

CAIRNS REGIONAL COUNCIL

MINUTES

PLANNING & ENVIRONMENT COMMITTEE

9 JUNE 2010

COMMENCING AT 10.00 AM

PRESENT: Councillor V Schier (Chairperson)
Councillor A Blake
Councillor S Bonneau
Councillor M Cochrane
Councillor L Cooper
Councillor Forsyth
Councillor P Gregory
Councillor N Lanskey
Councillor K Lesina
Councillor J Leu
Councillor R Pyne

OFFICERS:

L Russell	Chief Executive Officer
P Tabulo	General Manager Planning & Environment
B Gardiner	General Manager Water & Waste
P Boyd	Manager Strategic Planning
S Clarke	Manager Development Assessment
L Phipps	Manager Environmental Assessment
J McGlone	Manager Marketing & Communications
S Anderson	Media CoOrdinator
S Shearer	Minute Secretary

- 1. RESPONSE TO DEPARTMENT OF EMPLOYMENT, ECONOMIC DEVELOPMENT AND INNOVATION – OFFICE OF LIQUOR & GAMING REGULATION – APPLICATION FOR COMMERCIAL OTHER SUBSIDIARY ON PREMISES LICENCE FOR SASSI CANTINA, 22 WARNER STREET, PORT DOUGLAS DIVISION 10 1
Kelly Barnes: 8/20/6-08: #2604609

LEU / BLAKE

That the applicant and the Department of Employment, Economic Development and Innovation be advised that Council does not object to the application for Commercial Other Subsidiary On Premises Licence for Sassi Cantina, 22 Warner Street, Port Douglas described as Lots 25 and 26 on SP173578.

carried

- 2. RESPONSE TO DEPARTMENT OF EMPLOYMENT, ECONOMIC DEVELOPMENT AND INNOVATION – OFFICE OF LIQUOR & GAMING REGULATION – APPLICATION FOR COMMERCIAL OTHER SUBSIDIARY ON PREMISES LICENCE FOR THE RISING SUN RESTAURANT & BAR, 95 WILLIAMS ESPLANADE, PALM COVE DIVISION 105
Kelly Barnes: 8/20/6-08: #2604601

LEU / BLAKE

That the applicant and the Department of Employment, Economic Development and Innovation be advised that Council does not object to the application for Commercial Other Subsidiary On Premises Licence for the Rising Sun Restaurant & Bar, 95 Williams Esplanade described as Lot 23 on SP102149.

carried

3. RESPONSE TO DEPARTMENT OF EMPLOYMENT, ECONOMIC DEVELOPMENT AND INNOVATION – OFFICE OF LIQUOR & GAMING REGULATION – APPLICATION FOR COMMERCIAL OTHER SUBSIDIARY ON PREMISES LICENCE FOR CI FENNALI’S TRINITY BEACH RESTAURANT, 47 VASEY ESPLANADE - DIVISION 9.....10
Kelly Barnes: 8/20/6-08: #2604645

BONNEAU / BLAKE

That the applicant and the Department of Employment, Economic Development and Innovation be advised that Council does not object to the application for Commercial Other Subsidiary On Premises Licence for Ci Fennali’s Trinity Beach Restaurant, Unit 11, 47 Vasey Esplanade Trinity Beach, described as Lot 11 on BUP100110.

carried

4. RESPONSE TO DEPARTMENT OF EMPLOYMENT, ECONOMIC DEVELOPMENT AND INNOVATION – OFFICE OF LIQUOR & GAMING REGULATION – APPLICATION FOR COMMERCIAL OTHER SUBSIDIARY ON PREMISES LICENCE FOR CAFÉ CHINA, 6-8 ABBOTT STREET, CAIRNS - DIVISION 5.....15
Kelly Barnes: 8/20/6-08: #2604654

BLAKE / FORSYTH

That the applicant and the Department of Employment, Economic Development and Innovation be advised that Council does not object to the application for Commercial Other Subsidiary On Premises Licence for Café China, 6-8 Abbott Street, Cairns described as Lot 10 on CP817961.

carried

5. COMPENSATION CLAIMS & APPEALS – MAY 201019
Simon Clarke : 1/59/2 : #2180161 V12

LANSKEY / COCHRANE

1. **That the report on the Compensation Claims & Appeals for May 2010 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

- 6. EDMONTON TOWN CENTRE AMENDMENT NO. 1 OF 2009 – NOTIFICATION OF AMENDMENT26
Gerard Rosse GR : 8/26/5: #2606865

LANSKEY / GREGORY

That Council undertake Public Notification of the Edmonton Town Centre Amendment No. 1 of 2009 for a period of at least 30 business days in accordance with Schedule 1, Part 2 Section 12 of the *Integrated Planning Act 1997*.

carried

- 7. CAIRNS TRANSIT NETWORK PROJECT – CITY CENTRE ELEMENTS32
Gerard Rosse GR : 8/27/3: #2605040

BLAKE / FORSYTH

That Council provides in-principle support to the Cairns Transit Network Project – City Centre elements, subject to the following:

- 1. The four City Centre bus (4) stops on the Cairns Transit Network, being St Monica’s to the north, City Place, Cairns Central and the Council chambers to the south, located generally in accordance with the plan attached as Attachment A, while requiring further detailed design and impact management processes, are supported.
- 2. To remove idling buses from City Place and other city stops, a City bus terminus in Bunda Street adjacent to Cairns Central, generally in accordance with Attachment B, is supported as it provides an integrated transport solution with regional coach and rail services.

3. The opening up of City Place, for limited through vehicle movements, though maintaining the pedestrian focus, generally in accordance with Attachments C and D, is supported subject to further detailed design work and consultation to address the following:
 - a. Less visually dominant bus facilities at City Place
 - b. Shields Street pedestrian connectivity.
 - c. Low speed environment for buses.
 - d. Retention and provision of established vegetation.
 - e. Built form that is responsive to the character and heritage values of the surrounding buildings.
4. Ongoing discussion with Council on the implementation of the Cairns Transit Network and its implications on the City Centre road hierarchy and on street parking.

carried

8. APPLICATION FOR A COMMERCIAL USE OF ROADS PERMIT TO CONDUCT A RICKSHAW (PEDICAB) SERVICE IN PORT DOUGLAS - DIVISION 10.39
Paul Hoyer PH : 25/05/2010 : #2582364

LEU / FORSYTH

That Council approve the issue of a commercial use of roads permit to Port Douglas Rickshaw Company to conduct a rickshaw (pedicab) service in Port Douglas, subject to, but not limited to the following:

1. The permit be for a six (6) month trial period;
2. The permit area be confined to the current Port Douglas regulated parking area (incorporating the area in Port Douglas north of Mowbray Street inclusive) and with the inclusion of Mudlo, Garrick and Sand Streets;
3. The hours of operation to be confined to between 6am and 10pm daily;
4. Any pedicabs (bicycles) used in the business being compliant with the relevant Australian Standards applying to pedicabs (bicycles);
5. The operator complying with any requirements relating to use of the pedicab on a road or passenger transport as required by the *Transport Operations (Road Use Management) Act 1995 and the Transport Operations (Road Use Management – Road Rules) Regulation 2009*;
6. The pedicab to have appropriate permanent lighting front and rear to ensure the pedicabs are highly visible;

