



Cairns Office

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Our Ref: PR115098/SDR/AF/L71488

Date: 26 November 2012

Attn: Mr Neil Beck
Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

Via: E-mail/Mail

Dear Neil

RE: REQUEST TO MAKE "PERMISSIBLE" CHANGE TO DEVELOPMENT APPROVAL UNDER SECTION 369 OF THE SUSTAINABLE PLANNING ACT 2009 IN RELATION TO A MATERIAL CHANGE OF USE (SHOPPING FACILITIES AND BUSINESS FACILITIES) ON LAND AT 63 FRONT STREET, MOSSMAN, (LOT 101 ON SP186233)

RPS Australia East Pty Ltd has been engaged by Prime Constructions Pty Ltd ('the Applicant') to prepare and lodge the abovementioned Development Application on behalf of the landowners 'Town & Country Limited'. The application is being made under Section 369 of the *Sustainable Planning Act 2009* to accommodate 'permissible' changes to the approved plans to allow revisions to the site layout and design and is to be determined in the context of the recent application seeking to reconfigure the land (1 Lot into 2 Lots plus access easements).

The development (Shopping Facilities and Business Facilities) is not at the stage where the project is likely to proceed in it's 'approved form' and various changes to the development plans are requested that would require the approval of the assessment manager and other referral agencies as a "Permissible Change" under S369 of SPA.

In support of the application, please find attached:

- The appropriate 2012/13 application fee being **(\$7,747.13 NO GST)** which is calculated as being 50% of the current applicable fee
- Certificate of Title and letter confirming Landowners Consent, attached as **Annexure A;**
- Various correspondence received from Cairns Regional Council (including the former Douglas Council) and other relevant agencies, attached as **Annexure B;** and
- Revised Design Drawings of the development prepared by Suters PGD Architects attached as **Annexure C.**

This development submission acknowledges the pre-lodgement discussions with Council's Planning Department in early October 2012 and is intended to be assessed in the context of the current Reconfiguration of a Lot (1 Lot into 2 Lot) submission that seeks to separate the 'existing' activities from the proposed expansion of 'Shopping Facilities' within Stage 2 over the balance of the land.



We confirm however on behalf of the proponents that the development will continue to be operated as an integrated style shopping precinct as was originally approved with reciprocal easements for access and carparking to be confirmed through the construction phase.

Background to the Development Proposal

RPS (Cairns) has completed a 'preliminary' review of the development history relating to the approved use of the site for "Shopping Facilities and Business Facilities' based on available information and client interviews.

We provide the following commentary dealing with the approvals and amendments to the site design over the past 3 years in support of the requested "Permissible Change" to facilitate the ultimate development of the land for its approved use:

- The land is situated at the southern end of the Mossman CBD (Town Centre) area along Front Street and is presently improved by an existing Woolworths supermarket and other specialist stores (Video Store etc) supplying services to the Mossman community and surrounding region. The balance of the subject allotment within the southern portion remains vacant and falls within an 'existing' approval for an expansion of commercial/retail activities.
- The former Douglas Shire Council considered and approved the 'concept' of an integrated style retail development over the entire site in 2007. The assessment was determined against the applicable regulatory framework in place at the time and included contributions from other relevant state agencies (e.g. Department of Main Roads) to enable progress with the additional development works, subject to conditions;
- In 2009, the landowner (Town & Country Limited) sought approval from Cairns Regional Council for a 'minor change' to the existing development approval to reflect changes in the layout of the centre. The Council and other relevant state agencies considered and approved this request for an amended Decision Notice in May 2009;
- The landowner then sought confirmation from Council that other minor variations to the 'concept' design for the site were considered to be 'generally in accordance' with the approved development. Cairns Regional Council confirmed by way of letter on **20 October 2010** that the amended 'site plan' continues to reflect the approval and would be considered to satisfy the development outcomes sought by Council through earlier assessment; and
- Lastly, due to the downturn in the economic conditions and opportunities for the development of the land to proceed between 2008 and 2010, the applicant requested an 'extension to the currency' for an additional four (4) years. Cairns Regional Council confirmed their acceptance of the approval to proceed up to and including **8 August 2015** in anticipation of changed market conditions and the opportunity to see this land developed for its intended purpose.

A copy of earlier Council approvals and development correspondence from assessment agencies referenced above is included as (Annexure B).

RPS has been engaged by Prime Constructions Pty Ltd on behalf of the landowners (Town & Country) to co-ordinate the submission to Council and the Department of Transport and Main Roads for a "Permissible Change" seeking approval for the enclosed plans prepared by Suters PGD Architects (Annexure C).



We commend the application for Council's assessment and approval subject to reasonable and relevant conditions in support of the future development of this land and the opportunity for the development to finally proceed through to construction.

1.0 Site Information

1.1 Site Details

Address:	63 Front Street, Mossman 4873
Real Property Description:	Lot 101 on SP186233
Site Area:	2.375 Hectares
Local Government Area:	Cairns Regional Council
Statutory Designation:	Urban Footprint (FNQ2031) Regional Plan
Land Owner/s:	Town & Country Limited Refer to Certificate of Title attached as Annexure A

1.2 Planning Context

The planning context of the site includes:

Planning Scheme:	Douglas Shire Planning Scheme 2008
Planning Scheme Designation	Mossman and Environs Locality Commercial Planning Area 'Town Centre' Designation Plot Ratio – High Scale (Town Centre)
Applicable Codes:	<p>The application is seeking a Permissible Change in accordance with S369 of SPA. The original development proposal was identified as Code Assessable against the Planning Scheme and incurs assessment against the following codes:</p> <ul style="list-style-type: none">▪ Mossman and Environs Locality Code▪ Commercial Planning Area Code▪ Acid Sulphate Soils Code▪ Natural Hazards Code <p>A commentary against the relevant codes has been undertaken and comments addressing particular issues relevant to the project are included at Section 5 of this report.</p>

1.3 Site Characteristics

Key site characteristics include:

Topography:	The subject land (Lot 101 SP186233) is relatively flat and has frontage to Front Street, Mossman.
Vegetation:	Nil
Waterways:	Nil
Referable Areas:	The land fronts a State Controlled Road (Front Street, Mossman) and the earlier development approval included a referral to the Department of Transport and Main Roads (DTMR) for consideration and review. Consistent with S372 a copy of the application seeking a "permissible Change to the original development approval will be provided to DTMR for comment and consideration
Services:	The subject land is currently afforded access to all existing Council infrastructure and services. The proposal will be conditioned to require any augmentation to comply with Council's requirements and connections to each of the proposed allotments.
Road frontages and length:	244 metres to Front Street
Existing uses:	Commercial/Retail development on northern portion of the land.

1.4 Surrounding Land Uses



Figure 1: Aerial Image of Lot 101 SP186233



2.0 Application Details

2.1 General Matters

Aspects of Development Sought:	Request for a Change to Development Approval (Permissible Change) consistent with S369 of the <i>Sustainable Planning Act 2009</i> .
Applicant:	Prime Constructions Pty Ltd C/- RPS Group
Contact:	Mr Stuart Ricketts RPS Australia East Pty Ltd PO Box 1949 CAIRNS QLD 4870 (07) 4031 1336 (ph) (07) 4031 2942 (fax)
Local Government Authority:	Calrns Regional Council

3.0 Proposal

3.1 Proposal Detail

As described earlier, the development is not presently at the stage where it is likely to proceed in it's 'approved form' and various changes to the development plans are proposed that would require the approval of the Assessment Manager as a "Permissible Change" under S369 of SPA.

Woolworths Limited have a tested approach to the development of shopping facilities and changes to the internal layout (buildings, carparking, loading and service areas) have been requested before the project proceeds to the next stage of documentation and pre-construction.

Copies of the revised drawings are enclosed for approval as **Annexure C**.

4.0 Statutory Planning Assessment

In relation to the legislative requirements the application seeks to amend the existing development approval to reflect design plans prepared by Suters PGD Architects. The lawfulness of the landuse and the underlying planning grounds upon which this submission relies will not be affected and continue to remain valid.

Approval of the revised drawing will allow the development of this land to progress under earlier resolution by Council and relevant State Agencies under reasonable and relevant conditions to detailed design and a set of 'Building Plans' that can be suitable for tendering purposes. Further, the plans will then also be used in dealings with service providers (Telecommunications and Electricity)

The submission seeks Council's acceptance and approval of this arrangement.

5.0 Key Planning Issues

This submission identifies that the development remains consistent with the intent and purpose of the various applicable Planning Scheme codes requirements. In particular the following table sets out the technical aspects of the development that are likely to be reviewed as part of the requested change to design:

Table 1 – Technical Aspects (Approved V's Revisions)

Approved Design Plans (Drawing SK011 September 2009)	Proposed Revisions (Drawing No 602682 November 2012)
<p><u>Total Nett Lettable Area</u> = 7,146m² Located on one single allotment – 2.375 Ha</p>	<p><u>Total Nett Lettable Area</u> = 6,895m² Located on two allotments which reflects a reduction of NLA by 281m²</p>
<p><u>Carparking</u> Required = 286 Provided = 312 (26 above demand)</p>	<p><u>Carparking</u> Required = 275 Provided = 361 (86 above demand)</p>
<p><u>Landscaping</u> Provided = 2,322m²</p>	<p><u>Landscaping</u> Provided = 2,830m² (increase of 508m²)</p>
<p><u>Access and Traffic</u> Service/Customer access from Front Street</p>	<p><u>Access and Traffic</u> No Changes Proposed Reciprocal Access easements will preserve 'right of way' for users</p>
<p><u>Building Height</u> Maximum Height = 7.4 metres to underside of pitched roof (assumed 8.5 to highest projection)</p>	<p><u>Building Height</u> Maximum Height = 8.4 Metres (including Parapet)</p>
<p><u>Setbacks</u> Front = 14 metres approx (allowable = 0m) Side = 14 metres approx (allowable = 2m) Rear = 7 metres approx (allowable = 3m)</p>	<p><u>Setbacks</u> Front = 1.5 metres approx (allowable = 0m) Side = 6.1 Metres Rear = 11.5 metres</p>

The plans identify the removal of Buildings B & C on the 'approved plans (approx 1,110m²), changes to the internal circulation and introduction of the Stage 2 Extension Area for the future development of 'specialities and supermarket expansion attached to Building A.

5.1 Design and Character

The changes to the development affect design in a way that needs to be considered by the assessment of the 'revised' plans. To assist Council with this review, we provide the following comments on behalf of the designers and the applicant:

- The development site is located on the southern extent of the 'Town Centre' designation of the Mossman CBD and continues to re-enforce the and enhances the commercial character and identity of Mossman servicing residents locally and within the wider region;
- The design of the building enhances the main street character leading to the town centre with its distinctive external attachments and wide overhangs, which respond to the tropical climate of the region and assist with environmentally sustainable outcomes in operational costs;
- Reduced setbacks for building from Front Street will not result in negative development impacts due in part to the width of the verge in this location (approx 12 metres) which provides sufficient separation from vehicles and opportunities for improvements such as landscaping and pedestrian pathways;
- The main entry structure for the 'new' building (Building B) incorporates spacious, light and airy weather protection for shoppers, linking with the covered carpark directly opposite; and
- The development involves an increase in the areas of internal landscaping that can be used to promote the continuation of tropical design and character while delivering on the overall 'approved' landuse arrangements.

