NEGOTIATED DECISION FOR MATERIAL CHANGE OF USE (IMPACT) VETERINARY SURGERY & BUSINESS FACILITIES – 1/1-7 AROPA STREET TRINITY BEACH – DIVISION 9

G Warner : 8/8/1019 : #2169825

PROPOSAL: NEGOTIATED DECISION FOR VETERINARY SURGERY & BUSINESS FACILITIES

APPLICANT: MARLIN COAST VETERINARY CLINIC C/- PLANNING FAR NORTH PO BOX 7801 CAIRNS QLD 4870

LOCATION OF SITE: 1/1-7 AROPA STREET TRINITY BEACH QLD

PROPERTY: LOT 1 ON SP198085

PLANNING DISTRICT: CAIRNS BEACHES

PLANNING AREA: LOW DENSITY RESIDENTIAL

PLANNING SCHEME: CAIRNSPLAN 2009

REFERRAL AGENCIES: DEPARTMENT OF MAIN ROADS

NUMBER OF SUBMITTERS: TWO (2)

STATUTORY ASSESSMENT DEADLINE: N/A

APPLICATION DATE: 26 JUNE 2009

DIVISION: 9

APPENDIX:
1. APPROVED PLAN(S) & DOCUMENT(S)
2. CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS
3. DEVELOPER CONTRIBUTION CALCULATIONS
4. SUPPORTING INFORMATION TO PLANNING REPORT
RECOMMENDATION:

That Council approves the request for a Negotiated Decision to upgrade a Preliminary Approval to a Development Approval for Veterinary Surgery & Ancillary Uses over land described as Lot 1 SP198085 and Common Property on SP114486, located at 1/1-7 Aropa Street Trinity Beach, 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>Site Plan &amp; Car Parking (1:250)</td>
<td>No Reference (see Appendix 1)</td>
<td>Undated</td>
</tr>
<tr>
<td>Layout Plan at 1:100 – Vet Clinic at Trinity Park</td>
<td>Ken Chappell &amp; Associates Plan (2 of)</td>
<td>28/06/2008</td>
</tr>
<tr>
<td>Elevations at 1:100 – Vet Clinic at Trinity Park</td>
<td>Ken Chappell &amp; Associates Plan (3 of)</td>
<td>Undated</td>
</tr>
<tr>
<td>Front Elevation – Vet Clinic at Trinity Park</td>
<td>Ken Chappell &amp; Associates Plan (4 of)</td>
<td>Undated</td>
</tr>
<tr>
<td>Floor Plan – Existing Building</td>
<td>Ken Chappell &amp; Associates Plan</td>
<td>Undated</td>
</tr>
</tbody>
</table>
ASSESSMENT MANAGER CONDITIONS

1. The applicant/owner must at all times during development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:

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

   b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual; and

   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.

Amendment to Design

3. The proposed development must be amended to accommodate the following changes:


Limitations on Use

4. Upon completion of the new Veterinary Clinic the building containing the existing Veterinary Clinic must only be used for accommodation/caretaking purposes and uses ancillary the operation of a Veterinary Clinic.

Water Supply Contributions

5. 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 $826.26 (1.89 ERAs).

   Payment is required prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.
Wastewater Contributions

6. 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 $4,344.06 (1.89 ERAs).

Payment is required prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Stormwater Quality

7. Pay a monetary contribution to Council in accordance with Council’s Trunk Infrastructure Contributions Policy towards the improving Stormwater Quality.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $1360.17 for Stormwater Quality.

Payment is required prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Public Art Contribution

8. Pay a monetary contribution to Council in accordance with Council’s General Policy – Public Art towards the provision of Public Art within the community.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $2500.

Payment is required prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Water Supply and Sewerage Works External

9. Undertake the following sewerage works external to the site to connect the site to existing sewerage infrastructure:-

   a. Install a privately owned low pressure sewer main from the site to connect with the privately owned low pressure main being constructed by the owner of the Johnny Crows Child Care Centre. The developer/owner is responsible for all approvals and agreements with third parties and costs associated with operation and maintenance of the main;
b. Construct a 150mm sewer bored under the Captain Cook Highway which is designed and installed to gravity sewer standards;

c. Obtain Main Road's approval of the 150 sewer road crossing of the Captain Cook Highway.

