

Mrs Natalie Clark – Planning Officer
Planning Services Section - (07) 4099 9456
planning@dsc.qld.gov.au

MCUC 007/07

Town & Country Limited
C/- Jenny Elphinstone Pty Ltd
PO Box 1098
MOSSMAN QLD 4873

8 August 2007

**INTEGRATED PLANNING ACT
DECISION NOTICE
DEVELOPMENT APPLICATION**

Applicant's Name : Town & Country Limited
Owner's Name : Town & Country Limited
Proposal : Material Change of Use for the purpose of Shopping
Facilities and Business Facilities
Application Number : MCUC 007/07
Site Address : 63 Front Street, Mossman
Property Description : Lot 101 on SP186233, Parish of Victory, County of Solander

A. Decision: **Decision Date:** 2 August 2007

Approved subject to Conditions

B. Type of Development Approval:

Material Change of Use

Development Permit

.../2.

C. Referral Agency:

Department of Main Roads
Peninsular District
PO Box 6185
CAIRNS QLD 4870

D. Conditions

Plan of Development

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with the details of the application and the following approved Plan/s of Development:

Title	Plan No.	Date
Site Plan	CO650 – DA 01	Jan 2007
Elevations	CO650	Jan 2007
Main Roads Concept Layout	GCS06 – 194	06/05/07
DMR Option Concept Layout	GCS06 – 194	06/05/07

Except where such plans are modified by the terms of this approval.

Currency Period

- 2 This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.

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.

- 4 A Landscaping Maintenance Schedule for a period of three (3) years is to be provided to Council with the amended landscaping plan. The Maintenance Schedule is to be accompanied by a \$10,000.00 performance bond. The bond is refundable at the completion of the scheduled period on the provision the landscaping is established and maintained in accordance with the Schedule.
5. The owner/developer shall be responsible for all maintenance work for a period of three (3) years. Council will not accept the landscaping off maintenance until it meets the requirements of Council's Engineering Services.
6. Irrigation for external landscaping shall be transferred to Council's reticulated water system prior to landscaping being accepted as off maintenance.

Water Supply

7. The plans and specifications of the internal water supply must be submitted to Council at Operational Works application stage for this development for review.

This system must make provision for services to the boundaries of all lots, including main works; envelope pipes at cross street services and valve and hydrant markers and be designed in accordance with the requirements of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual".

Sewerage

8. No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development. Plans and specifications for the internal sewer and connection to Council's sewerage system are to be submitted to Council with the application for Operational Works.

Electricity and Telephone Services

9. All electrical lines along the full frontages of the subject site (Front Street) are to be placed underground. These works are to be undertaken by Ergon Energy at the developers/owners expense and are to be completed prior to commencement of the approved use.

Stormwater

10. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as Front Street. The applicant is required to extend the existing underground stormwater (from the existing surge pit located adjacent current entrance) for the full frontage of the allotment. In addition the applicant is to extend the existing kerb and channel for the full frontage of the allotment and undertake the necessary widening of Front Street. Plans and specifications for the control of stormwater (including design of discharge outlet, layout of kerb and channel and widening of Front Street) must be submitted to Council with the application for Operational Works. The approved use must not:
 - a) Interfere with the natural flow of stormwater;
 - b) Cause ponding of stormwater on adjoining properties.

11. The developer/owner is required to place pollution control devices in stormwater drains in accordance with the requirements of Planning Policy No.6 “Planning Scheme Policy No.6 “FNQROC Development Manual”. The design and location of these devices must be submitted at Operational Works application stage.

Contributions

12. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council’s Planning Scheme Policy No. 11 – Water Supply and Sewerage Headworks and Works External Contributions (The Policy). The contribution shall be calculated at the rate per Equivalent Domestic Connection (EDC) applicable at the time of payment in accordance with the policy.

The current number of EDC’s for the approved use are:

Water Supply	21.8
Sewerage	21.8

Flooding and Drainage

13. Plans of the filling and excavation are to be designed in accordance with the FNQROC Development Manual and be submitted at Building Work stage and must not:
- (a) Pond water on the site, adjacent site or impact on the adjacent State-controlled road;
 - (b) Result in an increase in the flow of water across a site or any other land or the adjacent State-controlled road; and
 - (c) In an increase in the volume of water or concentration of water in a watercourse and overland flow paths;

Car parking

14. A car parking area with a minimum of three hundred and thirty (330) spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard and the approved plan of development and maintained thereafter.
15. The developer/owner is to provide an amended plan of development prior to obtaining a Building Permit, showing nine (9) designated Disabled Car Parking spaces in accordance with the provisions of the Douglas Shire Planning Scheme.

