

Jenny Elphinstone CRC DA 8/30/117  
41.2008.2446 (ROL 2008/2446) (ID 401605)

**MEMO TO:** PAUL HOYE – GENERAL MANAGER OPERATIONS  
**FROM:** JENNY ELPHINSTONE – SENIOR PLANNING OFFICER  
**DATE:** 16 JANUARY 2014  
**SUBJECT:** **DELEGATED AUTHORITY REPORT  
REQUEST TO CHANGE THE NEGOTIATED DECISION NOTICE  
FOR RECONFIGURE A LOT (1 INTO 20 LOTS) AND MCU  
MULTI-UNIT HOUSING – 18 OWEN STREET MOSSMAN**

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**PROPOSAL:** REQUEST TO CHANGE THE DEVELOPMENT APPROVAL (NEGOTIATED DECISION NOTICE) TO RECONFIGURE A LOT (1 INTO 2 LOTS) AND MATERIAL CHANGE OF USE FOR MULTI-UNIT HOUSING (5 UNITS)

**APPLICANT:** P W VAN TILBURG  
C/- CONICS PTY LTD  
PO BOX 355  
MOSSMAN QLD 4873

**LOCATION:** 18 OWEN STREET, MOSSMAN

**PROPERTY:** LOT 22 ON RP706256

**LOCALITY:** MOSSMAN AND ENVIRONS

**PLANNING AREA:** RESIDENTIAL 2

**PLANNING SCHEME:** DOUGLAS SHIRE PLANNING SCHEME 2008

**REFERRAL AGENCIES:** NONE APPLICABLE

**NUMBER OF SUBMITTERS:** NO SUBMITTERS

**STATUTORY ASSESSMENT DEADLINE:** 28 FEBRUARY 2014

**APPLICATION DATE:** 16 APRIL 2008 (ORIGINAL APPLICATION)  
16 JANUARY 2014 (REQUEST TO CHANGE)

**APPENDIX:** 1. NEGOTIATED DECISION NOTICE

## LOCALITY PLAN



### RECOMMENDATION:

That the General Manager Operations, under Instrument of Delegation, approves the request to amend the Negotiated Decision issued on 28 October 2011 for 18 Owen Street, Mossman, being more particularly described as lot 22 on RP706256 whereby:

1. The additional Advice is included on the approval:

7. Infrastructure Charges

#### Reconfiguration of a Lot

A monetary contribution to Council towards the provision of infrastructure is required in accordance with the Infrastructure Charges Notice attached to this decision. The contribution payable will be in accordance with the Planning Scheme Policy.

Contributions must be paid at the rates applicable at time of payment. Payment is required prior to the issue of a Compliance Certificate for the Plan of Survey.

#### Material Change of Use

A monetary contribution to Council towards the provision of infrastructure is required in accordance with the Infrastructure Charges Notice attached to this decision. The contribution payable will be in accordance with the Planning

## **Scheme Policy.**

**Contributions must be paid at the rates applicable at time of payment.  
Payment is required prior to the Commencement of Use.**

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### **EXECUTIVE SUMMARY:**

Approval issued for a Negotiated Decision for the combined development being the reconfiguring the land from one lot into two lots and for a material change of use for the development of units on the land.

The application was lodged and a Decision Notice issued under the *Integrated Planning Act 1997*. The Negotiated Decision Notice was issued under the continuing provisions of the *Sustainable Planning Act 2009* (SPA). A copy of the Negotiated Decision Notice is included in Appendix 1.

The Decision Notice included conditions requiring the payment of developer contributions and these were replaced with a condition requiring the payment of infrastructure charges under the Negotiated Decision Notice. This change is adequate under the SPA for the future imposition of infrastructure charges as the approval straddled the legislative changes.

Under SPA Council can no longer include a condition on an approval requiring the payment of developer contributions. Instead, Council can include an Advice and issue an Infrastructure Charges Notice. For clarity of the approval the Applicant has requested Council include an Advice on the Negotiated Decision Notice. The Applicant is currently in the process of selling the property.