A perspective of the future development and the revisions proposed by this request to 'change' the development approval are included within **Attachment C** for consideration.

It is submitted that the revised design plans continue to reflect the purpose and intent of the 'Mossman and Environs Locality' Code and that the development of this site will facilitate further opportunities for the local economy consistent with the outcomes sought for projects within the Town Centre designation.

6.0 Conclusions and Recommendations

This submission has been prepared by RPS (Cairns) on behalf of the principal development consultants (Prime Constructions Pty Ltd) to address the statutory approvals requirements under SPA 2009 and to facilitate assessment and approval by Council of a proposal that would result in the creation of separate titles cancelling Lot 101 on SP186233.

The submission has sought to acknowledge the recent approval by Cairns Regional Council received on 23rd November 2012 for the subdivision of the land into 2 separate titles and reciprocal easement arrangement. The changes to the development approval plans included in this submission as **Attachment C** for the 'Shopping Facilities' is intended to facilitate the expansion of commercial/retail development for the landowner and future tenant. The development of this land has been demonstrated to be consistent with the overall intent of the Planning Scheme and the existing approvals and should be supported.

The submission concludes that the proposed "Permissible Change under S369 of SPA unlikely to have any significant impacts on the infrastructure, environment or community of the surrounding area that cannot be adequately controlled through the use of reasonable and relevant conditions.



We therefore commend the development for Council approval and look forward to receiving Council's support to enable this important project to proceed. We trust this information is sufficient for your purposes; however should you require any further details or clarification, please do not hesitate to contact the undersigned.

Yours sincerely
RPS

A handwritten signature in black ink, appearing to read 'Stuart Ricketts', with a stylized flourish at the end.

Stuart Ricketts
Principal – Senior Planner

cc: Mr Andy Taylor & Glenn Marshall
Town and Country Limited
C/- Prime Constructions Pty Ltd
PO Box 6447
CAIRNS QLD 4870

enc: **Annexure A:** Certificate of Title and Landowners Consent
Annexure B: Council approvals and Development Correspondence
Annexure C: Revised Design Drawings – Suters PGD Architects



Annexure A

Certificate of Title and Landowners Consent

CURRENT TITLE SEARCH
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 4535352
Search Date: 28/07/2008 15:07

Title Reference: 50624256
Date Created: 31/08/2006

Previous Title: 50087173

REGISTERED OWNER

Dealing No: 709810380 28/07/2006

TOWN & COUNTRY LIMITED

ESTATE AND LAND

Estate in Fee Simple

LOT 101 SURVEY PLAN 186233
County of SOLANDER Parish of VICTORY
Local Government: CAIRNS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20104049 (POR 2)
2. EASEMENT IN GROSS No 601420351 (T362312K) 10/08/1988
BURDENING TH ELAND
TO COUNCIL OF THE SHIRE OF DOUGLAS
OVER EASEMENT C ON RP746503
3. EASEMENT IN GROSS No 701439485 15/07/1996 at 14:33
burdening the land to
FAR NORTH QUEENSLAND ELECTRICITY CORPORATION
over
EASEMENT A ON RP 899463
4. LEASE No 702844225 17/08/1998 at 12:29
WOOLWORTHS (Q'LAND) PTY LIMITED A.C.N. 000 034 819
OVER PART OF THE GROUND AND MAZZANINE FLOOR OF THE BUILDING
5. TRANSFER No 707243315 28/11/2003 at 10:02
LEASE: 702844225
WOOLWORTHS LIMITED A.C.N. 000 014 675
6. LEASE No 708813976 12/07/2005 at 10:50
DAS INVESTMENT HOLDINGS PTY LTD A.C.N. 112 694 318 TRUSTEE
UNDER INSTRUMENT 708813976
OF PART OF THE GROUND FLOOR
7. MORTGAGE No 708814011 12/07/2005 at 10:55
SUNCORP-METWAY LTD A.B.N. 66 010 831 722
over
LEASE: 708813976

Page 1/2

CURRENT TITLE SEARCH
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 4535352
Search Date: 28/07/2008 15:07

Title Reference: 50624256

EASEMENTS, ENCUMBRANCES AND INTERESTS

8. LEASE No 709214333 13/12/2005 at 15:14
SUN VIDEO PTY LTD A.B.N. 33 010 324 071
OF PART OF THE GROUND FLOOR [SHOP 4]
TERM: 01.03.2005 TO 28.02.2014 OPTION THREE YEARS

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES AND WATER) [2008]
Requested By: D APPLICATIONS ABR

Company owner's consent to the making of a development application
under the *Sustainable Planning Act 2009*

I, Debbie-Anne Bender *[insert name in full]*
CEO & Company Secretary of the below mentioned company and


TOWN AND COUNTRY LIMITED
of *[insert name of company]*

as owner of premises identified as follows:

Lot 1 on SP186233

consent to the making of a development application under the *Sustainable Planning Act 2009* on the
premises described above for the purposes of

**"Permissible Change" to a Development Approval under S369 of the Sustainable Planning Act
2009 to reflect amended design plans**

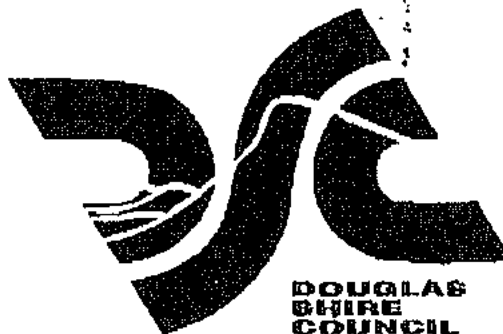
 *[signature of CEO & Company Secretary]*

signed on the 12th day of November 2012



Annexure B

Council Approvals and Development Correspondence



ENQUIRES: Mrs Natalie Clark Planning Officer
 DEPARTMENT: Planning Services Section - ☎ (07) 4099 9456
 EMAIL: planning@dsc.qld.gov.au

OUR REF: MCUC 007/07
 YOUR REF:

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.

-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.

-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

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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.

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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.

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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 B - Department of Main Roads conditions

18 June 2007

Ms Julie Lou

A/Chief Executive Officer

Douglas Shire Council

PO Box 357

Mossman Qld 4873

DOUGLAS SHIRE COUNCIL	
RECEIVED	
FILE NAME:	MCL
DOCUMENT:	
18 JUN 2007	
ATTENTION:	MALCOLM HARDY
INFORMATION	

Queensland
Government

Department of Main Roads

Dear Ms Lou

Douglas Shire : Captain Cook Highway (Front Street)
Situated at Town & Country Shopping Centre, Front Street, Mossman
Lot 101 on SP. 886233, 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 Locations

- (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

- (1) 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
Parks and Recreation
Level 4, Carrs Corporate Centre, 16 Lake Street
Cairns, Queensland 4870
PO Box 8185 Cairns Queensland 4870
4876 67 816 727 737

Our ref: 45204/102 (101.04)
Your ref: MCUC 007(0)
Enquiries: Malcolm Hardy
Telephone: 487 7 4030 8311
Facsimile: 487 7 4030 5458
Website: www.parksandrec Queensland.qld.gov.au

- 2 -

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 DMK 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

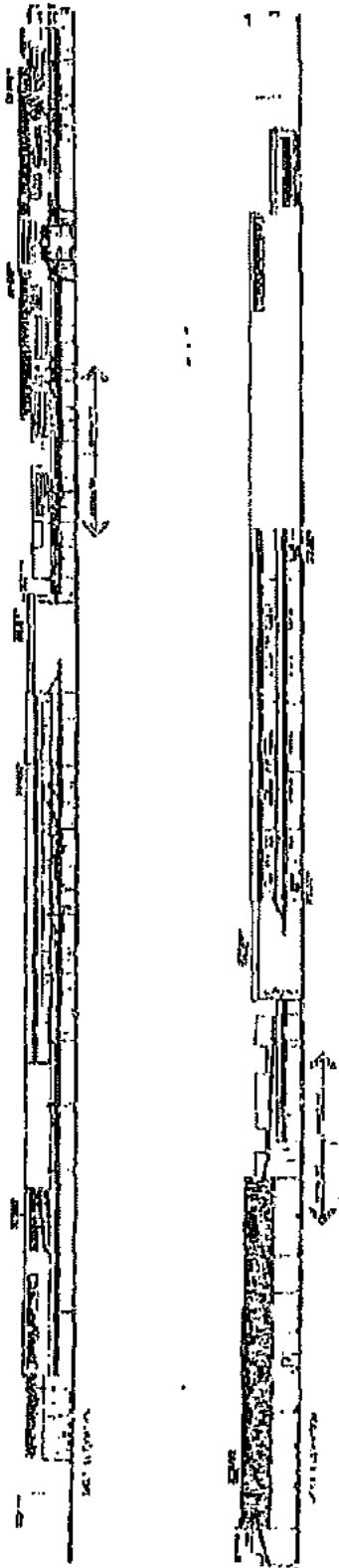
No advertising device for the proposed development on the subject land is permitted within the State-controlled road reserves (i.e. Front Street).

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.

