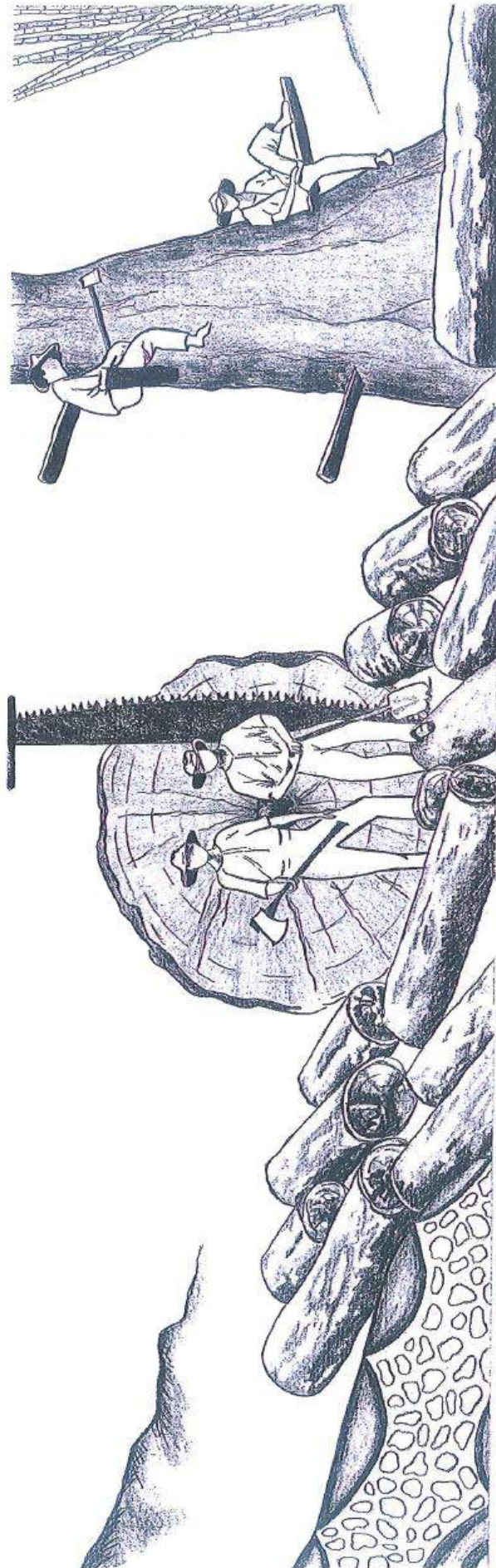
Rev. Edward Taffs toiled for decades and constantly appealed for funds to build St David's Church, which was started in 1912. Constructed from local stone and coloured cement blocks, the church was dedicated in 1952, two years after his death.

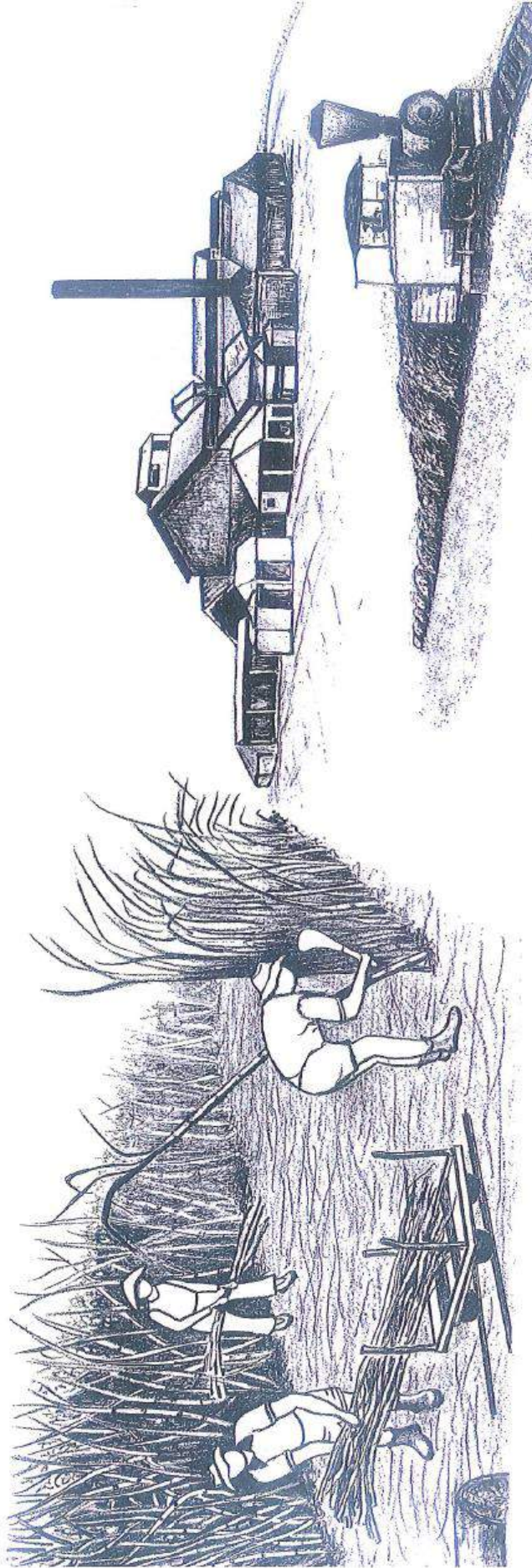
Today, visitors cross the bridge over fast-flowing Rex Creek to stroll through the magnificent ancient rainforest in Mossman Gorge. Kuku Yalanji guides tell traditional stories of its unique plants and animals including tiny Boyd's Forest Dragons, and everybody who visits this magical place is enchanted by its natural beauty.