Refuse

16. There is to be provided within the development an area for the storage and washing of all refuse containers in accordance with the *Environmental protection (Interim Waste) Regulation 1996*. Such area is to be:
- a) sufficient in size to be able to house all mobile garbage (wheelie) bins including recycling bins
 - b) situated so as not to cause an odour nuisance to any adjacent properties; and
 - c) imperviously paved and drained to a suitable silt trap; and
 - d) discharged to sewer to the satisfaction of the General Manager Engineering Services; and
 - e) provided with a suitable hose cock with backflow prevention device and hose ; and
 - f) roofed or provided with a suitable automatic diversion valve (or other approved method) designed to prevent the ingress of stormwater to sewer.

Advertising Devices

17. The developer/owner is to provide each Business/Shopping Facility with a blank “Below Awning Sign” with the following dimensions:
 - (a) Maximum height of 0.6 metres;
 - (b) Maximum width of 0.3 metres;
 - (c) Maximum length of 2.5 metres and does not project beyond the awning.

The blank sign can then be designed by the occupant of the facility when confirmed.

Environmental Management Plan

19. The Developer is to submit with the application for approval of Operational Works, an Environmental Management Plan (EMP) in accordance with the requirements of Planning Scheme Policy No.10 “*Reports and Information the Council may Request*”. This EMP must detail the controls to be utilised to ensure that no environmental harm or nuisance is caused from the construction of the works and must include a Stormwater Management Plan.

Compliance

20. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer security, associated with this approval will not be released until all conditions of approval are complied with.

Security

21. To guarantee the satisfactory completion of the landscaping and to ensure payment of headworks contributions, the developer shall lodge with the Council a Cash Bond or Guarantee to the value of \$194,957.00. Such guarantee shall be lodged prior to the issue of a Building Work Permit. The Council may call up this Guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so prior to issuing a permit for Building Work.

Advice

Should any future business wish to utilise a Chalk Board or A Frame Advertising Device; registration is required through Council's Environmental Health Services.

An application for an Operational Works Permit for an Advertising Device will be required to be submitted and approved by Council prior to the installation of any proposed Tenancy Sign or other advertising sign assessable against the Planning Scheme.

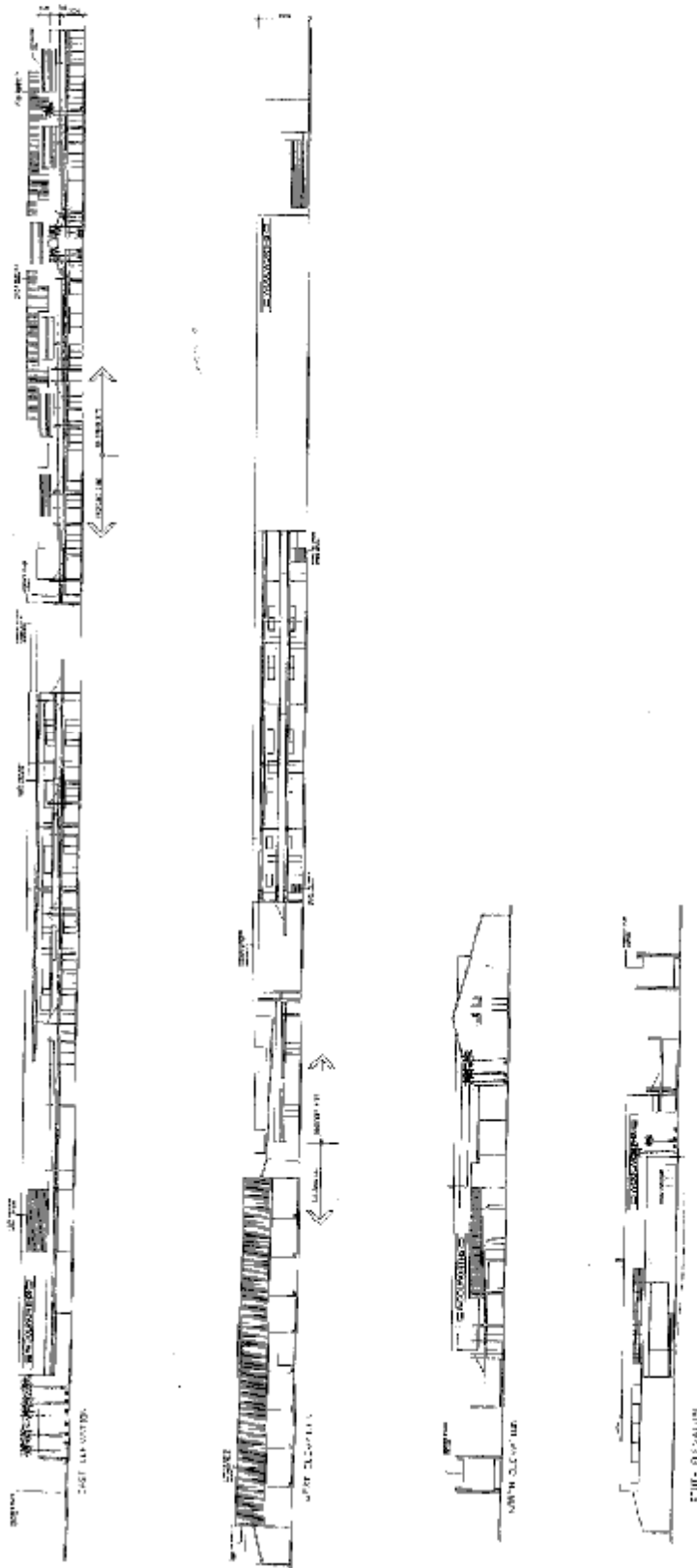
E. Further Development Approvals Required:

Operational Work
Building Permit

Development Permit
Development Permit


Paul Trotman
General Manager – Development & Environment

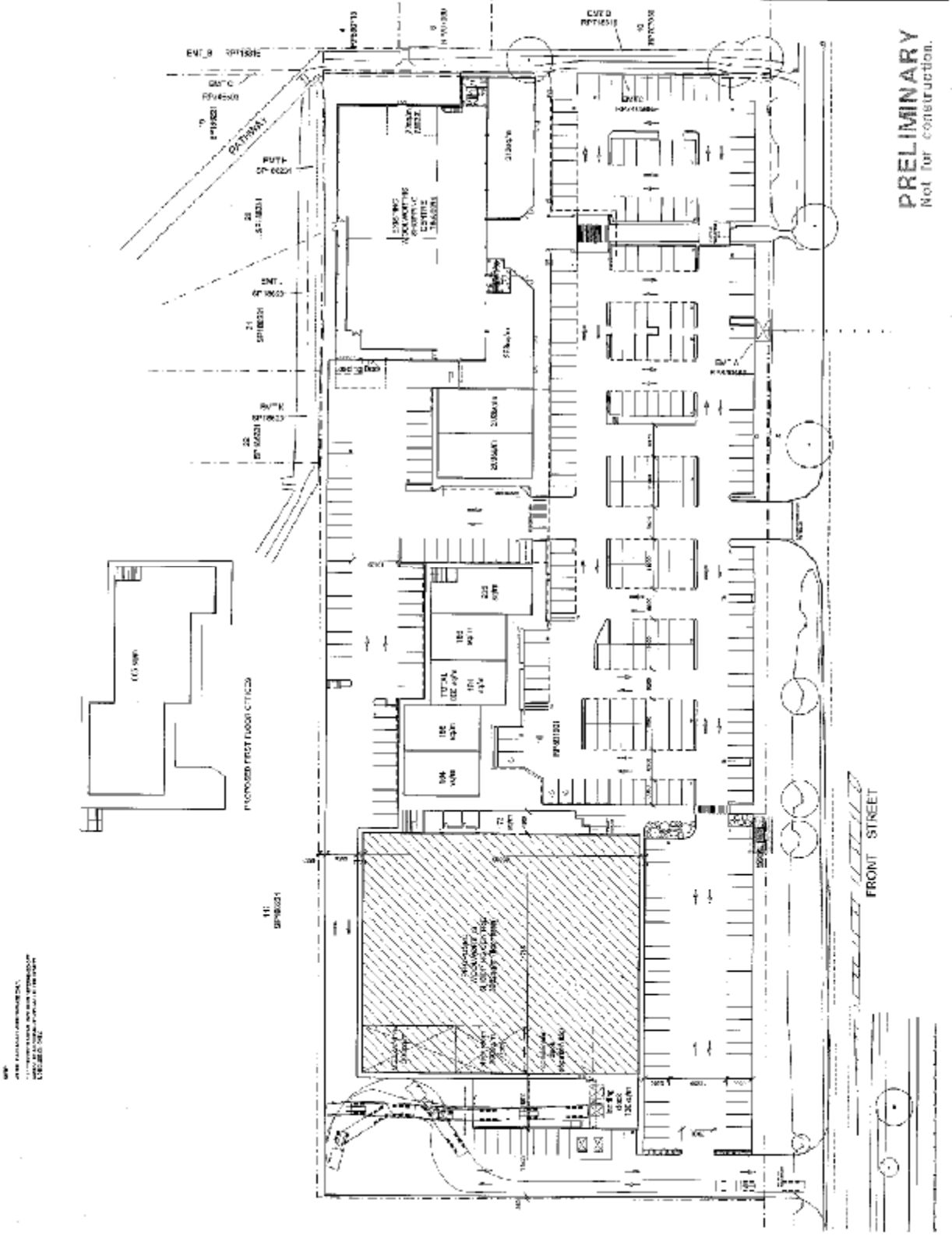
Appendix A – Plans of Development



Project: SHIPING CENTRE
 PROPOSED DEVELOPMENT
 OF TOWNSHIP OFFICES
 SIGHTING: N/BE
 AT CASTLE ROCK HWY
 MOSSBURN

Scale: 1:100
Date: 2010/05/10
Drawn By: J. J. J. J.
Checked By: J. J. J. J.
Scale: 1:100
Date: 2010/05/10

 Citrg 200 W. 10th St. Suite 100 Portland, OR 97209 Phone: 503.228.1111 Fax: 503.228.1112 Email: info@citrg.com Website: www.citrg.com	PROJECT NO. 2008-001 SHEET NO. 101 DATE: 08/15/08	CLIENT: [REDACTED]	ARCHITECT: [REDACTED]	ENGINEER: [REDACTED]	CONTRACTOR: [REDACTED]	DESIGNER: [REDACTED]	CHECKER: [REDACTED]	APPROVER: [REDACTED]	SCALE: 1/8" = 1'-0" NORTH ARROW	SHEET NO. 101 PROJECT NO. 2008-001 DATE: 08/15/08
	PRELIMINARY CONSTRUCTION DOCUMENTS NOT TO BE USED FOR CONSTRUCTION									



PRELIMINARY
Not for construction.

NOT FOR CONSTRUCTION
THIS DOCUMENT IS PRELIMINARY
AND SHOULD NOT BE USED FOR CONSTRUCTION

Appendix B – Department of Main Roads conditions

18 June 2007

Ms Julie Leu
A/ Chief Executive Officer
Douglas Shire Council
PO Box 357
Mossman Qld 4873

DOUGLAS SHIRE COUNCIL RECEIVED	
FILE NAME	MCL
DOCUMENT	
19 JUN 2007	
ATTENTION	NAC
INFORMATION	

**Queensland
Government**

Department of Main Roads

Dear Ms Leu

**Douglas Shire : Captain Cook Highway (Front Street)
Situating at Town & Country Shopping Centre, Front Street, Mossman
Lot 101 on SP.186233, Parish of Victory
Town & Country Limited
Proposed Material Change of Use (Shopping Facilities & Business Facilities) Application
Concurrence Agency's Response (conditions apply)**

I refer to the above application received at the Department 15 February 2007, 20 February 2007 and 11 May 2007 requesting consideration of the above development.

A. CONDITIONS OF DEVELOPMENT

Pursuant to the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application:

1. Permitted Road Access Location

- (i) Access between Front Street and the proposed development shall be via:
 - the existing access located opposite the Harper Street intersection, and
 - a new access located at the southern side boundary of the subject land.
- (ii) No additional direct access between Front Street and the proposed development is permitted.

2. Road Access Works

- (i) Road access works at the permitted road access locations are required, and shall be constructed in accordance with:
 - the Department of Main Roads *Road Planning and Design Manual* and
 - current Department of Main Roads standards.