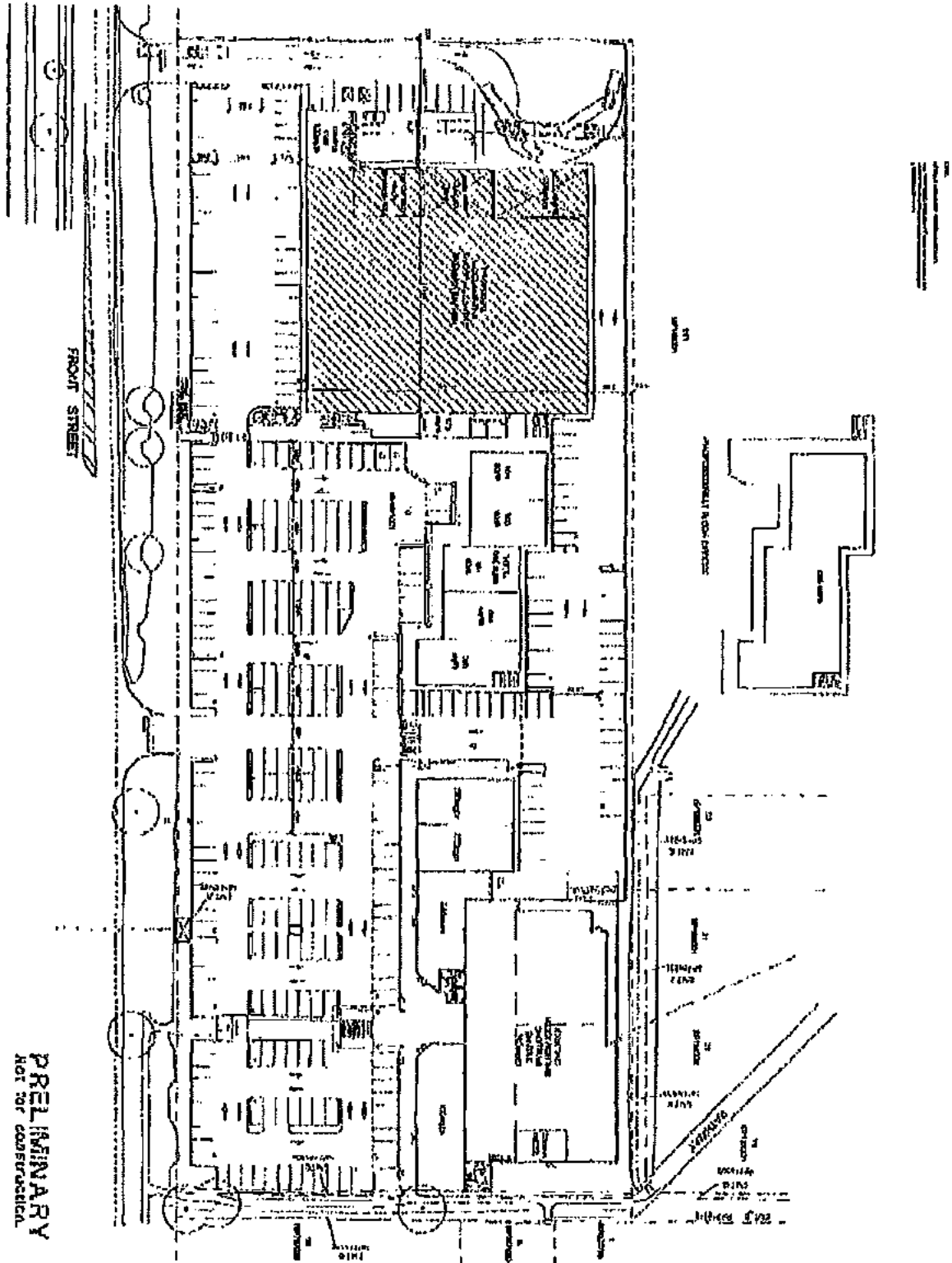
Appendix A - Plans of Development



NO.	1
DATE	21/08/07
BY	ELPHINSTONE-WHITE
FOR	SHIPPING CENTRE
PROJECT NO.	02550
SCALE	1:500
SHEET NO.	1
TOTAL SHEETS	1

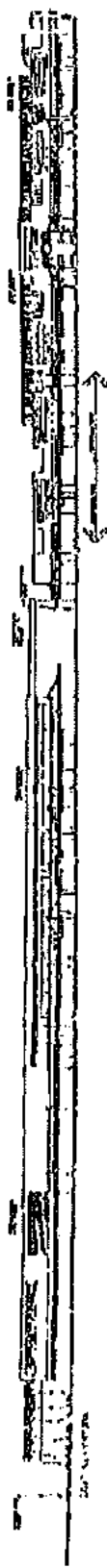
SHIPPING CENTRE
PROJECT NO. 02550
SCALE 1:500
SHEET NO. 1
TOTAL SHEETS 1

ELEVATIONS



PRELIMINARY
NOT FOR CONSTRUCTION.

		ELPHINSTONE-WHITE ARCHITECTS 100/102 STATION STREET ELPHINSTONE, WEST DUNDEE, DD8 1YU, SCOTLAND TEL: 01307 554444 FAX: 01307 554445 WWW.ELPHINSTONE-WHITE.CO.UK	
PROJECT NO: 07/08/07/001 DRAWING NO: 07/08/07/001-04 DATE: 21/08/07 SCALE: 1:500 SHEET NO: 4 OF 4	CLIENT: ELPHINSTONE-WHITE PROJECT: ELPHINSTONE-WHITE DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]	PROJECT NO: 07/08/07/001 DRAWING NO: 07/08/07/001-04 DATE: 21/08/07 SCALE: 1:500 SHEET NO: 4 OF 4	CLIENT: ELPHINSTONE-WHITE PROJECT: ELPHINSTONE-WHITE DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]



Project No. _____
 ELEVATIONS
 Project Name
 SLIDING CENTRE
 PROPOSED DEVELOPMENT
 IN LOW A ZONE
 SLIDING CENTRE
 AT CAPTAIN DOCK WHARF
 MOSSBAY
 Date _____
 Scale _____
 Drawing No. _____
 Sheet No. _____ of _____



21 April 2009

Department of Main Roads

Mr N Briggs
Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns Qld 4870

Dear Mr Briggs

**Cairns Regional Council : Captain Cook Highway (Front Street)
Situated at Town & Country Shopping Centre, Front Street, Mossman
Lot 10 on RP 891901, Parish of Victory
Town & Country Limited
Proposed Material Change of Use (Shopping Facilities & Business Facilities)
Request to Change an Existing Approval (DMR as Referral Agency)**

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,
- the Department's letter of 18 June 2007 of conditions of development,
- Council's decision notice dated 8 August 2007,
- request to change an existing approval from the applicant received at the Department 10 April 2008 with a re-alignment of boundaries between the subject land (now Lot 10 on SP 186233) and the adjoining Lot 112 on SP 201265,
- the Department's letter of 14 April 2008 of retained conditions of development, and
- request to change an existing approval from the applicant's consultants received at the Department 16 April 2009 with a revised layout.

In accordance with section 3.5.33 of 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 retained conditions of development for the subject application:

A. CONDITIONS OF DEVELOPMENT

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 for commercial and staff vehicles only.
- (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.

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

- a raised channellised right turn treatment (CHR),
- a channellised left turn treatment (CHL),
- a raised channellised right turn treatment (CHR) into Harper Street,
- intersection lighting in accordance with DMR standards, and
- the design layout shall suit the provision for traffic signals, to be installed in the future.

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

- a basic left turn treatment (BAL) suitable for commercial vehicles,
- raised median to the north of the access,
- widening of existing pavement on both sides of Front Street,
- intersection lighting in accordance with DMR standards, and
- signage or gate to prevent non-commercial vehicles

- (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 Cairns Regional 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 Cairns Regional 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.

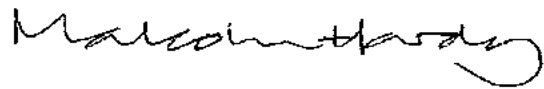
B. GENERAL DISCUSSION

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

A handwritten signature in cursive script that reads "Malcolm Hardy". The signature is written in black ink and is positioned above the typed name.

Malcolm Hardy
SENIOR PLANNER FAR NORTH

12 May 2009

Town & Country Limited
C/- CONICS Pty Ltd
PO BOX 355
MOSSMAN QLD 4873

17 5 MAY 2009

Dear Sir/Madam

**DECISION NOTICE TO CHANGE AN EXISTING APPROVAL FOR
DEVELOPMENT APPLICATION FOR 63 FRONT STREET MOSSMAN**

With reference to the above request to Change an Existing Approval, please find attached the relevant Decision Notice which was determined under Instrument of Delegation on 12 May 2009.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquires in relation to this Decision Notice, please contact Luke Jackson of Council's Development Assessment Team on telephone number (07) 4044 3240.

Yours faithfully



Simon Clarke
Manager Development Assessment

Att.

40.2009.3102
1/19



DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)

APPLICANT DETAILS

Town & Country Limited
C/- Conics Pty Ltd
PO BOX 355 MOSSMAN 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

12 May 2009

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

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

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

40.2009.3102
2/19

DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)

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

That Council approve the development application for a Material Change of Use (Code) for the purpose of Shopping Facilities and Business Facilities over land described as Lot 101 SP186233, located at 63 Front Street, Mossman, subject to the following conditions:

1. That Condition 1 be amended to read as follows:

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 <u>Proposed Site Plan</u>	CO650-DA04 07125-DA100B	Jan 2007 Jan 2009
Elevations <u>Proposed Elevations</u>	CO650 07125 - DA101B	Jan 2007 Jan 2009
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.

2. That Condition 14 be amended to read as follows:

Car Parking

14. A Car parking area with a minimum of ~~three hundred and thirty (330)~~ spaces two hundred and eighty-five (285) shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard and the approved plan of development and maintained thereafter.

3. That condition 15 be deleted.
4. All other conditions of the Decision Notice approved by Council on 8 August 2007 remain unchanged.

DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)

Note: This decision does not include the proposed licensed dining area which requires a separate development assessment.

