

23 December 2022

Energy Queensland
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BRISBANE QLD 4001

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Dear Sir/Madam

COMPLIANCE WITH DEVELOPMENT APPROVAL CONDITIONS

Development Application:	8/8/1617
Property Address:	32-38 Hartley Street, Cairns City
Property Description:	Lot 2 on RP738082
Application Proposal:	Material Change of Use (Research and Technology Industry)

Reference is made to the abovementioned Development Approval and the request for confirmation of compliance with development approval conditions of the Decision Notice (dated 30 November 2022, Council Reference: #7074056) submitted 9 November 2022 (Council Reference: #7074056). It is noted that Officers are unable to provide confirmation of compliance with most of the conditions as many of the conditions require further assessment as part of subsequent development applications (e.g. Operational Works) and construction. Notwithstanding, Officers have reviewed the conditions of the development approval and have provided a response below.

Access & Car Parking

5. *Access to the land is limited to the existing driveway and crossover to Sheridan Street. No additional crossover is permitted.*
6. *The amount of vehicle parking must be as per the approved plans, being two (2) spaces.*

The car parking layout must comply with AS2890.1:2004 – Parking facilities – Off-street car parking and be constructed in accordance with Austroads and good engineering design including the following:

- a. *All parking, driveway and vehicular manoeuvring areas must be imperviously sealed as shown on the approved plans, drained and line marked;*
 - b. *Provision for the loading/unloading of vehicles wholly on-site;*
 - c. *Sufficient manoeuvring space on-site for vehicles to turn around so that all vehicles, including service vehicles, can enter and exit in a forward direction.*
7. *Any redundant crossovers are to be removed and replaced with kerb and channel. Existing kerb and channel to the frontage of the land must be checked to ensure it is fit for purpose. Any sections showing ponding, significant cracking etc. shall be deemed as not fit for purpose and must be replaced.*

The plans show the driveway and crossover in the existing location on Sheridan Street and the removal of the crossover on Hartley Street. The plans show that where the crossover is removed on Hartley Street, replacement barrier kerb and channel will be installed. The plans have also identified there is damaged kerb and channel to be replaced on the road frontages.

The plans show two (2) car parking spaces on site. Noting the condition requires construction, compliance for the parking and manoeuvring areas will need to be confirmed following construction.

Footpaths

8. *Construct new footpaths for the full length of the new building along the Sheridan Street and Hartley Street property frontages as shown on the approved plans and in accordance with FNQROC Development Manual Standard Drawing S1035D.*

The new section of footpath must match neatly to the existing footpath in relation to alignment and grade.

Note: This condition is imposed in accordance with s.145 of the Planning Act 2016.

The plans show new footpaths for the full length of the new building along both road frontages and states that they will be in accordance with the *FNQROC Development Manual*. Noting the condition requires construction of footpaths, compliance is to be confirmed following construction.

Water Supply Internal

9. *Undertake the following water supply and sewerage works internal to the subject land:*
- a. *The development must be serviced by a single internal water made clear of any buildings or structures.*

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

The site has existing connections to Council's infrastructure, however, following construction the Applicant will need to confirm that compliance with Condition 9 has been achieved.

Landscaping

10. *Landscaping must be installed in accordance with the approved Landscaping Concept Plan. The applicant must submit a list of proposed species for endorsement prior to the commencement of any works. If at any stage it is considered necessary to vary the work, endorsement must be sought in writing from Council. The landscaping must be provided in accordance with the following requirements:*

- a. *A permanent irrigation system must be installed and operational to ensure supplementary watering to the internal landscaping;*
- b. *Planting densities must ensure the areas demonstrated for landscaping achieve vegetation cover at species maturity;*
- c. *Plumeria pudica must be spaced to provide a landscape buffer along the North Eastern Boundary;*
- d. *Ground covers must be set back from the property boundary to ensure they do not encroach within the Council land at maturity;*
- e. *Garden beds must be mulched to ensure a minimum 75mm depth;*
- f. *Advanced tree stock must be staked with 3 x hardwood stakes and hessian ties;*
- g. *Trees nominated to be retained must be retained and protected in accordance with the Australian Standard AS4970 Protection of trees on development sites.*

At the time of the landscaping completion, Council must be advised in writing to request an inspection and to commence a 13-week establishment period. Landscaping must be established prior to the commencement of use and maintained by the property owner in accordance with the endorsed plans at all times.

Condition 10 has been satisfied as per the submitted Landscape Planting Plan prepared by Landplan (Project Number 2202-007-CD, rev 03, dated 17 October 2022) insofar as:

- A list of proposed species has been submitted for endorsement prior to the

- commencement of works;
- Condition 10a-d have been demonstrated on the plans.

Compliance with Condition 10, in particular, the installation of landscaping and a permanent irrigation system, garden bed mulching, staking and tying with hessian ties of advanced tree stock and protection of trees in accordance with the Australian Standard will need to be demonstrated at an inspection at landscaping completion.

Boundary Fencing

12. *Screen fencing on the road frontages must be established in accordance with the location and design as shown on the approved plans.*

The screen fencing on the road frontages in the submitted plans Elevations – Finishes (Dwg. No. 453A-CD-A2-02, dated February 2022) are consistent with the approved plans. Compliance will need to be confirmed once the fencing is established.

Awning Design

13. *The awning over the Sheridan Street and Hartley Street frontages must be cantilevered and be designed and constructed to maintain the safety, amenity and comfort of pedestrians.*

Details of the proposed materials and construction method must be submitted for approval by Council prior to the issue of a Development Permit for Building Works.

Note: A separate Local Laws Road Permit may be required.

Condition 13 has been satisfied as per the following submitted drawings:

Plan/Title	Reference	Drawn By	Date
Ground Floor Plan	Dwg No. 453A-CD-A1-02	Clarke and Prince Architects	February 2022
Reflected Ceiling Plans	Dwg No. 453A-CD-A1-04 Issue A	Clarke and Prince Architects	January 2022
General Construction Notes	Drawing Number Q22270-ST-01 Revision 1	MAL Engineers	17 October 2022

The awning over the Sheridan Street and Hartley Street frontages is shown on the plans to be cantilevered and details of the materials and construction methods have been provided. Compliance will need to be confirmed again following the construction phase.

Minimum Floor Levels

14. *All floor levels and electrical fixtures must be a minimum of 300mm above the 1% AEP flood immunity level of 2.7 metres AHD.*

The floor levels showing the plans are compliant with the requirements of the conditions. Compliance will need to be confirmed once construction is completed.

All actions required by the action mentioned plans must be implemented and remain in effect at all times the approved use remains operational.

Should you require any further information in relation to this matter, please do not hesitate to contact Ali Davey of Development Assessment Team on telephone number (07) 4044 3014.

Yours faithfully

A handwritten signature in black ink, appearing to be 'CS' with a flourish, enclosed in a faint rectangular box.

Claire Simmons
Executive Manager Development & Planning