

OUR REF: MCUC 3012/2009 (429361)

22 September 2014

Town & Country Limited
PO Box 100
MOSSMAN QLD 4873

Attention: Mr Kim Copland

Dear Sir

**DECISION NOTICE UNDER S 369 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 63-71 FRONT STREET, MOSSMAN**

With reference to your request to change a condition of approval (Council document reference 423589), which was determined by Council at the Ordinary Meeting held on 16 September 2014, please find attached the relevant Changed Decision Notice.

The Notice includes extracts from the Act with respect to lodging an Appeal.

Should you have any enquiries in relation to this Changed Decision Notice, please contact Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Donna Graham
Acting General Manager Operations

Att

APPLICANT DETAILS

Town & Country Limited
PO Box 100
MOSSMAN QLD 4873

ADDRESS

63-71 Front Street, Mossman

REAL PROPERTY DESCRIPTION

Lot 1 on SP258887

PROPOSAL

Shopping Facilities& Business Facilities – Request to Change Condition of Approval

DECISION

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

DECISION DATE

This Changed Decision Notice Dated 16 September 2014 replaces the Changed Decision Notice dated 4 April 2014.

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Work
Compliance Permit for Plumbing Work
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

1. That Condition 22 (a) be amended as follows:

Provision of a covered pedestrian walkway as detailed on Drawing No DA01 Issue E 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.

2. That all other conditions of Decision Notice for Development Permit MCUC 3102/2009 dated 14 December 2010 and amended by Decision Notice dated 15 January 2013 and Decision Notice dated 4 April 2014 remain unchanged.

RIGHTS OF APPEAL

Attached

End of Decision Notice

ATTACHMENT 1: DEVELOPMENT APPROVAL DATED 4 APRIL 2014

OUR REF: MCUC 3102/2009 (418892)

4 April 2014

Prime Constructions Qld Pty Ltd
PO Box 1056
NORTH CAIRNS QLD 4870

Attention: Mr John MacPherson

Dear Sir

**DECISION NOTICE UNDER S 369 SUSTAINABLE PLANNING ACT 2009:
REQUEST TO CHANGE CONDITIONS OF APPROVAL
73-85 FRONT STREET, MOSSMAN**

With reference to the abovementioned request, which was determined by Council at the Ordinary Meeting held on 1 April 2014, please find attached the relevant Changed Decision Notice.

The notice includes extracts from the Act with respect to lodging an Appeal.

Should you have any enquiries in relation to this Changed Decision Notice, please contact Neil Beck of Council's Development and Environment Branch on telephone number (07) 4099 9451.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

Prime Constructions Qld Pty Ltd
PO Box 1056
NORTH CAIRNS QLD 4870

ADDRESS

73-85 Front Street, Mossman

REAL PROPERTY DESCRIPTION

Lot 2 on SP258887

PROPOSAL

Shopping Facilities & Business Facilities – Request to Change Conditions of Approval

DECISION

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

DECISION DATE

This Changed Decision Notice dated 1 April 2014 replaces the Decision Notice dated 15 January 2013.

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Work
Development Permit for Plumbing Work
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

- A. 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-DA01</u> <u>D 602682 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	<u>GCS06 - 194</u>	<u>06/05/07</u>
DMR Option Concept Layout	<u>GCS06 - 194</u>	<u>06/05/07</u>
<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. 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.

RIGHTS OF APPEAL

Attached

End of Decision Notice

ATTACHMENT 2: DEVELOPMENT APPROVAL DATED 15 JANUARY 2013

ENQUIRIES: Lauren Stiles
PHONE: (07) 4044 3096
FAX: (07) 4044 3836
YOUR REF: 62830/6509
OUR REF: 8/38/2 (3841734)

22 September 2014

RPS Australia East Pty Ltd
Town & Country Limited
PO Box 1949
CAIRNS QLD 4873

Dear Sir/Madam

**AMENDED DECISION NOTICE FOR REQUEST FOR MINOR CHANGE TO
CONDITIONS FOR 63 FRONT STREET, MOSSMAN**

With reference to your request for Minor Change to Conditions of approval, please find attached the relevant Amended Decision Notice which replaces the Decision Notice issued on 14 January 2013.

The notice includes extracts from the Act with respect to making representations about lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Lauren Stiles of Council's Development Assessment Team on telephone number (07) 4044 3096.

