

# CAIRNS CITY COUNCIL

## ORDINARY MEETING

13 MARCH 2008

5.30PM

PRESENT: Cr A Blake  
Cr S Bonneau  
Cr K Byrne (Chairperson)  
Cr M Cochrane  
Cr D Ford  
Cr P Freebody  
Cr M Gill  
Cr P Gregory  
Cr T James  
Cr F Lindsay  
Cr J Pezzutti  
Cr K Plath  
Cr A Sheppard

### OFFICERS:

|               |   |
|---------------|---|
| J Hawkes      | A/Chief Executive Officer                     |
| B Grosser     | General Manager Corporate Services            |
| P Tabulo      | General Manager City Development              |
| B Gardiner    | General Manager Cairns Water                  |
| I Lowth       | General Manager Community & Cultural Services |
| L Kirchner    | Manager Administration Services               |
| S Clarke      | Manager City Assessment                       |
| L Phipps      | Manager Environmental Assessment              |
| R Nargar      | Manager Legal Services                        |
| G Schofield   | Manager Community Relations                   |
| R Holmes      | Media & Public Relations Officer              |
| K Still       | Manager Cairns Libraries                      |
| C Clifford    | Library Network North Team Leader             |
| K Dinnerville | Manager Cairns Fleet                          |
| B Finegan     | Manager Project Services                      |
| K James       | Personal Assistant to Mayor                   |
| L Matthewson  | Secretary                                     |

Mr Mayor opened the meeting and welcomed everyone to the last meeting of Cairns City Council with a special welcome to Ron Davis and Lou Piccone.

## **MAYORAL MINUTE**

### **FINAL ORDINARY MEETING OF CAIRNS CITY COUNCIL**

Tonight marks the end of a 13-year era for the Cairns City Council, with the final Ordinary meeting of this local authority.

As you are all acutely aware in the near future there will be a new Council governing the Cairns region which takes in an area of some 4135 sq km and caters to a population of approximately 150,000.

I would like to take a few moments to reflect particularly on the past 13 years of this Council which came into being following the amalgamation of Cairns and Mulgrave in 1995, but to focus principally on the past eight years.

I believe this Council can be proud of its achievements and the way it has conducted itself over the past two terms - good local governance and accountability is what this Council has stood for and we have held true to this course in the best interests of those we serve.

We have delivered to the people of Cairns in a number of ways, not least of which has been to slash debt from the \$128 million we inherited in 2000 down to \$55 million it stands at today.

We have completed the \$44 million Esplanade redevelopment which has provided the community with a world-class recreational area that has received 19 State, National and International awards of excellence.

We have introduced the CairnsPlan and seen this through its first review, and now have in place a clear direction for the sustainable development and progress of our community. We have initiated the Town Plan Enquiry by Design process for the Southern Corridor and the Northern Beaches town centre.

We have addressed the cultural and social needs of Cairns residents through the provision of improved sporting facilities such as Barlow Park, the commencement of the Botanic Gardens precinct upgrade, and the successful development of the annual Festival Cairns program which is a raging success.

This Council has also contributed to the prosperity of the city and its economic future through significant funding and support of Advance Cairns and Tourism Tropical North Queensland.

We have shown our strong commitment to protecting and enhancing our natural environment through initiatives such as the Cleaner Seas project which will help keep our reef healthy, through the City in a Garden strategy and the planting of thousands of trees each year, and through the establishment of our Local Action plan which aims to reduce carbon emissions by 20% by the year 2010.

As we gather in this chamber for the last time under the banner of Cairns City Council, we can all take pride in what has been achieved but we must also note that there is much to be done and there are enormous challenges ahead for the incoming Council.

One of those challenges will undoubtedly be the merger itself but many other big tasks lie ahead such as the establishment of a new Regional Performing Arts Centre, the completion of the Botanic Gardens redevelopment, and the establishment of the Edmonton and Beaches town centres just to name a few.

I would like to thank all councillors for their diligence in serving their community and for the professional way you have conducted yourselves in the main during these meetings over the years.

We can also be proud of this Council's transparency when you take into account that prior to 2000, up to 38% of agenda items for Council meetings were closed session items, whilst today that figure is down to just 13%.

As you all know, three councillors are retiring - Crs Jeff Pezzutti, Fran Lindsay and Margaret Gill – and I would like to formally recognise the contribution you made to this community.

I take this opportunity to say a very sincere thankyou on behalf of Council, its staff and the community.

To the senior management team, and all those support officers who have contributed to our debates and the decision making in this chamber, I extend my personal and heartfelt thanks, and feel sure I speak for all councillors.

As for myself, it has been a great honour and a privilege to be Mayor of this city and of the former old Cairns city. I would not have missed one moment, and still believe I have a great deal to offer this community moving forward in terms of leadership, determination and vision. (Only time will tell!)

Whilst one chapter closes, another opens, and come Monday morning, the Cairns Regional Council will begin its own chapter in the story of local government in our region.

God bless and keep you one and all.....and have a safe journey home...

CONFIRMATION OF MINUTES OF ORDINARY MEETING 28/02/08

BLAKE / FORD

That the Minutes of the Ordinary Meeting held on Thursday, 28 February 2007 be confirmed.

*carried*

1. CAIRNS REGIONAL GALLERY – 6 MONTHLY REPORT ..... 1  
Linda Kirchner : 10/13/4-07: #1643163

GILL / BLAKE

**That Council note the Cairns Regional Gallery six monthly report for the period July to December 2007.**

*carried*

2. RELINQUISHMENT OF RESERVE LION STREET, DEERAL AND CLOSURE OF UNFORMED ROADS 'TOWNSHIP' OF WOOLANMAROO – DIVISION 1..... 38  
Allan Simpson : 19/3/3-73: #1661530

GREGORY / LINDSAY

**That Council advise the Environmental Protection Agency that it has no objection to relinquishing trusteeship over Lot 123 on NR6784, Lion Street, Deeral being Reserve for Public purposes R227 and the closure of un-formed roads within the "Town of Woolanmaroo", subject to it being at no cost to Council.**

**Furthermore, Council delegate authority to the Mayor and Chief Executive Officer in accordance with Section 472 of the *Local Government Act 1993* to determine and finalise any and all tenure matters associated with the former Town of Woolanmaroo.**

*carried*

3. APPLICATION FOR PERMANENT ROAD CLOSURE OVER PART (7,220M<sup>2</sup>) IRVIN ACCESS, LITTLE MULGRAVE – APPLICANTS: G KLEIN & S MAYSON – DIVISION 1..... 45  
Allan Simpson : 15/7/1-06: #1665000

GREGORY / PEZZUTTI

**That Council advise the Department of Natural Resources and Water that it has no objection to the application for permanent road closure by G Klein & S Mayson ("Applicants") over part (about 7,220m<sup>2</sup>) of Irvin Access, Little Mulgrave shown as Lot 3 on Drawing No. CNS 07/80(A), subject to:**

- **the area of closure being amalgamated with the Applicants Lot 38 on NR670 and included in the Rural 1 Planning Area under CairnsPlan;**

- **comments being obtained from the Environmental Protection Agency in regard to its access requirements (if any) to the connecting Little Mulgrave Forest Reserve being Lot 675 on AP6359;**
- **the Applicants establishing that there is no private water infrastructure located within the area proposed to be closed; and**
- **it being at no cost to Council.**

*carried*

4. **PROPOSED PERMANENT ROAD CLOSURE OF TRACK RESERVE, PRICE ROAD, MT BARTLE FRERE – DIVISION 1 ..... 51**  
 Lisa Giacomi : 15/7/1-06: #1667769

**GREGORY / PEZZUTTI**

**That Council advise the Department of Natural Resources and Water that they have no objection to the proposed permanent road closure of the “track reserve” in Lot 3 on SP106821 for residential purposes subject to;**

- **it being no cost to Council; and**
- **the “track reserve” being amalgamated with the Applicants Lot 3 on SP106821 and included in the Rural 1 Planning Area.**

*carried*

5. **END OF YEAR STOCKTAKE – MARCH 2008..... 56**  
 Richard Garbacz:20/9/1-01: #1667548

**GREGORY / PEZZUTTI**

**That Council approve:**

1. **The write-down of Stores inventory of \$15,218.66 (Attachment 1).**
2. **The write-off of unusable items valued at \$1,675.67 (Attachment 2).**

*carried*

- 6. RESPONSE TO THE "REPORT ON LIQUOR REFORM IN QUEENSLAND" ..... 63  
Laree Verra LV : 1/3/22-14: #1661547v1

GILL / BLAKE

**That Council endorses the response to the "Report on Liquor Reform in Queensland".**

*carried*

- 7. RESPONSE TO DEPARTMENT OF TOURISM, FAIR TRADING AND WINE INDUSTRY DEVELOPMENT – LIQUOR LICENSING DIVISION – APPLICATION FOR A NEW LICENCE..... 94  
Kelly Barnes: 8/20/6-06: #1669105

BLAKE / JAMES

**That the applicant and the Department of Tourism, Fair Trading and Wine Industry Development be advised of the following comments and that the reply contain the safety issues Council has generally with Licenses. A copy of Council’s report is to be attached:**

- 1. **Café China Restaurant – On Premises (Meals) Licence**

**Council has no objection to the proposed On Premises (Meals) Licence for Café China Restaurant, located at Tenancy 82 Smithfield Shopping Centre, Captain Cook Highway, Smithfield and described as Lot 1 on SP109016 and Lot 177 CP NR6432.**

*carried*

- 8. MOUNT PETER MASTER PLANNING TASK FORCE UPDATE ..... 99  
Peter Tabulo : 8/26/22 : #1667145

LINDSAY / PEZZUTTI

- 1. **That the update from the Mount Peter Master Planning Taskforce be noted.**

*carried*

9. COMPENSATION CLAIMS & APPEALS – FEBRUARY 2008 .....103  
Simon Clarke: 1/59/2-01 : #536015 V67

#### FREEBODY / PLATH

1. That the report on the Compensation Claims & Appeals for February 2008 be received and noted.
2. Council resolves that it is satisfied that the services of a barrister and consultants to act for Council in The Appeals are of such a confidential nature that it would be impractical or disadvantageous to the Council to invite quotations and will proceed to procure these services utilising the provisions outlined in Section 486(3)(b) of the *Local Government Act 1993*.

*carried*

10. NEGOTIATED DECISION FOR MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - MULTI-UNIT HOUSING (153 UNITS IN A TALL BUILDING) – MOORE ROAD, KEWARRA BEACH – DIVISION 12 .....108  
Paul Cohen : 8/8/891 : #1663144

#### SHEPPARD / BONNEAU

That Council approve the request for a negotiated decision for the development approval for Multi-Unit Housing (153 Units in a Tall Building) over part of land described as Lot 359 on SP105747, located at Moore Road, Kewarra Beach, subject to the following:

1. Condition 9 be amended to read as follows:
  9. The applicant/owner must undertake water supply and sewerage works to connect the subject land to Council's existing water supply and sewerage infrastructure, in particular:
    - a. Each allotment must be provided with a single internal sewer connection, or as otherwise approved by the Chief Executive Officer.
    - b. Provide water mains such that each lot may be provided with a single water service connection to the lot frontage.
    - c. Where sewers are located on non-standard alignment easements must be provided in favour of Council in accordance with the FNQROC Development Manual.

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

Easements must be registered prior to commencement of use or prior to the approval and dating of the Plan of Survey, whichever occurs first.

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

2. Condition 11 be amended to read as follows:

11. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of two hundred and sixty-eight (268) spaces.