No issue is raised with the request which is considered as a clerical change. Planning circumstances have not changed since the issue of the Negotiated Decision Notice.

### **Application Fee**

The application was lodged on the Applicant's understanding from previous Council advice that the requested change was necessary to ensure payment of infrastructure charges. This advice was incorrect as the transitional provisions of SPA retained the payment via conditions for pre IPA applications and decisions. On this basis the fee for the request has been waived.

### **Mayoral Referral**

Due to the minor clerical nature of the requested amendment this matter was not referred to the Mayor for comment.

### **RECOMMENDING OFFICER**

Jenny Elphinstone  
Senior Planning Officer  
Action Officer

**MANAGER COMMENT**

Agreed

Donna Graham  
Manager Development Environment

**DELEGATE AUTHORITY**

Approved / ~~Not Approved~~

Paul Hoyer  
General Manager Operations

## APPENDIX 1: NEGOTIATED DECISION NOTICE

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ENQUIRIES: Mrs Jenny Elphinstone  
PHONE: (07) 4099 9482  
FAX: (07) 4044 3836  
YOUR REF: 9325/DF/NAT/L65557  
OUR REF: 8/30/117 (3371454)

28 October 2011

Mr Paul W Van Tilburg  
C/- RPS Australia East Pty Ltd  
PO Box 1949  
**CAIRNS QLD 4870**

Attention: Mr Owen Caddick-King

Dear Sir

**NEGOTIATED DECISION NOTICE UNDER S 810 SUSTAINABLE PLANNING  
ACT 2009: DEVELOPMENT APPLICATION FOR 18 OWEN STREET, MOSSMAN**

With reference to the abovementioned request for a Negotiated Decision, please find attached the relevant Negotiated Decision Notice which was determined at the Ordinary Council Meeting held on 26 October 2011.

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

Should you have any enquiries in relation to this Negotiated Decision Notice, please contact Jenny Elphinstone of Council's Development Assessment team on telephone number (07) 4099 9482.

Yours faithfully

Kelly Reaston  
**Manager Development Assessment**

Att

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**APPLICANT DETAILS**

Paul W Van Tilburg  
C/- RPS Australia East Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

**ADDRESS**

18 Owen Street, Mossman

**REAL PROPERTY DESCRIPTION**

Lot 22 on RP706256

**PROPOSAL**

Request for a Negotiated Decision

**DECISION**

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

**DECISION DATE**

This Negotiated Decision Notice dated 28 October 2011 replaces the Decision Notice dated 16 June 2009.

**TYPE**

Combined Application (Reconfiguration and Material Change of Use)

**REFERRAL AGENCIES**

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

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**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 expressions means:

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Reconfiguration of a Lot generally in accordance with Clarkeville Designs Drawing 9-07-1.A, dated 31 May 2011 and as amended by Conditions 3 and 22 of the approval	CONICS Drawing 9325-1, Issue A To be determined	<del>20-March-2008</del> To be determined
Plan View generally in accordance with Clarkeville Designs Drawing 9-07-1.A, dated 31 May 2011 and as amended by Conditions 3 and 22 of the approval	Proposed Units Broadacre Dev. P/L, Clarkeville Designs Drawing 9-07-1 Sheet 1 of 2 To be determined	<del>20/12/2007</del> as amended and submitted to Council on 11 May 2009 (Council document reference 205-1430) To be determined
Plan View & Elevation generally in accordance with Clarkeville Designs Drawing 9-07-1.A, dated 31 May 2011 and as amended by Conditions 3 and 22 of the approval	Proposed Units Broadacre Dev. P/L, Clarkeville Designs Drawing 9-07-1 Sheet 2 of 2 To be determined	<del>20/12/2007</del> as amended and submitted to Council on 11 May 2009 (Council document reference 205-1430) To be determined
Landscape Plan generally in accordance with Clarkeville Designs Drawing 9-07-1.A, dated 31 May 2011 and as amended by Conditions 3 and 22 of the approval	Hortulus Job BRO D6, Drawing LP_01, Issue G To be determined	<del>24-March-2009</del> To be determined