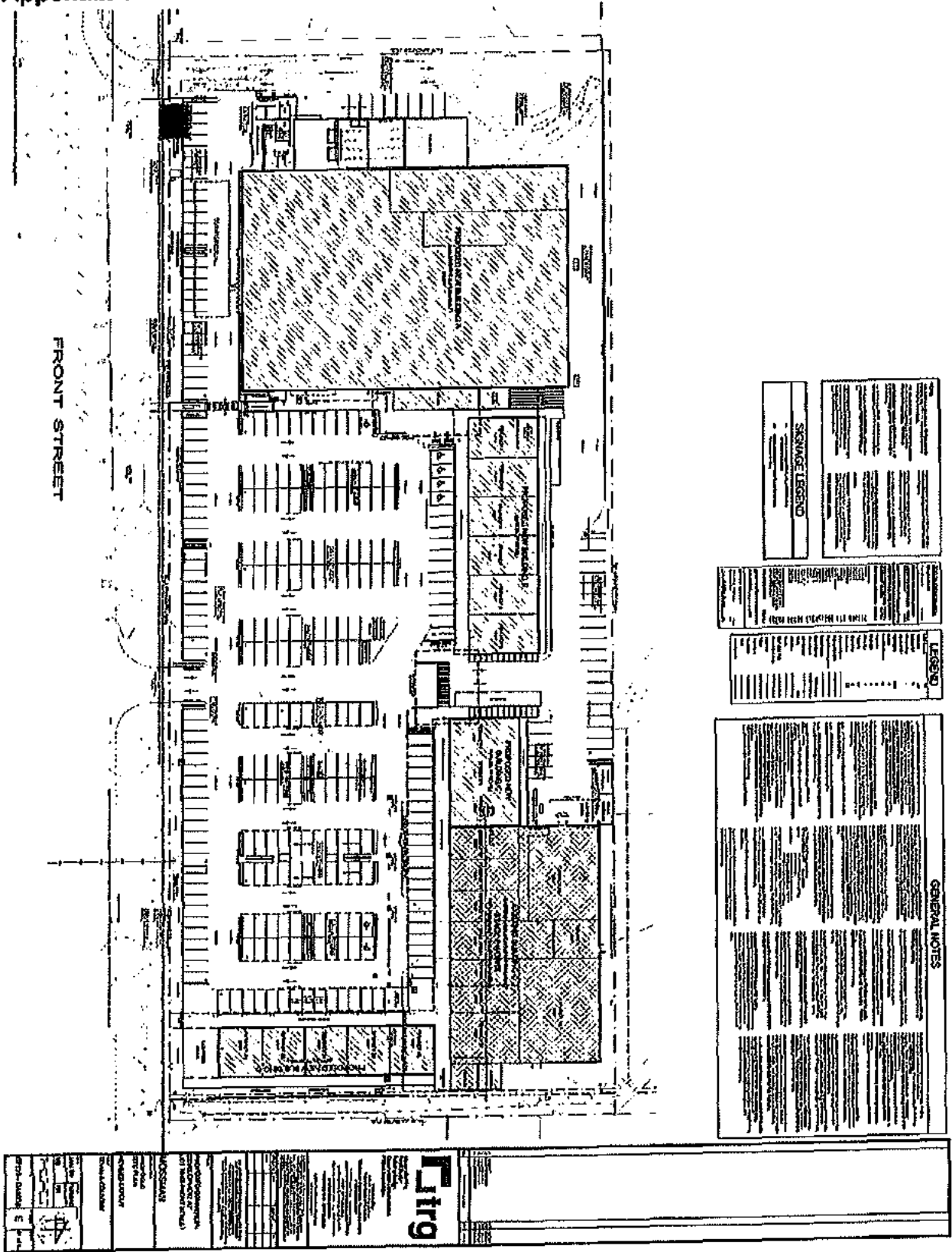
RIGHTS OF APPEAL

Attached

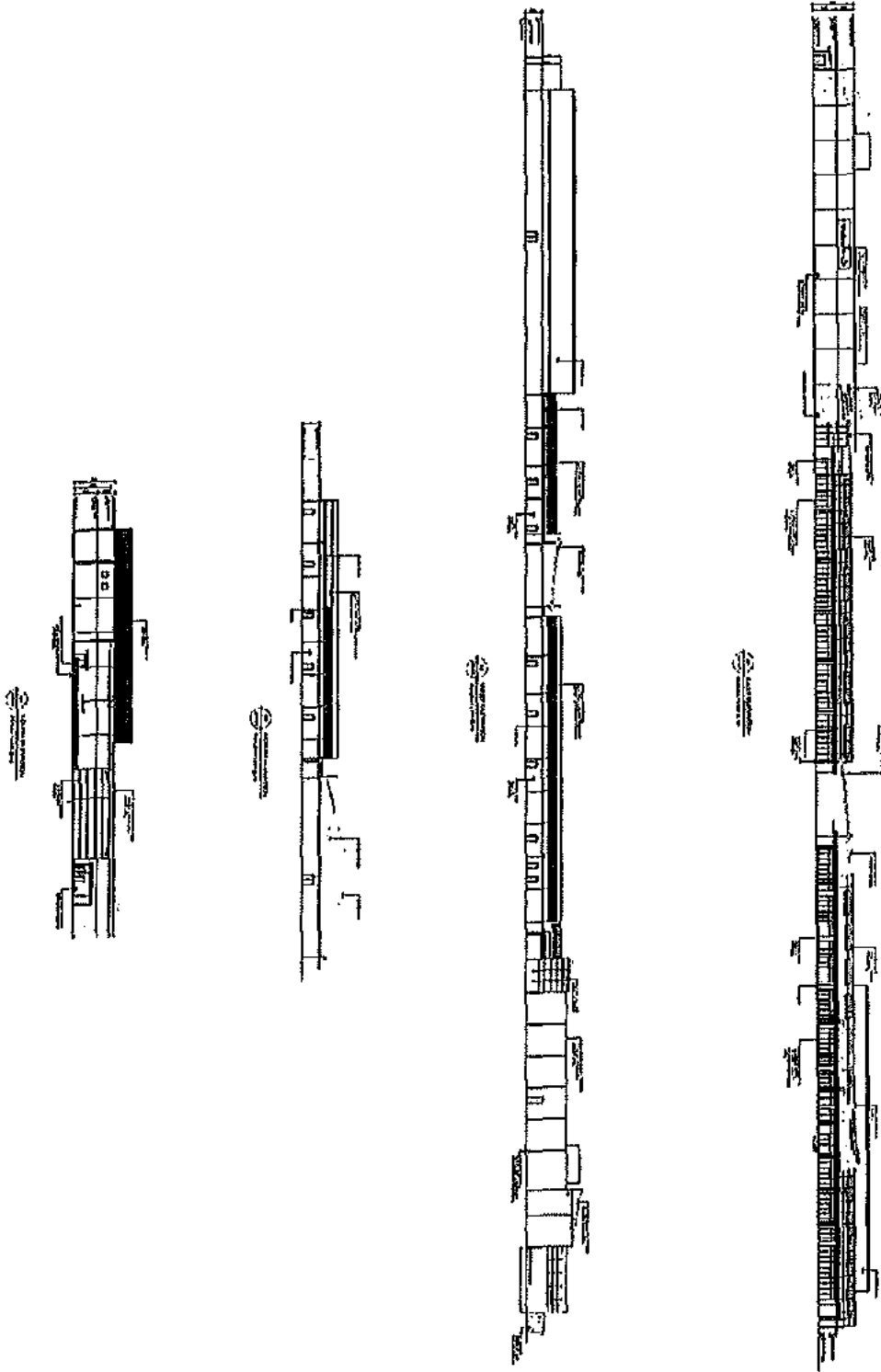
End of Decision Notice

**DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

Appendix 1



**DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**



		Litrg LITRUM CONSULTANTS 100/102 WILSON ROAD WILSON WEST AUCKLAND NEW ZEALAND PH: 09 833 6666 FAX: 09 833 6667 WWW.LITRUM.CO.NZ	
PROJECT NO: 40.2009.3102 PROJECT NAME: [REDACTED] CLIENT: [REDACTED]		SHEET NO: [REDACTED] DATE: [REDACTED]	
DRAWN BY: [REDACTED] CHECKED BY: [REDACTED]		APPROVED BY: [REDACTED]	
PROJECT MANAGER: [REDACTED]		PROJECT COORDINATOR: [REDACTED]	
PROJECT ENGINEER: [REDACTED]		PROJECT ARCHITECT: [REDACTED]	
PROJECT STRUCTURAL ENGINEER: [REDACTED]		PROJECT MECHANICAL ENGINEER: [REDACTED]	
PROJECT ELECTRICAL ENGINEER: [REDACTED]		PROJECT CIVIL ENGINEER: [REDACTED]	
PROJECT LANDSCAPE ARCHITECT: [REDACTED]		PROJECT HISTORIC ARCHITECTURE CONSULTANT: [REDACTED]	
PROJECT ENVIRONMENTAL ENGINEER: [REDACTED]		PROJECT GEOTECHNICAL ENGINEER: [REDACTED]	
PROJECT TRAFFIC ENGINEER: [REDACTED]		PROJECT WATER ENGINEER: [REDACTED]	
PROJECT AIR ENGINEER: [REDACTED]		PROJECT SOUND ENGINEER: [REDACTED]	
PROJECT VIBRATION ENGINEER: [REDACTED]		PROJECT LIGHTING ENGINEER: [REDACTED]	
PROJECT SECURITY ENGINEER: [REDACTED]		PROJECT FIRE ENGINEER: [REDACTED]	
PROJECT ACCESSIBILITY ENGINEER: [REDACTED]		PROJECT SUSTAINABILITY ENGINEER: [REDACTED]	
PROJECT ARCHITECTURAL HISTORIC CONSULTANT: [REDACTED]		PROJECT ARCHITECTURAL INTERIOR DESIGNER: [REDACTED]	
PROJECT ARCHITECTURAL EXTERIOR DESIGNER: [REDACTED]		PROJECT ARCHITECTURAL LANDSCAPE DESIGNER: [REDACTED]	
PROJECT ARCHITECTURAL LIGHTING DESIGNER: [REDACTED]		PROJECT ARCHITECTURAL SECURITY DESIGNER: [REDACTED]	
PROJECT ARCHITECTURAL FIRE DESIGNER: [REDACTED]		PROJECT ARCHITECTURAL ACCESSIBILITY DESIGNER: [REDACTED]	
PROJECT ARCHITECTURAL SUSTAINABILITY DESIGNER: [REDACTED]		PROJECT ARCHITECTURAL HISTORIC DESIGNER: [REDACTED]	
PROJECT ARCHITECTURAL INTERIOR HISTORIC DESIGNER: [REDACTED]		PROJECT ARCHITECTURAL EXTERIOR HISTORIC DESIGNER: [REDACTED]	
PROJECT ARCHITECTURAL LANDSCAPE HISTORIC DESIGNER: [REDACTED]		PROJECT ARCHITECTURAL LIGHTING HISTORIC DESIGNER: [REDACTED]	
PROJECT ARCHITECTURAL SECURITY HISTORIC DESIGNER: [REDACTED]		PROJECT ARCHITECTURAL FIRE HISTORIC DESIGNER: [REDACTED]	
PROJECT ARCHITECTURAL ACCESSIBILITY HISTORIC DESIGNER: [REDACTED]		PROJECT ARCHITECTURAL SUSTAINABILITY HISTORIC DESIGNER: [REDACTED]	
PROJECT ARCHITECTURAL HISTORIC INTERIOR DESIGNER: [REDACTED]		PROJECT ARCHITECTURAL HISTORIC EXTERIOR DESIGNER: [REDACTED]	
PROJECT ARCHITECTURAL HISTORIC LANDSCAPE DESIGNER: [REDACTED]		PROJECT ARCHITECTURAL HISTORIC LIGHTING DESIGNER: [REDACTED]	
PROJECT ARCHITECTURAL HISTORIC SECURITY DESIGNER: [REDACTED]		PROJECT ARCHITECTURAL HISTORIC FIRE DESIGNER: [REDACTED]	
PROJECT ARCHITECTURAL HISTORIC ACCESSIBILITY DESIGNER: [REDACTED]		PROJECT ARCHITECTURAL HISTORIC SUSTAINABILITY DESIGNER: [REDACTED]	

**DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

Appendix 2

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.

**DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

-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.

DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)

-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; enveloper 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.

**DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

-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.

DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)

-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.

DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)

-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:

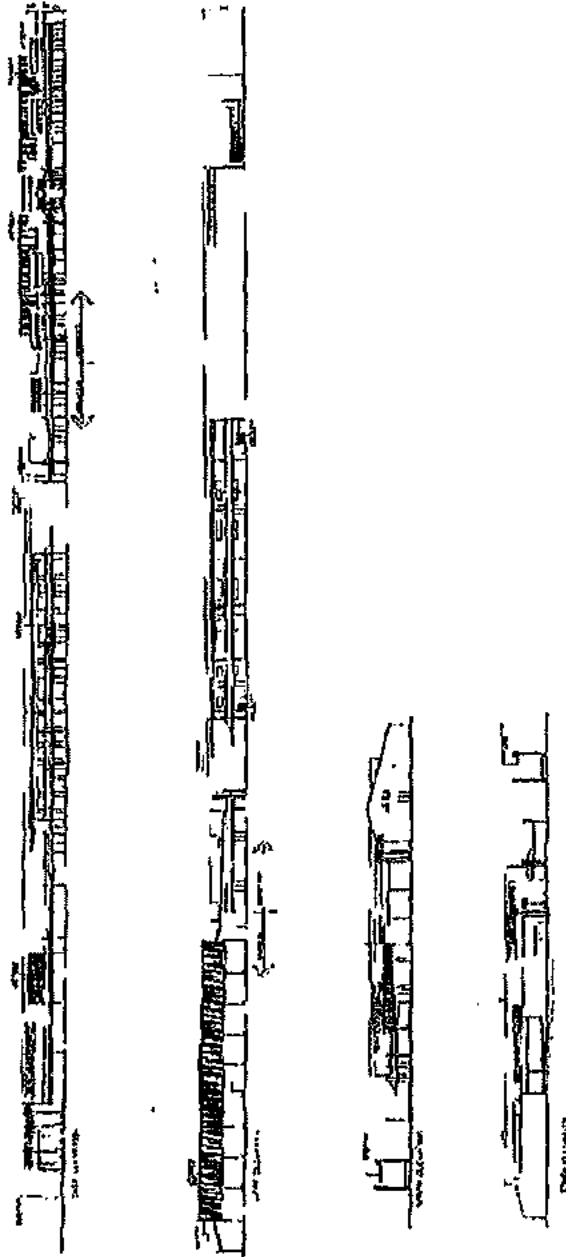
Operational Work
Building Permit

Development Permit
Development Permit

Paul Trotman
General Manager – Development & Environment

**DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**

Appendix A - Plans of Development

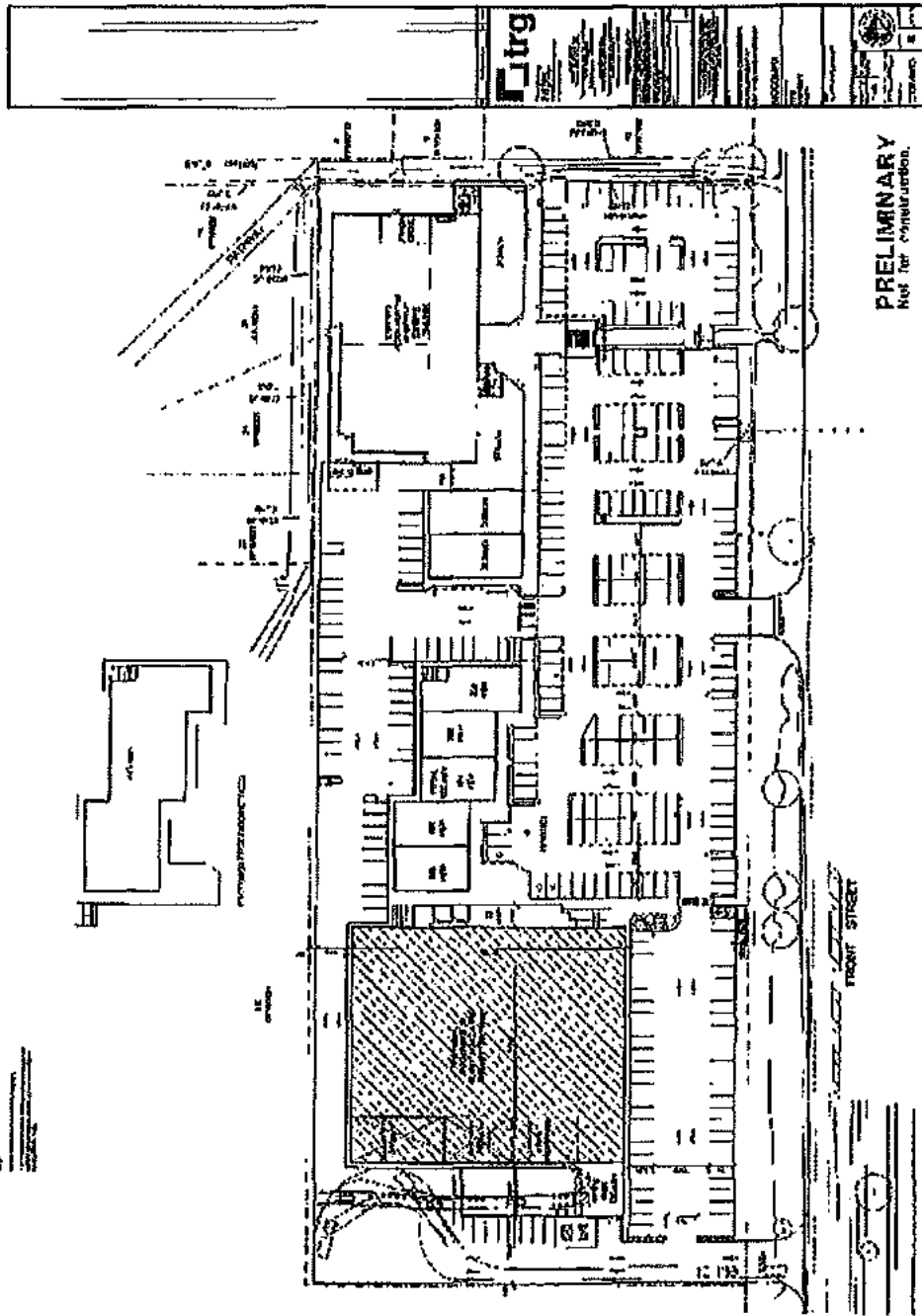


Project No.	1000
Client	1000
Scale	1:100
Date	10/10/00
Drawn by	1000
Checked by	1000
Approved by	1000

1000 CENTRE
1000 CENTRE
1000 CENTRE
1000 CENTRE
1000 CENTRE

1000 CENTRE

**DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)**



PRELIMINARY
Not for construction.

DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)

Appendix B – Department of Main Roads conditions

<p>18 June 2007</p> <p>Ms Julie Lau M/Chief Executive Officer Douglas Shire Council PO Box 357 Mossman Qld 4873</p>	<p>DOUGLAS SHIRE COUNCIL RECEIVED</p> <p>FILE NAME: MCL DOCUMENT: 18 JUN 2007 ATTENTION: NAC INFORMATION</p>	<p>Queensland Government</p> <p>Department of Main Roads</p>
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Dear Ms Lau

Douglas Shire - Captain Cook Highway (Front Street)
Situated at Town & Country Shopping Centre, Front Street, Mossman
Lot 104 on SP-186333, Parish of Victory
Town & Country Limited
Proposed Material Change of Use (Shopping Facilities & Business Facilities) Application
Consentance 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 Consentance 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

- (1) 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.
- (2) No additional direct access between Front Street and the proposed development is permitted.

2. Road Access Works

- (1) 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
Room 31 Elm St
Level 4, Collins St
Crown Office Building
PO Box 9167
Melbourne VIC 3001

Doc ref: 45254/02 (MCL)h
Doc ref: MCL000707
Enquiries: MCL000707
Telephone: +61 3 9028 8251
Facsimile: +61 3 9028 8450
Website: www2.cdn.treasury.qld.gov.au

**DECISION NOTICE DETAILS
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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 installations 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, efflux levels and/ or hydraulic structures along, under or over Front Street.

DECISION NOTICE DETAILS
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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.

DECISION NOTICE DETAILS
(SECTION 3.5.15 INTEGRATED PLANNING ACT 1997)

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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 Huber
MANAGER (TRANSPORT PLANNING) PENINSULA

OPERATIONAL WORKS RECEIPTING CHECKLIST

(To be completed by Consulting Engineer making the application)

Name of Council: **CAIRNS REGIONAL COUNCIL**

Development Name and Location:

.....

Planning Permit No/Council File No:/...../.....

DESIGN SUBMISSION

CHECK

COMMENT

- | | |
|---|--------------------------|
| 1. Completed 'Statement of Compliance' form.
(FNQROC - AP1 – Appendix A) | <input type="checkbox"/> |
| 2. IDAS Forms A ,E & IDAS Assessment Checklist
(Available from www.ipa.qld.gov.au) | <input type="checkbox"/> |
| 3. Payment of Engineering Application Fees
(Copy of receipt to be attached)
(Available from www.cairns.qld.gov.au) | <input type="checkbox"/> |
| 4. Copy of Decision Notice for Development Application
Conditions, <u>inc. explanation of how each condition
is to be addressed (Statement of Compliance)</u> | <input type="checkbox"/> |
| 5. Engineering Design drawings -
Complete sets (1 x A1 set, 2 x A3 sets and
1 x electronic copy on compact disc in 'PDF' format) | <input type="checkbox"/> |
| 6. One copy of Design and Standard Specifications
(Unbound Copy Preferable) | <input type="checkbox"/> |
| 7. Written consent from adjoining property owners
authorising any works on their property | <input type="checkbox"/> |
| 8. Water reticulation network in electronic format
(Engineer to confirm system requirements and
compatibility with Cairns Water) | <input type="checkbox"/> |
| 9. Landscape drawings -
Complete set (1 x A1 set, 2 x A3 sets and
1 x electronic copy on compact disc in 'PDF' format)
These must be accompanied by elements of the
stormwater & street itg. layout design, to avoid conflicts. | <input type="checkbox"/> |
| 10. Overall network drawings (for staged development) for: | |
| • Water | <input type="checkbox"/> |
| • Stormwater | <input type="checkbox"/> |
| • Sewer | <input type="checkbox"/> |
| • Pathways and roads | <input type="checkbox"/> |
| • Street Lighting | <input type="checkbox"/> |

OPERATIONAL WORKS RECEIPTING CHECKLIST (Continued)

DESIGN SUBMISSION

CHECK

COMMENT

10. Overall network drawings (for staged development) Continued.

- Electrical
- Gas
- Public Transport
- Park Reserves
- Drainage Reserves

11. Pavement design criteria

12. Geotechnical reports for proposed Earthworks

13. Structural and geotechnical certificates for retaining walls etc.

14. Water supply/sewerage pump station design parameters

15. Stormwater drainage calculations

16. Erosion and Sediment Control Strategy (ESCS)

17. Declared Pest Management Plan (if applicable)

18. The approval of any other Authorities & concurrence agencies likely to be affected by the works.

19. Contact details of the Consulting Engineer who is submitting the Application:

Name of Engineer		
Name of Company		
Telephone Number (s)	Office:	Mobile:
Email address		
RPEQ No.		

20. Date of submission of application / / 200

(For further information on all of the above refer to the FNQROC Development Manual Section AP1)

PLEASE RETURN THIS FORM AND ALL ASSOCIATED DOCUMENTS TO 'PLANNER OF THE DAY', CUSTOMER SERVICES DESK, CAIRNS CITY COUNCIL, 119-145 SPENCE ST. CAIRNS, QLD, 4870

Division 8 Appeals to court relating to development applications

4.1.27 Appeals by applicants

- (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;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 3.5.21;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within 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.