The parking layout must be amended to meet the following requirements:

- a. A minimum ~~six (6)~~ four (4) metre densely vegetated buffer and suitable screen fence must be provided between vehicle driveway, manoeuvring and parking areas, and adjoining residential lots;
- b. A minimum of ~~ten (10)~~ five (5) spaces situated external to the entry gate.
- c. The provision of a two (2) vehicle wash bays. ~~for each building;~~

Amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

3. Condition 17 be amended to read as follows:

17. The applicant/owner must landscape the subject land and street frontage in accordance with the FNQROC Development Manual and in accordance with a landscape plan endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. In particular, the plan must show:

- a. ~~The location and species of all existing trees, with an indication as to whether each tree is to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree.~~
- b. The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs.
- c. Planting of the footpath with trees, using appropriate species with regard to any site constraints.



- d. The provision of shade trees, especially in recreational areas, and to shade western walls.
- e. Dense landscaping, with deep planting and screening vegetation, of required setback areas, being a minimum ~~six (6)~~ four (4) metre wide buffer to the side boundary between vehicle driveway, manoeuvring and parking areas and adjoining residential allotments.
- f. The landscaping buffer must incorporate ~~mounding and~~ a suitable screen fence.
- g. Details of perimeter fencing of the site.
- h. Inclusion of all requirements as detailed in 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 prior to the issue of a Development Permit for Building Works. Areas to be landscaped must be established prior to Commencement of Use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

4. Condition 25 be amended to read as follows:

**Vehicle Wash Bay**

- 25. ~~Five (5)~~ Two (2) vehicle wash bays must be provided. The wash bays must be roofed and bunded and wastewater must be discharged through a 550 litre triple interceptor to sewer or as agreed to by the Chief Executive Officer.
5. All other conditions and advice notes, and statements in respect of the conflicts with CairnsPlan, from the Decision Notice dated 7 January 2008 remain unchanged.

*carried*

11. RECONFIGURATION OF 1 LOT INTO 13 LOTS - 999L LUM JIM STREET REDLYNCH - DIVISION 12 .....127  
 S Clarke : 8/13/1258 : #1554752

**SHEPPARD / BONNEAU**

**That Council approve the development application (Code Assessment) to reconfigure land for 1 Lot into 13 Lots over land described as Lot 999 on SP187429, located at 999L Lum Jim Street, Redlynch, 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:

| Drawing or Document                                 | Reference | Date       |
|---|-----------|------------|
| C&B Group Drawing Reconfiguration of a Lot Stage 9C | 4923-632  | 11/07/2007 |

**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.

**Water Supply and Wastewater Contributions**

3. Pay a monetary contribution to Council in accordance with Council’s Trunk Infrastructure Contributions Policy towards the provision of water supply and sewerage infrastructure.

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$61,063.20 (13.0 ERAs) for water, and \$67,949.66 (13.0 ERAs) for sewerage.**

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

#### **Road Network Contributions**

- 4. Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision and upgrading of the road network.**

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$66,262.93 (13.0 ERAs).**

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

#### **Community Purpose Infrastructure Contributions**

- 5. Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision of Community Purpose Infrastructure.**

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$15,132.00 (39 EPs).**

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

#### **Stormwater Quality**

- 6. 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, estimated total contributions are \$878.69 for Stormwater Quality.**

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

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

- 7. The applicant/owner must undertake water supply and sewerage works to connect the subject land to Council's existing water supply and sewerage infrastructure, in particular:-**
  - a. Each allotment must be provided with a single internal sewer Property Connection Branch (PCB).**

- b. Provide water mains such that each lot may be provided with a single water service connection to the lot frontage.
- c. Where sewers are located on non-standard alignment easements must be provided in favour of Council in accordance with the *FNQROC Development Manual*.
- d. Undertake all infrastructure upgrades required as at the developers cost. No credit for these works is applicable under Council's "Supporting Information" for the Trunk Infrastructure Policy.

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

Easements must be registered in conjunction with Council's approval and dating of the survey plans.

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the survey plans for each respective stage.

- 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 Cairns Water immediately of the affected infrastructure and have it repaired or replaced by Cairns Water, at the developers cost, prior to the commencement of use.

#### Landscape Plan

- 9. Undertake landscaping of the site and street frontages of new roads in accordance with *FNQROC Development Manual* and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:
  - a. Planting of the footpath with trees, using appropriate species with regard to any overhead powerline constraints;
  - b. The revegetation of cut and fill batters for dense screening plant growth of 2-3 m height;
  - c. Landscaping of the setback required under Condition 4c above being setback to the drainage reserve; and

- d. **Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to 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 prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.**

#### **Parkland Protection**

- 10. Any common boundaries with neighbouring drainage reserve must be temporarily delineated and fenced off to restrict building access for the duration of construction activity.**

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

- 11. All external 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 to the requirements and satisfaction of the Chief Executive Officer.**

#### **Sediment and Erosion Control**

- 12. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans 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).**

#### **Building Envelope Plan**

- 13. A building envelope plan for the proposed lots must be lodged with Council prior to the approval and dating of the Plan of Survey. The building envelope plan must comply with the following requirements:**
  - a. The building envelope must be pegged on site to the requirements and satisfaction of the Chief Executive Officer; and**
  - b. For setbacks whereby:**
    - i. The building envelope demonstrates setback of all buildings and works, (including eave overhang and any pool) is at least 2m from start and finish of any berm; and**
    - ii. The building envelope demonstrates setback of all buildings, (including eave overhang) at least 2m from the side or rear boundary.**

The applicant/owner must also ensure that the endorsed building envelope plans are made known to all prospective purchasers of the lots.

Proposed clearing on these lots is to be nominated on the engineering drawings submitted for Operational Works approval.

The boundary of building envelopes must be delineated with marker pegs prior to any removal of vegetation. Driveway access corridors must also be clearly marked within the designated vegetation retention areas.

### **Electricity Supply**

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

### **Electricity and Telecommunications**

15. Written evidence of negotiations with electricity and telecommunications authorities stating that services will be provided to the development must be submitted to Council. Such evidence must be provided prior to approval and dating of the Plan of Survey.

### **Street Lighting**

16. The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the approval and dating of the Plan of Survey:
  - a. Prior to the approval and dating of the Survey Plan a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual; and
  - b. Prior to approval and dating of the Survey Plan, written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.

### Stockpiling and Transportation of Fill Material

17. 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 7 am or after 1pm Saturdays; or
  - d. on Sundays or Public Holidays.
18. 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

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

### CONCURRENCE AGENCY CONDITIONS & REQUIRMENTS

| Concurrency Agency                        | Concurrency Agency Reference | Date             | Council Electronic Reference |
|---|------------------------------|------------------|------------------------------|
| Department of Natural Resources and Water | 2007/010976:371687           | 15 November 2007 | 1612408                      |

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. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the *Integrated Planning Act 1997* log on to [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).
5. 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.

*carried*

12. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) INDUSTRY CLASS A – 81 BRUCE HIGHWAY EDMONTON, 83-85 BRUCE HIGHWAY EDMONTON – DIVISION 2 .....150  
J Elphinstone : 8/8/938 : #1621409

LINDSAY / PEZZUTTI

- A. That Council grant a Preliminary Approval for the development application for Industry Class A (Code Assessment) over land described as Lot 1 on RP724516 and Lot 2 on RP910515, located at 81and 83-85 Bruce Highway, Edmonton subject to the following:

**Amendment to Design**

- 1 The proposed building/development must be redesigned to accommodate the following changes:
  - a. A single vehicle crossovers to the land from the adjacent service road;
  - b. All stormwater from the site must discharge to the road at an approved point of discharge;
  - c. Provide swept path diagrams for vehicle movements through the site in accordance with AS2890.2 for service vehicles;
  - d. Provide a plan of development detailing the buildings, vehicle access and car parking areas together with the creek edge (top of bank), a line of distance being a ten (10) metre setback from the top of bank, and the proposed point of stormwater discharge;
  - e. Provide a schematic landscape concept plan;
  - f. Setback of all car parking at least three (3) metres from the front property boundary and this setback area must be screened with filtered landscaping;



- g. **Setback of all buildings and developed area at least ten (10) metres from the top of bank and this setback is to be shown as a drainage reserve on the plan and eight (8) metres from the front property boundary;**
- h. **Provide on site car parking in accordance with the rate of 1 space per 90m<sup>2</sup> floor area (including any mezzanine floor);**
- i. **Provision must be made on site for loading/unloading of commercial vehicles; and**
- j. **Include all details of exiting infrastructure adjacent to the property, i.e., existing footpath, vehicle crossings, power poles etc.**

**Details of the above amendments must be indicated on plans submitted at the time of a development application for a Development Permit for Building Work and endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.**

- B. That the applicant be further advised that subject to the additional requirements listed above being satisfactorily met that the following conditions are likely to apply to a subsequent Development Permit:**

**APPROVED DRAWING(S) AND / OR DOCUMENT(S)**

**The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:**

| <b>Drawing or Document</b> | <b>Reference</b>     | <b>Date</b>          |
|----------------------------|----------------------|----------------------|
| <b>Site Plan</b>           | <b>To be Advised</b> | <b>To be Advised</b> |

**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.**

### **Stormwater Mitigation**

- 3. Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision or augmentation of stormwater drainage services.**

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$10,102.86 for Stormwater Mitigation.**

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

### **Stormwater Quality**

- 4. 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, estimated total contributions are \$4,159.59 for Stormwater Quality.**

**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**

- 5. The applicant/owner must undertake the following water supply and sewerage works internal to the subject land, in particular:-**
  - a. The development must be serviced by a single internal water service which is to be connected to the existing 150 AC water main located in the road frontage;**
  - b. The development must be serviced by a single internal sewer Property Connection Branch (PCB) which must be located clear of all buildings, structures and driveways;**
  - c. Finished surface levels are to be such that the PCB is capable of controlling the whole allotment;**

- d. If any existing sewer Property Connection Branch (PCB) is required to be retained but is inadequately sized to service the development, it must be upgraded. Existing sewer PCB's not retained must be decommissioned; and
- e. Approval must be achieved from Cairns Water prior to the commencement of works over the 800mm diameter MSCL trunk water main.

All 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.

- 6. No works shall be carried out on or connections made to existing water supply or sewerage infrastructure without the prior written approval of Cairns Water.
- 7. In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Cairns Water immediately of the affected infrastructure and have it repaired or replaced by Cairns Water, at the developers cost, prior to the commencement of use.

#### **Vehicle Parking**

- 8. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of one space per 90m<sup>2</sup> floor area, of which 60% of the parking must be provided as visitor spaces.

#### **Parking Construction**

- 9. The parking must be constructed in accordance with the FNQROC Development Manual specifications prior to Commencement of Use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

#### **Protection of Landscaped Areas From Parking**

- 10. Landscaped areas adjoining the parking area must be protected from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction, which must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### **Parking Signage**

11. Erect signs to the satisfaction of the Chief Executive Officer, advising of the location of the off-street visitor parking area and access thereto. Details of the signs must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The signs must be erected prior to Commencement of Use. One sign must be located on the service road to the Bruce Highway frontage.

### **Bicycle Parking**

12. 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 four (4) spaces. The bicycle parking area must be constructed prior to Commencement of Use.

### **External Works**

13. Undertake the following works external to the subject land at no cost to Council:
  - a. Construct a 2.0 metre wide concrete footpath to the service road to the Bruce Highway frontage;
  - b. Provision of a concrete crossover(s) and apron(s);
  - c. Construct kerb and channel to the service road to the Bruce Highway frontage;

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.