Office of the Deputy Director-General
Peninsula District
Level 4, Cairns Corporate Tower, 15 Lake Street
Cairns, Queensland 4870
PO Box 6160 Cairns Queensland 4870
ADN 87 836 727 711

Our ref 4520A/102 (161.04)
Your ref MCUC 007/07
Enquiries Malcolm Hardy
Telephone +61 7 4050 5511
Facsimile +61 7 4050 6400
Website www.peninsula@dmrroads.qld.gov.au

A recent site inspection indicates that the required road access works are as follows:

- a channelised right turn treatment (CHR) at the new access,
- an auxiliary left turn treatment (AUL) at the new access,
- provision of a concrete splitter median in the new access
- concrete island left in, left out only, arrangement at the existing access,
- an auxiliary left turn treatment with a short turn slot [AUL(S)] at the existing access
- a channelised right turn treatment with a short turn slot [CHR(S)] into Harper Street,
- a concrete pedestrian refuge in Front Street north of Harper Street

Category V3 lighting is required for this project.

Lighting standards have changed in recent times. The lighting installation will need to comply with the following:

- The Electrical Safety Act and regulations 2002
- Australian Standards (AS1158.1.1 2005 Lighting for roads and public spaces, AS3000 2000 Australian wiring rules for electrical installations)
- DMR Road Planning & Design Manual (RP&DM) Chapter 17
- MR specifications MRS11.91, MRS11.92, MRS11.94 and MRS11.95
- MR Standard Drawings
- District specific standards, notes and drawing details (made available on request)

RPEQ (electrical) certification is mandatory.

Any necessary relocation of Council water mains, Telstra and electrical services are to be undertaken at no cost to DMR and works completed to the service provider's satisfaction. No existing water mains within 3.0 m. of the new sealed shoulder edge shall be permitted.

- (ii) The landowner/ applicant shall submit design drawings prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) for approval of the Cairns office of the Department of Main Roads prior to commencing works within the State-controlled road reserve (i.e. Front Street).
- (iii) All required road access works shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the commencement of the approved use on the subject land.

3. Hydraulic Considerations

To protect the existing flood immunity of the State-controlled road (i.e. Front Street), the landowner/ applicant shall seek the approval of the Director-General of the Department of Main Roads prior to any works commencing on the subject land which may result in changes to the existing water flows, afflux levels and/ or hydraulic structures along, under or over Front Street.

4. Visual Amenity Treatments

The applicant/ landowner shall provide a minimum 3m wide landscaped strip and building alignment setback along the subject land's frontage to Front Street to screen the onsite carparking provision and vehicular circulation. The landscaping shall be designed and planted such that when the landscaping matures, it provides a minimum 1m high screening and complementary screen trees approximately 6m tall at 7m spacings.

The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council does not have standards, then the only requirements are that the species are native, low maintenance species that are effective at providing the necessary screening specified above and do not create a safety risk (i.e. no thorns, poisonous fruits or berries or large nuts).

All landscaping works shall be completed prior to the commencement of the approved use, to the satisfaction of the Director-General of the Department of Main Roads and the Douglas Shire Council.

5. Provision of Pedestrian/ Bicycle Path

- (i) The applicant/landowner shall provide a 2m wide concrete pedestrian/ bicycle path along the full Front Street frontage, with links into the proposed development north and south of the existing road access location, subject to the approval of the Department of Main Roads.
- (ii) The applicant/landowner shall construct the pedestrian/ bicycle path to the requirements of the Douglas Shire Council prior to the commencement of the approved use on the subject land.

6. Parking

When calculating carparking requirements associated with the proposed development, no allowance shall be made for parking within the State-controlled road reserves (i.e. Front Street).

7. Advertising

No advertising device for the proposed development on the subject land is permitted within the State-controlled road reserves (i.e. Front Street).

Reasons

The reasons and information used in the setting of conditions detailed above include:

- Department of Main Roads Access Policy;
- Department of Main Roads Involvement in Development Application Referrals and Assessment Guide; and
- Douglas Shire Planning Scheme.

B. GENERAL DISCUSSION

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely



David Hubner

MANAGER (TRANSPORT PLANNING) PENINSULA

*Division 8 – Appeals to court relating to development applications***Appeals by applicants**

- 4.1.27.** (1) An applicant for a development application may appeal to the court against any of the following:-
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under Section 3.1.6;66
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within twenty (20) business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

Division 10 – Making an appeal to court

How appeals to the court are started

- 4.1.39**
- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
 - (2) The notice of appeal must state the grounds of the appeal.
 - (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
 - (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).