- 7. **Regulated parking bay fees to apply where parking bays are used in conducting the business.**

carried

- 9. **RENEWABLE ENERGY NOW! FOR FNQ CAMPAIGN46**
Maree Grenfell : 8/27/3-07: #2582406

LESINA / FORSYTH

That Council supports CAFNEC’s “Renewable Energy Now! For FNQ” campaign.

carried

- 10. **MATERIAL CHANGE OF USE (IMPACT) PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME TO ADOPT A UNIQUE TABLE OF ASSESSMENT AND APPLY THE RESIDENTIAL 2 PLANNING AREA CODE IN SUBSTITUTION OF THE SPORT & RECREATION PLANNING AREA CODE – 172-184 IRENE STREET MOOROBOOL – DIVISION 550**
Sarah Cook: 8/8/1111-01: #2583891

BLAKE / COCHRANE

- A. **That Council approve the development application for Preliminary Approval Overriding the Planning Scheme to adopt a unique table of assessment and apply the Residential 2 Planning Area Code in substitution of the Sport & Recreation Planning Area Code over land described as Lot 1 SP106970, located at 172-184 Irene Street Mooroolooloolo, subject to the following:**

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.

Subsequent Development Applications

3. All development applications for Material Change of Use or Reconfiguring a Lot, subsequent to the Preliminary Approval, must demonstrate compliance with CairnsPlan 2009. A development application will be considered inconsistent with the Preliminary Approval and its over-riding effect if it does not demonstrate compliance with CairnsPlan 2009, as modified by this approval, and will consequentially be assessed under the provision of the Planning Scheme applicable at the time of making the application.

Infrastructure Contributions

4. A monetary contribution must be paid to Council in accordance with Council's Trunk Infrastructure Contributions Policy or Priority Infrastructure Plan, for any Development Permit for Material Change of Use or Reconfiguring a Lot, towards infrastructure charges applicable under the relevant charging policy at the time of making the subsequent development application.

Contributions must be paid at the rates applicable at time of payment in accordance with the method of calculation the charged under the relevant policy.

Payment is required prior to commencement of use or approval and dating of the Plan of Survey for each respective Development Permit granted as a result of this Preliminary Approval.

Water Supply and Sewerage Master Plan

5. In conjunction with the lodgement of the first development application for either a Material Change of use or Reconfiguring a Lot, the applicant must provide a water supply and sewerage infrastructure plan and supporting information including hydraulic network analysis. It must be demonstrated how the development will be serviced by Council's Infrastructure. In particular the plan must:-

- a. Identify external catchments that will be connected to the internal water and sewer networks; and
- b. Identify any trunk and reticulation infrastructure external to the site that may require upgrading to accommodate the increase load / demands generated by the development.

Water Supply and Sewerage Works

6. The applicant / owner must undertake water supply and sewerage infrastructure works to connect the subject land to Councils existing infrastructure.

Traffic Impact Study

7. In conjunction with the lodgement of the first development application for either a Material Change of Use or Reconfiguring a Lot, the applicant must provide a Traffic Impact Study undertaken by an appropriately qualified professional with respect to the impacts of the development on the road network and compliance with Austroads, Queensland Streets and the FNQROC Development Manual. The study is to include but not be limited to the following:-
 - a. Volume of traffic generated by the development;
 - b. Site access (queuing areas, protection of stored vehicle associated with the entrance to the subject within Irene Street);
 - c. Provision of traffic islands, line-marking, signage, street lighting and other necessary external works.

Lawful Point of Discharge

8. In conjunction with the lodgement of the first development application for either Material Change of Use or Reconfiguring a Lot, the applicant must demonstrate that all 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.

Drainage Study of Site

9. Prior to the lodgement of the first application for either Material Change of Use or Reconfiguring a Lot, the applicant must undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular the study must address the following:

- a. **The contributing catchment boundaries;**
- b. **The extent of the 100 year ARI flood event in relation to the site both pre and post development (that is confirm that the site is immune from Q100 flows);**
- c. **Primary and secondary flow paths for the 5 and 100 year ARI flood events;**
- d. **Identify any requirement for drainage easements;**
- e. **Confirm the drainage capacity of the drain to the north of the subject site and undertake a hydraulic analysis from the Callum Street road crossing to Irene Street (required to confirm flood immunity of the site and that the site is not subject to receiving external flows);**
- f. **Identify the capacity of Irene Street drainage along the frontage of the subject site to convey a major flow;**
- g. **Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development ;**
- h. **Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development;**
- i. **Demonstrated that no runoff from the site will enter the adjacent properties along the eastern boundary; and**
- j. **Lawful point of discharge.**

Plan of Drainage Works

10. **In conjunction with the lodgement of the first application for either Material Change of Use or Reconfiguring a Lot, it must be demonstrated that the land can be drained to the satisfaction of the Chief Executive Officer. In particular:**
 - a. **Drainage infrastructure is in accordance with the FNQROC Development Manual;**
 - b. **The drainage system for the development incorporates 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.
- c. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event; and
 - d. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 802 of the *Sustainable Planning Act 2009*.
 2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
 3. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.
- B. That in respect of the inconsistency between the proposed development and the Sport and Recreation Planning Area, Council provides the following Statement of Reasons for approval pursuant to section 802 of the *Sustainable Planning Act* (s 3.5.15(2)(k)(i) of the *Integrated Planning Act*):

1. The site is privately owned and situated within the midst of existing residential land;
2. The site was previously zoned for residential purposes, the current zoning is a reflection of a consent approval issued in 1976 over the subject allotment for a football ground and associated infrastructure and uses.

carried with Councillors Leu, Forsyth, Lesina and Pyne voting against the motion

11. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) OUTDOOR SPORT AND ENTERTAINMENT (EXPANSION OF LEARN TO SWIM SCHOOL) & CARETAKERS RESIDENCE - 32 FISHBURN STREET BENTLEY PARK - DIVISION 271
 L J Payler : 8/8/1119 (SEDA) : #2581576

LANSKEY / COCHRANE

That Council approves the development application for Outdoor Sport and Entertainment (Expansion of Learn to Swim School) and Caretakers Residence over land described as Lot 259 on RP748588, located at 32 Fishburn Street Bentley Park, 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 Proposed	UDS-09056 Sheet 2 - P1 prepared by UDS	29/03/10
Existing and Proposed Floor Plan	UDS-09056 Sheet 3 - P1 prepared by UDS	29/03/10
Elevations	UCS-09056 Sheet 4 – P1	29/03/10

ASSESSMENT MANAGER CONDITIONS

1. The applicant/owner must at all times during development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
 - a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;

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

Except where modified by these conditions of approval.

