MATERIAL CHANGE OF USE SHOPPING FACILITY – 11-17 MACROSSAN STREET, 11-13 WARNER STREET PORT DOUGLAS – DIVISION 10

L Jackson : 8/7/1571 : #2011645

PROPOSAL: SHOPPING FACILITY

APPLICANT: KATOR PTY LTD (ACN 010 347 707)
PO BOX 1740
MILTON QLD 4069

LOCATION: 11-17 MACROSSAN STREET AND 11 -13 WARNER STREET PORT DOUGLAS 4877

PROPERTY: LOT 1 - 3 ON SP105932

PLANNING DISTRICT: PORT DOUGLAS AND ENVIRONS

PLANNING AREA: COMMERCIAL

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2008

REFERRAL AGENCIES: DEPARTMENT OF MAIN ROADS

NUMBER OF SUBMITTERS: NA

STATUTORY ASSESSMENT DEADLINE: 9 JUNE 2009

APPLICATION DATE: 26/03/2009

DIVISION: 10

APPENDIX:
1. APPROVED PLAN(S) & DOCUMENT(S)
2. CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS
3. DEVELOPER CONTRIBUTION CALCULATIONS
RECOMMENDATION:

That Council approves the development application for a Material Change Of Use Shopping Facility over land described as Lots 1 - 3 on SP105932– located at 11-17 Macrossan Street & 11-13 Warner Street Port Douglas, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)
The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Site Plan</td>
<td>DA-010 Issue A</td>
<td>23/03/2009</td>
</tr>
<tr>
<td>Proposed Elevations</td>
<td>DA-009 Issue B</td>
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<td>Proposed Sections</td>
<td>DA-008 Issue A</td>
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<td>Proposed Mezzanine and Roof Plan</td>
<td>DA-007 Issue A</td>
<td>25/03/2009</td>
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<tr>
<td>Proposed Basement and Ground Plans</td>
<td>DA-006 Issue C</td>
<td>25/03/2009</td>
</tr>
</tbody>
</table>
ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-

   a. The specifications, facts and circumstances as set out in the application submitted to Council;

   b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

   Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Air-conditioning Screens

3. Air conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

Water Supply Contributions

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

   Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $70,556.12 (10.92 ERAs).

   Payment is required prior issue of a Development Permit for Building Work.

Wastewater Contributions

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

   Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $39,547.18 (10.92 ERAs).

   Payment is required prior issue of a Development Permit for Building Work.
Water Supply and Sewerage Works External

6. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-

   a. Connect the existing 150mm diameter water main within Warner Street to the existing 150mm diameter water main at the intersection of Grant and Warner Streets.

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

Water Supply and Sewerage Works Internal

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

   a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;

   b. Any redundant sewer main/s and/or property connection/s and water connection/s located within existing Lots 2 and 3 shall be decommissioned and removed following the amalgamation of all subject Lots;

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

   Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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

Damage to Infrastructure

8. In the event that any part of Council’s existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Water & Waste, at the developers cost, prior to the Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.
Sewer Easement

9. Create an easement in favour of Council having a nominal width of 3 metres over the existing / proposed sewer within the site to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for approval by Council's solicitors at no cost to Council.

   a. The approved easement documents must be lodged and registered with the Department of Natural Resources and Water in conjunction with the Plan of Survey prior to the Commencement of Use.

Refuse Storage

10. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from CRC Water & Waste.

Liquid Waste Disposal

11. Trade waste discharge to sewer must meet the requirements of CRC Water and Waste’s Trade Waste Environmental Management Plan (TWEMP).

   A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.

   The applicant must have all measures for pre-treatment installed prior to commencement of use.

Water Saving

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

Vehicle Parking

13. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 195 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular maneuvering areas must be imperviously sealed, drained and line marked.
Protection of Landscaped Areas From Parking

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

Parking Signage

15. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use. One sign must be located on the Warner Street frontage.