### **Landscaping Plan**

14. The applicant/owner must landscape the subject land and street frontage in accordance with the FNQROC Development Manual and in accordance with a landscape plan endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. In particular, the plan must show:
  - a. The provision of shade trees, especially in parks, and to shade western walls.

- b. Landscaping of required setback areas.**
- c. Inclusion of all requirements as detailed in 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 prior to the issue of a Development Permit for Building Works. Areas to be landscaped must be established prior to Commencement of Use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.**

#### **Existing Creek and Drainage Systems**

- 15. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.**

**The applicant/owner must obtain any necessary approvals from the Department of Natural Resources and Mines for carrying out works in a watercourse.**

#### **Parkland Protection**

- 16. Any common boundaries with the adjacent drainage reserves must be temporarily delineated and fenced off to restrict building access for the duration of construction activity.**

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

- 17. The applicant/owner must ensure that the flow of all external stormwater from the property is 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.**

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

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

### **Sediment and Erosion Control**

19. The 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).

### **Water Saving**

20. 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**

21. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Cairns Water.
22. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

### **Liquid Waste Disposal**

23. At all times any liquid wastes must be disposed of to the satisfaction of Cairns Water in accordance with the Environmental Management Plan for Trade waste.

### **Details Of Development Signage**

24. Details of any permanent signage proposed in association with the development must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. In particular the development must provide clear and legible signage incorporating the street number.

### **Advertising Signage**

25. 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.

## Lighting

26. 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.

## Crime Prevention Through Environmental Design

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

## Above Ground Transformer Cubicles/ Electrical Sub-Stations

28. Above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the adjoining streetscape. 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.

## Perimeter Fencing

29. Unless otherwise agreed in writing with neighbouring property owners, construct a screen fence (minimum height 1.8 metres and maximum gap of 10mm) to the side and rear boundaries of the subject land. The fencing must be consistent in terms of design and materials with other fences in the locality. The cost of any new fencing, including any required resurvey and relocation of fencing on adjoining land, is to be borne by the developer. Details of the perimeter fence or alternative written agreements with neighbouring property owners must be provided to , and endorsed by, the Chief executive officer in association with Council's assessment of the landscaping Plan.

## Street Fencing

30. Any proposed fences and/or walls to any road frontage are to be limited to the following:
- a. 1.2 metres in height if solid; or
  - b. 1.5 metres in height if at least 25% visually transparent; or
  - c. 1.8 metres in height if at least 50% visually transparent; or

Details of the street fencing must be endorsed by the Chief Executive Officer in association with the provision of a Landscaping Plan.

### **Combined Height of Fencing/ Retaining Walls**

31. The combined height of any retaining wall and fence must not exceed 2.5 metres in height without written agreement of neighbouring property owners. Any alternative written agreements with neighbouring property owners must be provided to and endorsed by the Chief Executive Officer in association with Council's assessment of the Landscaping Plan.
32. Noise from either 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)*.

### **Demolish Structures**

33. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to Commencement of Use.

### **Street Numbering**

34. The development must provide clear and legible signage incorporating the street numbers on letterboxes and the kerbside of the service road to the Bruce Highway for the benefit of the motoring public.

### **Amalgamation Required**

35. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lot 1 on RP724516 and Lot 2 on RP910515 into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines at the applicant's/owner's cost prior to Commencement of Use.

### **Stockpiling and Transportation of Fill Material**

36. 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 7 am or after 1pm Saturdays; or
- d. on Sundays or Public Holidays.



37. 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

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

#### CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

| Concurrency Agency       | Concurrency Agency Reference | Date             | Council Electronic Reference |
|--------------------------|------------------------------|------------------|------------------------------|
| Department of Main Roads | 158/10P/102(885.01)          | 17 December 2007 | 1629268                      |

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 cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Headwork contribution calculations are attached as Appendix 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.
5. For information relating to the *Integrated Planning Act 1997* log on to [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

*carried*

13. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) INDOOR SPORT & ENTERTAINMENT – 593-619 BRUCE HIGHWAY WOREE – DIVISION 5 .....176  
J Elphinstone : 8/8/904 : #1527515

## PLATH / BLAKE

That Council approve the development application for Indoor Sport & Entertainment over land described as Lot 3 on RP707561, located at 593-619 Bruce Highway, Woree 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:

| Drawing or Document                | Reference               | Date         |
|------------------------------------|-------------------------|--------------|
| Site Plan                          | Drawing DA.0.01 B       | July 2007    |
| Main Entry Area                    | Drawing DA.0.01 B       | July 2007    |
| Porte Cochère                      | Drawing DA.0.01 A       | October 2007 |
| Cannon Park Clubhouse – Floor Plan | Drawing DA.1.01-B       | June 2007    |
| Existing Trees Survey              | Vic Preston 07-47 L01 A | 11 July 2007 |

### 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 redesigned to accommodate the following changes:

- a. **Redesign of the car park areas to incorporate sufficient planting space for the provision of advanced tree plantings that will establish an important landmark statement for the site.**

**Details of the above amendments must be indicated on plans submitted at the time of a development application for a Development Permit for Building Work and endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.**

4. **The exterior colour and materials of the proposed structures must be non-reflective and must blend with the natural colours of the Cairns surrounding scenic rim. Details of the proposed building materials and colour scheme for the exterior walls, features and roof, including any changes to the building materials and colour scheme must be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Building Work.**
5. **The development must include the provision of one (1) female and one (1) male secured shower facilities for employees who cycle to work. Details of such provision must be provided to the satisfaction of the Chief Executive Officer prior to the issue of a development permit for Building work and the facilities must be fully installed prior to the commencement of the land use.**

#### **Water Supply and Wastewater Contributions**

6. **Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision of water supply and sewerage infrastructure.**

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$92,457.77 (30.29 ERAs) for water, and \$98,703.90 (30.29 ERAs) for sewerage.**

**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**

7. **The applicant/owner must undertake the following water supply and sewerage works to connect to Council's existing infrastructure, in particular:-**
  - a. **Augment existing sewers downstream of the site, to the extent required to accommodate the increased flows generated by the development.**
  - b. **Construct a sewerage pump station to replace existing Pump Station W3 subject to the terms and conditions of an Infrastructure Agreement with Council.**

- c. **Augment existing water supply infrastructure to the extent necessary to accommodate the increased demand generated by the development.**
- d. **Provide a 100 diameter water main for the full Mulgrave Road frontage of the site.**
- e. **Where existing sewers are within 1.5 metres of a building the sewers must be replaced with uPVC sewer pipe class SN8 and made clear of the zone of influence from all footings and foundations of any building or structure. Footings are to be designed in accordance with the Building Code of Australia such that no load is imparted onto the sewer.**
- f. **The development must be serviced by a single internal water service and sewer Property Connection Branch (PCB).**
- g. **The sewer Property Connection Branch (PCB) must be located clear of all buildings, structures and driveways. Existing sewer PCB's not retained must be decommissioned.**
- h. **Finished surface levels are to be such that the existing sewer is capable of controlling the whole site unless otherwise approved by the Chief Executive Officer.**
- i. **Easements must be provided in favour of Council over all Council sewers within the site in accordance with the FNQROC Development Manual.**
- j. **The existing sewerage pump station must be provided with an all-weather sealed access and which is accessible at all times.**
- k. **The existing sewerage pump station and access road must be located in a freehold lot transferred to Council.**
- l. **If any existing sewer Property Connection Branch (PCB) is required to be retained but is inadequately sized to service the development, it must be upgraded. Existing sewer PCB's not retained must be decommissioned.**
- m. **The existing stables shall be connected to sewer.**

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

**Details of building footings adjacent to the sewer must be endorsed by the Chief Executive Officer prior to the issuing of a Building Permit for building works.**

**Easements must be registered prior to commencement of use or in conjunction with Council's approval and dating of the Survey Plan whichever occurs first.**

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.

Any upgrade to or construction of a sewerage pump station will require full design drawings and a commissioning plan in accordance with FNQROC Development Manual submitted with the plan of works and will be subject to compliance with the State Purchasing Policy for competitive Tendering.

Three (3) copies of the plan of the works must be endorsed by the Chief Executive Officer prior to commencement of works on site.

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 Cairns Water immediately of the affected infrastructure and have it repaired or replaced by Cairns Water, at the developers cost, prior to the commencement of use.
9. The applicant/owner must carry out CCTV inspections of all Council owned sewers on site both prior to the commencement of construction and after project completion. Council must assess the condition of the sewers as shown on the CCTV records and any identified defects are to be rectified at the applicant/owner's expense, to the satisfaction of the Chief Executive Officer, prior to commencement of use. Vehicle Parking
10. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of one hundred and forty-two (142) spaces and these to be provided adjacent to the rear building structure. At least one hundred and twenty spaces must be provided as visitor spaces.

#### **Parking Construction**

11. The parking must be constructed in accordance with the FNQROC Development Manual specifications prior to Commencement of Use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

#### **Protection of Landscaped Areas From Parking**

12. Landscaped areas adjoining the parking area must be protected from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction, which must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### **Bicycle Parking**

- 13. Provide secured, on-site bicycle parking for a minimum of eleven (11) spaces as specified in Council's Planning Scheme. The bicycle parking area must be constructed prior to Commencement of Use.**

### **External Works**

- 14. Undertake the following works external to the subject land at no cost to Council:**
  - a. Construct a 2.0 metre wide concrete footpath to the service road frontage;**
  - b. Provision of a concrete crossover(s) and apron(s); and**
  - c. Construct kerb and channel to service road frontage.**

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.

### **Landscaping Plan**

- 15. The applicant/owner must landscape the subject land and street frontage in accordance with the FNQROC Development Manual and in accordance with a landscape plan endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. In particular, the plan must show:**
  - a. The location and species of all existing trees, with an indication as to whether each tree is to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree;**
  - b. The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs;**
  - c. The establishment of advanced trees in a formation that creates an important landmark statement for the site;**
  - d. Planting of the footpath with trees, using appropriate species with regard to any site constraints;**
  - e. The provision of shade trees, especially in parks, and to shade western walls; and**

- f. **Inclusion of all requirements as detailed in 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 prior to the issue of a Development Permit for Building Works. Areas to be landscaped must be established prior to Commencement of Use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.**

#### **Vegetation Clearing**

16. **Existing vegetation on the subject land must be retained in all areas except those affected by the construction of buildings areas, driveways, car parks the installation of services as detailed on the approved plans.**

**Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.**

#### **Existing Creek and Drainage Systems**

17. **All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.**

**The applicant/owner must obtain any necessary approvals from the Department of Natural Resources and Mines for carrying out works in a watercourse.**

#### **Notification of Vegetation Clearing**

18. **Council's City Assessment Branch must be notified two business days prior to the proposed date of commencement of any approved vegetation clearing to facilitate community awareness of such works.**

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

19. **The applicant/owner must ensure that the flow of all external stormwater from the property is 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.**

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

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

### **Sediment and Erosion Control**

21. **The 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).**

### **Water Saving**

22. **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**

23. **Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Cairns Water.**
24. **The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.**

### **Liquid Waste Disposal**

25. **Trade waste discharge to sewer must meet the requirements of Cairns Water’s Trade Waste Environmental Management Plan.**

**In particular, the kitchen and bar areas will require a pre-treatment device. Hydraulic plans must be submitted to and be approved by Council prior to commencement of use.**

### **Details Of Development Signage**

25. **Details of any permanent signage proposed in association with the development must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. In particular the development must provide clear and legible signage incorporating the street number.**

### **Advertising Signage**

26. **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.**



## Lighting

27. 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.

## Crime Prevention Through Environmental Design

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

## Above Ground Transformer Cubicles/ Electrical Sub-Stations

29. Above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the adjoining streetscape. 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.