Timing of Effect

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

Amendment to Design

3. The proposed development must be amended to accommodate the following changes:
 - a. The proposed new pool and shade structure must be setback a minimum of 1.5 meters from the Fishburn Street frontage. The setback area must be landscaped with species which grow to a height which screens the shade structure from view from outside the property.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Road Network Contributions

4. 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 \$3,736.91(0.310 ERAs).

Payment is required prior to issue of a Building Permit for the proposed development.

The development is subject to Council's Resolution of 12 May 2010 in regard to a 'NIL' Transport Supply Demand, and therefore, the traffic charges shall be set at Nil until the 30 June 2012 unless specifically extended by Council prior to this date (or such other moratorium period has been determined by Council).

From 1 July 2012, unless the 'NIL' Transport Supply Demand provision has been specifically extended by Council, Road Network Contributions will be payable at the rates applicable at the time of payment, and the Transport Supply Demand for same will be calculated in accordance with the Trunk Infrastructure Charges Policy or such other Infrastructure Charging Policy as may be in force and applicable to the development at the time of payment.

Public Art Contribution

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$565.00.

Payment is required Commencement of Use of the new pool.

Vehicle Parking

6. The amount of vehicle parking must be a minimum of twelve (12) spaces of which a minimum of one (1) must be provided exclusively for the use of the Caretakers Residence. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design, unless otherwise consented to by the Chief Executive Officer. In addition, all parking, driveway and vehicular maneuvering areas must be imperviously sealed, drained and line marked.

Protection of Landscaped Areas From Parking

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

Parking Signage

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

Bicycle Parking

9. 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 two (2) spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Hours of Operation

10. The learn to swim school classes must only be conducted between the hours of 8.00am to 6.00pm Monday to Saturday and not at all on Sundays or Public Holidays.

Operating Conditions

11. A maximum of nine (9) students are permitted on site at any given time during operating hours.

Screen Fence

12. A screen fence, of a minimum height of 1.8, must be provided around the perimeter of the site, to the satisfaction of the Chief Executive Officer. The fencing must be consistent in terms of design and materials with other fences in the locality.
13. Noise levels emanating from the site must not exceed normal ambient background noise levels commensurate with a residential area at any time. Boundary fencing is to be constructed using a method and materials which provide noise attenuation. The applicant must provide details of the fencing and the acoustic measures proposed to mitigate noise exposure to adjacent properties prior to the commencement of use of the new pool.

External Works

14. Undertake the following works external to the land at no cost to Council:
 - a. Make good the kerb at redundant crossover;
 - b. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

The external works outlined above must be constructed in accordance with the FNQROC Development Manual to the satisfaction of the Chief Executive Officer prior to Commencement of Use of the new pool.

Landscaping Plan

15. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
- a. Deep planting of setback areas;
 - b. A minimum of 10% of the site must be landscaped;
 - c. The setback area along the Fishburn Street frontage of the site must be landscaped with species which grow to a height which screens the shade structure from view from outside the property.
 - d. The caretaker's residence private open space must be fenced and/or screened from the swim school operations.
 - e. Planting around the perimeter of the car parking area to reduce the visual prominence of the hardstand surfaces.
 - f. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

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

Refuse Storage

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

Lawful Point of Discharge

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

Advertising Signage

18. 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.

19. **Air conditioning, refrigeration units, mechanical exhaust systems, and pool pumps must be designed and installed in a way that will minimise the potential of such equipment causing a noise nuisance under the *Environmental Protection Act 1994* (Part 3B – Offences relating to noise standards).**
20. **Swimming pool water quality must be maintained in accordance with the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004.**

ADVICE

1. **This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 802 of the *Sustainable Planning Act 2009*.**
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. **The contribution for traffic has not been nominated as the charge is in the process of being reduced through an amendment to the Trunk Infrastructure Charges Policy. The contribution required will be the rate applicable at the time of payment.**
6. **For information relating to the *Sustainable Planning Act 2009*, log on to www.derm.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.**

carried

12. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) HOME BASED BUSINESS (PHYSIOTHERAPY PRACTICE) – 2C TRUNDLE TERRACE WHITFIELD – DIVISION 6.....89
 Kelly Barnes : 8/8/1136 : #2523153

COOPER / COCHRANE

That Council approves the development application for Home Based Business (Physiotherapy Practice) over land described as Lot 78 on RP866941, located at 2C Trundle Terrace, Whitfield, 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	078 TRU	20/10/09
Floor Plan	078 TRU	20/10/09
Elevations	078 TRU	20/10/09

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

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

Signage

3. Only one (1) sign, no greater than 0.3m² in area and bearing only the name of the occupant and/or a telephone number and/or a description of the occupation, vocation or profession shall be displayed.

Car Parking

4. A minimum of three (3) on-site car parking spaces must be provided (two of which may be in tandem).

The parking layout must be designed 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.

Hours of Operation

5. The use may only be conducted during the approved hours which are as follows:

8:00am – 6.00pm Monday – Friday;
8.00am – 1.00pm Saturday; and
Not at all on Sunday or Public Holidays.

Noise Emissions

6. Noise from either air conditioning units, service equipment or other equipment used for the business 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)*.

Access to the site

7. The applicant is to minimise any additional dust generated by the increase in traffic to the site via the application of a suitable treatment or concrete driveway (minimum acceptable standard being a 20mm gravel overlay). The treatment of the access driveway is to be to the satisfaction of the Chief Executive Officer prior to the commencement of use.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 and Section 341 of the *Sustainable Planning Act 2009*.
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 Sustainable Planning Act 2009 log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

13. MATERIAL CHANGE OF USE (CODE ASSESSMENT) MULTIPLE DWELLINGS - 289 & 291 LAKE STREET CAIRNS NORTH - DIVISION 798
 Luke Jackson : 8/35/91 : #2501501

FORSYTH / COCHRANE

That Council approves the development application for Multiple Dwellings (20 units) over land described as Lots 1 & 2 RP 702070 and Lots 1 & 2 RP 706632, located at 289 - 291 Lake Street Cairns North, 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
BASEMENT FLOOR PLAN	SK01	JAN 2010
GROUND FLOOR PLAN	SK02	JAN 2010
1ST- 4TH FLOOR PLANS	SK03	JAN 2010
EAST ELEVATION (LAKE)	SK05	JAN 2010
WEST ELEVATION	SK06	JAN 2010
SOUTH ELEVATION (MCKENZIE)	SK07	JAN 2010
NORTH ELEVATION	SK08	JAN 2010
TYPICAL SECTION	SK09	JAN 2010

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.

Air-conditioning Screens

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

Lockable Storage

4. Provide each unit with a minimum of 2.5m² (minimum 5m³ volume) of lockable storage space conveniently located with respect to car accommodation.

Water Supply Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$34,067.60 (9.2 ERAs).

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

Wastewater Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$30,468.20 (9.8 ERAs).

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

Road Network Contributions

- 7. Pay a monetary contribution to Council in accordance with the Planning Scheme 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, the contributions are \$169,229.50 (14.5 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

- 8. Pay a monetary contribution to Council in accordance with the Planning Scheme 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, the contributions are \$43,384.00 (17.6 EPs).