Yours faithfully

Neil Beck
Acting Manager Development Assessment

Att

APPLICANT DETAILS

RPS Australia East Pty Ltd
Town & Country Limited
PO Box 1949
CAIRNS QLD 4870

ADDRESS

63 Front Street, Mossman

REAL PROPERTY DESCRIPTION

Lot 101 on SP186233

PROPOSAL

Shopping Facilities & Business Facilities – Request for Minor Change to Conditions of Approval

DECISION

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

DECISION DATE

14 January 2013

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

(State Controlled Roads, Public
Passenger Transport & Railway Matters)
Department of Transport and Main Roads
Far North Region (Cairns)
PO Box 6185
CAIRNS QLD 4870
None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works
Development Permit for Plumbing Works
Development Permit for Operational Works

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:

1. That Condition 1 be amended as follows:

Drawing or Document	Reference	Date
Proposed Site Plan	07125-DA100B <u>602682 DA01 D</u>	Jan 2009 <u>23/11/2012</u>
Proposed Elevations <u>Elevations and Section</u>	07125-DA101B <u>602682 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 a new condition be inserted into the Development Permit:

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.

e. ~~Proposed Building A is to be setback a minimum of 6m from the Front Street boundary to minimise the visual impact of the development on the Front Street streetscape. The setback area must be landscaped with deep planted trees using species that are native to the locality.~~

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.

3. That all other conditions of Decision notice for Development Permit 8/38/2 dated 14 December 2010 remain unchanged.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

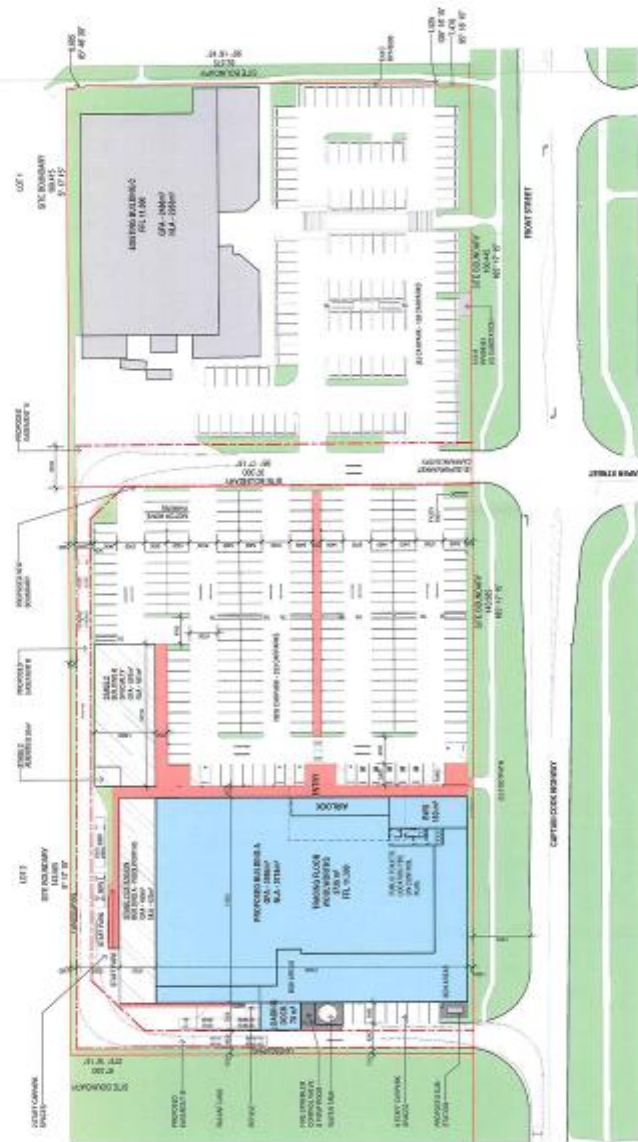
Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
<u>Department of Transport and Main Roads</u>	<u>TMR12-114779 (500/214)</u>	<u>29 November 2012</u>	<u>3806617</u>