The external works outlined above require approval from Council in accordance with Local Law 22 – (Activities on Roads). 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. Payment or approval and dating of the Building Format Plan, whichever occurs first.

Water Supply and Sewerage Works Internal

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

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

   b. the development must be provided with a privately owned package pump station and rising main.

   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 issue of a plumbing permit.

   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.

Damage to Infrastructure

11. 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 developer's cost, prior to the 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.

Refuse Storage

13. 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.

Vehicle Parking

14. The amount of vehicle parking must be as specified in the application which is a minimum of 43 spaces of which 7 are located on the southern side of Aropa Street and the balance parking is to be within the Common Property. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

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 Aropa Street frontage.

Lighting

16. 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

17. Undertake the following works external to the land at no cost to Council:
   
   a. Line mark car parks on the southern side of Aropa Street.
   
   b. Provide edge line on Aropa street road formation to indicate location of southern edge of moving lane;
   
   c. Provide Road edge guide posts adjacent to culverts;
d. Provide of a bitumen turnout / crossover and apron in accordance with FNQROC Development Manual Standard Drawing 1015 to western exit from Common Property.

The external works outlined above require approval from Council in accordance with Local Law 22 – (Activities on Roads). 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.

Internal Works

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

   a. Form, drain and seal the Common Area on the western side of Lots 1 and 2 SP198085 to link with the crossover required by the above Condition.

   Works are to be completed 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.

Landscaping Plan

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

   a. Planting of setback areas, in particular, 2m planted area in the front setback adjoining Aropa Street and 2m planted set back adjoining Lot 2 SP198085;

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

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

20. A 1.8m timber paling screen fence (no gaps) must be provided to the western side boundary adjoining Lot 8 RP728028 for the full length of the Common Property that also adjoins this boundary to the satisfaction of the Chief Executive Officer. The fencing must be completed prior to the Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Details of Development Signage

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

Advertising Signage

22. Signs on the subject land must conform with Council's Local Law No. 28 (Control of Advertising), to the requirements and satisfaction of the Chief Executive Officer. In particular:

a. One shared sign is to be provided for all three businesses that share the Common property,

b. Redundant and unused signs that are currently dispersed along the highway boundary are to be removed.

The signage must approved and installed prior to the Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Lawful Point of Discharge

23. 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.

Storage of Machinery & Plant

24. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.
Sediment and Erosion Control

25. 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).

Air-conditioning Screens

26. 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.

**CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS**

<table>
<thead>
<tr>
<th>Concurrency Agency</th>
<th>Concurrency Agency Reference</th>
<th>Date</th>
<th>Council Electronic Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Main Roads</td>
<td>214/20A/102(3613)</td>
<td>23/09/2008</td>
<td>1829478</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. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.


---

**RATES PROPERTY NOTATIONS**

Unique Notation to be placed on rates records for Lot 1 on SP198085
Private Sewer Pressure Main

1. Operation and maintenance of the low pressure main is solely at the property owner's expense.

EXECUTIVE SUMMARY:

Council at its meeting of 22 January 2009 issued a Preliminary Approval for an application for the extension of an existing Veterinary Clinic and refused the creation of a Business Facility in the building currently used as the Veterinary Clinic on a site at Aropa Street, Trinity Beach. The site is located in the Low Density Residential Planning Area and is within an existing Special Facilities Overlay (zone) that provided for the current Veterinary Clinic. The Veterinary Clinic currently shares the site under a Body Corporate structure with two other uses also approved under earlier Special Facilities zonings. The site is not serviced with reticulated sewer.

The proposal as originally presented was considered as overdevelopment of the site and as a consequence the original recommendation was only for a Preliminary Approval that required, through conditions, the scale of the development to be reduced and effluent disposal issues to be addressed before a Development Approval can be issued.