**ASSESSMENT MANAGER CONDITIONS**

**RECONFIGURING A LOT COMPONENT (Conditions 1 to 19 inclusive)**

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; and

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- 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 approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

#### **Amended Layout**

3. The layout must be amended, to the satisfaction of the Chief Executive Officer, to include the following requirements:

- a. ~~Splaying of the northwest and northeast corners of Proposed Lot 1;~~
- b. ~~For the first eight (8) metres of the driveway, commencing from the boundary to Owen Street, the driveway must have a minimum width of 5.5 metres together with a one (1) metre minimum wide landscape strip; and~~
- c. ~~A minimum area of 1000 m<sup>2</sup> be allocated for Proposed Lot 1.~~
- a. Inclusion of an access easement over the driveway giving benefit to the front lot to enable vehicle access;

OR

Provision of a vehicle crossing, driveway and hard stand parking space to Proposed Lot 1 that does not interfere with either the existing power pole or stormwater drain; and

- b. Include all dimension on the plans.

An amended 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 approval and dating of the Plan of Survey.

#### **~~Water Supply Contributions~~**

4. ~~Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply infrastructure.~~

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~~Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$8,621.19 (2.0 ERAs).~~

~~Payment is required prior to approval and dating of the Plan of Survey.~~

#### **~~Wastewater Contributions~~**

- ~~5. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of sewerage infrastructure.~~

~~Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$15,661.72 (2.0 ERAs).~~

~~Payment is required prior to approval and dating of the Plan of Survey.~~

#### **~~Parkland Contribution~~**

- ~~6. Pay a monetary contribution equivalent to ten (10) per cent of the Unimproved Capital Value of the created allotment/s in accordance with the Planning Scheme Policy.~~

~~At the time of seeking approval and dating of the Plan of Survey, a security equivalent to the amount payable must be submitted to Council. This security can take the form of a cash bond or bank guarantee. The amount payable must be determined by an appropriately qualified property valuer and must be submitted to Council as supporting information when seeking endorsement of the Survey Plan.~~

~~The contribution payable must be made within three (3) months of the registration of the allotment/s.~~

#### **Infrastructure Charges**

4. A monetary contribution to Council towards the provision of infrastructure is required in accordance with the Infrastructure Charges Notice attached to this decision. The contribution payable will be in accordance with the Planning Scheme Policy.

Contributions must be paid at the rates applicable at time of payment. Payment is required prior to the issue of a Compliance Certificate for the Plan of Survey.

#### **Water and Sewerage**

75. The applicant/owner must undertake the following water supply and sewerage works internal and external to the subject land, in particular:

- a. Each allotment must be serviced by a single internal water service and sewer Property Connection Branch (PCB);
- b. Construct a sewer extension to service proposed Lot 1. The existing house drain must be decommissioned;
- c. Extend water mains such that each allotment can be provided with a water service connection at the lot frontage;
- d. Finished surface levels are to be such that each PCB is capable of controlling the whole of each allotment.;
- e. Where sewers are located on non-standard alignment easements must be provided in favour of Council 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.

Water supply sub-metering must be designed and installed in accordance with *The Plumbing and Drainage Act 2002 and the Water Act 2000*.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to approval and dating of the Plan of Survey.

86. In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Cairns Water and Waste immediately of the affected infrastructure and have it repaired or replaced by Cairns Water and Waste, at the developers cost, prior to the commencement of use.