[s 4.1.28]

4.1.28 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A; or
 - (b) for an application processed under section 6.1.28(2)—the part of the approval about the aspects of the development that would have required public notification under the repealed Act.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 3.5.21 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 3.5.19(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the *submitter's appeal period*) after the decision notice or negotiated decision notice is given to the submitter.

4.1.28A Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 5, part 8A applies.

- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency response to the extent it relates to—
 - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 4.1.28(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 4.1.28(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency response mentioned in subsection (2).

4.1.29 Appeals by advice agency submitters

- (1) Subsection (1A) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

Editor's note—

See section 3.3.19 (Advice agency's response powers).

- (1A) The advice agency may, within the limits of its jurisdiction, appeal to the court about any part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A.

[s 4.1.30]

- (2) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (3) However, if the advice agency has given the assessment manager a notice under section 3.5.19(1)(b)(ii), the advice agency may not appeal the decision.

4.1.30 Appeals for matters arising after approval given (co-respondents)

- (1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice—
 - (a) a notice giving a decision on a request for an extension of a period mentioned in section 3.5.21;
 - (b) a notice giving a decision on a request to make a minor change to an approval.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.
- (4) Also, a person who has made a request mentioned in subsection (1) may appeal to the court against a deemed refusal of the request.
- (5) An appeal under subsection (4) may be started at any time after the last day the decision on the matter should have been made.

Division 9 Appeals to court about other matters

4.1.30A Appeals by applicant for approval of a proposed master plan

- (1) A person who has applied for an approval of a proposed master plan may appeal to the court against—
 - (a) the refusal, or the refusal in part, to give the approval; or
 - (b) a matter stated in the notice of decision about the application; or
 - (c) a deemed refusal.
- (2) An appeal under subsection (1)(a) or (b) must be started within 20 business days (the *applicant's appeal period*) after the day the applicant is given the notice of the decision.
- (3) An appeal under subsection (1)(c) may be started at any time after the last day a decision on the matter should have been made.

4.1.31 Appeals for matters arising after approval given (no co-respondents)

- (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice—
 - (a) a notice giving a decision on a request to change or cancel a condition of a development approval;
 - (b) a notice under section 3.5.33A(9)(b) or 6.1.44 giving a decision to change or cancel a condition of a development approval.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

[s 4.1.32]

- (3) Also, a person who has made a request mentioned in subsection (1)(a) may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

4.1.32 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

4.1.33 Stay of operation of enforcement notice

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
 - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
 - (b) the appeal is withdrawn; or
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about—
 - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or
 - (d) the removal of quarry material allocated under the *Water Act 2000*; or
 - (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or

- (f) development the assessing authority reasonably believes is causing erosion or sedimentation; or
- (g) development the assessing authority reasonably believes is causing an environmental nuisance.

4.1.33A Appeals against decisions to change approval conditions under the repealed Act

- (1) A person who is dissatisfied with a decision made on an application to change the conditions attached to an approval given under section 2.19(3) or section 4.4 of the repealed Act may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the application.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

4.1.33B Appeals against local laws

- (1) An applicant who is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure permitted by the planning scheme may appeal to the court against the decision or the conditions applied.
- (2) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.

4.1.34 Appeals against decisions on compensation claims

- (1) A person who is dissatisfied with a decision under section 5.4.8 or 5.5.3 for the payment of compensation may appeal to the court against—

[s 4.1.35]

- (a) the decision; or
 - (b) a deemed refusal of the claim.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

4.1.35 Appeals against decisions on requests to acquire designated land under hardship

- (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 2.6.19, may appeal to the court against—
- (a) the decision; or
 - (b) a deemed refusal of the request.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

4.1.36 Appeals about particular infrastructure charges

- (1) This section applies to a person who has been given, and is dissatisfied with, an infrastructure charges notice or a regulated State infrastructure charges notice.
- (2) The person may appeal to the court against the notice.
- (3) The appeal must be started within 20 business days after—
- (a) if the notice is given because of a development approval or master plan approval—the day the applicant is given notice of the decision about the approval; or

-
- (b) otherwise—the day the notice is given to the person.
 - (4) An appeal under this section may only be about—
 - (a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or coordinating agency could have imposed it; or
 - (b) an error in the calculation of the charge.
 - (5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish the charge in the relevant infrastructure charges schedule or regulated State infrastructure charges schedule.

4.1.37 Appeals from tribunals

- (1) A party to a proceeding decided by a tribunal may appeal to the court against the tribunal's decision, but only on the ground—
 - (a) of error or mistake in law on the part of the tribunal; or
 - (b) that the tribunal had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a tribunal's decision must be started within 20 business days after the day notice of the tribunal's decision is given to the party.

4.1.38 Court may remit matter to tribunal

If an appeal includes a matter within the jurisdiction of a tribunal and the court is satisfied the matter should be dealt with by a tribunal, the court must remit the matter to the tribunal for decision.

[s 4.1.39]

Division 10 Making an appeal to court

4.1.39 How appeals to the court are started

- (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).

4.1.41 Notice of appeal to other parties (div 8)

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and
 - (iv) the applicant; or

-
- (c) if the appellant is a person to whom a notice mentioned in section 4.1.30 has been given—
 - (i) the chief executive; and
 - (ii) the deciding entity; and
 - (iii) any entity that was a concurrence agency or building referral agency for the development application to which the notice relates.
 - (2) The notice must be given within—
 - (a) if paragraph (b) does not apply—10 business days after the appeal is started; or
 - (b) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started.
 - (3) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 4.1.43—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

4.1.42 Notice of appeal to other parties (div 9)

- (1) An appellant under division 9 must, within 10 business days after the day the appeal is started give written notice of the appeal to—
 - (a) if the appellant is a person to whom a notice mentioned in section 4.1.31 has been given—the entity that gave the notice; or
 - (b) if the appeal is under section 4.1.30A—the local government and coordinating agency for the application for approval of the master plan; or

[s 4.1.43]

- (c) if the appeal is under section 4.1.33A—the entity that made the decision about the application to change the conditions; or
 - (d) if the appeal is under section 4.1.33B—the local government; or
 - (e) if the appeal is under section 4.1.36—the entity that gave the notice the subject of the appeal; or
 - (f) if the appellant is a person to whom an enforcement notice is given—the entity that gave the notice and if the entity is not the local government, the local government; or
 - (g) if the appellant is a person dissatisfied with a decision about compensation—the local government that decided the claim; or
 - (h) if the appellant is a person dissatisfied with a decision about acquiring designated land—the designator; or
 - (i) if the appellant is a party to a proceeding decided by a tribunal—the other party to the proceeding.
- (2) The notice must state the grounds of the appeal.

4.1.43 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 4.1.27 to 4.1.29.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent to the appeal.
- (5) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.

[s 4.1.44]

- (6) If the appeal is only about a concurrence agency response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 4.1.41 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 4.1.30—
 - (a) the assessment manager is the respondent; and
 - (b) any entity that was a concurrence agency or a building referral agency for the development application to which a notice under section 3.6.1(1)(a) relates may elect to become a co-respondent.

4.1.44 Respondent and co-respondents for appeals under div 9

- (1) This section applies if an entity is required under section 4.1.42 to be given a notice of an appeal.
- (2) The entity given written notice is the respondent for the appeal.
- (3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.
- (4) The second entity mentioned in the provision may elect to be a co-respondent.

4.1.45 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to the appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

[s 4.1.46]

4.1.46 Minister entitled to be party to an appeal involving a State interest

If the Minister is satisfied an appeal involves a State interest, the Minister may, by filing in the court a notice of election in the approved form, elect to be a party to the appeal.

4.1.47 Lodging appeal stops certain actions

- (1) If an appeal (other than an appeal under section 4.1.30) is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) Despite subsection (1), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

3.3.19 Advice agency's response powers

- (1) An advice agency's response may, within the limits of its jurisdiction, recommend to the assessment manager 1 or more of the following—
 - (a) the conditions that should attach to any development approval;
 - (b) that any approval should be for part only of the application;
 - (c) that any approval should be a preliminary approval only.
- (2) Alternatively, an advice agency's response may, within the limits of its jurisdiction, advise the assessment manager—
 - (a) it has no advice agency recommendations; or
 - (b) it should refuse the application.
- (3) An advice agency's response may also do either or both of the following—
 - (a) offer other advice to the assessment manager about the application;
 - (b) tell the assessment manager to treat the response as a properly made submission.



ENQUIRIES: Luke Jackson
PHONE: (07) 4044 3240
FAX: (07) 4044 3836
OUR REF: 8/38/2 (2772940)

25 October 2010

RECEIVED
27 OCT 2010

Town & Country Limited
C/- RPS
PO Box 1949
CAIRNS QLD 4870

BY: J1262830-OCK

Dear Sir/Madam

**AMENDED PLAN FOR PROPOSED COMMERCIAL
DEVELOPMENT AT 63 FRONT STREET MOSSMAN**

Reference is made to the Change to an Existing Approval issued on 12 May 2009 for the above application and your letter dated 18 October 2010. It is noted that in your letter you request that the amended plans attached be considered "generally in accordance with" the approved plans in the Change to an Existing Approval Decision Notice. You are advised that the submitted plans which are attached herein (i.e. Amended Site Plan – 09220 – SK011 revision A prepared by TRG and dated SEP 09) are considered to be generally in accordance with the approved plans. Accordingly, no formal change to the decision is required. The attached plans replace the site plan referred to in condition 1 of the Change to an Existing Approval.

Please be aware that the amended plans must still comply with all relevant conditions of the Change to an Existing Approval Decision Notice and the original Decision Notice, including developer contributions and car parking.