## Acid Sulfate Soil Investigation

30. Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in, '*Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland*' (1998) or updated version of document produced by Department of Natural Resources and Water (DNRM – QASSIT), and State Planning Policy 2/02 - '*Planning and Managing Development involving Acid Sulfate Soils*'. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.

Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRM – QASSIT: '*Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland*' (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRM: '*Queensland Acid Sulfate Soil Technical Manual*' (2002) including Soil Management Guidelines (updated Feb. 2003) which must be prepared to the satisfaction of the Chief Executive Officer.

## Street Fencing

31. Any proposed fences and/or walls to any road frontage are to be limited to the following:

- a. 1.2 metres in height if solid; or
- b. 1.5 metres in height if at least 25% visually transparent; or
- c. 1.8 metres in height if at least 50% visually transparent; or

Details of the street fencing must be endorsed by the Chief Executive Officer in association with the provision of a Landscaping Plan.

- 32. Premises proposed for storage and preparation, handling, packing or service of food must comply with the requirements of the *Food Act 2006* and Food Safety Standards.
- 33. Prior to construction or alteration (existing) of any premises used for storage, preparation, handling, packing or service of food, application for such must be made with Council's Public Health Unit.
- 34. An application for construction or alteration (existing) 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, and details of the proposed layout and materials to be used in the construction of all equipment, benches, fixtures and fittings. The plans must 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.
- 35. Prior to operation of the food business, the operator must hold a Food Operators Licence under the *Food Act 2006*.
- 36. Noise from either air conditioning units, public amplification systems, 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)*.

#### **Stockpiling and Transportation of Fill Material**

- 37. 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 7 am or after 1pm Saturdays; or
- d. on Sundays or Public Holidays.

38. 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

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

#### CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

| Concurrency Agency       | Concurrency Agency Reference | Date             | Council Electronic Reference |
|--------------------------|------------------------------|------------------|------------------------------|
| Department of Main Roads | 158/809/102(1610.02)         | 29 November 2007 | 1620209                      |
| Queensland Transport     | CNR -100                     | 24 December 2007 | 1632724                      |

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 cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Headwork contribution calculations are attached as Appendix 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.
5. For information relating to the *Integrated Planning Act 1997* log on to [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

*carried*

14. MATERIAL CHANGE OF USE (CODE ASSESSMENT) - HOLIDAY ACCOMMODATION (REFURBISHMENT AND REPLACEMENT OF ANCILLARY SERVICES & RESTAURANT) - 143-145 ESPLANADE, CAIRNS CITY - DIVISION 6 .....217  
J Elphinstone : 8/7/1134 : #1634176

GILL / BLAKE

That Council approve the development application for Holiday Accommodation (Refurbishment and Replacement of Ancillary Services & Restaurant) over land described as Lot 0 on BUP PLN70111, located at 143-145 Esplanade, Cairns City, 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:

| Drawing or Document            | Reference | Date             |
|--------------------------------|-----------|------------------|
| Proposed North East Elevation  | MP 01     | 19 December 2007 |
| Proposed South East Elevation  | MP 03     | 19 December 2007 |
| Proposed West South Elevation  | MP 05     | 19 December 2007 |
| Proposed North west Elevation  | MP 07     | 19 December 2007 |
| Proposed Basement Car Park     | MP 09     | 19 December 2007 |
| Ground Floor Refurbishment     | MP 11     | 19 December 2007 |
| Proposed Level 1 Apartments    | MP 13     | 19 December 2007 |
| Levels 2 – 6 Refurbishment     | MP 15     | 19 December 2007 |
| Level 7 Proposed Penthouse     | MP 17     | 19 December 2007 |
| Roof Plan                      | MP 19     | 19 December 2007 |
| Landscape Concept Plan         | MP 21     | 19 December 2007 |
| Basement, Pool Planter Section | MP 22     | 19 December 2007 |
| Proposed Esplanade Cabanas     | MP 23     | 19 December 2007 |

**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.

#### **Water Supply and Wastewater Contributions**

3. Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision of water supply and sewerage infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$1,649.86 (0.39 ERAs) for water, and \$2,561.70 (0.89 ERAs) for sewerage.

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

#### **Road Network Contributions**

4. Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision and upgrading of the road network.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$7,645.72 (1.5 ERAs).

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

#### **Community Purpose Infrastructure Contributions**

5. Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision of Community Purpose Infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$1,345.00 (5.0 EPs).

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

### **Stormwater Quality**

- 6. 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, estimated total contributions are \$1,223.06 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**

- 7. 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, estimated total contributions are \$750.00.**

**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**

- 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 Cairns Water immediately of the affected infrastructure and have it repaired or replaced by Cairns Water, at the developers cost, prior to the commencement of use.**

### **Vehicle Parking**

- 9. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of thirty-eight (38) spaces. At least thirty (30) spaces must be provided as visitor spaces.**

### **Parking Construction**

- 10. The parking must be constructed in accordance with the FNQROC Development Manual specifications prior to Commencement of Use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.**

### **Protection of Landscaped Areas From Parking**

11. Landscaped areas adjoining the parking area must be protected from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction, which must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### **Parking Signage**

12. Erect signs to the satisfaction of the Chief Executive Officer, advising of the location of the off-street visitor parking area and access thereto. Details of the signs must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The signs must be erected prior to Commencement of Use. One sign must be located on the Minnie Street frontage giving directions to access to on site parking.
13. Prior to the issue of a Development Permit for Building work the applicant / developer must provide written advice to the satisfaction of the Chief executive Officer by a qualified geotechnical Engineer that the proposed basement excavation and car park will not cause damage or detriment to the neighbouring property and/or road reserve.

### **Basement Parking**

14. 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.

### **Bicycle Parking**

15. 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 8 spaces. The bicycle parking area must be constructed prior to Commencement of Use.

### **External Works**

16. Undertake the following works external to the subject land at no cost to Council:
- a. Construct a 2.0 metre wide concrete footpath to the Esplanade, Minnie Street and Abbott Street frontages in accordance with FNQROC Development Manual Standard Drawing 1035A.
  - b. Provision of a concrete crossover(s) and apron(s);
  - c. Make good the kerb(s) at redundant crossover(s);
  - d. Replace damaged sections of existing kerb and channel;
  - e. Linemark parking spaces in front of and adjacent to the subject land to the esplanade, Minnie Street and Abbott Street; and
  - f. Relocate/erect parking signs outside the subject land;

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.

### **Landscaping Plan**

17. The applicant/owner must landscape the subject land and street frontage in accordance with the FNQROC Development Manual and in accordance with a landscape plan endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. In particular, the plan must show:
- a. Planting of the footpath and adjacent road reserve islands with trees, using appropriate species with regard to any site constraints.



- b. The landscape design must include trees and shrubs suitable for the large planter boxes. The planter boxes located along the property boundary must contain at least 1500 millimetres of soil depth and a minimum of 1500 millimetres width to accommodate suitable trees as a substitute for the 'deep planting' required by CairnsPlan. In particular:
 
  - i. Soil mixes to be used in the planter boxes must be especially made up to be 'free-draining' in accordance with the specifications provided for such sites in the relevant Australian Standard for soils;**
  - ii. An irrigation system must be installed to service the landscape. The planter boxes must be designed to allow free drainage and prevent water logging; and**
  - iii. The trees must be secure enough to prevent toppling during windy conditions;****
- c. Landscaping of required setback areas, being those areas not constructed by buildings or driveways; and**
- d. Inclusion of all requirements as detailed in 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 prior to the issue of a Development Permit for Building Works. Areas to be landscaped must be established prior to Commencement of Use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.**

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

- 18. The applicant/owner must ensure that the flow of all external stormwater from the property is 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.**

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

- 19. All floor levels in all buildings must be located 300 mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.**

### **Water Saving**

20. 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**

21. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Cairns Water.
22. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

### **Liquid Waste Disposal**

23. At all times liquid wastes must be disposed of to the satisfaction of Cairns Water in accordance with the Environmental Management Plan for Trade Waste.

### **Details Of Development Signage**

24. Details of any permanent signage proposed in association with the development must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. In particular the development must provide clear and legible signage incorporating the street number.

### **Advertising Signage**

25. 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.

### **Lighting**

26. 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.

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

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

### **Above Ground Transformer Cubicles/ Electrical Sub-Stations**

28. Above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the adjoining streetscape. 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.

### **Acid Sulfate Soils – Basement/Pool Disturbance**

29. The basement/pool 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 Mines, 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'*.

### **Perimeter Fencing**

30. Unless otherwise agreed in writing with neighbouring property owners, construct a screen fence (minimum height 1.8 metres and maximum gap of 10mm) to the side and rear boundaries of the subject land. The fencing must be consistent in terms of design and materials with other fences in the locality. The cost of any new fencing, including any required resurvey and relocation of fencing on adjoining land, is to be borne by the developer. Details of the perimeter fence or alternative written agreements with neighbouring property owners must be provided to, and endorsed by, the Chief executive officer in association with Council's assessment of the landscaping Plan.

### **Street Fencing**

31. Any proposed fences and/or walls to any road frontage are to be limited to the following:
- a. 1.2 metres in height if solid; or
  - b. 1.5 metres in height if at least 25% visually transparent; or
  - c. 1.8 metres in height if at least 50% visually transparent; or

Details of the street fencing must be endorsed by the Chief Executive Officer in association with the provision of a Landscaping Plan.

32. Premises proposed for storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006 and Food Safety Standards.
33. Prior to construction or alteration (existing) of any premises used for storage, preparation, handling, packing or service of food, application for such must be made with Council's Public Health Unit.
34. An application for construction or alteration (existing) 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, and details of the proposed layout and materials to be used in the construction of all equipment, benches, fixtures and fittings. The plans must 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.
35. Prior to operation of the food business, the operator must hold a Food Operators Licence under the *Food Act 2006*.
36. Noise from either air conditioning units, swimming pool filters, 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)*.
37. Swimming pool water quality must be maintained so that it meets the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines at all times.
38. The operator of proposed rental accommodation premises must make application for approval to operate such premises.
39. The operator of proposed rental accommodation premises must contact the Public Health Unit for information on applying for approval to operate such, in accordance with Local Law No. 6.

#### Street Numbering

40. The development must provide clear and legible signage incorporating the street numbers on letterboxes and the kerbside of Esplanade, Minnie Street and Abbott Street for the benefit of the motoring public.

### **Stockpiling and Transportation of Fill Material**

41. 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 7 am or after 1pm Saturdays; or
  - d. on Sundays or Public Holidays.
42. Dust emissions (during construction) or other air pollutants, including odours, do not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

### **ADVICE**

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Headwork contribution calculations are attached as Appendix 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.
5. 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.
6. For information relating to the *Integrated Planning Act 1997* log on to [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

*carried*

CR LINDSAY DELCARED THAT SHE HAS AN INTEREST IN THE MATTER BUT HAS DETERMINED THAT SHE CAN TAKE AN OBJECTIVE OPINION ON THE MATTER AND CAN BEST FULFIL HER DUTIES AS A COUNCILLOR BY REMAINING AT THE MEETING.