Bicycle Parking

16. Provide secured, on-site bicycle parking in accordance with Table 10-1 of AUSTROADS Guide to Traffic Engineering Practice Part 14 - Bicycles. Based on the provisions in Table 10-1 (page 133) the minimum number of parking spaces required for this development is 40 spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

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

External Works

18. Undertake the following works external to the land at no cost to Council:

   a. Construct a 2.0 metre wide concrete footpath to Warner Street frontage in accordance with FNQROC Development Manual Standard Drawing 1035; Kerb ramps must be fitted with Tactile Ground Surface Indicators in accordance with Australian Standard AS1428.4: 2002 Design for Access and Mobility Part 4: Tactile Indicators.

   b. Construct full width bitumen widening to the Warner Street frontage;

   c. Provision of a concrete crossover(s) and apron(s) in accordance with FNQROC Development Manual Standard Drawing 1015;

   d. Make good the kerb(s) at redundant crossover(s);
e. Upgrade the street lighting to comply with requirements of the FNQROC Development Manual;

f. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

g. Construct kerb and channel to Warner Street;

h. Linemark parking spaces in front of and adjacent to the subject land along Warner Street;

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e. the provision of temporary kerb ramps if pedestrian diversions are necessary.

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

Pedestrian Sight Lines

19. Provide complying pedestrian sight lines or suitable protection/warning for pedestrians at the Warner Street exit through one or more of the following mechanisms:
   a. The installation of a stop sign to require exiting vehicles to stop before crossing the footpath;
   b. The installation of a warning/ flashing light to warn pedestrians that a vehicle is approaching the exit from the site;
   c. The installation of a mirror so that a vehicle driver can be aware of pedestrians before attempting to exit from the site.
Above Ground Transformer Cubicles/ Electrical Sub-Stations

20. Above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of footpath areas. This will require cubicles/sub-stations to be setback from the street alignment behind a screen of landscaping, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

Under Grounding of Electricity Supply

21. All electricity lines along the full frontages of the subject site are to be placed underground. Such works are to be undertaken by Ergon Energy or an Ergon Energy approved contractor at the applicant’s expense.

Street lighting along the full frontages is to be upgraded to the applicable Lighting Category and lighting columns are to be of steel construction.

Ergon Energy must be notified of these requirements when making application for power supply.

All works must be completed prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Acid Sulfate Soils – Basement Disturbance

22. The basement excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest ‘Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland’ produced by the Department of Natural Resources and Water, and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRM ‘Queensland Acid Sulfate Soil Technical Manual’.

Basement Parking

23. Submit a report prepared by a qualified and experienced, registered engineer on the basement parking and a separate report prepared by a qualified and experienced hydrologist on the dewatering process. Both reports must be endorsed by the Chief Executive Officer prior to commencement of any works on the site.
a. The basement parking report must include, but is not limited to the following:

i. Construction techniques;
ii. Techniques to imperviously seal the basement; and
iii. Method of basement ventilation.

b. The dewatering report must include, but is not limited to the following:

i. Method of water extraction pre and post development and the layout of the dewatering pumps and pipelines;
ii. Water quality;
iii. Lawful discharge of water; and
iv. How the results (being the form & frequency) will be reported to Council.

c. The access to the basement parking area must be designed to prevent 100 year ARI flood waters from entering the basement parking area and must have a minimum vertical clearance of 2.1 metres.

Construction Access

24. Vehicular access to the site for construction and demolition purposes must be provided from Warner Street only, unless authorised by the Chief Executive Officer.

Stockpiling and Transportation of Fill Material

25. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

a. peak traffic times; or
b. before 7am or after 6pm Monday to Friday; or
c. before 7am or after 1pm Saturdays; or
d. on Sundays or Public Holidays.