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

Stormwater Quality

- 9. Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the improving Stormwater Quality.**

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$969.45 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

- 10. Pay a monetary contribution to Council in accordance with Council's General Policy – Public Art towards the provision of Public Art within the community.**

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$3,000.00.

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 Internal

11. Undertake the following water supply and sewerage works internal to the subject land:-
- a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
 - b. Water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008;
 - c. The existing sewer within the site is to be altered such that the sewer terminates at a manhole to be provided at the property boundary.

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

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

Sewer Easement

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

The approved easement documents must be submitted at the same time as seeking approval and dating of the Building Format Plan and must be lodged and registered with the Department of Natural Resources and Water in conjunction with the Plan of Survey.

Damage to Infrastructure

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

Water Saving

- 14. 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

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

Vehicle Wash Bay

- 17. The vehicle wash bay must be roofed and bunded and wastewater discharged through a 550 litre triple interceptor to sewer or as otherwise agreed by the Chief Executive Officer.**

Vehicle Parking

- 18. The amount of vehicle parking provided must be a minimum 33 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.**

Protection of Landscaped Areas From Parking

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

Parking Signage

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

Bicycle Parking

21. 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 9 spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

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

External Works

23. Undertake the following works external to the land at no cost to Council:
- a. Construct a 2.0 metre wide concrete footpath to the McKenzie and Lake Street frontages in accordance with FNQROC Development Manual Standard Drawing 1035; Kerb ramps must be fitted with Tactile Ground Surface Indicators in accordance with Australian Standard AS1428.4: 2002 *Design for Access and Mobility Part 4: Tactile Indicators*.
 - b. Construct full width bitumen widening to the McKenzie and Lake Street frontages;
 - c. Provision of a concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing 1015. The width of the crossover is to be a maximum 6m unless swept path diagrams are provided to justify an alternative width;
 - d. Make good the kerb(s) at redundant crossover(s);
 - e. Upgrade the street lighting to comply with requirements of the FNQROC Development Manual;
 - f. Construct tree guard around the existing trees in the road reserve in Lake Street;
 - g. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

- h. Linemark parking spaces in front of and adjacent to the subject land on both McKenzie and Lake Streets;**
- i. The applicant shall demonstrate that the location of and access to the development complies with AS2890.1 & 2. The applicant must submit a report prepared by a suitably qualified and experienced Registered Professional Engineer of QLD (RFEQ) to the satisfaction of the CEO prior to the issue of a Development Permit for Building Works.**

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.

Above Ground Transformer Cubicles/ Electrical Sub-Station

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

Under Grounding of Electricity Supply

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

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

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

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

Acid Sulfate Soils – Basement/Pool Disturbance

26. 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 Environment and Resource Management (Previously DNRW), 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 DNRW '*Queensland Acid Sulfate Soil Technical Manual*'.

Requirement For A Noise Report

27. A report prepared by a qualified Acoustic Consultant must be submitted at the time of lodgement of an application for a Development Permit for Building Work and endorsed by the Chief Executive Officer prior to the issue of the Development Permit for Building Work. The report must indicate design and construction features to be incorporated in the development to ensure that the development is acoustically insulated to at least the minimum standards as required by AS2021 - Acoustics - Aircraft Noise Intrusion - Building Siting and Construction for the 30 ANEF, having regard to the provisions of the *Environmental Protection Act 1994, Environmental Protection (Noise) Policy 2008*. The building must be designed and constructed in accordance with the standards set out in the report.

Basement Parking

28. 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.**
29. **The semi-basement car park is not to protrude more than 1250mm above natural ground level.**

Construction Access

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

Stockpiling and Transportation of Fill Material

31. **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.**
32. **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

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

Landscaping Plan

34. **The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:**
- a. **Deep planting of setback areas;**

- b. **Planting of the footpath with trees, using appropriate species with regard to any site constraints.**
- c. **Plantings to give protection to western walls.**
- d. **Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.**

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

Lawful Point of Discharge

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

Minimum Fill and Floor Levels

- 36. **All floor levels in all buildings must be located 150mm above the Q100 flood immunity level of 2.9 metres AHD, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements. Council's current records indicate existing ground levels of approximately 2.9 – 3.4 metres AHD.**

Sediment and Erosion Control

- 37. **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).**

Screen Fence

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

Street Fencing

- 39. 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.**

Details of the street fencing must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Details Of Development Signage

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

Advertising Signage

- 41. 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.**

Construction Signage

- 42. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:-**
- a. Developer;**
 - b. Project Coordinator;**
 - c. Architect / Building Designer;**
 - d. Builder;**
 - e. Civil Engineer;**
 - f. Civil Contractor;**
 - g. Landscape Architect**

Crime Prevention Through Environmental Design

- 43. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).**

Noise

44. Noise from air conditioning units, swimming and spa 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 2008*.

Health

45. Swimming pool water quality must be maintained in accordance with the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004.

Amalgamation Required

46. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 1 & 2 on RP702070 and Lots 1 & 2 on RP706632 into one lot. The Plan of Survey must be registered with the Department of Environment and Resource Management at the applicant's/owner's cost prior to Commencement of Use.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Ref	Date	Council Electronic Ref
Department of Transport and Main Roads	CRN-266	24/03/2010	2521701

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 *Sustainable Planning Act 2009*, shall lapse 4 (four) years from the day the approval takes effect in accordance with the provisions of Section 802 of the *Sustainable Planning Act 2009*.
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 Sustainable Planning Act 2009 log on to www.dip.qld.gov.au. To access Council’s Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.**

carried

14. **MATERIAL CHANGE OF USE (CODE ASSESSMENT) - BUSINESS FACILITIES (MEDICAL CENTRE, PROFESSIONAL OFFICES AND ANCILLARY PURPOSES) - WALKER ROAD EDMONTON - DIVISION 2140**
C S Garner : 8/7/1956 : #2550366

LANSKEY / GREGORY

That Council approves the request for Material Change of Use for Business Facilities (Medical Centre, Professional Offices And Ancillary Purposes) described as Lot 32 on SP178669 located at Walker Road 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
Site Plan	Jackson Teece 2010018 DA01 Issue P7	April 2010
Level 1 Plan	Jackson Teece 2010018 DA02 Issue A	April 2010
Level 2 Plan	Jackson Teece 2010018 DA03 Issue A	April 2010
Roof Plan	Jackson Teece 2010018 DA04 Issue P7	April 2010
Elevations	Jackson Teece 2010018 DA05 Issue P7	April 2010

ASSESSMENT MANAGER CONDITIONS

1. **Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-**
 - a. **The specifications, facts and circumstances as set out in the application submitted to Council;**

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

Except where modified by these conditions of approval

Timing of Effect

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

Water Supply Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$35,276.94 (7.06 EDUs).

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

Wastewater Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$25,877.29 (7.06 EDUs).

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

Road Network Contributions

5. **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 \$257,726.36 (21.38 EDUs).

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

The development is subject to Council's Resolution of 12 May 2010 in regard to a 'NIL' Transport Supply Demand, and therefore, the traffic charges shall be set at Nil until the 30 June 2012 unless specifically extended by Council prior to this date.