15. MATERIAL CHANGE OF USE (CODE ASSESSMENT) - SHOPPING FACILITIES- 7-9 GREEN STREET EDMONTON, 42-46 ARMSTRONG STREET EDMONTON, 113-125 BRUCE HIGHWAY EDMONTON - DIVISION 2 .....261  
L J Payler : 8/7/1055 : #1624493

LINDSAY / PEZZUTTI

That Council approve the application for Shopping Facilities & Tavern over land described as Lots 9,10 and 11 on RP 716654, Lot 1 on RP715959, Lot 2 on RP 721604 and Lot 121 on SP139724, located at 7-9 Green Street, 42-46 Armstrong Street and 113-125 Bruce Highway Edmonton, 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:

| Drawing or Document            | Reference       | Date             |
|--------------------------------|-----------------|------------------|
| -                              | 7578-SK7        | 12 February 2008 |
| Site Layout Plan (annotated)   | BD06.12.PIC/SK2 | March 2007       |
| Proposed Super-IGA Supermarket | BD07.09.587/SK1 | September 2007   |
| Elevations                     | BD07.09.587/SK2 | September 2007   |

**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 building/development must be redesigned to accommodate the following changes:**
  - a. **Provision of customer bicycle parking near the building entry;**
  - b. **Provision of one (1) female and one (1) male secured shower facilities for employees who cycle to work;**

**Details of the above amendments must be indicated on plans submitted at the time of a development application for a Development Permit for Building Work and endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.**

### **Water Supply and Wastewater Contributions**

4. **Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision of water supply and sewerage infrastructure.**

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$10,759.58 (3.38 ERAs) for water, and \$9,885.84 (3.78 ERAs) for sewerage.**

**Payment is required prior to Commencement of Use.**

### **Community Purpose Infrastructure Contributions**

5. **Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision of Community Purpose Infrastructure.**

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$5,224.44 (23.64 EPs).**

**Payment is required prior to Commencement of Use.**

### **Stormwater Mitigation**

6. **Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision or augmentation of stormwater drainage services.**

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$9,546.26 for Stormwater Mitigation.**

**Payment is required prior to Commencement of Use.**

### **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, estimated total contributions are \$3,930.42 for Stormwater Quality.**

**Payment is required prior to Commencement of Use.**

### **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, estimated total contributions are \$2,395.00.**

**Payment is required prior to Commencement of Use.**

### **Vehicle Parking**

9. **A minimum of 210 vehicle parking spaces of must be provided on the site.**
10. **The parking layout must be designed and constructed in accordance with Australian Standard AS2890.1 1993 Parking Facilities - Off Street Car Parking except as varied with the consent of the Chief Executive Officer. In particular:**
  - a. **Parking spaces adjacent to columns and walls must have a minimum unobstructed clear width as determined by AS2890.1;**



- b. Where pedestrian access is located between a parking space and an obstruction, a minimum clear trafficable width of three (3) metres must be provided;
11. The owner/ applicant must undertake internal works, including the provision of internal signage and line marking, generally in accordance with the recommendations and plans contained in the traffic management report (reference K7578/6286.doc) prepared by McPherson Maclean Wargon Chapman Consulting Engineers dated 12 February 2008 (Council reference #1657484). The internal parking area must incorporate:
- a. Bollard lighting must be provided at the property boundary to indicate access to the parking area;
  - b. Raised connecting pedestrian pavements be provided between the main entrance of the Shopping Centre and the pedestrian footpath(s) to Green Street and Armstrong Street;
  - c. Where the vehicle isles cross the connecting pedestrian pavements, the pedestrian pavement must be line marked to indicate that pedestrians have priority over vehicle movements;
  - d. The driveway serving the parking area must include a physical means of speed control at the exit point;
  - e. Provision of exterior lighting to the building, to car parking areas and to all vehicle access driveways on the site.

All internal works must be completed prior to commencement of use.

### **Parking Construction**

12. The parking must be constructed in accordance with the FNQROC Development Manual specifications prior to Commencement of Use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

### **Protection of Landscaped Areas From Parking**

13. Landscaped areas adjoining the parking area must be protected from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction, which must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### **Bicycle Parking**

15. Provide secured, on-site bicycle parking in accordance with Table 10-1 of *AUSTROADS Guide to Traffic Engineering Practice Part 14 - Bicycles*. The bicycle parking area must be constructed prior to Commencement of Use.

### **Liquor Barn Unloading**

15. Provide plans demonstrating how safe and practical access, designed in accordance with Australian Standards, will be provided for the loading and unloading of delivery vehicles servicing the Liquor Barn. Plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

### **Pedestrian Walkways**

16. Provide covered pedestrian walkways in all locations identified as "Possible Covered Walkways" shown on Plan 7578\_SK7 dated 12 February 2008.

### **External Works**

17. Undertake external works, at no cost to Council, in accordance with the recommendations and plans contained in the traffic management report (reference K7578/6286.doc), prepared by McPherson Maclean Wargon Chapman Consulting Engineers, dated 12 February 2008 (Council reference #1657484). Works must include but not be limited to:
  - a. Construct a 2.0 metre wide concrete footpath to the Armstrong Street frontage in accordance with FNQROC Development Manual Standard Drawing 1035A. The footpath must contain kerb ramps to Armstrong Street in accordance with FNQROC Development Manual Standard Drawing 1016A. 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. Repair any damage to the existing footpath along the Green Street the frontage of the site. Construct a kerb ramp to Green Street in accordance with FNQROC Development Manual Standard Drawing 1016A. 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*.
  - c. Provide concrete crossover(s) and apron(s) in accordance with FNQROC Development Manual Standard Drawings.
  - d. Make good the kerb(s) at redundant crossover(s).

- e. **Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines that may occur during and works carried out in association with the constructions of the approved development).**
- f. **Relocate/erect traffic/parking signs outside the subject land (and/or adjacent properties).**
- g. **Construct a left only median island at the Green Street and Armstrong Street intersection.**
- h. **Upgrade the existing entry/ exit arrangements at the Greens Street and O'Sullivan Street intersection as indicated on Plan SK-8B.**
- i. **Where required, mark and re-mark Green Street and Armstrong Street intersections.**

**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.**

### **Landscaping Plan**

- 18. **The applicant/owner must landscape the subject land and street frontage in accordance with the FNQROC Development Manual and in accordance with a landscape plan endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. In particular, the plan must show:**
  - a. **Requirement for shade trees to car park areas. One tree set in sufficient growing space is required for every 6-8 parking spaces that are not covered;**
  - b. **Planting of the footpath with trees, using appropriate species with regard to any site constraints;**
  - c. **Landscaping of setback areas to provide a buffer to the road boundary. The buffers must grow to a height where the buffering function of the plants is effective between 1.0m and 5.0 metres above ground. In particular include low to medium height plants to the landscape boarder of the car parking areas, adjacent to the Armstrong Street and Green Street frontage, to inhibit car light glare onto the roadway;**
  - d. **The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs.**

- e. **Inclusion of all requirements as detailed in 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 prior to the issue of a Development Permit for Building Works. Areas to be landscaped must be established prior to Commencement of Use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.**

#### **Noise Report & Attenuation Requirements**

- 19. a. **Noise from either air conditioning units, service equipment, or traffic on the site 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).**
- b. **The applicant/owner must undertake works to mitigate against noise emanating from the Shopping Facilities. In particular, an acoustic fence must be constructed along the southern boundary of the site, adjoining residential properties. All mitigation works must be designed and constructed in accordance with a Noise Impact Assessment report whereby:**
  - i. **Noise from the mechanical equipment and traffic using parking areas and loading/ unloading facilities associated with the shopping facilities must be attenuated to achieve the requirements for a sensitive place (residence) when measured one (1) metre further to the southern boundary adjoining residential properties. The applicant must submit an Acoustic Engineer's report regarding the ability of the proposed structures to achieve these requirements must be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Building Work.**
- c. **Following completion of the works required above, the applicant/owner must provide a certification by the Acoustic engineer that the works have been undertaken in accordance with the report prior to the commencement of the land use.**

### **Lawful Point of Discharge**

20. The applicant/owner must ensure that the flow of all external stormwater from the property is 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.

### **Water Saving**

21. 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.

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

22. The applicant/owner must undertake one of the following options in relation to amalgamation of lots for this development:

Either,

- a. Incorporate the Hambledon Hotel site into the amalgamation of lots for this development so that all existing and proposed sewer infrastructure within the development site upstream of existing manhole E601/10 (at the north-western corner of No.16 Cattle Street), up to and including existing manhole E606/3 (near the O'Sullivan Street frontage of the Hambledon Hotel site), that is proposed to become internal house drainage does not serve any external properties.

or,

- b. If the Hambledon Hotel site is not incorporated into the amalgamation of lots for this development a 3.0m wide easement, in favour of Council, must be provided centrally over all existing and proposed sewerage reticulation within the development site i.e. all lines upstream of existing manhole E601/10 up to and including existing manhole E606/3.

Easements must be registered at the time of Council's approval and dating of the survey plans.

Three (3) copies of the plan of the works must be endorsed by the Chief Executive Officer prior to commencement of works on site.

23. If the Hambledon Hotel site is incorporated into the amalgamation of lots for this development, the applicant/owner must provide:

- a. **Written confirmation of the acceptance of all existing and proposed sewerage infrastructure within the development site upstream of existing manhole E601/10, up to and including existing manhole E606/3, as internal house drainage.**
- b. **Easements, in favour of Council, with a minimum dimension of 3.0m centrally over existing sewer manholes E601/10 and E604/4 (adjacent to the north-west corner of No.107-111 Bruce Highway).**

**Easements must be registered at the time of Council's approval and dating of the survey plans.**

24. **If the Hambledon Hotel site is not incorporated into the amalgamation of lots for this development, all new sewers must be located a minimum of 1.5m away from buildings and clear of the zone of influence from the footings and foundations of any building/structure. Where existing sewers are within 1.5 metres of a building, the sewer must be replaced with uPVC sewer pipe class SN8 and made clear of the zone of influence from all footings and foundations of any building/structure. Footings must be designed in accordance with the Building Code of Australia such that no load is imparted onto the sewer.**

**Details of building footings adjacent to the sewer must be endorsed by the Chief Executive Officer prior to the issuing of a Building Permit for building works.**

25. **The applicant/owner must undertake the following water supply and sewerage works internal to the subject land, in particular:-**
  - a. **Council will allow the proposed building work to be serviced by two new water service connections from the existing 100 diameter AC water main in Green Street. One connection shall be used for domestic water use and the other for fire fighting purposes. Council notes that the development site is currently serviced by two 50mm diameter internal water services, one located on the Bruce Highway boundary and the other on the Stokes Street boundary.**
  - b. **The sewer Property Connection Branch (PCB) must be located clear of all buildings, structures and driveways. Existing sewer PCB's not retained must be decommissioned.**
  - d. **If any existing sewer Property Connection Branch (PCB) is required to be retained but is inadequately sized to service the development, it must be upgraded.**

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

Details of building footings adjacent to the sewer and/or drainage infrastructure must be endorsed by the Chief Executive Officer prior to the issuing of a Building Permit for building 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.

26. In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Cairns Water immediately of the affected infrastructure and have it repaired or replaced by Cairns Water, at the developers cost, prior to the commencement of use.
27. The applicant/owner must carry out CCTV inspections of all Council owned sewers on site both prior to the commencement of construction and after project completion. Council must assess the condition of the sewers as shown on the CCTV records and any identified defects are to be rectified at the applicant/owner's expense, to the satisfaction of the Chief Executive Officer, prior to commencement of use.
28. The applicant/owner must provide Council with a As Constructed sewer and house drain submission prior to Council's approval and dating of the survey plan or commencement of use, whichever occurs first.

#### Refuse Storage

29. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Cairns Water.
30. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

#### Liquid Waste Disposal

31. If sewer discharge is required for waste from the new supermarket, specialty shops and bottle shop operation, details of the discharge must be provided for Cairns Water to determine if pre-treatment is required.

#### Details Of Development Signage

32. 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 the development must provide clear and legible signage incorporating the street number.

## Lighting

33. 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.