26. Dust emissions or other air pollutants, including odours, do not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery & Plant

27. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.
Landscaping Plan

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

a. Deep planting of setback areas;

b. Planting of the footpath with trees, using appropriate species with regard to any site constraints.

c. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant’s Landscape Architect/Designer.

d. A screen fence must be provided to the side boundary of the subject land, to the satisfaction of the Chief Executive Officer. The fencing must be consistent in terms of design and materials with other fences in the locality. The fencing must be completed prior to the Commencement of Use.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

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

Sediment and Erosion Control

30. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Details Of Development Signage

31. The development must provide clear and legible signage incorporating the street number for the benefit of the public.
Advertising Signage

32. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

Construction Signage

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

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

Crime Prevention Through Environmental Design

34. The applicant/owner must ensure that all lighting and landscaping requirements complies with Council’s General Policy Crime Prevention Through Environmental Design (CPTED).

Health

35. Premises intended to be used for non-higher risk personal appearance services, such as hairdressing and/or beauty therapy must comply with the requirements of the Public Health (Infection Control for Personal Appearance Services) Act 2003 and the Infection Control Guidelines for Personal Appearance Services 2004.

36. The proprietor of premises used for non-higher risk personal appearance service must notify Council’s Public Health Unit within 30 days of commencement of operation.

37. Premises intended to be used to carry out higher risk personal appearance services must designed and constructed in accordance with Part 15 of the Queensland Development Code.
38. Prior to carrying out higher risk personal appearance services, the proprietor must hold a current Licence issued under the Public Health (Infection Control for Personal Appearance Services) Act 2003.

39. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the Food Act 2006 and the Food Standards Code.

40. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council's Public Health Unit.

41. An application for the construction or alteration of any food premises must be accompanied by two copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the construction or alteration. All works must be carried out in accordance with the requirements of the Food Act 2006, Food Safety Standards and AS 4674 – 2004 – Design, construction and fit-out of food premises.

42. Prior to operation of the food business, the operator must hold a current Food Licence issued by Councils Public Health Unit under the Food Act 2006. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council's Public Health Unit for further information.

43. Noise from air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).

Amalgamation Required

44. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 1 to 3 on SP105932 into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Water at the applicant's/owner's cost prior to Commencement of Use.
CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<table>
<thead>
<tr>
<th>Concurrence Agency</th>
<th>Concurrence Agency Reference</th>
<th>Date</th>
<th>Council Electronic Reference</th>
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<tbody>
<tr>
<td>Department of Main Roads</td>
<td>214/6504/102(2525.02)</td>
<td>27 March 2009</td>
<td>2010311</td>
</tr>
</tbody>
</table>

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

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.

2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.

3. Supporting documentation outlining the required information for the Dewatering Report is attached to this Development Approval. Further information can be obtained from Council’s Environmental Protection Unit on (07) 4044 3044.

4. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.


6. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.

EXECUTIVE SUMMARY:

A development application has been submitted to extend the existing Port Village Shopping Centre to involve an expansion of the Coles Supermarket, a new Target Store, several smaller shops, an extended basement car park and vehicle access off Warner Street. The proposal is located in the Commercial Planning Area, is Code Assessable and did not require public notification. Assessment of the application reveals that the proposal complies with the relevant codes in the Douglas Scheme. The proposal is recommended for approval subject to conditions.
PLANNING CONSIDERATIONS:

Site and Surrounds

The subject site covers three allotments which front both Macrossan Street and Warner Street midway between Grant Street and Wharf Street Port Douglas. The lots have a total area of 8,122 sqm. The larger lot is currently occupied by the Port Village Shopping Centre that contains smaller specialty shops and a Coles Supermarket. These shops are sited over a basement car park which is accessed off Warner Street which is the rear of the site. Pedestrian access is available off both Warner Street and Macrossan Street. The two vacant allotments contain no buildings and are overgrown with grasses and also contain some small trees. The frontage to these lots on Warner Street is undeveloped and the road contains some palm trees fronting the site.