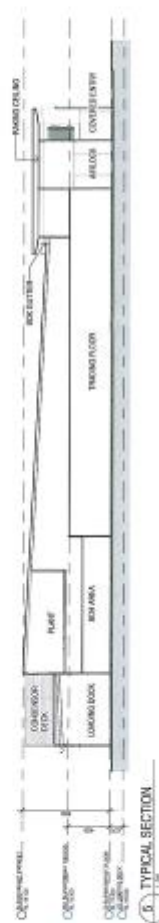
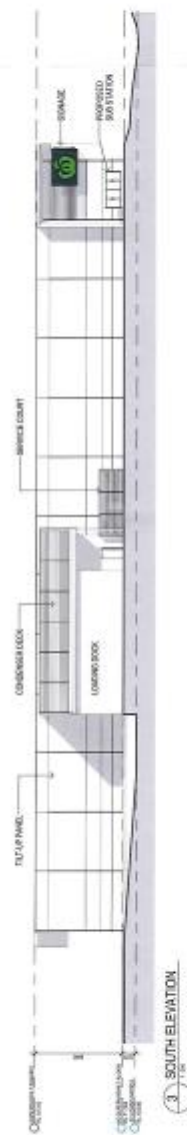
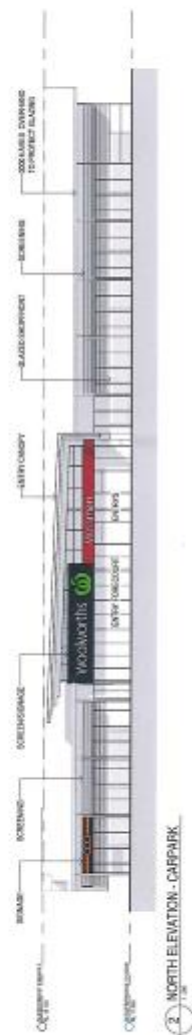
Refer to Appendix 2: Concurrence Agency Response. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

RIGHTS OF APPEAL

Attached

End of Decision Notice

[illegible][illegible]



DATE	6/26/2002	DATE	6/26/2002
TIME	10:00 AM	TIME	10:00 AM
LOCATION	1000 WILSON AVE	LOCATION	1000 WILSON AVE
PROJECT	REPAIRS TO ROOF	PROJECT	REPAIRS TO ROOF
DESCRIPTION	REPAIRS TO ROOF	DESCRIPTION	REPAIRS TO ROOF
REMARKS	REPAIRS TO ROOF	REMARKS	REPAIRS TO ROOF
DATE	6/26/2002	DATE	6/26/2002
TIME	10:00 AM	TIME	10:00 AM
LOCATION	1000 WILSON AVE	LOCATION	1000 WILSON AVE
PROJECT	REPAIRS TO ROOF	PROJECT	REPAIRS TO ROOF
DESCRIPTION	REPAIRS TO ROOF	DESCRIPTION	REPAIRS TO ROOF
REMARKS	REPAIRS TO ROOF	REMARKS	REPAIRS TO ROOF

APPENDIX 2: CONCURRENCE AGENCY RESPONSE TO REQUEST TO CHANGE EXISTING APPROVAL



Our ref.: TMR12-004779 (500/214)
Your ref.: 8/38/2-10

C/c The Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

Attention: Luke Jackson



Please find attached correspondence for your information and action as required. Should you wish to discuss this correspondence, please contact Malcolm Hardy, Senior Town Planner (Corridor Management) on 07 4050 5511.

Yours sincerely

A handwritten signature in black ink, appearing to read "Malcolm Hardy".

Malcolm Hardy
Senior Town Planner (Corridor Management)

29 November 2012



29 November 2012

RPS Group
PO Box 1949
Cairns QLD 4870

Attention: Stuart Ricketts

Dear Sir

REQUEST TO CHANGE DEVELOPMENT APPROVAL – RESPONSIBLE ENTITY NOTICE OF DECISION

Proposed Development: DEVELOPMENT PERMIT for MATERIAL CHANGE OF USE (SHOPPING FACILITIES & BUSINESS FACILITIES)
Real Property Description: Lot 101SP186233, 10RP891901 (Former)
Street Address: 63 Front Street, Mossman QLD 4873
Assessment Manager ref.: 8/38/2-10
Local Government Area: Cairns Regional Council

The Department of Transport and Main Roads (the department) confirms receipt of your request to change the abovementioned development approval under Section 369 of the *Sustainable Planning Act 2009* (SPA) on 27 November 2012. The development approval for the original development application was decided on 2 August 2007 and (amended decision notice on) 12 May 2009.

The following changes to the department's concurrence agency response have been requested:

Review concurrence agency conditions against revised development plans:

- Suturs PGD Architects Proposed Site Plan, 602682 DA01 Issue D, dated 23.11.2012,
- Suturs PGD Architects Elevations & Section, 602682 DA02 Issue D, dated 23.11.2012, and
- Suturs PGD Architects 3D Views, 602682 DA03 Issue C, dated 23.11.2012.