The applicants have now requested a Negotiated Decision on the Preliminary Approval conditions in an attempt to facilitate the issue of a Development Permit. A Development Permit is now recommended but is subject to a number of conditions to address the matters arising from the Preliminary Approval conditions.

TOWN PLANNING CONSIDERATIONS:

Background

The Site

The site is located at the corner of the Captain Cook Highway and Aropa Street, Trinity Beach. The site is separated from the Captain Cook Highway by a 20m wide strip of “Open Space” land owned by Council. The land is held in three (3) lots under a “Group Title” and associated Body Corporate form of ownership. The site itself, Lot 1 SP 198085, is the front lot of the 3 lot development. A copy of the plan of survey for the site is attached in Appendix 3. The 3 lots share two “common property “areas. The eastern common property provides a car parking and access area for all three existing uses. The Common Property on the west of the site provides for vehicular access to all three lots.

The three lots are configured to reflect the nature and extent of the three uses approved for the land although it is noted that the subject Lot 1 was extended in size in 2007 via boundary realignment with the adjoining Lot 2 in anticipation of some form of extension to the subject facilities.
Approved Uses

The original block of land (Lot 7 RP 728028) has been the subject of several “Special Facilities” applications in the late 1980’s to provide for the establishment of the three uses that are now located on the land. These Special Facilities approvals have been carried forward into CairnsPlan as Items 15 and 16 in Schedule of Special Facilities the Cairns Beaches Planning District as extracted below:

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Lot 1</td>
<td>PLN114486</td>
<td>1-7 Aropa Street TRINITY BEACH Plant Nursery- professional office veterinary surgery.</td>
</tr>
<tr>
<td>16</td>
<td>Lot 2</td>
<td>PLN114486</td>
<td>1-7 Aropa Street TRINITY BEACH Retail and wholesale nursery and landscape supplies. Gift shop and light refreshments.</td>
</tr>
<tr>
<td></td>
<td>Lot 3</td>
<td>PLN114486</td>
<td>1-7 Aropa Street TRINITY BEACH</td>
</tr>
</tbody>
</table>

The above description of the Special Facilities areas is a simplified version of what was a series of overlapping re-zoning approvals over the land in the late 1980’s. The existing Veterinary Clinic was approved as a 1990 change/addition to the original Special Facilities approval that provided for “Retail and Wholesale Nursery, Landscape supplies, Gift Shop and Light refreshments”. Over the passage of time and ownership changes the distribution of the approved uses on the site has settled down to the following:

Lot 1 on SP 198085 – Professional office (Veterinary Surgery) – over part and Retail/Wholesale Nursery, Gift shop and light refreshments over part

Lot 2 on SP 198085 – Retail/Wholesale Nursery, Gift shop and light refreshments

Lot 3 on SP114486 – Landscape Supplies

Proposal

The existing Veterinary Facilities are located in a building of approximately 200m². The applicants originally requested that this building be retained for a “Business Facility” use and that a new Veterinary Facility of 520m² (486m² nett lettable area) be constructed at the rear of the existing building. The new Veterinary Facility is proposed as a single storey purpose built building. The applicants have submitted that the new facilities are required for the following reasons:

a. to supply an improved standard of service (clients and staff),

b. provision of complying workplace heath and safety facilities,

c. stocking of speciality pet products,

d. provision of separate office spaces for research etc.,

e. provision of larger waiting area to provide better separation between animals awaiting attention.

f. improvement in sound attenuation for animals held overnight following treatment,
The applicants propose to operate the new facility with 8 staff at any given time under the following hours of operation:

Monday – Friday – 8am-7pm  
Saturday – 8am – 12noon  
Sunday – 8am-10am  
Emergency on call service 24hours a day.(mostly off site visits)

It is also noted that the facility also provide puppy training classes that has the potential to attract additional visitors to the site over and above day to day vet clients.

As noted above the applicants originally proposed to re-use the building that currently houses the clinic for some form of Business Facility. The proposed Business Facility was to be limited to a single tenancy “by-appointment” use e.g. beauty therapy or accountancy office. The preliminary Approval required that the existing building be removed to facilitate parking, access, and allow the development to better assimilate with the surrounding low density planning area. This issue is discussed below in more detail.