#### **External Works**

97. Undertake the following works external to the subject land at no cost to Council:
- a. Provision of a two (2) metre wide concrete footpath to the Owen Street frontage in accordance with FNQROC Standard Drawing S1035A;
  - b. Provision of a concrete crossover(s) and apron(s) for each lot where necessary as required by Condition 3 above;

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- c. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines that may occur during and works carried out in association with the constructions of the approved development);
- ~~d. Replace the electricity power pole with a steel pole and relocate a suitable distance from the driveway and crossover for Lot 2;~~
- ~~e. Relocate and reinstall Council's stormwater drainage infrastructure, located in Owen Street, to negate conflict with eth proposed driveway and crossover for Proposed Lot 2 as necessary; and~~
- ~~fd. Replace damaged sections of existing kerb and channel.~~

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to approval and dating of the Survey Plan.

#### **Lawful Point of Discharge**

- ~~408.~~ The applicant/owner must ensure that the flow of all stormwater from the property is directed to a lawful point of discharge, being to Owen Street, such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

#### **Minimum Fill and Habitable Floor Levels**

- ~~449.~~ All floor levels in all buildings must be located 150 mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with *FNQROC Development Manual* and Planning Scheme requirements.

#### **Access to Hatchet or Battleaxe Lots**

- ~~4210.~~ Construct a concrete driveway or other approved surface to battleaxe Lot 2 extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with Council Standard Drawing S1015. Construction of the concrete driveway must be generally in accordance with Council Standard Drawing S1110 and submitted concept plan CONICS Drawing 9325-1 Issue A, dated 20 March 2008 and as amended by Condition 3 above.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

#### **Service Conduits**

- ~~13~~11. Provide service conduits to Lot 2 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

- ~~14~~12. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

#### **Storage of Machinery and Plant**

- ~~15~~13. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

#### **Existing Services**

- ~~16~~14. 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 submission of the Plan of Survey creating the lot.

#### **Electricity Supply**

- ~~17~~15. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

### **Electricity and Telecommunications**

- ~~16~~. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to approval and dating of the Plan of Survey.

### **Construction Signage**

- ~~17~~. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:

- a. Developer;
- b. Project Coordinator;
- c. Architect / Building Designer;
- d. Builder;
- e. Civil Engineer;
- f. Civil Contractor; and
- g. Landscape Architect.

### **MATERIAL CHANGE OF USE COMPONENT (Conditions ~~20~~ 18 to ~~41~~ 38 inclusive)**

#### **ASSESSMENT MANAGER CONDITIONS**

- ~~20~~18. 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**

- ~~21~~19. The conditions of the Development Permit (including those conditions associated with the Reconfiguration of a Lot) must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

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## Amendment to Design

~~2220.~~ The proposed development must be redesigned to accommodate the following changes:

- a. The amended Lot layout design as required under Condition 3 above;
- b. Deletion of the car space adjacent to the ~~northern~~ southern boundary;
- ~~c. Reduction in the driveway turning area in the forecourt to the units to approximately six (6) metres, thereby reducing the expanse of pavement and secondly utilise this additional area to provide additional private yards to the rear of the units so that each units achieves a private yard of four (4) metres x four (4) metres at the side or rear of the unit;~~
- ~~d. Provide a one (1) metre width walkway clearance between the bedrooms and adjacent car space beneath the carports;~~
- ~~e. Provision of refuse bin storage area; and~~
- ~~f. Provision of letterboxes within an appropriate distance to Owen Street.~~
- c. Deletion of the visitor car space adjacent to the southern boundary and replacement with landscaping; and
- d. An additional landscape area in front of Unit 3, that is protected from vehicle movements on the driveway, to provide a buffer to the patio area of Unit 3. The additional area should be splayed at a 45 degree angle (approximately) while still allowing vehicle access to the carport for Unit 4; and
- e. Incorporation of a turning area into the landscape area adjacent to the southern fence, to give improved turning for vehicles reversing from the carports for Units 4 and 5; and
- f. Include all dimension on the plans; and
- g. Revised landscape plan that shows details as per the current "mirrored" layout, gives protection and separation of the landscape area for the units from the driveway, including any fences that offer privacy to those landscaped areas.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

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### **Lockable Storage**

- ~~2321.~~ Provide each unit with a minimum of 2.5 m<sup>2</sup> (minimum 5 m<sup>3</sup> volume) of lockable storage space conveniently located with respect to car accommodation.