Department of Transport and Main Roads
Program Delivery and Operations
Far North Region
Cairns Corporate Tower, 15 Lake Street Cairns Queensland 4870
PO Box 6185 Cairns Queensland 4870

Our ref TMR12-004779 (500/214)
Your ref PR115098-1/SDR/AF/L71552
Enquiries Malcolm Hardy
Telephone +61 7 4050 5511
Facsimile +61 7 40505429
Website www.tmr.qld.gov.au
Email Malcolm.R.Hardy@tmr.qld.gov.au

Page 1 of 2

The department as the responsible entity has assessed your request against its jurisdiction, namely, the purposes of the Transport Infrastructure Act 1994 for state-controlled roads and having regard to the matters set out in Section 374 of the SPA. Please be advised that under Section 375 of the SPA, the department has decided to approve the request without any change to the 7 department conditions of development attached to Council's decision notices.

Pursuant to section 466 of the SPA, you may appeal to the Planning and Environment Court against this decision. Your appeal must be started within 20 business days after the day the notice of the decision is given to you. Your notice of appeal should be forwarded to the Planning Law Team, Planning Management Branch, Department of Transport and Main Roads, GPO Box 213, Brisbane QLD 4001.

Should you have any queries regarding this information request, please do not hesitate to contact Malcolm Hardy, Senior Town Planner (Corridor Management) on 07 4050 5511.


Yours sincerely



Malcolm Hardy
Senior Town Planner (Corridor Management)

C/c The Chief Executive Officer
 Cairns Regional Council
 PO Box 359
 CAIRNS QLD 4870

APPENDIX 3: UPDATED INFRASTRUCTURE CHARGES CALCULATIONS

		2006 Douglas Shire Planning Scheme Applications	
INFRASTRUCTURE CHARGES NOTICE			
Town and Country Limited		N/A	
DEVELOPERS NAME		ESTATE NAME	
63 Front Street		Mossman	
STREET No. & NAME		SUBURB	
MCU - Shopping & Bus Facilities		8/38/2	
DEVELOPMENT TYPE		COUNCIL FILE NO.	
3840687		1	
SKIDS No.		VERSION No.	
		This logsheet is indexed appropriately only for payments made within the quarter noted above.	
		LOT & RP No.s Lot 101 SP 186233	
		QUARTER ENDING 30-Sep-12	
		PARCEL No. 4	
		VALIDITY PERIOD 11904	

	DIST.	\$ / ERA		NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
WATER								
EX	9	4,108.36	X	18.70	0.00	\$76,826.30		T 615/ 05672
Pro	9	28.96	X	18.70	0.00	\$541.55		T 616/ 05658
Water sub - total						\$77,367.85		
SEWERAGE								
Ex	1	2,135.82	X	18.70	0.00	\$39,939.76		T 617/ 05684
Pro	1	6,404.03	X	18.70	0.00	\$119,755.41		T 618/ 05678
Sewerage sub - total						\$159,695.18		
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						\$237,063.03		

Prepared by	Lauren Stiles	on	11-Jan-13	Amount Paid	
Checked by	Claire Garner	on	11-Jan-13	Date Paid	
Date Payable					
Amendments					

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 dated cheques

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



DEVELOPERS CONTRIBUTIONS

2006 Planning Scheme (including 2008 Amendments)

SUMMARY

Preliminaries

Developer	Town and Country Limited	Development Type	MCU - Shopping & Bus Facilities
Estate Name	N/A	Status	2006 DSC Planning Scheme Applications
Stage	N/A	Quarter Ending Effective	Sep-12
Street No. and Name	63 Front Street	SKIDS No.	3840687
Suburb	Mossman	Version No.	1
Parcel No.	11904	Current RICI	0.00
Lot and RP No.	Lot 101 SP 186233	Current CPI	101.60
Development Permit No.	8/38/2	Validity Period	4
		Current R&B	0