Preliminary Approval Conditions

The Preliminary Approval decided at Council’s meeting of 22 January 2009 contained a number of conditions that needed to be addressed prior to a Development approval being issued. These conditions are addressed by the applicants and officers as follows:

1. Re-design the development to provide for the removal of the building containing the existing Vet Clinic within 3 months of the commencement of use within the new Vet Clinic.

Applicant’s response

The applicants have requested that this Condition is deleted and that the existing building is retained for use as proposed for a single tenancy, appointment only, Business Facilities use. The applicants note the following:

“The applicant has had ongoing requests from a local beauty therapist who wishes to tenant the vacated veterinary building. The beauty therapy clinic requires a generous area to allow a practitioner to use one room while another is being prepared. The larger space does not result in a large number of clients or staff. The use is always operated on an appointment only basis. The therapist who seeks the use of the premises is seeking to enter into a 5 year contract with two renewals, resulting in a potential lease term of 15 years. This practitioner already has a home at Clifton Beach. The vacated veterinary clinic is not large enough for beauty therapy business and a home. This use is indicative of the types of uses that the planning approval seeks to achieve for this building. The scale of use can be securely confined by conditions of development approval.”

The applicants also note that the use of the existing building as a Business Facility will also help offset the cost of a reticulated sewerage system. That aspect of the development is discussed in more detail below in response to Condition 5.
Officers Comments

There maybe merit in retaining the existing building. However its use as some form of Business Facility, albeit a low key one, is not favoured. The site is located in a Low Density Planning Area not a Local Centre Planning Area. Business Facilities of any scale should be located in Local and Sub Regional Centres that already exist. Business Facilities are inconsistent uses in this Planning Area. Location of Business facilities should be encouraged in existing Local and Sub Regional centres not in scattered sites such as the subject site. If the building is to be retained on site it should only be used for uses or accommodation that is ancillary to the adjoining proposed Veterinary Facility, for example the advertised puppy training is one form of use that could take place in the existing building. The recommendation has been conditioned accordingly.

2. Provide designs for car parking, pedestrian and vehicular access and landscaping for the land freed up by the removal of the existing clinic building.

Applicant’s response

This condition is requested to be deleted as a consequence of submissions on Condition 1 above. i.e. retention of the existing building.

Officers Comments

Provided the retained building is used for purposes ancillary to the new Veterinary Clinic the car parking and access can remain subject to improvements contained in the conditions attached to the recommendation.

3. Provide designs for the removal of the seven right-angled car parks on the street frontage including rehabilitation and landscaping of the road frontage.

Applicant’s response

The applicants have requested that this condition also be deleted in light of their submissions on Conditions 1 and 2 above.

Officers Comments

The condition has been modified to ensure that the retained parking is improved in terms of line marking, safety measures and landscaping.

4. Provide a full analysis of the car parking and access requirements of all three uses on the overall site including parking and access to the within the land made available by the removal of the existing Vet Clinic building.

Applicant’s response

The applicants assert that parking within the complex has been adequately addressed through past approvals and recent endorsements of Community Management Statements. e.g.
“The approved arrangement for the Community Management Statement allocates equal access for visitors to Lot 1, 2 and 3 to the common property area. It also prevents the loading or unloading of vehicles within the common property area. All cars with trailers must therefore park and are loaded within Lot 3. It is therefore reasonable to assume that a minimum of 30 conventional parking spaces (approved for the area in the original rezoning) are available within the common property area on the Captain Cook Highway side of the site. Of these 30 spaces, 10 spaces are lawfully allocated by the approved Community Management Statement to the Veterinary Surgery site. In point of fact, 36 car parking spaces can be accommodated in this area, as shown on the proposal plan. The veterinary surgery has access to one third of these spaces, resulting in a total of 12 spaces allocated to Lot 1 (vet lot) within the common property. In addition to these, another 4 car parking spaces may be accommodated on site if required.”