Surrounding development is primarily single storey retail shops and businesses on both Macrossan Street and Warner Street. Most surrounding buildings are limited in height to one or two storeys. Adjacent properties include the Central Hotel and Macrossan House.

Proposal

It is proposed to redevelop the site with an expansion to the Coles Supermarket as well as a new Target Country discount department store, new specialty retail and car parking. Architecturally the design will match the existing form and finishes so that the building appears as a single development. The Macrossan Street elevation will remain with a more open vista to the rear so that the shops are more visible. The elevation to Warner Street will maintain the colonnade awning, footpath and landscaping detailing that currently exists. Pedestrian access will be maintained from both Macrossan Street and Warner Street. Customer vehicle services will be maintained from the existing entrance at Warner Street. Service vehicles to Coles from Warner Street will be the same. An additional service vehicle entry will be provided from Warner Street for the Target store. Overall the expansion results in an increase in floor area of 2,730 sqm to a total of 5,848 sqm – nearly doubling the current floor area. The plot ratio proposed is 0.72, the proposed height is 6.75m (comprising of basement car park and shops above), setbacks vary between 0m and 1.5m and a total of 204 car parking spaces for the whole development (including existing shops). The proposal will involve excavation of the site to accommodate the basement car park. An awning is proposed for the full length of the Warner Street frontage over the footpath.

Douglas Shire Assessment

<table>
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<tr>
<th>Locality</th>
<th>Code</th>
<th>Compliance</th>
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</thead>
<tbody>
<tr>
<td>Douglas Shire and Environ Planning Locality</td>
<td></td>
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<tr>
<td>World Heritage Areas and Environ Local Code</td>
<td>✓</td>
<td>NA</td>
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<tr>
<td>Settlement Areas North of the Daintree River</td>
<td>✓</td>
<td>NA</td>
</tr>
<tr>
<td>Locality Code</td>
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<tr>
<td>Mossman and Environ Local Code</td>
<td>✓</td>
<td>NA</td>
</tr>
<tr>
<td>Port Douglas and Environ Local Code</td>
<td>✓</td>
<td>Complies</td>
</tr>
<tr>
<td>Coastal Suburbs, Villages and Townships Local Code</td>
<td>✓</td>
<td>NA</td>
</tr>
<tr>
<td>Rural Areas and Rural Settlement Local Code</td>
<td>✓</td>
<td>NA</td>
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</table>
Iconic Panel

The Iconic Panel resolved on 14 April 2009 that the Panel not decide the application, and that Cairns Regional Council continue to assess and decide the application as the Assessment Manager.

Compliance Issues

Commercial Planning Area

The proposal is located in the Commercial Planning Area and is consistent with the purpose of the Planning Area in that it provides an expansion to existing commercial and shopping facilities to serve the needs of the local and wider community, consolidates the commercial area by providing shopping facilities together, accommodates a range of commercial uses that serve the needs of the local and wider community, and ensures that the design is attractive. It is noted that Port Douglas Waterfront MasterPlan indicates that the commercial centre of Port Douglas has reached a point where additional shopping facilities are not needed. It is noted that the proposal results in primarily the expansion of the existing Coles Supermarket and also adds a Target and a few smaller shops. Given the Planning Area encourages Shopping Uses, the proposal absorbs existing vacant area and the Scheme does not mention that economic need is a planning consideration, the application can not be refused on the grounds of need.

Port Douglas and Environs Locality Code

Under this code the height limit for buildings is 10m and three storeys. The proposal is two storeys to Warner Street with a height of approximately 6.5m and single storey to Macrossan Street. The two storey height on Warner Street is consistent with surrounding development and will not appear bulky, intrusive or dominant in the streetscape.
Parking

The proposed development results in a total floor area of 5,848 sq.m (i.e. proposed extensions plus existing floor area). The parking rate in Port Douglas for Shopping Facilities is 1 space per 30 sq.m. At this rate, the proposal is required to provide 195 car parking spaces. 204 car parking spaces are proposed. The proposal complies with the minimum car parking requirements of the scheme.