Water Supply	Adjustment Index:	CPI	
District No.	9	Receipt Code Existing	05672
District Name	Mossman South	Receipt Code Proposed	05658
Base Rate - existing	\$3,756.56	Current Rate (Indexed)	\$4,108.36
Base Rate - proposed	\$26.48	Current Rate (Indexed)	\$28.96
Base Rate - total	\$3,783.04	Current Rate (Indexed)	\$4,137.32
Base Date	Jun-09	Base Index:	92.90
Proposed Demand			
29.648 Shopping Facility - per 250m2		29.65	EDC
None		0.00	EDC
None		0.00	EDC
Total demand		29.65	EDC
Existing land use			
9.952 Shopping Facility - per 250m2		9.95	EDC
None		0.00	EDC
None		0.00	EDC
Nominal use credit		9.95	EDC
Long term water use			
Credit for long term water consumption removed from policy on 12.2.2002 as per minutes of meeting #403699			
Previous contribution			
Historical amount		\$4,137.32	
Date of payment	15-Jan-13		
Credit for previous payment		0.00	EDC
Credit for Works External			
Opening balance of works external		\$0.00	
Opening balance of credits		\$0.00	
Credit claimed	\$4,137.32	1.00	EDC
Net demand		18.70	EDC
Net Charges	360	\$76,826.30	
Net Charges	357	\$541.55	
Contributions		\$77,367.85	
Time of payment	prior to commencement of works		

Sewerage	Adjustment Index:	CPI	
District No.	1	Receipt Code Existing	05684
District Name	Mossman / Cooya	Receipt Code Proposed	05678
Base Rate - existing	\$2,112.69	Current Rate (Indexed)	\$2,135.82
Base Rate - proposed	\$6,334.70	Current Rate (Indexed)	\$6,404.03
Base Rate - total	\$8,447.39	Current Rate (Indexed)	\$8,539.85
Base Date	Jun-12	Base Index:	171.80
Proposed Demand			
30 Shopping Facility - per 250m2		29.65	EDC
None		0.00	EDC
None		0.00	EDC
Total demand		29.65	EDC
Existing land use			
10 Shopping Facility - per 250m2		9.95	EDC
None		0.00	EDC
None		0.00	EDC
Nominal use credit		9.95	EDC
Long term water use			
Credit for long term sewer use removed from policy on 12.2.2002 as per minutes of meeting #403699			
Previous contribution			
Historical amount		\$8,539.85	
Date of payment	15-Jan-13		
Credit for previous payment		0.00	EDC
Credit for Works External			
Opening balance of works external		\$0.00	
Opening balance of credits		\$0.00	
Credit claimed	\$8,539.85	1.00	EDC
Net demand		18.70	EDC
Net Charges Existing Works	359	\$39,939.76	
Net Charges Proposed Works	356	\$119,755.41	
Contributions		\$159,695.18	
Time of payment	prior to commencement of use		

Road Network	Adjustment Index:	CPI	
District No.	0		No Policy in Former DSC Area
District Name	0		
Receipt Code	0		
Base Rate	\$0.00 /ERA	Base Index	0.00
Base Date	Jan-00	Current Rate (Indexed)	\$0.00 /ERA
Proposed Demand			
None		0.00	ERA
None		0.00	ERA
None		0.00	ERA
Total demand		0.00	ERA
Existing land use			
None		0.00	ERA
None		0.00	ERA
None		0.00	ERA
Allowable credit		0.00	ERA
Net demand		0.00	ERA
Subtotal		\$0.00	
Credit for Works External			
Works external	0	\$0.00	
Opening balance of credits		\$0.00	
Credit for this work		\$0.00	
Closing Balance for works external		\$0.00	
Contributions		\$0.00	
Time of payment			

Drainage	District No:	44	
District Name	None		
Mitigation			
Unit	Ha	Adjustment Index:	0
Quantity	0.00		
Receipt Code	0		
Base Rate	\$0.00	Base Index	0.00
Base Date	Jan-00	Current Rate (Indexed)	\$0.00
Demand			
None		\$0.00	
Sub-total		\$0.00	
Credit for works external			
Works external	0	\$0.00	
Opening balance of credits		\$0.00	
Credit for this work		\$0.00	
Closing Balance for works external		\$0.00	
Contributions (Mitigation)		\$0.00	
Water Quality			
Unit	Ha	Adjustment Index:	0
Quantity	0		
Receipt Code	0		
Base Rate	\$0.00	Base Index	0.00
Base Date	Jan-00	Current Rate (Indexed)	\$0.00
Demand			
None		\$0.00	
Sub-total		\$0.00	
Credit for works external			
Works external	0	\$0.00	
Opening balance of credits		\$0.00	
Credit for this work		\$0.00	
Closing Balance for works external		\$0.00	
Contributions (Water Quality)		\$0.00	
Time of payment			