## 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).

## Above Ground Transformer Cubicles/ Electrical Sub-Stations

35. Above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the adjoining streetscape. 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 buildings. Details of the electrical sub-station positioning and screening must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

## Health

36. Premises proposed for storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006 and Food Safety Standards.
37. Prior to construction or alteration (existing) of any premises used for storage, preparation, handling, packing or service of food, application for such must be made with Council's Public Health Unit.
38. An application for construction or alteration (existing) 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, and details of the proposed layout and materials to be used in the construction of all equipment, benches, fixtures and fittings. The plans must 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.
39. Prior to operation of the food business, the operator must hold a Food Operators Licence under the *Food Act 2006*.



40. Noise from either 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)*.

#### Liquid Waste Disposal

41. At all times liquid wastes must be disposed of to the satisfaction of Cairns Water in accordance with the Environmental Management Plan for Trade Waste.

#### Amalgamation Required

42. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 9, 10 and 11 on RP 716654, Lot 1 on RP715959, Lot 2 on RP 721604 and Lot 121 on SP139724 into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines at the applicant's/owner's cost prior to Commencement of Use.

#### Demolish Structures

43. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to Commencement of Use.

#### CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

| Concurrency Agency       | Concurrency Agency Reference | Date     | Council Electronic Reference |
|--------------------------|------------------------------|----------|------------------------------|
| Department of Main Roads | 158/10P/102 (2440.02)        | 22/10/07 | 1584395                      |
| Queensland Transport     | CRN-118                      | 30/10/07 | 1587589                      |

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 cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Headwork contribution calculations are attached as Appendix 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.
5. For information relating to the *Integrated Planning Act 1997* log on to [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

*carried*

16. RECONFIGURATION OF 1 LOT INTO 30 LOTS (STAGE 10)- 999L LUM JIM STREET REDLYNCH - DIVISION 12 .....289  
J Elphinstone : 8/13/1269 : #1646331

#### SHEPPARD / BONNEAU

That Council approve the development application for 1 Lot into 30 Lots over land described as Lot 999 on SP187429, located at 999L Lum Jim Street, Redlynch, 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:

| Drawing or Document  | Reference | Date       |
|--|-----------|------------|
| C&B Group Drawing Reconfiguration of a Lot proposed Stages 9C & 10 | 4923-676  | 17/07/2007 |

#### 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.

#### Lot Yield

- 3. The allotment yield as detailed on the approved drawings may reduce due to constraints. The lot yield will ultimately be determined following compliance with the conditions of this Development Permit with particular reference to Condition 4.

#### Street Layout and Design

- 4. The street layout and design must be revised to comply with Queensland Streets and FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:
  - a. The land is to be benched in accordance with the measure of maximum height of 1.8m and 2m berm width, with exception of situations where the total bench height is 2m and in these instances the bench can be in a single rise;
  - b. From proposed lots 1027, 1028 and 1029 two (2) regular shaped lots are to be created with an even distribution of land among the new two lots and Lots 1023 be combined into one (1) lot with the land shown as 19; and
  - c. Provision of a two (2) metre landscaped setback to be established from the drainage reserve on each property that abuts the reserve. Where this setback consists of a berm, the setback must be to the top of the berm.

An amended plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

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

### **Water Supply and Wastewater Contributions**

5. **Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision of water supply and sewerage infrastructure.**

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$134,339.03 (28.6 ERAs) for water, and \$146,353.11 (28.0 ERAs) for sewerage.**

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

### **Road Network Contributions**

6. **Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision and upgrading of the road network.**

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$142,720.16 (28.0 ERAs).**

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

### **Community Purpose Infrastructure Contributions**

7. **Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the provision of Community Purpose Infrastructure.**

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$32,592.00 (84 EPs).**

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

### **Stormwater Quality**

8. **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, estimated total contributions are \$2005.61 for Stormwater Quality.**

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

## **Water Supply and Sewerage Works**

9. **The applicant/owner must undertake water supply and sewerage works to connect the subject land to Council's existing water supply and sewerage infrastructure, in particular:-**
  - a. **Each allotment must be provided with a single internal sewer Property Connection Branch (PCB).**
  - b. **Provide water mains such that each lot may be provided with a single water service connection to the lot frontage.**
  - c. **Where sewers are located on non-standard alignment easements must be provided in favour of Council in accordance with the FNQROC Development Manual.**
  - d. **Undertake all infrastructure upgrades required at the developers cost. No credit for these works is applicable under Council's "Supporting Information" for the Trunk Infrastructure Policy.**

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

**Easements must be registered in conjunction with Council's approval and dating of the survey plans.**

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

**All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the survey plans for each respective stage.**

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

## **Landscape Plan**

11. **Undertake landscaping of the site and street frontages of new roads in accordance with *FNQROC Development Manual* and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:**

- a. **Planting of the footpath with trees, using appropriate species with regard to any overhead powerline constraints;**
- b. **The revegetation of cut and fill batters for dense screening plant growth of 2-3 m height;**
- c. **Landscaping of the setback required under Condition 4c above being setback to the drainage reserve; and**
- d. **Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to 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 prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.**

#### **Parkland Protection**

12. **Any common boundaries with neighbouring drainage reserve must be temporarily delineated and fenced off to restrict building access for the duration of construction activity.**

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

13. **All external 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 to the requirements and satisfaction of the Chief Executive Officer.**

#### **Sediment and Erosion Control**

14. **A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans 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).**

#### **Building Envelope Plan**

15. **A building envelope plan for the proposed lots must be lodged with Council prior to the approval and dating of the Plan of Survey. The building envelope plan must comply with the following requirements:**

- a. **The building envelope must be pegged on site to the requirements and satisfaction of the Chief Executive Officer; and**
- b. **For setbacks whereby:**
  - i. **The building envelope demonstrates setback of all buildings and works, (including eave overhang and any pool) is at least 2m from start and finish of any berm; and**
  - ii. **The building envelope demonstrates setback of all buildings, (including eave overhang) at least 2m from the side or rear boundary to a Drainage Reserve.**

**The applicant/owner must also ensure that the endorsed building envelope plans are made known to all prospective purchasers of the lots.**

**Proposed clearing on these lots is to be nominated on the engineering drawings submitted for Operational Works approval.**

**The boundary of building envelopes must be delineated with marker pegs prior to any removal of vegetation. Driveway access corridors must also be clearly marked within the designated vegetation retention areas.**

#### **Electricity Supply**

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

#### **Electricity and Telecommunications**

17. **Written evidence of negotiations with electricity and telecommunications authorities stating that services will be provided to the development must be submitted to Council. Such evidence must be provided prior to approval and dating of the Plan of Survey.**

#### **Street Lighting**

18. **The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the approval and dating of the Plan of Survey:**

- a. Prior to the approval and dating of the Survey Plan a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual; and
- b. Prior to approval and dating of the Survey Plan, written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.

#### **Stockpiling and Transportation of Fill Material**

19. 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 7 am or after 1pm Saturdays; or
  - d. on Sundays or Public Holidays.
20. 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**

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

#### **CONCURRENCE AGENCY CONDITIONS & REQUIRMENTS**

| <b>Concurrency Agency</b>                 | <b>Concurrency Agency Reference</b> | <b>Date</b>      | <b>Council Electronic Reference</b> |
|---|-------------------------------------|------------------|-------------------------------------|
| Department of Natural Resources and Water | 2007/010976:371687                  | 15 November 2007 | 1612436                             |

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. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the *Integrated Planning Act 1997* log on to [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).
5. 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.

*carried*

17. RESOLUTION OF APPEAL 3096 OF 2007 COMBINED APPLICATION – MATERIAL CHANGE OF USE (PRELIMINARY APPROVAL TO OVERRIDE THE PLANNING SCHEME SEEKING USE RIGHTS CONSISTENT WITH RESIDENTIAL 2 PLANNING AREA) AND RECONFIGURING A LOT (1 LOT INTO 175 LOTS) – TIMBERLEA DRIVE BENTLEY PARK – DIVISION 2.....313  
G Warner : 8/30/83-02 #1634882

## LINDSAY / PEZZUTTI

- A. That Council resolve to settle Planning and Environment Court Appeal No 3096 of 2007 over the following 3 development application decisions made by Council on 30/08/2007:
  - i. A development application for a Material Change of Use (Preliminary Approval Overriding the Planning Scheme – Section 3.1.6 *Integrated Planning Act 1997*) to assign Residential 2 Planning Area use rights over land described as part Lot 12 SP105732 (north-west of Timberlea Drive) (but restricted to Stages 1 to 4 & 8 as shown on C & B Plan 9009-5 – Rev E), and located at Timberlea Drive, Edmonton.

- ii. A development application for a Material Change of Use (Preliminary Approval Overriding the Planning Scheme – Section 3.1.6 *Integrated Planning Act 1997*) to assign Residential 1 Planning Area use rights over land described as part Lot 12 SP105732 (north-west of Timberlea Drive) (but restricted to Stages 5 to 7, 9 and 10 as shown on C & B Plan 9009-5 – Rev E), and located at Timberlea Drive, Edmonton.
- iii. A development application for the Staged Reconfiguration of a Lot (1 lot into 175 lots & drainage reserve, park and open space) over land described as part Lot 12 SP105732 (north-west of Timberlea Drive, located at Timberlea Drive, Edmonton).

by substituting in total the conditions listed below for the conditions from Councils Decision of 30<sup>th</sup> August 2007 (ref 8/30/83).

**B. That Council resolve that the following two resolutions from Council’s Decision of 30<sup>th</sup> August 2007 remain unchanged :**

- i. That Council resolves to amend the CairnsPlan in accordance with the process outlined under Schedule 1 of the *Integrated Planning Act 1997*.
- ii. That Council proposes to amend the CairnsPlan by:
  - a. removing part of the land described as Lot 12 on SP105732 from the Rural 1 Planning Area and include it within the Residential 2 Planning Area, but restricting this to Stages 1 to 4 & 8 as shown on C & B Plan 9009-5 – Rev E, and located at Timberlea Drive, Edmonton.
  - b. removing part of the land described as Lot 12 on SP105732 from the Rural 1 Planning Area and include it within the Residential 1 Planning Area, but restricting this to Stages 5 to 7 , 9 and 10 as shown on C & B Plan 9009-5 – Rev E, and located at Timberlea Drive, Edmonton.
  - c. adding the area shown as “Hillside Park” to the Conservation Planning Area.
  - d. adding areas shown as Park and Drainage Reserve to the Open Space Planning Area.

**All in accordance with Section 9 of Schedule 1 of the *Integrated Planning Act 1997*.**

**C. That all other matters associated with settling this Appeal are delegated to the Mayor and the Chief Executive Officer in consultation with the Divisional Councillor.**

## Assessment Manager Conditions

1. The proposed Plans of Development prepared by C & B Group set out in the following table are approved subject to:

| Plan No.       | Revision | Description              | Date       |
|----------------|----------|--------------------------|------------|
| 9009-5         | E        | Reconfiguration of a Lot | 28/02/2007 |
| 9009-11        |          | Stages 1 & 3             | 7/12/2006  |
| 9009-12        |          | Stages 2 & 4             | 7/12/2006  |
| 9009-13        |          | Stage 5                  | 7/12/2006  |
| 9009-14        |          | Stages 6 & 7             | 7/12/2006  |
| 9009-15        |          | Stage 8                  | 7/12/2006  |
| 9009-16        | A        | Stages 9 & 10            | 28/09/2007 |
| 71952-SD-L1.01 | 1        | Vivo Landscape Concept   | 8/03/2007  |

- a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
- b. Ensuring 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
- c. Any alterations found necessary by Council at the time of examination of Engineering Plans or during construction of the development because of particular engineering requirements.