From 1 July 2012, unless the 'NIL' Transport Supply Demand provision has been specifically extended by Council, Road Network Contributions will be payable at the rates applicable at the time of payment, and the Transport Supply Demand for same will be calculated in accordance with the Trunk Infrastructure Charges Policy or such other Infrastructure Charging Policy as may be in force and applicable to the development at the time of payment.

Public Art Contribution

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$2,500.00.

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

Water Supply and Sewerage Works Internal

7. Undertake the following water supply and sewerage works internal to the subject land:-
 - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
 - b. Internal property sewers must be designed, constructed and tested in accordance with the FNQROC Manual;
 - c. Water supply sub-metering must be designed and installed in accordance with *The Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008*.

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

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

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

Inspection of Sewers

8. **CCTV inspections of existing sewers must be undertaken both prior to commencement of works on site and at works completion. An assessment of the CCTV records must be undertaken by the developer's consultant and a report along with the footage submitted to Council for approval. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use.**

Damage to Infrastructure

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

Water Saving

10. **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**

Refuse Storage

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

Liquid Waste Disposal

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

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

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

External Works

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

- a. **Construct a two (2) metre wide concrete footpath to the Walker Road access point in accordance with the FNQROC Development Manual Standard Drawing 1035. Kerb ramps must be fitted with Tactile Ground Surface Indicators in accordance with Australian Standard AS1428.4: 2002 *Design for Access and Mobility Part 4: Tactile Indicators*.**
- b. **Construct Access off Walker Road inclusive of all asphalt, works, traffic islands, lights, line marking and signage in accordance with the current and relevant Australia Standards and Council's FNQROC Development Manual.**
- c. **Construct Egress from the development to marry neatly into the existing roundabout on Hambledon Drive. The width of the egress shall be 3.5 metres or as required to facilitate the turning of a garbage truck. The pavement depth/profile shall be constructed to Minor Collector Road standards;**
- d. **Upgrade existing stormwater drainage infrastructure between ESPN11 and ESPN 1 from 375 dia. RCP to ASD dia. RCP.**
- e. **Make good the kerb(s) at redundant crossover(s) as required;**

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

The external works outlined above 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.

Drainage Study of Site

15. **Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:**
 - a. **The contributing catchment boundaries;**
 - b. **The extent of the 100 year ARI flood event in relation to the site both pre and post development;**

- c. Primary and secondary flow paths for the 5, 20, 50 and 100 year ARI flood events;
- d. Identify any requirement for drainage easements;
- e. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;
- f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development;
- g. Lawful point of discharge.

The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Lawful Point of Discharge

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

Sediment and Erosion Control

- 17. 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).

Ponding and/or Concentration of Stormwater

- 18. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Structural Certification

- 19. All retaining walls or structures higher than one (1) metre must be structurally certified prior to the issue of a Development Permit for Building Work.

Access Easement/s

- 20. Create a reciprocal Access Easement over the south west corner of the site to allow vehicle access and on-site manoeuvring for the existing Shopping Facilities and proposed Business Facilities development, to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council.**

The approved easement documents must be lodged and registered with the Department of Environment and Resource Management prior to the commencement of use.

Construction Access

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

Vehicle Parking

- 22. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of seventy-six (76) spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.**

Integration with Adjoining Site

- 23. The proposed development must be designed to provide for future pedestrian and vehicular connection to the adjoining land to the north.**

Protection of Landscaped Areas From Parking

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

Parking Signage

- 25. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use.**

Bicycle Parking

26. 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 six (6) spaces. The bicycle parking area must be constructed prior to Commencement of Use.
27. The access to the on-site bicycle parking area must be identified by signage and line marking in accordance with the provisions of AS 1742.

No Fencing

28. Except for a physical barrier preventing vehicular movements between the proposed Business Facilities and existing Shopping Facilities developments there must be no fencing or other obstruction erected between a point level with the eastern elevation of the proposed building and the Walker Road street frontage.

Landscaping Plan

29. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
 - a. Deep planting of setback areas;
 - b. Planting of the footpath with trees and shrubs, using appropriate species with regard to any site constraints and street character;
 - c. A planting design which is in accordance with the FNQROC Development Manual;
 - d. A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species;
 - e. Provide a hierarchy of planting, which includes shade trees, shrubs and groundcovers;
 - f. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

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

Lighting

30. 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.

Advertising Signage

31. 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.

Construction Signage

32. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant):-
- a. Developer;
 - b. Project Coordinator;
 - c. Architect / Building Designer;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor;
 - g. Landscape Architect

Crime Prevention Through Environmental Design

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

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department Transport & Main Roads	214/10P/102 (885.16) CRN-284	11 May 2010	2568131

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 *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.
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. If Headwork contributions are received for the concurrent Development Application for Reconfiguring a Lot (8/13/1531) prior to the payment of contributions for this Development Permit then the contributions required by this development will be recalculated and credits allocated accordingly.
6. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

15. RECONFIGURING A LOT (1 LOT INTO 3 LOTS) – 96 HILLVIEW CRESCENT WHITFIELD – DIVISION 6165
 J Elphinstone: 8/13/1215: #1748998 v2

COOPER / BLAKE

- A. That Council approves the Development Application for Reconfiguring a Lot whereby two (2) lots only are created from the existing lot over land described as Lot 2 on RP748607 located at 96 Hillview Crescent, Whitfield, generally in accordance with the Bruce & Associates Drawing 3114 C01 Revision D for Whitfield Unit Trust as lodged with Council on 3 March 2008 and subject to the following conditions:

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

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Plan of Lot Layout	To be advised	To be advised

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

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

Lot Yield

3. The allotment yield as detailed on Bruce & Associates Drawing No. 3114 C-01 revision D wq as received by Council on 3 March 2008 is reduced to no more than two lots where Proposed Lots 2 and 3 on Bruce & Associates Drawing 3114 C01 Revision D are to be combined into one lot.

Two (2) copies of the plans and details must be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Operational Work.

Water Supply Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$6,027.04 (1.3 ERAs).

Payment is required prior to the issue of a Compliance Certificate for the Plan of Survey.

Wastewater Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$2,964.93 (1.0 ERAs).

Payment is required prior to the issue of a Compliance Certificate for the Plan of Survey.

Road Network Contributions

- 6. Pay a monetary contribution to Council in accordance with the Planning Scheme 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, the contributions are \$5,586.06 (1.0 ERAs).

Payment is required prior to the issue of a Compliance Certificate for the Plan of Survey.

Community Purpose Infrastructure Contributions

- 7. Pay a monetary contribution to Council in accordance with the Planning Scheme 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, the contributions are \$2,388.00 (3.0 EPs).

Payment is required prior to the issue of a Compliance Certificate for the Plan of Survey.

Water Supply and Sewerage Works Internal

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

- a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;
- b. The house drain must be extended to the building platform/envelope;
- c. Provide conduits for the water service connections to the building platform/envelope;
- d. If minimum pressure cannot be provided at the building pad from the existing water main in Hillview Crescent, the applicant is to provide an individual pump system to each lot and a note placed on the rates file advising prospective purchasers that the water supply is via a privately owned system of tanks and pumps.