Officers Comments

The car parking for the three businesses that share the common property is essentially fixed by site constraints. The use and control of such parking is largely a civil matter between the three lot owners. Provided the parking is readily accessible and line marked this will be sufficient for the proposed and existing purposes. The orientation of the front of the proposed Veterinary Clinic should encourage more clients to make use of the existing internal car parking area thereby reducing potential traffic conflicts on Aropa Street. With respect to the parking that is currently taking place on the northern verge area of Aropa Street Council officers have indicated this will be monitored and if necessary “no parking” signage introduced at a later stage.

5. Provide a Best Practice solution to effluent disposal in accordance with AS/NZ 147 – Section 4.1.3.2 and in consultation with Council Water and Waste officers.

Applicant’s response

Effluent disposal was one of the key issues associated with this application. As the above condition suggests Water and Waste officers required a better outcome than what was originally proposed (on site storage and “pump out” removal). Water and Waste officers believed the preferred solution to effluent disposal issues was a low pressure pump system across the highway and then on into existing systems on the Multiplex land east of the highway. This solution would be consistent with other approvals in un-serviced areas west of the highway. The applicants have responded with the following comments:

“Council’s estimate of $20,000 to bore under the Captain Cook Highway and a maximum addition $50,000 to run the line across the Multiplex site to connect to the existing sewer is found to be accurate once the qualification of the pipe size was made, and the location of the connection point was determined. The actual quoted cost, obtained by the applicant, to connect the Vet site to the Multiplex sewer line is $73,608.00
The cost of this connection is considered an unreasonable imposition on the proposed development in the absence of an approval to reuse the front building as sought by the application.
The applicant is prepared to connect to sewer despite the prohibitive cost, if they have the opportunity to recoup some of that cost by the rational reuse discussed in response to Condition 1 above (that is, reuse of the building for a single tenancy, by-appointment-only business use).”

The applicants have provided the following summary of the costs associated with providing a “reticulated” solution to effluent disposal:

<table>
<thead>
<tr>
<th>Component</th>
<th>Amount (inc GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drilling under the highway</td>
<td>$27,170.00</td>
</tr>
<tr>
<td>Sewer line - Vet to Johnny Crow’s</td>
<td>$18,238.00</td>
</tr>
<tr>
<td>Sewer line - Johnny Crow’s to Multiplex</td>
<td>$16,950.00</td>
</tr>
<tr>
<td>Geotechnical Study supporting works</td>
<td>$8,250.00</td>
</tr>
<tr>
<td>Connection of new line to Multiplex line</td>
<td>$3,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>$73,608.00</strong></td>
</tr>
</tbody>
</table>

Officers Comments

The cost of providing a suitable effluent disposal system should not influence a planning decision about whether Business Facilities should be located on the site. Water and Waste officers have evaluated the solution and associated costings provided by the applicants and note the following:

a. the option proposed and priced is the best option in the circumstances
b. Some of the costs quoted cover work shared with others
c. the private pump station is not part of the connection it is private infrastructure
d. there is no deduction from the total for the potentially high cost of construction of the on site storage and treatment option originally proposed ($30,000+)
e. no “discount” is made for the substantial annual savings that will be made by not having to pump out and transport waste ($7000-$10,000pa)

Conditions have been provided to ensure the proposed reticulated system is implemented.

6. Provide a Landscape Concept Plan for the development following addressing the above conditions.

Applicant’s response

The applicants requested that this condition be altered in light of their submissions/response to Conditions 1 to 5 above.
Officers Comments

A standard landscaping condition has been incorporated into the above recommendation.

Summary

The proposal is now in a form that can advance to a Development Permit subject to conditions addressing the key matters such as parking, effluent disposal, and landscaping.

Referral Agencies

The proposal is located within 100m of a State Controlled Road (Captain Cook Highway) and as a consequence required referral to the Department of Main Roads. The Department of Main Roads requirements are attached in Appendix 2. Main Roads’ concerns centre around avoiding activities on or near the adjoining highway.

HEADWORKS / CONTRIBUTIONS:

The proposed development triggers Developer’s Headwork’s Contributions. See Appendix 3.