Except where modified by these conditions of approval.

### Timing of Effect

2. The conditions of the Development Permit must be effected prior to approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

### Water Supply and Sewerage Contributions

- 3A. The applicant/owner must contribute in accordance with Council's Trunk Infrastructure Contributions Policy provided for as per Section 5.1.4 of the *Integrated Planning Act 1997* towards the provision of water supply and sewerage headworks.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total headworks contributions are \$623,960.03 – (173.70 ERAs) for water, and \$439,810.57 (174 EDC's) for sewerage.

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

### Road Network Contributions

- 3B. The applicant/owner must contribute in accordance with Council's Trunk Infrastructure Contributions Policy provided for as per Section 5.1.4 of the *Integrated Planning Act 1997* towards Traffic Management and Road Upgrading Programs.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total headworks contributions are \$857,178.62 (174 ERAs).

Payment is required prior to approval and dating of the Plan of Survey for each stage of development.

### Community Purpose Infrastructure Contributions

4. The applicant/owner must transfer to the Crown a minimum of ten (10) percent of the gross area of the subject site for Public Use Land – Park in accordance with Council's Trunk Infrastructure Contributions Policy provided for as per Section 5.1.4 of the *Integrated Planning Act 1997*. The land area to be dedicated must be a fair average of the type of land to be reconfigured and shall be filled, graded, and drained, and all declared pest plants to be destroyed and left in a mowable condition ~~to the requirements~~ all in accordance with the FNQROC Development Manual and satisfaction of the Chief Executive Officer. ~~The land must be suitably embellished with improvements such as landscaping, pathways, play equipment, shelters, etc.~~ Not more than 30% of the total parkland contribution is to be provided as drainage reserve/riparian corridor with the remainder being provided as open space/parkland. The land must be transferred to the Crown at the same time as registering the Plan of Survey with the Department of Natural Resources and Water Mines.

The parks labelled as II, III and IV including illustrated pathways and concept landscaping on Vivo Design Plan 71952-SD-L1.01-Rev 1 are deemed to comply with this condition and satisfy park requirements for the whole of the development ~~subject to their presentation and enhancement to meet this condition.~~

### Hillside Park

5. The applicant/owner must transfer to the Crown the area of land shown as "Hillside Park" for Public Use Land – Environmental Park. The land area to be dedicated must be free of all declared pest plants within 20m of any new residential lot boundary to the requirements and satisfaction of the Chief Executive Officer. The land must be transferred to the Crown at the same time as registering the Plan of Survey with the Department of Natural Resources and Water Mines.

### Stormwater Mitigation

6. The applicant/owner must contribute in accordance with Council's Trunk Infrastructure Contributions Policy provided for as per Section 5.1.4 of the *Integrated Planning Act 1997* towards the provision or augmentation of stormwater drainage services.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$20,455.73 for Stormwater Mitigation.

### Stormwater Quality

7. The applicant/owner must contribute in accordance with Council's Trunk Infrastructure Contributions Policy provided for as per Section 5.1.4 of the *Integrated Planning Act 1997* towards improvement of Stormwater Quality.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$66,826.51 for Stormwater Quality.

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

### Water and Sewerage

8. In support of, and as part of , the Prior to Operational Works submission the applicant must provide master plans of the subdivision with supporting information demonstrating how the proposed development is to be serviced with water supply and sewerage. Supporting information must include hydraulic calculations such that the water mains in the proposed development are adequate in respect to supply pressures for supply from the Edmonton West reservoir as well as the Centenary high level reservoir. The water network analysis is to determine the impact of the proposed development on the existing development within the Centenary Reservoir High Level catchment. Any upgrade of the headworks to mitigate the impact of the proposed development is the responsibility of Council and will not in itself delay operational works approval of any stage of the development or delay approval and dating of the Plan of survey of any satge of the development and identify the impact on existing and proposed development at the time of submission. The master plans must be endorsed by the Chief Executive Officer as part of prior to submission of the Operational Works approval application.
9. All water supply and sewerage 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 Development Permit for Operational Works.

~~Any upgrade to a sewerage pump station will require full design drawings and a commissioning plan in accordance with FNQROC Development Manual submitted with the plan of works and will be subject to compliance with the State Purchasing Policy for competitive Tendering.~~

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

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

#### Water Supply Works

11. The applicant/owner must undertake water supply works to connect the subject land to Council's existing water supply infrastructure, in particular:-
  - a. Provide water mains internally such that each lot and all parks may be provided with a single water service connection to the lot frontage.
  - b. Connect the site to Council's existing water infrastructure in Timberlea Drive ; ~~such that the development can be serviced from Edmonton West Reservoir. If the proposed trunk main between Kingfisher Estate and Walker Road has not been made operational by early plan sealing then the Cintra Street pump station must be upgraded at the developers cost to enable the development to be temporarily serviced from Roberts Road Reservoir.~~
  - c. ~~If the trunk main fronting the site in Timberlea Drive has not been constructed by the time of operational works submission the applicant/owner must construct the 200mm diameter trunk main along the full frontage of the site and connect to the trunk main constructed in front of Kingfisher Estate. This trunk main is identified in the Headworks Policy for water supply works and entitles the applicant to credits against water supply headworks contributions in accordance with the policy.—~~

All the above works must be shown on the plan of works.

## Sewerage Works

12. The applicant/owner must undertake ~~water supply and sewerage works external to the site to connect the subject land to Council's existing water supply and sewerage infrastructure at MH E/A/26 and;~~ in particular:-

a. ~~Augment existing sewers, trunk sewers and headworks infrastructure downstream of the site, to the extent required to accommodate the sewerage loads generated by the development.~~

~~OR, alternatively~~

~~Limit development of the site to that which can be serviced under existing capacity of the downstream infrastructure at the time of Operational Works Approval.~~

a. Provide sewer mains internally and a single internal sewer connection to each allotment and park.

b. Easements must be provided in favour of Council in accordance with the FNQROC Development Manual.

## Water and Sewerage Headworks

13. External works conditions requiring the design and construction of water and/or sewer infrastructure can be claimed against applicable water and sewerage contributions in accordance with Council's Headworks Policy providing construction is in accordance with FNQROC Development Manual.

The applicant/owner must obtain permission from the Chief Executive Officer for the construction of any headworks infrastructure. The extent of sewer and/or water supply works for construction and value of developer's contributions credit for such works must be ~~determined~~ approved by the Chief Executive Officer prior to the commencement of construction of any Headworks Infrastructure ~~approval of a Development Permit for Operational Works.~~

Council and the applicant/owner shall enter into an Infrastructure Agreement. The agreement shall document to the satisfaction of both parties, but not be limited to, the terms and conditions under which the applicant/owner can expect refunds for partial costs of such works where the cost exceeds the value of any required contributions.

## Construction Access

14. Vehicular access to the site for construction and demolition purposes must be provided from Timberlea Drive only, unless authorised by the Chief Executive Officer.

## Vegetation Assessment

15. ~~The applicant / owner is to provide a professionally prepared site plan showing all areas of existing vegetation and significant specimen trees in areas within 20m of the proposed periphery of the development adjoining existing water courses and rain forest areas. Supporting information should include:~~
- ~~a. Broad vegetation types (ecosystems) and their condition (integrity, disturbed);~~
  - ~~b. Water courses (gullies, ephemeral creeks) and their condition;~~
  - ~~c. Specimen trees in cleared areas: the species identification, their dimensions (DBH, height, crown spread and condition);~~
  - ~~d. Potential 'Covenant for conservation' areas.~~

~~The vegetation assessment is to be carried out prior to Operational Works application and be submitted to Council prior to designing and to determine the extent of vegetation clearing on the outer limits of the development.~~

The applicant/owner is to provide a professionally prepared site plan showing the extent of existing vegetation cover and significant specimen trees on the proposed development area. This plan shall be included in the Operational Works application.

## Landscaping Plan

16. The applicant/owner must landscape the subject land and street frontage in accordance with *FNQROC Development Manual* and in accordance with a landscape plan endorsed by the Chief Executive Officer. In particular, the plan must show:
- a. The location and species of all existing trees, with an indication as to whether each tree is to be retained or removed and natural and finished ground levels if filling is to occur in the vicinity of any tree.
  - b. The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs.
  - c. Planting of the footpath with trees, using appropriate species with regard to any site constraints.
  - d. The provision of shade trees in parks.
  - e. Supplementary infill vegetation planting on periphery of development adjoining existing rain forest and riparian areas.



- f. Inclusion of all requirements as detailed in 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. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained at all times until accepted off maintenance by Council, both to the satisfaction of the Chief Executive Officer.

#### Vegetation Clearing

17. Existing vegetation on the subject land must be retained in all areas except those affected by construction of earthworks, roadworks/access driveways and/or installation of services as detailed on the approved plans as stated in Condition 1. Any further clearing requires an Operational Works Approval.

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

#### Wildlife

18. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

#### Geotechnical Report:

19. A geotechnical assessment must be carried out by a qualified and experienced geotechnical consultant for all those stages where engineering design proposes the creation of batters /retaining walls in excess of 1.8metres high or closer then 10 metres to the top of the high bank of creeks or streams. The preliminary geotechnical report is to be lodged with the application for a Development Permit for Operational Works, with a final geotechnical report endorsed by the Chief Executive Officer prior to approval and dating of the Plan of Survey.

~~The applicant/owner must provide a further geotechnical report of the site commenting on local and regional stability issues prior to and subsequent to the commencement of the development.~~

## Drainage Reserve Protection

20. The common boundaries with the drainage reserves must be temporarily delineated and fenced off to restrict building access for the duration of construction activity. The applicant/owner must provide a plan detailing this to the satisfaction of the Chief Executive Officer prior to commencement of the development.

## Reserves Over Creeks and Streams

21. ~~The applicant/owner must transfer in favour of Council for drainage purposes a reserve and must contain all land below the top of the high bank and a 10 metre minimum wide strip adjacent to the top of the bank to the extent of the subject land or the limit of Q100 flooding, whichever is the greater. The land (reserve) must be transferred in conjunction with registration of the Plan of Survey.~~

The applicant/owner must arrange for the transfer (registration of Drainage Reserve) to Council over the sections of creek which are located within the subject property, as shown on C & B Group drawing 9009-5E, dated 28/02/2007. The width of land to be transferred must contain all land below the top of the high bank on both sides of the gully/creek/watercourse, or the limit of Q100 flooding, which ever is greater. The land (reserve) must be transferred in conjunction with registration of the Plan of Survey.

For Riparian Roads, when located within the 10 metre strip adjacent to the top of the high bank, the following must be provided;

- a. A 4.0metre setback from the top of the bank to the back of the kerb and channel ;
- b. All services (water, electricity,) are to be located on the opposite of the road;
- c. A geo-technical assessment is to be carried out to determine the stability of the bank adjacent to the road. A copy of the geotechnical report is to be submitted with any Operational works application.

## Existing Creek and Drainage Systems

22. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer. The applicant/owner must obtain any necessary approvals from the Department of Natural Resources and Water Mines for carrying out works in a watercourse.

### **Lawful Point of Discharge**

23. The applicant/owner is to ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.

### **~~Stormwater Detention~~**

- ~~24. The applicant/owner must implement stormwater detention (if required by the Drainage Study) measures to ensure that peak flows from all stormwater events of average recurrence interval (ARI) from 1 to 100 years are limited to flows emanating from the property to ensure a no worsening effect on upstream or downstream properties.~~

### **Drainage Study of Site**

25. The applicant/owner must undertake a local drainage study on the subject land ~~to determine the drainage effects on upstream and downstream properties and the mitigation measures required to minimise such effects.~~ In particular, the study must address the following:
- a. The contributing catchment boundaries;
  - b. Primary and secondary flow paths for the 2, 10 and 100 year ARI flood events;
  - c. Identify any requirement for drainage easements;
  - ~~d. Identify the tenure for flood detention areas;~~
  - e. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.