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

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer to the issue of a Compliance Certificate for the Plan of Survey.

Damage to Infrastructure

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

Sewer Easement/s

10. Create an easement in favour of Council over sewers on non-standard alignment to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval by Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as lodging for a Compliance Certificate for the Plan of Survey and must be lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey.

Access

11. The applicant shall construct a driveway of not less than 3m in width in accordance with Councils Standard drawing CCC S1110 and for the full extent of the access leg (to the rear boundary of 94 and 93 Hillview Crescent).

Access to Hillside Lots

12. The applicant/owner must construct a concrete driveway or other approved surface extending the full length along the roadway and driveway. It must commence at the adjacent edge of carriageway with a standard turn out in accordance with Council Standard Drawing S1105. Construction of the concrete driveway must be in accordance with Council Standard Drawing S1110.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Design Requirements

13. The applicant/owner must design and construct an access road through the proposed subdivisions in accordance with Council's FNQROC Development Manual, Queensland Streets, AS 2890.1 and AS 2890.2.

In particular the road must comply with:

- a. Maximum Access Grades (as defined in Table D1.1 in FNQROC);
- b. Vertical & Horizontal Geometry;
- c. Sight Distances;
- d. Passing requirements; and
- e. Turning & Queuing requirements.

The full engineering design is to be provided to Council prior to the issue of a development permit for Operational Works.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

General External Works

14. Undertake the following external works:-
 - a. Provision of a concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing 1015;

- b. Make good the kerb(s) at redundant crossover(s);**
- c. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development;**
- d. Construct full width bitumen widening to Hillview Crescent frontage;**
- e. Construct kerb and channel to Hillview Crescent Road frontage; and**
- f. Relocate Ergon energy pole at the front of the subject land to behind the kerb.**

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. All works must be carried out in accordance with the approved plan prior to the issue of a Compliance Certificate for the Plan of Survey.

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 Environment & Resource Management for carrying out works in a watercourse.

Lawful Point of Discharge

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

Sediment and Erosion Control

17. 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).

Drainage Study of Site

18. Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:
 - a. The contributing catchment boundaries;
 - b. The extent of the 100 year ARI flood event in relation to the site both pre- and post-development;
 - c. Primary and secondary flow paths for the 2 year ARI flood event;
 - d. Identify any requirement for drainage easements;
 - e. Identify the need and tenure for flood detention areas to ensure a no-worsening impact on downstream properties for the entire development;
 - f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.
 - g. Lawful point of discharge.

The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Ponding and/or Concentration of Stormwater

19. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Finished Retaining Wall Colour

20. The retaining wall must be constructed of materials and/or finished in colours, which blend with the surrounding natural environment.

Structural Certification

- 21. All retaining walls or structures higher than one (1) metre must be structurally certified prior to the issue of a Development Permit for Building Work.**

Where the profile or height of the wall is redesigned during structural certification, amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Access Easement

- 22. Create a reciprocal Access Easement to allow vehicle access and on-site manoeuvring for proposed Lot 2 over proposed Lot 1, to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey.**

Services Easement/s

- 23. Create a Service Easement over proposed Lot 2 for the benefit of proposed Lot 1 to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey.**

Geotechnical Assessment:

- 24. The applicant is required to undertake all of the proposed remedial and precautionary works as details in Douglas Partners Report (Project 49109) dated March 2010 and summarized on Douglas Partners Drawing No 5 (Rev 1) - attached. A revised set of civil drawings is required as part of the Operational Works application required for the Lot Reconfiguration application. The revised drawings are required to be certified by a registered professional Engineer of Qld (RPEQ) as being fully in accordance with the Douglas Partners report recommendations. The plans must also include the definition of proposed building envelope as well as all other works associated with the residential subdivision.**

Service Conduits

25. The applicant/owner must provide service conduits to all proposed 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 the issue of a Compliance Certificate for the Plan of Survey.

Drainage Easements

26. The applicant/owner must grant in favour of Council an easement(s) for drainage purposes with a minimum width of 10 metres along the entire length of the proposed drainage reserve in the location(s) shown on Figure No. 10 or the Geotechnical report, dated 8 February 2007 and prepared by Arup Engineers. The easement documents shall be prepared by Council's solicitors at the expense of the applicant/owner and must be lodged and registered in the Department of Environment and Resource Management immediately following the Plans of Survey for reconfiguration.

Existing Creek and Drainage Systems

27. 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 Environment and Resource Management for carrying out works in a watercourse.

Temporary Vehicle Turnaround

28. 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 turn around a garbage truck, either in a continuous forward movement or by a three-point turn.

Existing Services

29. The applicant is to provide written confirmation of the location of existing services for the subject land. In any instance where existing services are contained within another lot, the applicant shall either:

- a. Relocate the services to comply with this requirement; or
- b. Arrange registration of necessary easements over services located within another lot prior to or in conjunction with the lodgement for a Compliance Certificate for the Plan of Survey creating the lot.

Electricity Supply

30. 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

31. 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 the issue of a Compliance Certificate for the Plan of Survey.

Lot Outcome Plans

32. Lot outcome plans are to be provided and endorsed by Council prior to the issue of a Development Permit for Operational Works. The plans must identify the location and extent of proposed building pads. The earthworks must comply with Council's Planning Scheme overlays for Earthworks and Hillslopes. Access to the lots must comply with Council's FNQROC Development Manual, AS2890.1 - Off Street Car parking and Good Engineering Practice

Vegetation Clearing

33. Existing vegetation on the subject land must be retained in all areas except those affected by construction of roadworks/access driveways and/or installation of services as detailed on the approved plans as stated in this approval. 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

- 34. 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.**

Notification of Vegetation Clearing

- 35. Council's Development 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.**

Statutory Covenant for Environmental Purposes

- 36. A Statutory Covenant for Environmental Purposes (generally detailing all native vegetation is to be retained with the exception of overgrown grass and dangerous, diseased, dying or dead plants or branches), must be registered over the proposed lots beyond the area of the building envelopes and the driveway access.**

The Covenant is to be registered at the same time of registering of the Plan of Survey with the Department of Environment and Resource Management. The covenant is required to include the following clauses:

- a. The covenantor must not use the land or undertake operational works or building works in a way that interferes with or destroys any endemic vegetation, including undergrowth and regrowth, in the covenant area;**
- b. The covenantor must not use the covenant area for construction of improvements or the erection of buildings or for storage of materials;**
- c. The covenantor must not alter the drainage patterns of stormwater across the land or impede natural flows;**
- d. The covenantor must not carry out any landscaping within the covenant area or allow the introduction of non-endemic plant species into the area;**

- e. The covenantor must allow free movement of all natural wildlife in the covenant area and not allow household pets to enter the area. For the movement of native fauna and for stormwater purposes, fences must have a 80% permeable area (such as post & rail type fencing, or post and wire strand type fencing for side boundary fencing only. When fencing for domestic animals, pool type fencing must be constructed along the boundary between the rear of the garden and the front of the covenant area. This fence may include an access gate for pedestrian use only. Vehicles must not enter into the covenant area;
- f. The covenantor may apply to the council for a permit to remove vegetation that poses an immediate and severe hazard to the dwelling or the occupants of the lot;
- g. The covenant area must be maintained in its natural state. Garden waste and any other waste must not be disposed of or stored within this area. Overgrown grass may be removed to minimise the fire risk. Other plant material, dead or alive must not be removed as this performs a habitat function in the ecosystem; and
- h. Existing native and mature vegetation shall only be removed with the prior written consent of the Chief Executive Officer. All vegetation proposed for removal shall be marked by the applicant/owner and approved by Council Officers prior to being removed. Council's Development Assessment Branch is to be notified of the proposed date of commencement of any approved vegetation clearing.