Public Notification / Submissions

The proposal is a code assessable application and was not required to be publicly notified.

HEADWORKS / CONTRIBUTIONS:

The proposed development triggers Developer’s Headwork’s Contributions. Refer to Appendix 3 to view calculations.

Luke Jackson
Planning Officer
Action Officer

Simon Clarke
Manager Development Assessment
APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)
APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

27 March 2009

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

Dear Mr Briggs

Cairns Regional Council: Port Douglas Road (Macrossan Street)
Situated at Port Village Shopping Centre, 11-17 Macrossan Street, Port Douglas
Lots 1, 2 & 3 on SP 105932, Parish of Salisbury
Kator Pty Ltd
Proposed Material Change of Use (Shopping Facility Extension) Application
Referral Agency Response (conditions apply)

I refer to the above application received at the Department 26 March 2009 requesting consideration of the above development.

Pursuant to sections 3.3.15, 3.3.16 and 3.3.18 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 attached conditions of development for the subject application.

Should you have any queries regarding the response please contact Malcolm Hardy on telephone 4050 5511.

Council is requested to reflect the 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

Malcolm Hardy
SENIOR PLANNER FAR NORTH

Roads Business Group
Far North Regional Office
Floor 4 Cairns Corporate Tower 15 Lake Street
PO Box 6185 CAIRNS Queensland 4870
ABN 87 836 727 711

Queensland Government
Department of Main Roads
# Conditions of Development and Statement of Reasons

**Council Ref:**
Port Douglas Road (Macrossan Street)

**Proposal:**
Material Change of Use (Shopping Facility Extension)

**Real property description:**
Lots 1, 2 & 3 on SP 105932, Parish of Salisbury

**Site locality:**
Port Village Shopping Centre, 11-17 Macrossan Street, Port Douglas

**Applicant:**
Kator Pty Ltd

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<tr>
<th>Conditions of Development</th>
<th>Reasons</th>
<th>Condition Basis</th>
</tr>
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<tbody>
<tr>
<td><strong>Layout</strong></td>
<td>To ensure the development proceeds in accordance with the proposal</td>
<td>s. 62 Transport Infrastructure Act 1994 (Qld)</td>
</tr>
<tr>
<td>1. <strong>Unless otherwise approved in writing by Main Roads the development site layout must generally comply with The Buchan Group Port Village Stage 2 Proposed Basement &amp; Ground Plans, Drawing No. DA-006 Issue C, dated 20.03.09.</strong></td>
<td></td>
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<tr>
<td><strong>Permitted Road Access Location</strong></td>
<td>Main Roads must ensure that access between to the Subject Land does not adversely impact the safe and efficient operation of the state-controlled road</td>
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<tr>
<td>2. <strong>Vehicular access between the state-controlled road (Macrossan Street) and the Subject Land shall be via Warner Street only, to the satisfaction of Cairns Regional Council.</strong></td>
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<tr>
<td>3. <strong>No direct vehicular access between the state-controlled road (Macrossan Street) and the Subject Land is permitted.</strong></td>
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<tr>
<td><strong>Advertising</strong></td>
<td>Advertising devices may obscure signage and distract motorists.</td>
<td>s. 50 Transport Infrastructure Act 1994 (Qld)</td>
</tr>
<tr>
<td>4. <strong>No advertising device for the proposed development is permitted within the state-controlled road reserve (Macrossan Street).</strong></td>
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<td>Conditions of Development</td>
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<td>Condition Basis</td>
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</tr>
<tr>
<td>Parking</td>
<td>No parking associated with the development is permitted within the state-controlled road reserve (Macrossan Street).</td>
<td>Lack of on-site parking can cause vehicle queuing and conflict at an access to the state-controlled road.</td>
</tr>
</tbody>
</table>
APPENDIX 3 DEVELOPER CONTRIBUTION CALCULATIONS