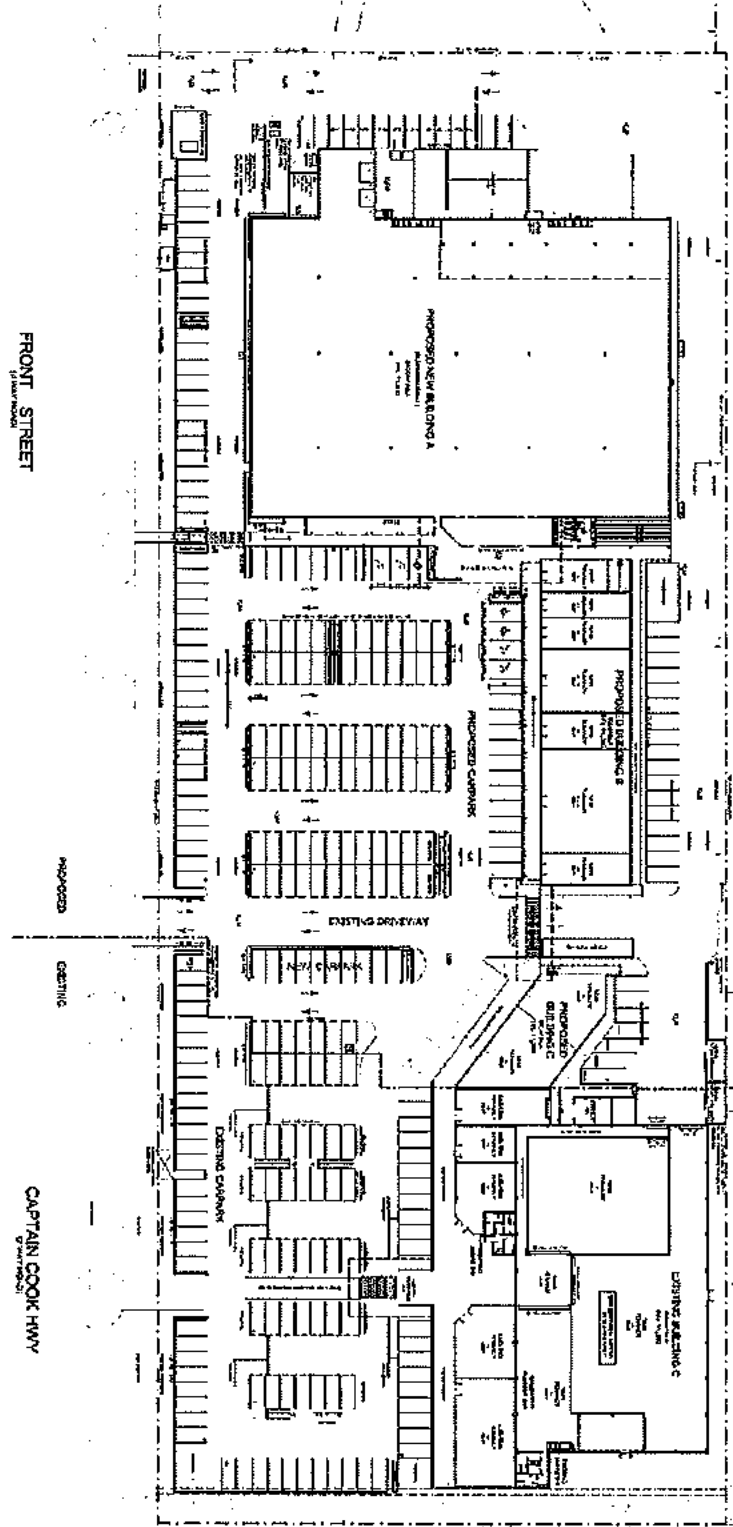
Should you require any further information or assistance, please contact Luke Jackson of Council's Development Assessment Team on telephone number (07) 4044 3240.

Yours faithfully

Kelly Reaston
Manager Development Assessment

1/2

Amended Approved Plan



01 SITE PLAN
1923

PRELIMINARY (NOT TO BE CONSIDERED A CONTRACT)	
PROJECT: [REDACTED] ADDRESS: [REDACTED]	
DATE: [REDACTED]	
SCALE: [REDACTED]	
DRAWN BY: [REDACTED]	
CHECKED BY: [REDACTED]	
APPROVED BY: [REDACTED]	
TITLE: [REDACTED]	
SHEET NO. [REDACTED]	
TOTAL SHEETS: [REDACTED]	
PROJECT NO. [REDACTED]	
CLIENT: [REDACTED]	
DESIGNER: [REDACTED]	
CONTRACT NO. [REDACTED]	
PLAN NO. [REDACTED]	
SHEET NO. [REDACTED]	
TOTAL SHEETS: [REDACTED]	
PROJECT NO. [REDACTED]	
CLIENT: [REDACTED]	
DESIGNER: [REDACTED]	
CONTRACT NO. [REDACTED]	
PLAN NO. [REDACTED]	
SHEET NO. [REDACTED]	
TOTAL SHEETS: [REDACTED]	
PROJECT NO. [REDACTED]	
CLIENT: [REDACTED]	
DESIGNER: [REDACTED]	
CONTRACT NO. [REDACTED]	
PLAN NO. [REDACTED]	
SHEET NO. [REDACTED]	
TOTAL SHEETS: [REDACTED]	

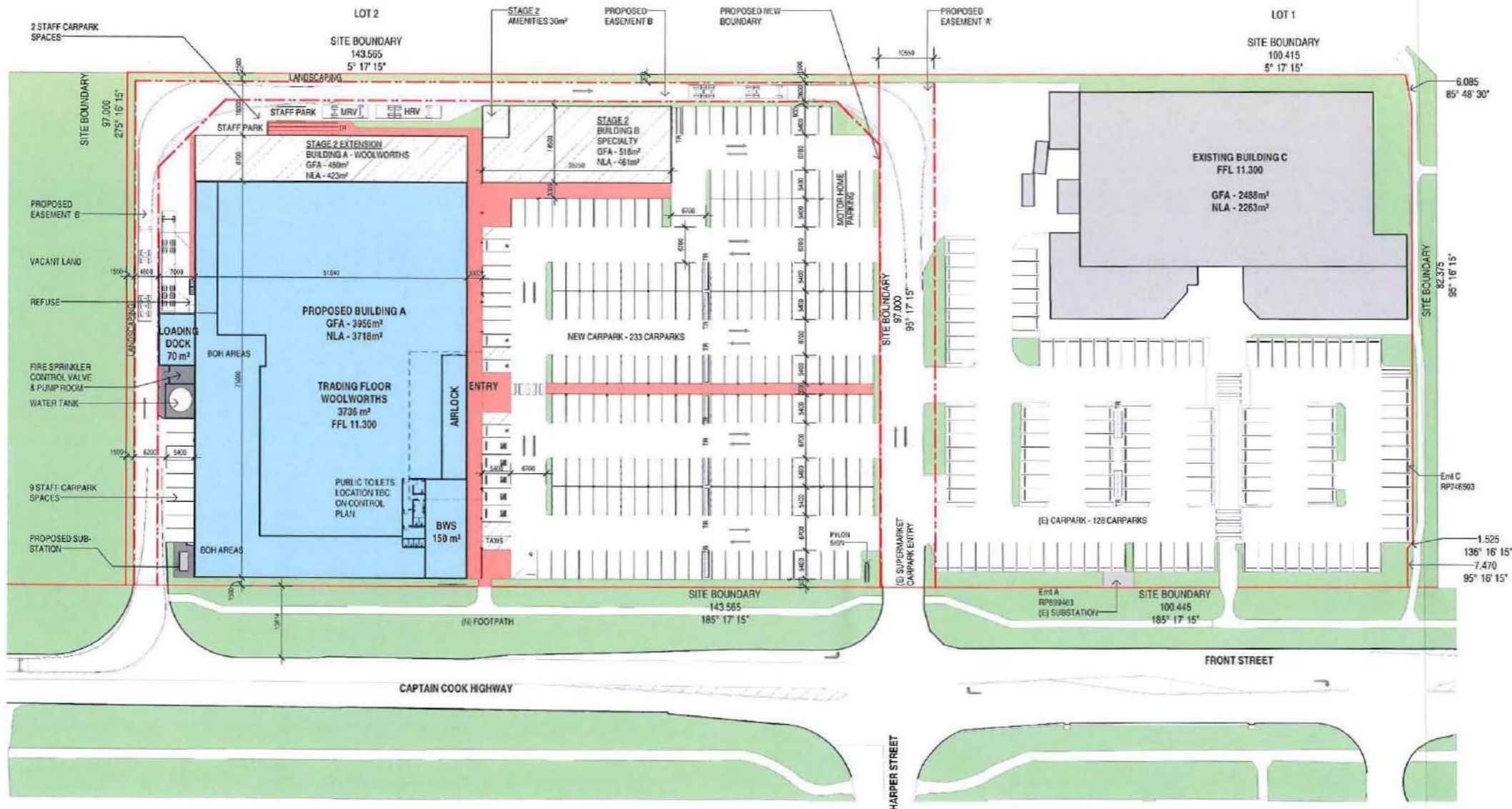
Annexure C

Revised Design Drawings – Suters PGD Architects

SUMMARY OF MINOR AMENDMENTS

DESCRIPTION	(A) Lot 1 - Current BA	(B) Lot 1 - Proposed (Actual)	Lot 1 - Carpark Demand	(C) Lot 2 - Current BA	(D) Lot 2 - Proposed (Actual)	Lot 2 - Carpark Demand	Totals Lot 1&2 Current BA (A + C)	Totals Lot 1 & 2 Proposed	Total Carpark Demand	Summary of adjustments
CARPARKS (No.)	135	128	91	177	233	184	312	361	275	Increase of 49 spaces Extra 86 carparks over demand
NLA (m ²)										
Bldg A - Woolworths	0	0		3800	3718		3800	3718		
Bldg A - Woolworths Extension	0	0		0	423		0	423		
Bldg B - New Specialty	0	0		803	461		803	461		
Bldg C - New Specialty	280	0		0	0		280	0		
Bldg C - Existing	2263	2263		0	0		2263	2263		
TOTAL NLA (m²)	2543	2263		4603	4602		7146	6865		Reduction of 281m ² NLA
LANDSCAPING (m ²)										
TOTAL LANDSCAPING (m²)	1397	1397		925	1433		2322	2830		Increase of 508m ²

Notes:
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10/10/2012 10:10:00 AM



Rev	Description	Date	By	Appr
D	REVISED DA	28/11/2012	AD	UD
C	DA APPROVAL	14/11/2012	NG	AC
B	CLIENTS REVIEW COMMENTS INCORPORATED	13/11/2012	NG	AC
A	DA APPROVAL	08/11/2012	NG	AC