### **Sustainable Development**

- ~~2422.~~ The proposed building should comply as far as practically possible with the provisions of 4.6.7 Sustainable Development Code of the *Douglas Shire Planning Scheme 2006*.

### **Water Supply Contributions**

- ~~25.~~ Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply infrastructure.

~~Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$11,638.61 (2.7 ERAs).~~

~~Payment is required prior the commencement of Use or approval and dating of the Building Format Plan, whichever occurs.~~

### **Wastewater Contributions**

- ~~26.~~ Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of sewerage infrastructure.

~~Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$22 709.50 (2.9 ERAs).~~

~~Payment is required prior the commencement of Use or approval and dating of the Building Format Plan, whichever occurs.~~

### **Infrastructure Charges**

- ~~23.~~ A monetary contribution to Council towards the provision of infrastructure is required in accordance with the Infrastructure Charges Notice attached to this decision. The contribution payable will be in accordance with the Planning Scheme Policy.

Contributions must be paid at the rates applicable at time of payment. Payment is required Commencement of Use.



### **Water Supply and Sewerage Works Internal**

2724. Undertake the following water supply and sewerage works internal to the subject land:

- a. Provide a single internal sewer connection which must be clear of any buildings or structures; and
- b. Water supply sub-metering must be designed and installed in accordance with *The Plumbing and Drainage Act 2002 and the Water Act 2000.*

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

### **Water Saving**

2825. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to nine (9) litres of water per minute.

### **Vehicle Parking**

2926. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of eight (8) spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

### **Protection of Landscaped Areas from Parking**

3027. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

### **Bicycle Parking**

3128. Provide secured, on-site bicycle parking in accordance with the Planning Scheme requirements of four (4) spaces. The bicycle parking area must be constructed prior to Commencement of Use.

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### Lighting

- ~~3229.~~ All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

### Landscaping Plan

- ~~3330.~~ The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:

~~a. An amended layout reflecting the Amendments required under Conditions 3 and 22 above and Conditions 35 and 40 below; and~~

a. The amended design layout as dated 31 May 2011, Drawing 9-07-1.A by Clarkeville Designs;

b. An amended layout reflecting the Amendments required under Conditions 3 and 22 above and Conditions 35 and 40 below; and

bc. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must 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. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

### Lawful Point of Discharge

- ~~3431.~~ All stormwater from the property must be directed to a lawful point of discharge, being to Owen Street, such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

### **Screen Fence**

- 3632.** A screen fence must be provided to the side and rear boundaries of the subject land and for the private yards of individual units. The fencing must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### **Details of Development Signage**

- 3633.** The development must provide clear and legible signage incorporating the street number for the benefit of the public.

### **Refuse Storage**

- 3734.** Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Cairns Water and Waste.

- 3835.** The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

### **Construction Signage**

- 3936.** Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:-

- a. Developer;
- b. Project Coordinator;
- c. Architect / Building Designer;
- d. Builder;
- e. Civil Engineer;
- f. Civil Contractor; and
- g. Landscape Architect

### **Crime Prevention Through Environmental Design**

- 4037.** The applicant/owner must ensure that all lighting and landscaping requirements (including that to the access driveway area) comply with Council’s General Policy Crime Prevention Through Environmental Design (CPTED).

4138. Noise from air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994*, *Environmental Protection (Noise) Policy 1998*.