DEVELOPERS CONTRIBUTIONS

2006 Planning Scheme (including 2008 Amendments)

SUMMARY

<table>
<thead>
<tr>
<th>Water Supply</th>
<th>Adjustment Index</th>
<th>R&amp;B</th>
</tr>
</thead>
<tbody>
<tr>
<td>District No.</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>District Name</td>
<td>Port Douglas</td>
<td></td>
</tr>
<tr>
<td>Receipt Code</td>
<td>Existing</td>
<td>20574</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$3,572.65</td>
<td></td>
</tr>
<tr>
<td>Base Rate</td>
<td>Proposed</td>
<td>$3,570.75</td>
</tr>
<tr>
<td>Base Rate</td>
<td>Total</td>
<td>$7,143.40</td>
</tr>
<tr>
<td>Base Code</td>
<td>Mar 00</td>
<td></td>
</tr>
<tr>
<td>Base Index</td>
<td>148.00</td>
<td></td>
</tr>
<tr>
<td>Proponent Demand</td>
<td>10.92 EEC</td>
<td></td>
</tr>
<tr>
<td>Total Demand</td>
<td>10.92 EEC</td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Sewerage</th>
<th>Adjustment Index</th>
<th>R&amp;B</th>
</tr>
</thead>
<tbody>
<tr>
<td>District No.</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>District Name</td>
<td>PD Town Area</td>
<td></td>
</tr>
<tr>
<td>Receipt Code</td>
<td>Proposed</td>
<td>20576</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$2,376.63</td>
<td></td>
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<tr>
<td>Base Rate</td>
<td>Proposed</td>
<td>$2,376.63</td>
</tr>
<tr>
<td>Base Rate</td>
<td>Total</td>
<td>$4,753.26</td>
</tr>
<tr>
<td>Base Code</td>
<td>Jan 00</td>
<td></td>
</tr>
<tr>
<td>Base Index</td>
<td>110.40</td>
<td></td>
</tr>
<tr>
<td>Proponent Demand</td>
<td>10.92 EEC</td>
<td></td>
</tr>
<tr>
<td>Total Demand</td>
<td>10.92 EEC</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Road Network</th>
<th>Adjustment Index</th>
<th>R&amp;B</th>
</tr>
</thead>
<tbody>
<tr>
<td>District No.</td>
<td>44</td>
<td></td>
</tr>
<tr>
<td>District Name</td>
<td>Former DSC Area</td>
<td></td>
</tr>
<tr>
<td>Receipt Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Base Rate</td>
<td>$0.00 IERA</td>
<td></td>
</tr>
<tr>
<td>Base Rate</td>
<td>Jan 00</td>
<td>$0.00 IERA</td>
</tr>
<tr>
<td>Proponent Demand</td>
<td>0.00 EWA</td>
<td></td>
</tr>
<tr>
<td>Total Demand</td>
<td>0.00 EWA</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Open Space</th>
<th>Adjustment Index</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of new allotments</td>
<td>10.00%</td>
<td></td>
</tr>
<tr>
<td>75% of subject land</td>
<td>ha</td>
<td></td>
</tr>
<tr>
<td>Area of subject land</td>
<td>ha</td>
<td></td>
</tr>
<tr>
<td>Area of reserves</td>
<td>ha</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Amendments</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed</td>
<td>Lake Junction</td>
</tr>
<tr>
<td>Approved</td>
<td>Leila Doulton</td>
</tr>
<tr>
<td>Time of payment</td>
<td>prior to commencement of works for reconfiguration</td>
</tr>
</tbody>
</table>

Base Rate Formula 17/02/02

Townhouse Contributions District

Agenda – Ordinary Meeting 27/5/09 - #2055870
# 2006 Douglas Shire Planning Scheme Applications

## Developers Headworks Contributions

<table>
<thead>
<tr>
<th>Kator</th>
<th>Port Village Shopping Centre</th>
<th>0</th>
</tr>
</thead>
</table>