Open Space

Other	Adjustment Index:	Other	
Districts			
Number	Name	Receipt Code	
2	Former DSC Area	516	\$0.00
Contribution		\$0.00	
Time of payment			

Other Bonds and Contributions			
None		\$0.00	
None		\$0.00	
Port Douglas General road upgrade	348 / 05427	\$0.00	
None		\$0.00	
Subtotal		\$0.00	
Time of payment	prior to commencing works for reconfiguration		
Adjustment Index:	CPI		

Amendments

0	
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Prepared	Lauren Stiles	11-Jan-13
Checked	Claire Garner	11-Jan-13
TOTAL		\$237,063.03

ATTACHMENT 3: COPY OF EXISTING APPROVAL

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.

.../3.

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.

.../4.

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

.../5.

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.

.../6.

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.

.../7.

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.

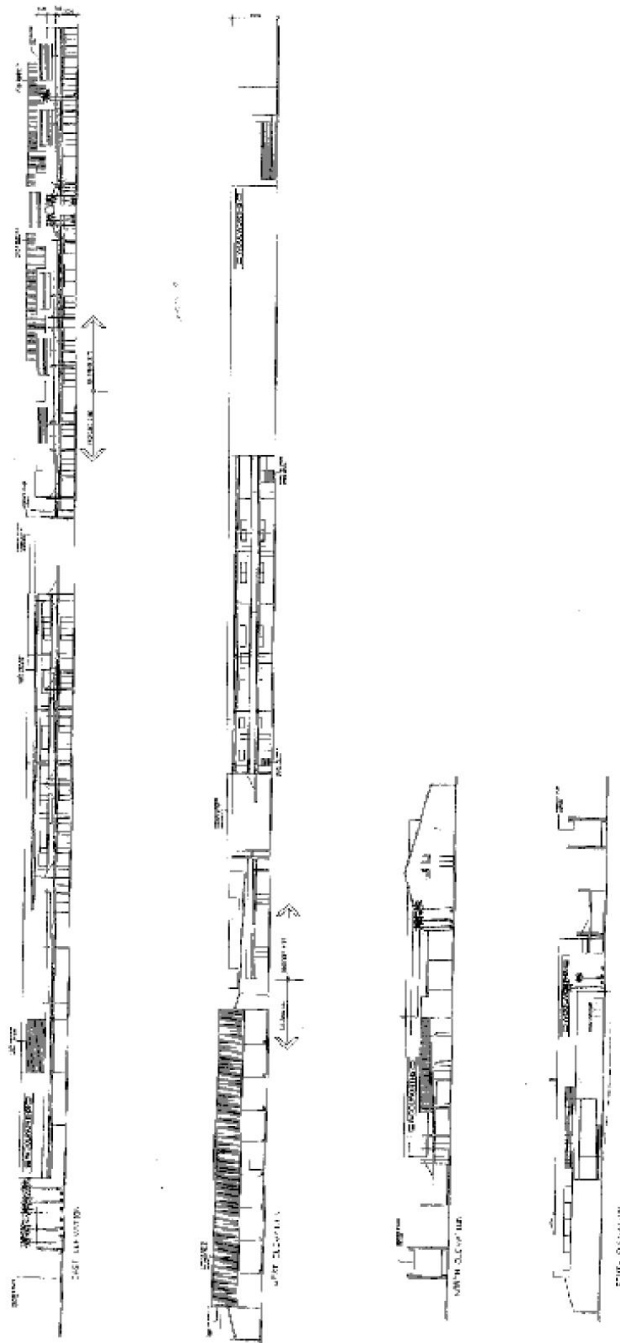
E. Further Development Approvals Required:

Operational Work
Building Permit

Development Permit
Development Permit

Paul Trotman

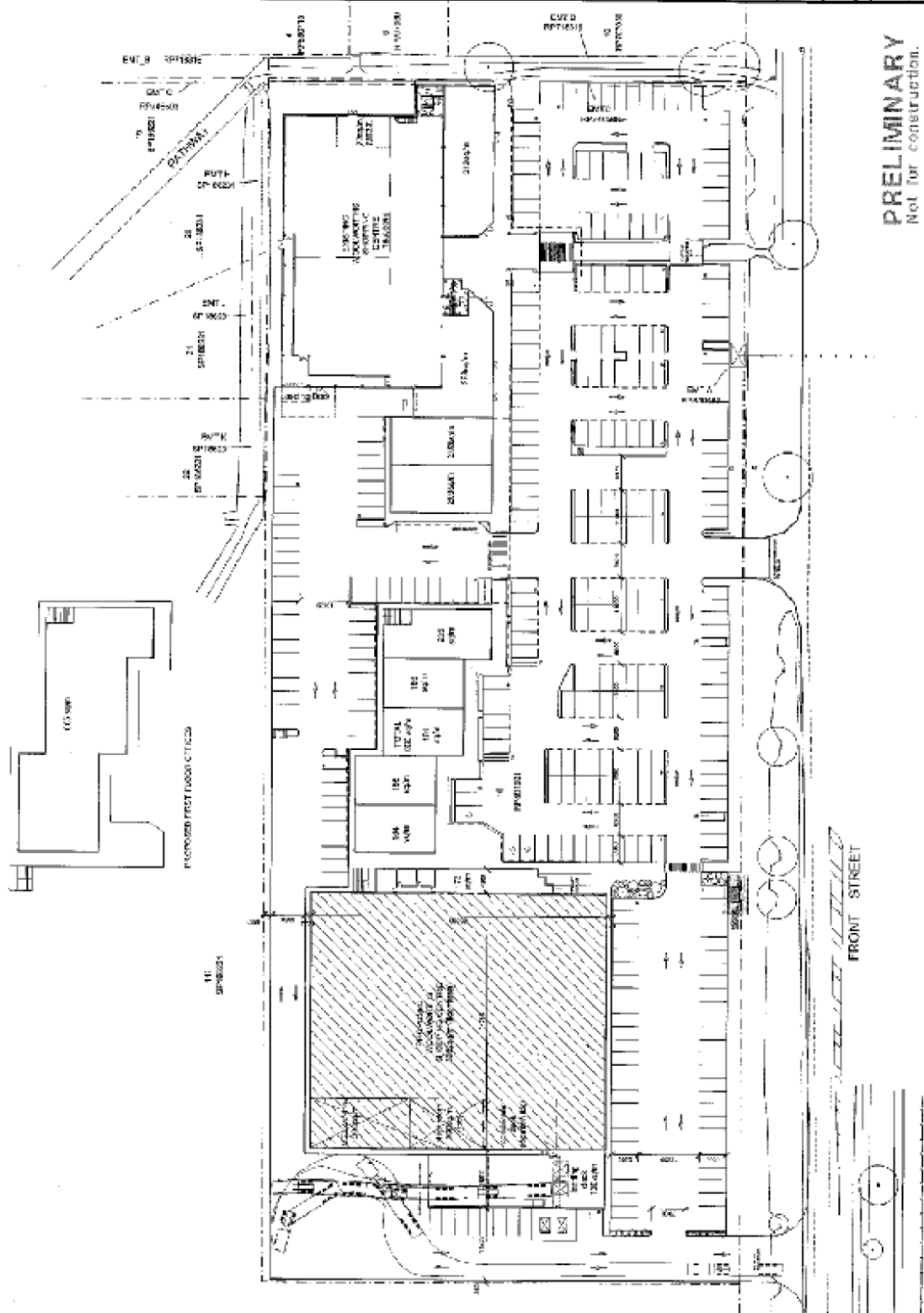
General Manager – Development & Environment

[illegible]

trg
The Right Place, Right Time, Right Way

PROJECT: 43.2009.3102
SHEET: 27/31
DATE: 01/15/2010
DRAWN BY: J. H. HARRIS
CHECKED BY: J. H. HARRIS
APPROVED BY: J. H. HARRIS

CLIENT: TRG
PROJECT: 43.2009.3102
SHEET: 27/31
DATE: 01/15/2010
DRAWN BY: J. H. HARRIS
CHECKED BY: J. H. HARRIS
APPROVED BY: J. H. HARRIS



PRELIMINARY
Not 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	MCU
DOCUMENT	
19 JUN 2007	
ATTENTION	NAC
INFORMATION	

**Queensland
Government**

Department of Main Roads

Dear Ms Leu

Douglas Shire : Captain Cook Highway (Front Street)
Situated 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 8165 Cairns Queensland 4870
ABN 57 836 727 711

Our ref 4520A/102 (161.04)
Your ref MCUC 007807
Enquiries Malcolm Hardy
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5430
Website www.pdmainroads.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