Weed Management

- 37. A Weed Management Plan for invasive pest species must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

ADVICE

- 1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse (four) (4) years from the day the approval takes effect in accordance with the provisions of Sections 339, 341 and 802 of the *Sustainable Planning Act 2009*.
- 2. All 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 relevant Local Laws and statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009*, log on to www.dip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to 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.

B. The following notation will be placed on Council's future rates record in respect of the new lots:

Future development on this site must occur in accordance with the Geotechnical Report prepared by Douglas Partners Geotechnical report dated March 2010 (Council document reference 2534487). Any prospective purchases are advised to contact the Council to obtain a copy of this report and identify the maintenance obligations which attach to each lot. The maintenance requirements are outlined in table 6 of the Douglas Partners report.

carried with Councillors Leu and Pyne voting against the motion

16. MATERIAL CHANGE OF USE (CODE ASSESSMENT) DUAL OCCUPANCY – 7 ALBERTA DRIVE, WOREE – DIVISION 3191
 J L Giguere : 8/8/1135 : #2605286

PYNE / LESINA

That Council approves the development application for Dual Occupancy over land described as Lot 75 on RP740402, located at 7 Alberta Drive, 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	THAK-01	12/03/2001
Site Plan and Elevation	Cairns Quality Home Sunvalley	N/A

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s) and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

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

Amendment to Design

3. The proposed development must be amended to accommodate the following changes:
 - a. A single crossover with a shared driveway;
 - b. The width of the driveway between the front boundary and the carport of the existing house is to be at least 3.6 metres.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Water Supply Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$4,289.00 (1 EDU).

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

Wastewater Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$4,527.00 (1 EDU).

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

Road Network Contributions

- 6. Pay a monetary contribution to Council in accordance with the Planning Scheme 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, the contributions are \$12,054.55 (1 EDU).

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

Community Purpose Infrastructure Contributions

- 7. Pay a monetary contribution to Council in accordance with the Planning Scheme 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, the contributions are \$2,065.73 (1 EDU).

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

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, the contributions are \$350.77 for Stormwater Quality.

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

Air-Conditioning Screens

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

External Works

10. Undertake the following works external to the land at no cost to Council:
- a. Provision of a concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing 1015;
 - b. Make good the kerb(s) at redundant crossover(s);
 - c. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

Such works must be completed prior to the commencement of use.

Vehicle Parking

11. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 2 spaces per dwelling. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed and drained.

Fencing of Private Yard Areas

12. Construct fencing for the private yard areas of each individual unit. The fencing must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Street Fencing

13. 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.

Details of the street fencing must be detailed in the Landscaping Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Landscaping Plan

- 14. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:**
 - a. Deep planting of front and side setback areas;**
 - b. Deep planting must be provided between the front fence and the front boundary;**
 - c. Clothes drying areas screened from public view and have access to natural sunlight;**
 - d. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.**

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

Lawful Point of Discharge

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

Sediment and Erosion Control

- 16. 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 Supply and Sewerage Works Internal

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

- b. **Water supply sub-metering must be designed and installed in accordance with *The Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008*;**
- c. **The existing sewer must be a minimum of 1.5 metres away from the building and clear of the zone of influence from the footings and foundations of any building/structure.**

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

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

Inspection of Sewers

- 18. **CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion. An assessment of the CCTV records must be undertaken by the developer's consultant and a report along with the footage submitted to Council for approval. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.**

Damage to Infrastructure

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

Water Saving

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

Lockable Storage

- 21. Provide each unit with a minimum of 2.5 m² (minimum five (5) m³ volume) of lockable storage space conveniently located with respect to car accommodation.

ADVICE

- 1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.
- 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 2. 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 Sustainable Planning Act 2009 log on to www.dip.qld.gov.au. To access Council’s Development Manual, Local Laws and other applicable policies log on to www.cairns.qld.gov.au.

carried

17. REQUEST TO CHANGE CONDITIONS OF APPROVAL FOR -
 MATERIAL CHANGE OF USE (CODE ASSESSMENT) 4 OLIVA
 STREET, PALM COVE – DIVISION 10207
 T Read: 8/7/1120: #2565035

LEU / BLAKE

That Council approves the Request to Change an Existing Approval for Holiday Accommodation over land described as Lot 10 on SP194072, located at 4 Oliva Street, Palm Cove, subject to the following:

- 1. That Condition 4 – Amendment to Design be amended to read as follows:

Amendment to Design

4. The proposed development must be redesigned to accommodate the following changes:
 - a. Subject to Condition 20, rearrange car parking, including removal of car space 9 and 15 with a reduced depth manoeuvring space between proposed car spaces 9 and 15, and access ramps to ensure the retention of the melaleuca trees;
 - b. Architectural elements, such as open screens/fixed louvers, that screen the stair ways instead of rendered masonry concrete;
 - c. A 1.0 metre setback in front of the pool to allow for soft, screen landscaping;
 - d. Relocate the lockable storage areas to enable the retention of trees 2 & 3;
 - e. Relocate the driveway to enable the retention of trees 2 & 3; and
 - f. Redesign the access stairwell to the units, and other service facilities which may detrimentally impact on the existing Melaleuca trees.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

2. That Condition 15 – Car Parking Layout be amended to read as follows:

15. A minimum of 12 of the 15 onsite carparks shown on the plans must be provided.

The parking layout must be amended to facilitate the retention of the existing Melaleuca trees on the site, particularly the tree immediately adjacent to space 15, including removal of car spaces 9 and 15.