G Warner
Planning Officer
Action Officer

Neil Beck
Acting Manager Development Assessment
APPENDIX 1 SUBMITTED PLAN(S) & DOCUMENT(S)

PROJECT: PROPOSED REDEVELOPMENT OF LOT 1-1 AROPA ST., TRINITY PARK.
DRG.: SITE PLAN & CAR PARKING.
APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

23 September 2008

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

Dear Mr Briggs

Cairns Regional Council : Captain Cook Highway
Situated at 1/1-7 Aropa Street, Trinity Beach
Lot 1 on SP 198085, Parish of Smithfield
Marlin Coast Veterinary Clinic
 Proposed Material Change of Use (Veterinary Clinic & Business Facilities) Application
Referral Agency Response (conditions apply)

I refer to the above application received at the Department 17 September 2008 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 6155 CAIRNS Queensland 4870
ABN 67 836 727 711

Our ref 214/20A/102(3613)
Your ref 8/9/1019
Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438
# Conditions of Development and Statement of Reasons

**Council Ref:** 8/8/1019  
**Date:** 23 September 2008  
**State-controlled road:** Captain Cook Highway  
**Proposal:** Material Change of Use (Veterinary Clinic & Business Facilities)  
**Real property description:** Lot 1 on SP 198085, Parish of Smithfield  
**Site locality:** 1/1-7 Aropa Street, Trinity Beach  
**Applicant:** Martin Coast Veterinary Clinic

<table>
<thead>
<tr>
<th>Conditions of Development</th>
<th>Reasons</th>
<th>Condition Basis</th>
</tr>
</thead>
</table>
| **Layout**  
1. Unless otherwise approved in writing by Main Roads the development site layout must generally comply with the Site Plan at Appendix 1 to the Planning Far North Planning Report C08-044, dated September 2008 accompanying the application. | To ensure the development proceeds in accordance with the proposal | s. 62 Transport Infrastructure Act 1994 (Qld) |
| **Permitted Road Access Location**  
2. Vehicular access between the state-controlled road (Captain Cook Highway) and the Subject Land shall be via Aropa Street to the satisfaction of the Cairns Regional Council. The Captain Cook Highway/Aropa Street intersection will remain an all-movements intersection until the Pangoa Street extension to the Reed Road roundabout is constructed, when the intersection will be limited to left-in and left-out access only. | 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 | |
| 3. No direct vehicular access between the state-controlled road (Captain Cook Highway) and the Subject Land is permitted. | | |

Agenda – Ordinary Meeting 28/10/09 - #2330558
<table>
<thead>
<tr>
<th>Conditions of Development</th>
<th>Reasons</th>
<th>Condition Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Advertising</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. No advertising device for the proposed development is permitted within the state-controlled road reserve (Captain Cook Highway).</td>
<td>Advertising devices may obscure signage and distract motorists.</td>
<td>s. 50 Transport Infrastructure Act 1994 (Qld)</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. No parking associated with the development is permitted within the state-controlled road reserve.</td>
<td>Lack of on-site parking can cause vehicle queuing and conflict at an access to the state-controlled road.</td>
<td></td>
</tr>
</tbody>
</table>
## APPENDIX 3 – DEVELOPER CONTRIBUTION CALCULATIONS

### DEVELOPERS CONTRIBUTIONS

#### SUMMARY

**Preliminary**

<table>
<thead>
<tr>
<th>Development</th>
<th>Maroochydore East Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estate Name</td>
<td>New Urban Signature</td>
</tr>
<tr>
<td>Stage</td>
<td>Stage 1</td>
</tr>
<tr>
<td>Stage No and Name</td>
<td>1 Annu Street</td>
</tr>
<tr>
<td>Section</td>
<td>Section 1</td>
</tr>
<tr>
<td>Lot and P lot No</td>
<td>L1 L2 108/051908/93</td>
</tr>
<tr>
<td>Development Permit No</td>
<td>8/109/1033</td>
</tr>
</tbody>
</table>