### **Plan of Drainage Works**

26. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,
- a. Drainage infrastructure in accordance with the FNQROC Development Manual;
  - b. Recommendations of the Drainage study must be implemented; and
  - c. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event.

## Stormwater Quality

27. The drainage system for the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:
- i. End-of line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.
  - ii. SQIDs shall remove at least 95% of all foreign matter with a minimum dimension of 3mm and shall be configured to prevent re-injection of captured contaminants. The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the 3 month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.
  - iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.
  - iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.

## Street Lighting

28. The applicant/owner must make the following arrangements for the installation of street lighting within the proposed subdivision prior to the approval and dating of the Plan of Survey:
- a. Prior to the commencement of approved Operational Works for each stage of development issue of a Development Permit for Operational Works a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category for Timberlea Drive is to be P3 is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual. Lighting categories for the internal roads will be P3 or P4 in accordance with the FNQROC Development Manual.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:

- LATM devices
  - Roundabouts
  - Pedestrian refuges
  - Intersections
- b. Prior to the approval and dating of Survey Plans ~~issue of a Development Permit for Operational Works~~, the applicant/owner must submit written confirmation that the relevant capital contribution required by Ergon Energy has been paid, to ensure that the street lighting will be constructed.
- c. ~~Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, both the intersection and the existing road for two spans of lighting either side of the intersection shall be provided with lighting to the relevant Lighting Category.~~

#### General Internal Works

29. The applicant/owner must at their own cost undertake the following works internal to the subject land:
- a. Construct a 2.0 metre wide concrete footpath to all roads forming part of the street network connections shown on the Landscape Concept Plan 71952-SD-L1.01 rev 01
  - b. Construct a 2.0 metre wide footpath of approved surface (concrete or flexible pavement) to all paths located in riparian areas, parks, and Drainage reserves and roads that form part of the street network connections shown on the Landscape Concept Plan 71952-SD-L1.01 rev 01 .

The extent and location of footpaths identified on Landscape Concept Plan 71952-SD-L1.01 rev01 are deemed to fully satisfy Councils requirements.

#### General External Works

30. The applicant/owner must at their own cost undertake the following works external to the subject land:
- a. Upgrade the western half full-width of Timberlea Drive for the full frontage of the site to match neatly into existing alignment of the road and associated infrastructure to a standard no less than an inter-suburban connector standard ~~Network Road Standard~~;

- b. Construct a roundabout at the intersection of Timberlea Drive and the proposed Stage 1 internal road; including street lighting, landscaping, line-marking and signage in accordance with the Department of Mains Roads, Road Planning and Design Manual (Chap 14), Manual of Uniform Traffic Control Devices (MUTCD) and Council's Development Manual,
- c. Arrange for under-grounding of all electricity cables to the subject land's frontage;

The external works outlined above require approval from Council in accordance with an Operational Works permit. 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 Works. Such work must be constructed in accordance with the endorsed plan prior to approval and dating of the Plan of Survey.

#### ~~Developer Credits for Network Road Construction~~

- ~~31. The applicant/owner must obtain permission from the Chief Executive Officer for the construction of any network road. The extent of roadworks for construction and value of developer's contributions credit for such works must be determined by the Chief Executive Officer prior to approval of a Development Permit for Operational Works.~~

#### Installation Of SWM Measures

- ~~32.~~31.The 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).

#### Sediment and Erosion Control

- ~~33.~~32.The applicant/owner must submit a sediment and erosion control plan prior the issue of a Development Permit for Operational Works. Such plans 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 Council's Development Manual).

### Access to Hatchet or Battleaxe Lots

**34.33.**The applicant/owner must construct a concrete driveway or other approved surface to all battleaxe lots extending the full length of the access leg of the allotment and such driveway must commence at the adjacent kerb and channel or edge of carriageway with a standard crossover in accordance with Council Standard Drawing. Construction of the concrete driveway must be in accordance with Council Standard Drawing. All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

### Service Conduits

**35.34.**The applicant/owner must provide service conduits to battleaxe lots adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway. All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

### Demolish Structures

**36.35.**All structures excluding existing residential dwellings that can be wholly contained within the proposed lot and connected to services (sewerage, water, communications, power etc) not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land for the stage on which they are located prior to approval and dating of the Plan of Survey.

Any residential dwelling proposed to be retained must be identified and brought to Councils attention as part of the Operational Works application for the stage in which they are located.

### Electricity Supply

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

### Electricity and Telecommunications

**38.37.**The applicant/owner must provide written evidence of negotiations with electricity and telecommunications authorities stating that services will be provided to the development. Such evidence must be provided prior to approval and dating of the Plan of Survey.

### Temporary Vehicle Turnaround

**39.38.**The applicant/owner must provide a temporary vehicle turnaround at end of all partially constructed roads where the length of road exceeds sixty (60) metres (i.e. maximum acceptable reversing distance for garbage truck). The turning facility shall be of sufficient size to turnaround a garbage truck, either in a continuous forward movement or by a three-point turn.

### Concurrence Agency Conditions

**40.39.**The applicant/owner is to comply with the Concurrence Agency Conditions contained within the following letters

- a. Queensland Transport - Dated 15 May 2007, reference number CRN 53 (CCC Ref 1493274) and
- b. Department of Natural resources and Water - letter dated 23 May 2007, Department of Natural Resources and Water, reference number IC0307ATH0011 (CCC REF 1499521).

### ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse (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. Current requirements and estimates of headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan (PIP) are adopted.
3. 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.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.



5. For information relating to the Integrated Planning Act 1997 log on to [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au)

*carried*

18. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - DISPLAY FACILITIES < 500M2 GFA - CAPTAIN COOK HIGHWAY CLIFTON BEACH - DIVISION 12 .....362  
G Warner : 8/8/925 : #1665096

## BONNEAU / BLAKE

- A. That Council approve a Material Change of Use for Display Facilities (Car Hire) (< 500m2 GFA) over land described as Lot: 3 on RP741974, located at Captain Cook Highway Clifton 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:

| Drawing or Document        | Reference | Date            |
|----------------------------|-----------|-----------------|
| Gordon McClymont Architect | 2008/01-1 | 22 January 2008 |
| Gordon McClymont Architect | 2008/02-1 | 22 January 2008 |

### 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.

### Parking

3. If any external car parking is required the parking must be constructed in accordance with the FNQROC Development Manual) specifications prior to Commencement of Use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

### Parking of Hire Vehicles

4. Parking of vehicles for hire and display shall be confined to those on-site locations nominated on the approved plan(s) in particular;
  - a. Provision of 17 spaces in the semi basement garage of shopping centre parking area (except as noted below);
  - b. Limit of one (1) external space used for display or promotion located in front of the proposed office (no parking in front-Highway side) of the Centre;
  - ~~c. Formation of 3.5m wide sealed access to car valet area behind proposed office;~~
  - d. All parking spaces in front of the proposed office building (including the one to be used for display purposes) must be line marked in accordance with AS2890.1.
  - ~~e. Any parking located at rear of the proposed office building must be sealed and drained.~~

### ~~Protection of Landscaped Areas from Parking~~

- ~~5. Landscaped areas adjoining the parking area must be protected from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction, which must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.~~

### **Parking Numbers**

- 6. Provide a formal assessment/audit of the existing car parking within the site including quantification of any cross utilisation or parking substituted by bus parking.**

### **Internal Works**

- 7. Undertake the following works internal to the subject land at no cost to Council:**
  - a. Improve road and internal access line marking and signage at the entrance/exit to the Shopping Centre off Elwood Street in accordance with a plan submitted to the Chief Executive Officer prior to the commencement of the use.**

### **Landscaping Plan**

- 8. The applicant/owner must landscape the subject land and street frontage in accordance with the FNQROC Development Manual and in accordance with a landscape plan endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. In particular, the plan must show:**
  - a. landscaping for the area between the edge of the access road and the southern side of the building in which the proposed office is to be located for the full length of the existing building ~~up to the sealed area required by the above parking conditions.~~**
  - b. Inclusion of all requirements as detailed in other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.**

### **Vehicle Wash Bay**

- 9. A vehicle wash bay must be provided. It must be roofed and bunded and wastewater must be discharged through approved interceptors to sewer or as agreed to by the Chief Executive Officer. Note the wash bay can be provided by either;**
  - a. an upgrade of the existing wash bay, or**
  - b. construction of a new wash bay to the above requirements.**

### **Hours of Operation**

- 10. The car hire business is restricted to the following hours of operation:**
  - a. Office and hire of vehicles 7am to 7pm ( 7 days a week)**
  - b. Washing and valet of vehicles 8am to 6pm ( 7 days a week)**

### Advertising Signage

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

### CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

| Concurrency Agency | Concurrency Agency Reference | Date       | Council Electronic Reference |
|--------------------|------------------------------|------------|------------------------------|
| Dept of Main Roads | 158/20A/102(3115A)           | 19/10/2007 | #1582053                     |

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

### FURTHER ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the *Integrated Planning Act 1997* log on to [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

*carried*

### 19. FINANCIAL STATEMENTS PERIOD ENDED

29 FEBRUARY 2008 .....385

Emily Requadt: 17/49/9-06 #1655472

### FORD / BLAKE

That the Financial Statements for the period ended 29 February 2008 be adopted by Council.

*carried*

The Mayor also recognised former Mulgrave Shire Councillor Mr Ron Crew who was present in the gallery.

**CLOSED SESSION**

BLAKE / FORD

**COUNCIL RESOLVE INTO CLOSED SESSION TO DISCUSS THE FOLLOWING MATTERS AS LISTED IN THE AGENDA:**

- 1. CONTRACTUAL MATTER – CD05/2007 – MOUNT PETER MASTER PLANNING – DIVISIONS 1 AND 2 ..... 1  
Peter Tabulo : 8/26/22-02: #1667848

*carried*

**OUT OF CLOSED SESSION**

**COUNCIL RESOLVE TO MOVE OUT OF CLOSED SESSION**

BLAKE / FORD

- 1. CONTRACTUAL MATTER – CD05/2007 – MOUNT PETER MASTER PLANNING – DIVISIONS 1 AND 2 ..... 1  
Peter Tabulo : 8/26/22-02: #1667848

LINDSAY / PEZZUTTI

**That subject to receiving Ministerial Approval, Council award CD05/2007 to Cardno for the lump sum amount of \$2,383,000.00 (exclusive of GST) for the Mount Peter Master Planning and the Mayor and Chief Executive Officer be delegated authority pursuant to section 472 of the *Local Government Act 1993* to finalise all matters relevant to the signing and execution of the contract and negotiate and agree any variations to conditions and resolve disputes subject to:**

- a. **Contributions being received from the Taskforce in accordance with the endorsed Memorandum of Understanding.**
- b. **Confirmation from the Department of Infrastructure and Planning that the intent and structure of the Taskforce and Memorandum of Understanding will not be affected by State involvement, acknowledging that State agencies may be more formally included within the governance structure.**

*carried*

**THE MEETING CLOSED AT 6:14 PM**

**PRESENTED TO AND NOTED BY CAIRNS REGIONAL COUNCIL ON  
THE DAY OF APRIL 2008**

.....  
**MAYOR**

.....  
**CHIEF EXECUTIVE OFFICER**