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Project:
WOOLWORTHS MOSSMAN

Location:
LOT 10, 63 FRONT STREET, MOSSMAN 4873

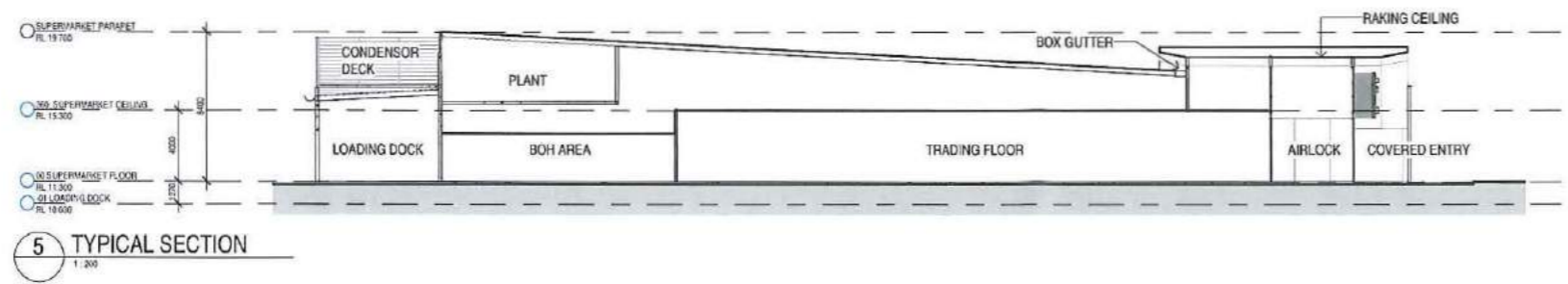
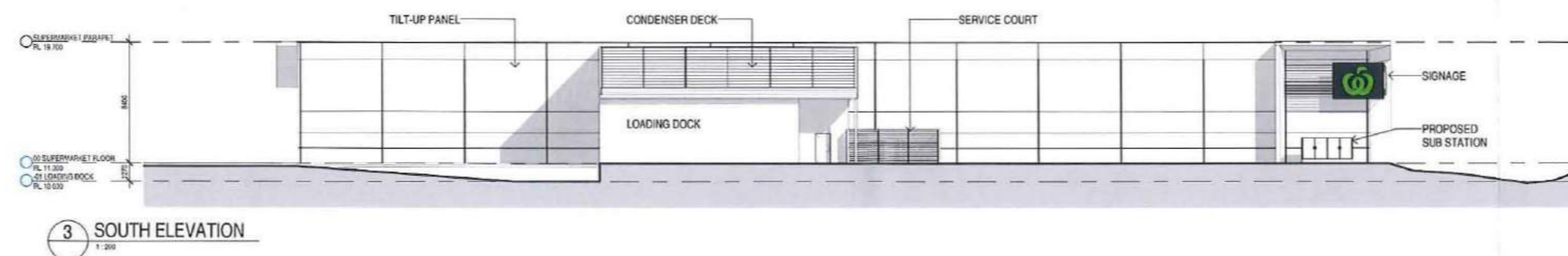
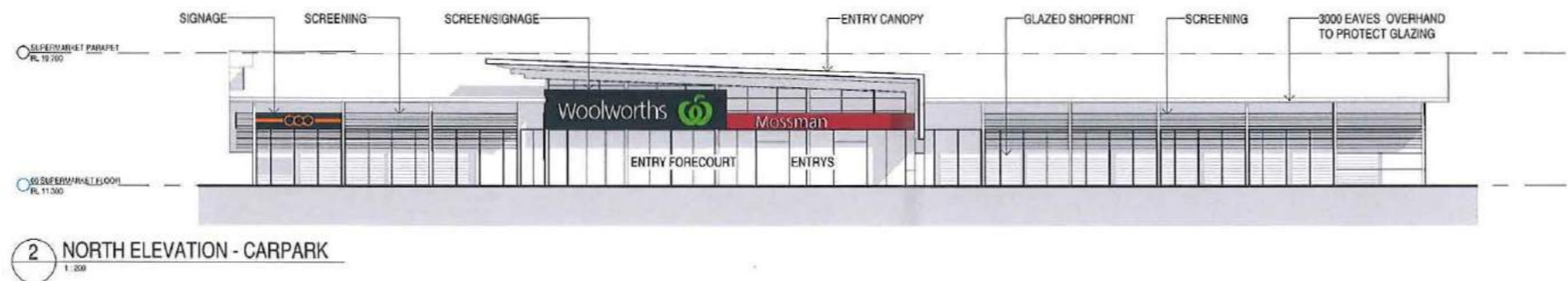
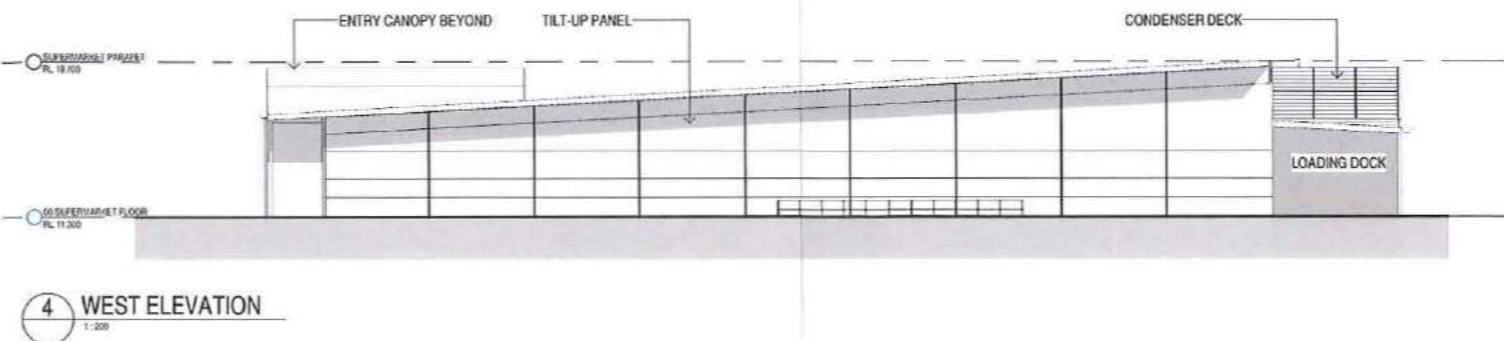
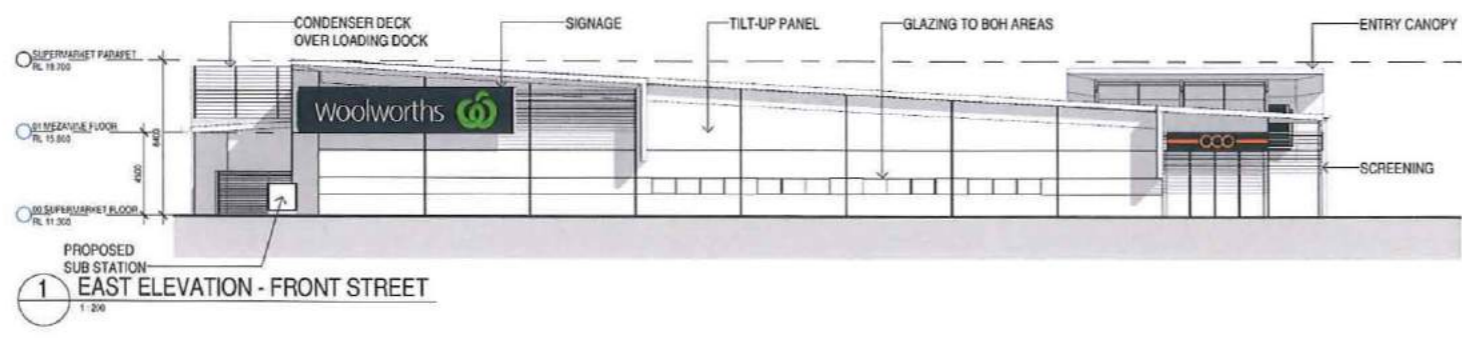
Client:
PRIME CONSTRUCTIONS

Drawing:
PROPOSED SITE PLAN

Scale: Date Printed
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Project Number: **602682** Drawing Number: **DA01** Issue: **D**

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 Robert Suters and Suters Architects AG 10/18



D	REVISION	23 11 2012	AD	MD
C	DA APPROVAL	14 11 2012	NS	AC
B	CLIENTS REVIEW COMMENTS INCORPORATED	13 11 2012	NS	AC
A	DA APPROVAL	09 11 2012	NS	AC
	Issue Description	0209	CH	ALB

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 Project
WOOLWORTHS MOSSMAN
 Location
LOT 10, 63 FRONT STREET, MOSSMAN 4873
 Client
PRIME CONSTRUCTIONS
 Drawing
ELEVATIONS & SECTION
 Scale
 1:200 @ A1
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 23/11/2012 3:44:04 PM
 Project Number
602682
 Drawing Number
DA02
 Issue
D

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 Plot Date: 20/11/2012 4:02:32 PM



APPROACH FROM THE NORTH



APPROACH FROM THE SOUTH

C	REVISED	20/11/2012	AD	MD
B	CLARIFIED	19/11/2012	MS	AC
A	CLARIFIED	18/11/2012	MS	AC
ISSUE	Description	Date	DN	SLD

Architect
 SUTERS ARCHITECTS
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Project
 WOOLWORTHS MOSSMAN

Location
 LOT 10, 63 FRONT STREET, MOSSMAN 4873

Client
 PRIME CONSTRUCTIONS

Drawing
 3D VIEWS

Scale
 @ All

Date/Print
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Project Number
 602682

Drawing Number
 DA03

Sheet
 C

suterspgd

File Name: C:\Projects\602682_Mossman_CENTRAL.dwg

DEVELOPMENT ASSESSMENT – RECEIPT SHEET –2012/2013

APPLICATION NO: _____ DATE: 26-11-2012 RECEIPT NO: _____

APPLICANT: PRIME CONSTRUCTIONS PTY LTD CONTACT NAME: STUART RICKETTS

ADDRESS OF APPLICANT: CI- RPS AUSTRALIA EAST PIL - 135 ABBOT ST, CAIRNS

PHONE: 07 4031 1336 EMAIL: _____

SITE LOCATION: 63 FRONT ST, MOSSMAN

LOT & PLAN: LOT 101 ON SP 186233

RECEIPT CODE	TYPE OF APPLICATION	AMOUNT PAID
133	• Planning and Development Certificates	
134	• Consideration of Alternative Acceptable Measure / Report to Council • Prelodgement Enquiry / Report to Council / Compliance Check for Self Assessable Development	
314	• Application for Material Change of Use and Preliminary Approvals for Building Work – Code and Impact. • Extension of Currency Period / Reconsider Lapsed Approval for Material Change of Use • Request for Superseded Scheme application • Signage under DSC Scheme (Op Works)	
130	• Application for Reconfiguring a Lot • Extension of Currency Period / Reconsider Lapsed Approval for Reconfiguring a Lot	
314/130	Combined application (Split fee: Code: 314 for MCU and Code: 130 for ROL)	314 MCU
		130 ROL
135 *	Modification or Cancellation of Application or Consent Order	\$7747-13
395	Landscape Plan Assessments	
492	• Vegetation Protection • Permit to Damage Protected Vegetation	
141	Applications for Operational Works/Re-assessment (Excludes Signage – DSC Scheme)	
302	Applications for Engineering Work on the Road Reserve	
142	Works/Final Works Inspections, Re-inspections	
513	Bonds for Outstanding Works, Construction Security, Defects Liability, EPS	
138	Endorsement of Survey Plans	
491	Extractive Industry Permits/ Renewal	
355	Tonnage charge	
SALES		
129	Public Notification Signs	
125	Sale of Planning Documents (Including Hard Copies of CairnsPlan / Douglas Shire Planning Scheme)	
419	• CDs of Cairns Plan / Douglas Shire Planning Scheme and superseded schemes • CDs - copy of application • C-Data Manipulation • CD supplied to customer <input type="checkbox"/>	
314	Copies of Development Application,	
134	Letter of Enquiry to determine land use history	

RECEIVED
27 NOV 2012
BY: VW