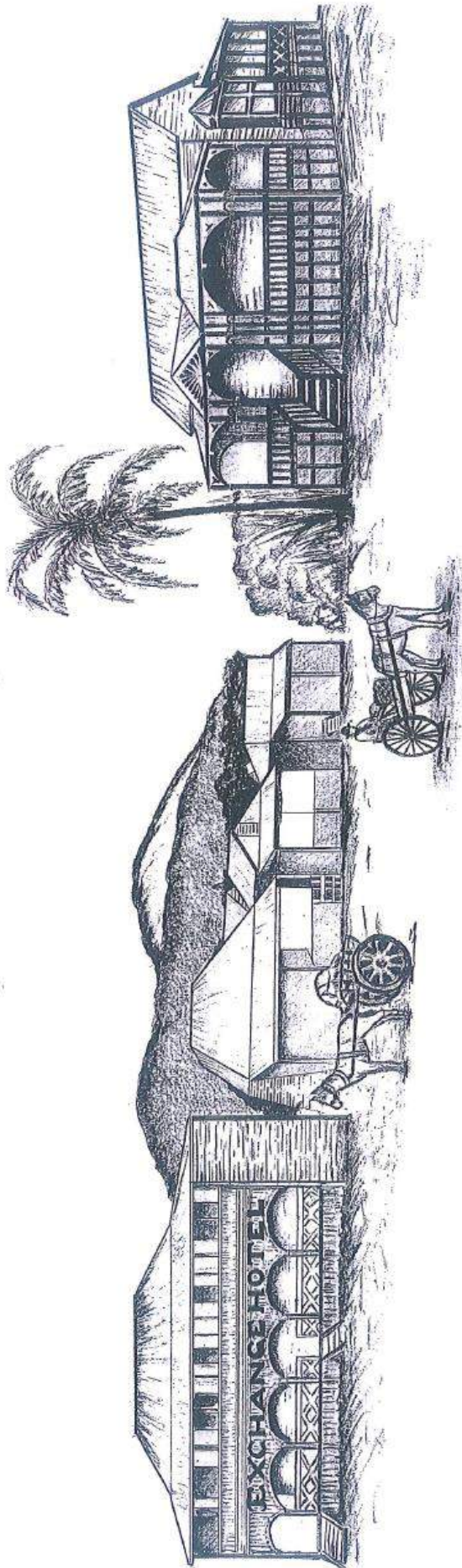
Artists from DAB: Ellen Terrell, Carol Edelberg

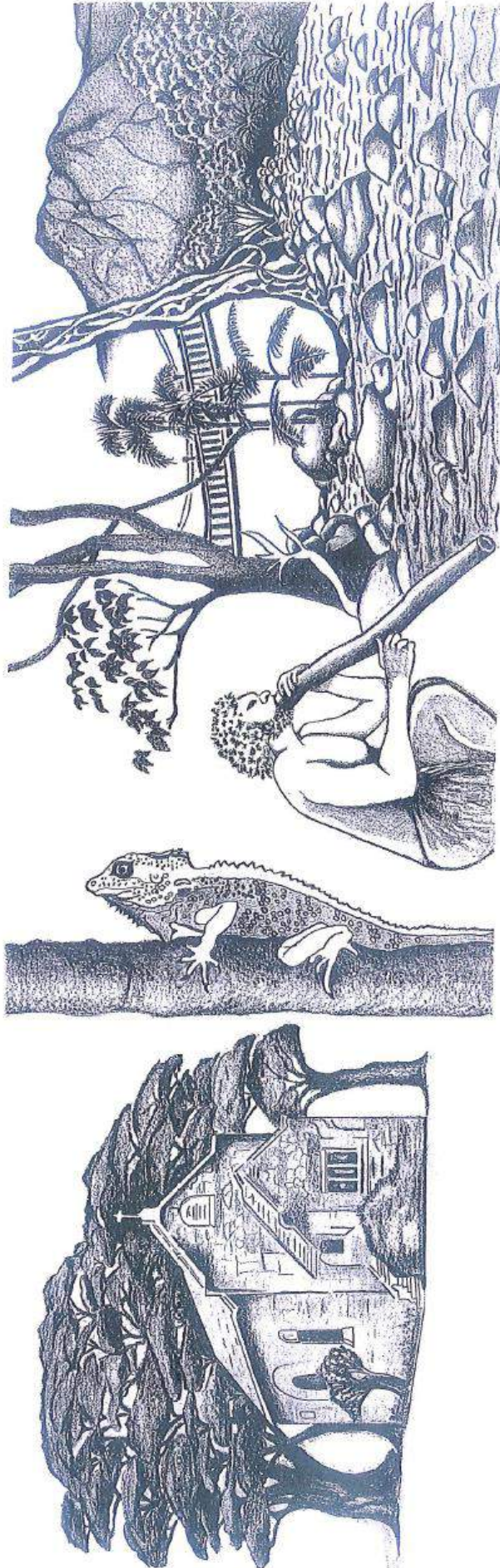
The mural is an initiative of the Douglas Shire Historical Society, members Pam Willis Burden and Ken Keith, in partnership with the Douglas Arts Base (DAB) and Yalanji Arts. March 2014.











APPENDIX 4: ALTERNATIVE WORDING FOR RECOMMENDATION B

- B. That Council advise the Applicant that the covered pedestrian walkway as detailed on Drawing No. DA01–E complies with the intent of Condition 22a of Decision Notice dated 15 January 2013.**