### Developers Name

<table>
<thead>
<tr>
<th>STREET No. &amp; NAME</th>
<th>SUBURB</th>
<th>LOT &amp; RP No.s</th>
<th>PARCEL No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-17 Macrossan Street</td>
<td>Port Douglas</td>
<td>Lot 1-3 on SP105932</td>
<td>9942</td>
</tr>
</tbody>
</table>

### Address Details

<table>
<thead>
<tr>
<th>Shopping Facilities</th>
<th>8/7/1571-01</th>
<th>31-Mar-09</th>
<th>4</th>
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<tbody>
<tr>
<td>Development Type</td>
<td>Council File No.</td>
<td>Quarter Ending</td>
<td>Validity Period</td>
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</table>

### Logsheet Details

<table>
<thead>
<tr>
<th>SKIDS No.</th>
<th>VERSION No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2035773</td>
<td>1</td>
</tr>
</tbody>
</table>

This logsheet is indexed appropriately only for payments made within the quarter noted above.

### Water Contributions

<table>
<thead>
<tr>
<th>DIST.</th>
<th>$ / ERA</th>
<th>NET ERA</th>
<th>ADJUSTMENT</th>
<th>AMOUNT DUE</th>
<th>AMOUNT PAID</th>
<th>RECEIPT TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>EX</td>
<td>11 5,670.67</td>
<td>X</td>
<td>10.92</td>
<td>0.00</td>
<td>$64,206.03</td>
<td>T 615/ 05674</td>
</tr>
<tr>
<td>Pro</td>
<td>11 581.51</td>
<td>X</td>
<td>10.92</td>
<td>0.00</td>
<td>$6,350.10</td>
<td>T 616/ 05660</td>
</tr>
</tbody>
</table>

Water sub-total: $70,556.12

### Sewerage Contributions

| EX | 2 3,150.08 | X | 10.92 | 0.00 | $34,368.85 | T 617/ |
| Pro | 2 471.46 | X | 10.92 | 0.00 | $5,148.34 | T 618/ |

Sewerage sub-total: $39,517.18

### Road Network Contributions

<table>
<thead>
<tr>
<th>Not Applicable in Former DSC Area</th>
<th>0</th>
</tr>
</thead>
</table>

Road Network: $0.00

### Drainage Contributions

<table>
<thead>
<tr>
<th>Not Applicable in Former DSC Area</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stream Management</td>
<td>$0.00</td>
</tr>
<tr>
<td>Stormwater Quality</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Drainage: $0.00

### Open Space Contributions

| Former DSC Area | $0.00 | T 614 / 546 |

Open Space: $0.00

### Bonds Contributions

<table>
<thead>
<tr>
<th>None</th>
<th>$0.00</th>
</tr>
</thead>
</table>

Bonds: $0.00

### Other Contributions

<table>
<thead>
<tr>
<th>None</th>
<th>$0.00</th>
</tr>
</thead>
</table>

Other: $0.00

### Total Contributions

**TOTAL: $110,103.31**

### Preparations

- **Prepared by**: Luke Jackson on 27-Apr-09
- **Amount Paid**
- **Checked by**: Leon Douitre on 27-Apr-09
- **Date Paid**

### Amendments

- **Date**
- **Receipt No.**
- **Cashier**

---

1. The Developer should confirm these details with City Assessment prior to arranging payment.
2. City Assessment must update these details if the effective quarter is no longer current.
3. City Assessment must update these details in the event of policy change or variation to Development Approval.
4. These details must be presented at time of payment.
5. A photocopy of these details to be forwarded to City Assessment once payment is received.
6. The original of these details to be forwarded to Finance Department with receipt once payment is received.
7. Payment details to be entered into Developer Contributions Register by Finance Officer.

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**Agenda – Ordinary Meeting 27/5/09 - #2055870**