### Water Supply

<table>
<thead>
<tr>
<th>District No</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development</td>
<td>Maroochydore East Only</td>
</tr>
<tr>
<td>Water Supply</td>
<td>Potable Water</td>
</tr>
<tr>
<td>Adjustment Index</td>
<td>R6S</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$1,169.00</td>
</tr>
<tr>
<td>Current Rate (Calculated)</td>
<td>$1,807.13</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$1,129.00</td>
</tr>
<tr>
<td>Current Rate (Calculated)</td>
<td>$1,807.22</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$2,298.00</td>
</tr>
<tr>
<td>Current Rate (Calculated)</td>
<td>$3,620.32</td>
</tr>
</tbody>
</table>

### Roadworks

<table>
<thead>
<tr>
<th>District No</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development</td>
<td>Maroochydore East Only</td>
</tr>
<tr>
<td>Roadworks</td>
<td>Potable Water</td>
</tr>
<tr>
<td>Adjustment Index</td>
<td>R6S</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$1,351.00</td>
</tr>
<tr>
<td>Current Rate (Calculated)</td>
<td>$2,472.79</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$1,351.00</td>
</tr>
<tr>
<td>Current Rate (Calculated)</td>
<td>$2,472.79</td>
</tr>
</tbody>
</table>

### Other Binds and Contributions

<table>
<thead>
<tr>
<th>District No</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development</td>
<td>Maroochydore East Only</td>
</tr>
<tr>
<td>Other Binds and Contributions</td>
<td>Potable Water</td>
</tr>
<tr>
<td>Adjustment Index</td>
<td>R6S</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$1,351.00</td>
</tr>
<tr>
<td>Current Rate (Calculated)</td>
<td>$2,472.79</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$1,351.00</td>
</tr>
<tr>
<td>Current Rate (Calculated)</td>
<td>$2,472.79</td>
</tr>
</tbody>
</table>

### Amendments

<table>
<thead>
<tr>
<th>District No</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development</td>
<td>Maroochydore East Only</td>
</tr>
<tr>
<td>Amendments</td>
<td>Potable Water</td>
</tr>
<tr>
<td>Adjustment Index</td>
<td>R6S</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$1,351.00</td>
</tr>
<tr>
<td>Current Rate (Calculated)</td>
<td>$2,472.79</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$1,351.00</td>
</tr>
<tr>
<td>Current Rate (Calculated)</td>
<td>$2,472.79</td>
</tr>
</tbody>
</table>

### Contributions

<table>
<thead>
<tr>
<th>District No</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development</td>
<td>Maroochydore East Only</td>
</tr>
<tr>
<td>Contributions</td>
<td>Potable Water</td>
</tr>
<tr>
<td>Adjustment Index</td>
<td>R6S</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$1,351.00</td>
</tr>
<tr>
<td>Current Rate (Calculated)</td>
<td>$2,472.79</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$1,351.00</td>
</tr>
<tr>
<td>Current Rate (Calculated)</td>
<td>$2,472.79</td>
</tr>
</tbody>
</table>

---

Developer Contributions Report 28-Oct-09

[See Water Document S70334]

---

**Agenda – Ordinary Meeting 28/10/09 - #2330558**
APPENDIX 4
SUPPORTING INFORMATION TO PLANNING REPORT PLAN OF SURVEY FOR SITE

SP198885 V1 REGISTERED Recorded Date: 13/08/2007 15:48 Page 1 of 2 Not To Scale

Subject Site

Plan of Lots 1 & 2
Concealing Lots 1 & 2 on SP114465

Scale: 1:1000
Format: BUILDING

Parish: SMITHFIELD County: Nares

Copyright: 2007. All rights reserved. Reproduction without permission is prohibited.
LOCATION PLAN

MULTIPLEX SITE

SUBJECT SITE  CHILD CARE CENTRE  DAY SPA  EXISTING SEWER LINE
SITE PHOTOGRAPHS

VIEW TOWARDS EXISTING CLINIC FROM AROPA STREET

WESTERN SIDE COMMON ACCESS
EASTERN SIDE COMMON PARKING AND ACCESS