#### **FURTHER ADVICE**

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
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.
4. Headwork contribution calculations are attached as Appendix 2. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.
6. For information relating to the *Integrated Planning Act 1997* log on to [www.dlqp.qld.gov.au](http://www.dlqp.qld.gov.au). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

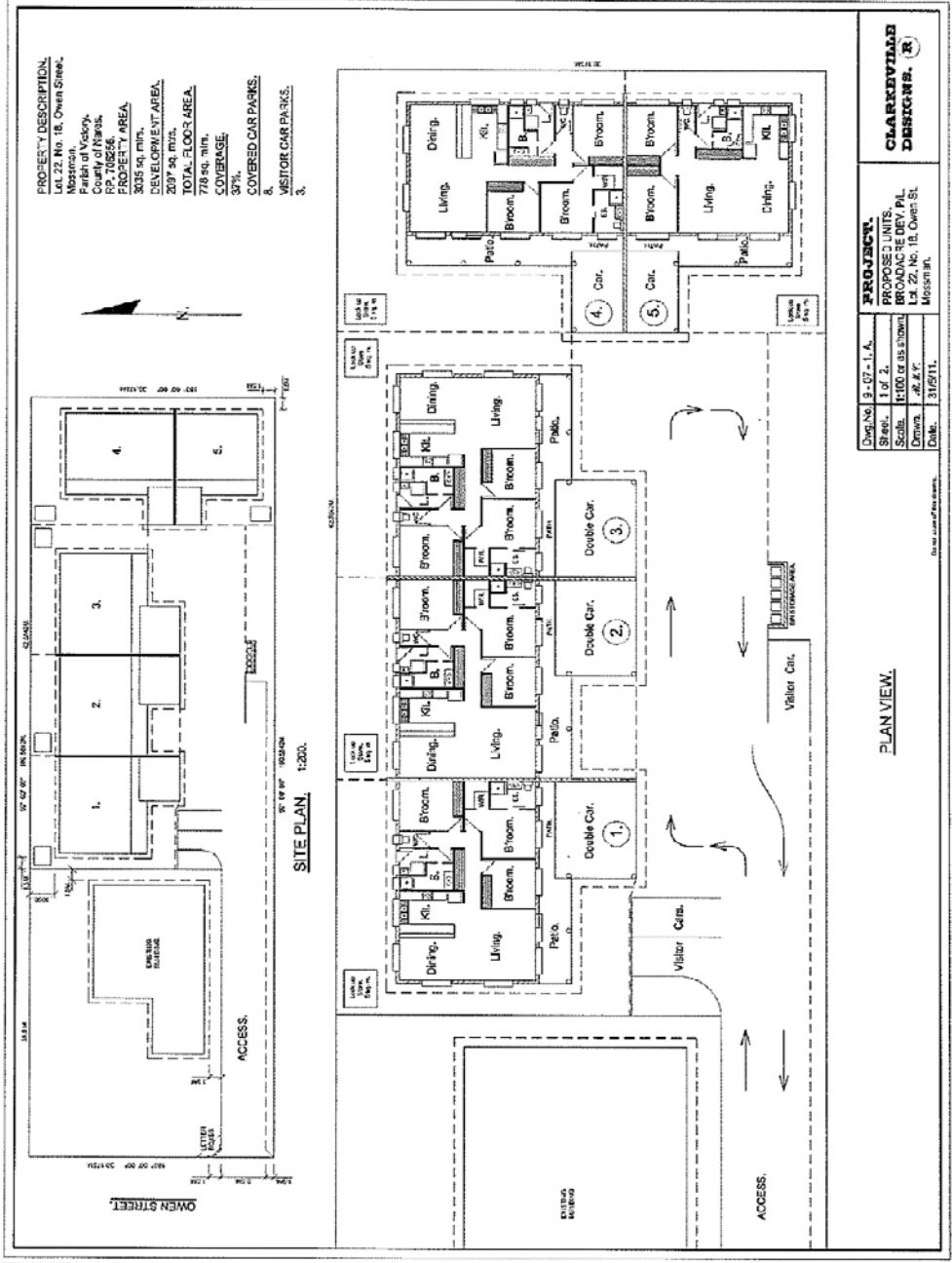
#### **RIGHTS OF APPEAL**

Attached

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**End of Decision Notice**

APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)



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