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

3. That all conditions of Development Permit 8/7/1120 dated 17 November 2008 remain unchanged.

carried

18. PLANNING & ENVIRONMENT – MAY 2010 MONTHLY REPORT .231
Peter Tabulo : 1/3/83 #2174797v11

LESINA / LANSKEY

That the report on the Planning and Environment Department for the month of May 2010 be received and noted.

carried

CLOSED SESSION

COCHRANE / FORSYTH

COUNCIL RESOLVE INTO CLOSED SESSION FOR THE FOLLOWING REASONS :

- 1. PREJUDICIAL MATTER – RESOLUTION OF APPEAL - COMBINED APPLICATION - RETIREMENT VILLAGE – JOHANNA ROAD TRINITY BEACH – DIVISION 91
Luke Jackson : 8/30/127 : #2583500

carried

OUT OF CLOSED SESSION

COUNCIL RESOLVE TO MOVE OUT OF CLOSED SESSION

COCHRANE / BLAKE

carried

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

1. PREJUDICIAL MATTER – RESOLUTION OF APPEAL - COMBINED APPLICATION - RETIREMENT VILLAGE – JOHANNA ROAD TRINITY BEACH – DIVISION 9 1
 Luke Jackson : 8/30/127 : #2583500

BONNEAU / BLAKE

That Council resolve to settle Planning and Environment Appeal No 5 of 2010 for a Retirement Village over land described as Lot 14 on SP152628, located at Johanna Road, Trinity Beach, subject to the following:

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

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

Drawing or Document	Reference	Date
Lot Layout and Staging Plan	A-001	24/08/2009
Masterplan	A-002	28/07/2009
Masterplan – Part 1	A-004	28/07/2009
Masterplan – Part 2	A-005	28/07/2009
Masterplan – Part 3	A-006	28/07/2009
Masterplan – Part 4	A-007	28/07/2009
Community Facility - Plan	A-201	-
Community Facility – 3D Images	A-202	-
House Type G – Title Sheet	A-110	27/07/2009
House Type G – Floor Plans	A-111	27/07/2009
House Type G - Elevations	A-112	27/07/2009
House Type G - Elevations	A-113	27/07/2009
House Type F – Title Sheet	A-120	27/07/2009
House Type F – Floor Plans	A-121	27/07/2009
House Type F - Elevations	A-122	27/07/2009
House Type F - Elevations	A-123	27/07/2009
House Type E – Title Sheet	A-130	27/07/2009
House Type E – Floor Plans	A-131	27/07/2009
House Type E - Elevations	A-132	27/07/2009
House Type D – Title Sheet	A-150	27/07/2009
House Type D – Floor Plans	A-151	27/07/2009
House Type D - Elevations	A-152	27/07/2009
House Type A – Title Sheet	A-170	27/07/2009
House Type A – Floor Plans	A-171	27/07/2009
House Type A - Elevations	A-172	27/07/2009

House Type C – Title Sheet	A-180	27/07/2009
House Type C – Floor Plans	A-181	27/07/2009
House Type C - Elevations	A-182	27/07/2009
House Type C - Elevations	A-183	27/07/2009
Duplex Type B – Title Sheet	A-190	27/07/2009
Duplex Type B – Floor Plans	A-191	27/07/2009
Duplex Type B - Elevations	A-192	27/07/2009
Temporary Display Units	A-008	18/08/2009
Open Drain Upgrade	SK10	-
Open Drain Upgrade	SK 11	-
Open Drain upgrade	SK 12	-

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

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

Water Supply Contributions

3. Pay a monetary contribution to Council towards the provision of water supply infrastructure based on 0.4 ERA's per dwelling and 0.67 ERA's for the Community Centre (being 10% of the calculated demand for the Community Centre under the Planning Scheme Policy).

Contributions must be paid at the Planning Scheme Policy rates applicable at time of payment. On the present method of calculation, the contributions are \$239,755.91 (53.77 ERAs).

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

Wastewater Contributions

4. **Pay a monetary contribution to Council towards the provision of sewerage infrastructure based on 0.4 ERA's per dwelling and 0.67 ERA's for the Community Centre (being 10% of the calculated demand for the Community Centre under the Planning Scheme Policy).**

Contributions must be paid at the Planning Scheme Policy rates applicable at time of payment. On the present method of calculation, the contributions are \$127,314.29 (54.07 ERAs).

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

Road Network Contributions

5. **Pay a monetary contribution to Council in accordance with the Planning Scheme 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, the contributions are \$146,354.87 (26.2 ERAs).

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

Community Purpose Infrastructure Contributions

6. **Pay a monetary contribution to Council in accordance with the Planning Scheme 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, the contributions are \$32,565 (65 EPs).

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

Stormwater Quality

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$32,844.44 for Stormwater Quality.

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

Public Art Contribution

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$20,250.

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

Air-conditioning Screens

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

Water Supply and Sewerage Works External

10. **Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-**
 - a. **Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage;**
 - b. **Augment existing sewers and pump station downstream of the site, to the extent required to accommodate the increased flows generated by the development;**
 - c. **Extend sewer infrastructure and provide a DICL sewer for road crossing of proposed road being Lot 16 such that the development can be provided with an internal sewer connection.**

Water Supply and Sewerage Works Internal

11. **Undertake the following water supply and sewerage works internal to the subject land:-**
 - a. **The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;**
 - b. **Water supply sub-metering must be designed and installed in accordance with *The Plumbing and Drainage Act 2002 and the Water Act 2000.***

- c. **Internal property sewers must be generally in accordance with the FNQROC Development Manual.**

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

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

Works associated with the buildings for Display Purposes in Stage 1a 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 Building Format Plan.

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

Inspection of Sewers

12. **CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.**

Damage to Infrastructure

13. **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 or approval and dating of the Building Format Plan, whichever occurs first.**

Water Saving

14. **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

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

Vehicle Parking

17. The amount of vehicle parking to be provided is 248 spaces. One of the spaces is to be allocated exclusively for ambulances close to the main entrance to the building. 23 spaces of the spaces are to be provided as visitors spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Protection of Landscaped Areas From Parking

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

Parking Signage

19. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use.

Bicycle Parking

20. Provide secured, on-site bicycle parking in accordance with Table 10-1 of *AUSTROADS Guide to Traffic Engineering Practice Part 14 - Bicycles*. The minimum number of parking spaces required for this development is 5 spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

21. 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.

Amendment to Design

- 22. The proposed development must be redesigned/amended to accommodate the following changes:**
- a. Provide a means of access, for maintenance purposes, to the drainage channel traversing the site.**
 - b. Ensure that services are able to be accommodated within the nominated internal road verge widths.**

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

External Works

- 23. Undertake the following works external to the land at no cost to Council:**
- a. Construct a two (2) metre wide concrete footpath (in accordance with FNQROC Development Manual Standard Drawing 1035) to the Johanna Street frontage south of the proposed driveway access or provide a pedestrian crossing/ link to join the pathway on the opposite side of Johanna Road in accordance with the current edition of Department of Main Roads 'Manual of Uniform Traffic Control Devices' (MUTCD);**
 - b. Provision of a concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing 1015;**
 - c. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.**

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

The external works outlined above 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.

Lawful Point of Discharge

24. 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.

Drainage Study of Site

25. Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:
- a. The contributing catchment boundaries;
 - b. The extent of the 100 year ARI flood event in relation to the site both pre and post development;
 - c. Primary and secondary flow paths for the 2 and 100 year ARI flood events;
 - d. Identify any requirement for drainage easements, both within the site and external properties;
 - e. Identify any required Infrastructure on external properties and provide owners consent for the construction of such;
 - f. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;
 - g. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development;
 - h. Ensure channel depth and configuration, including freeboard is designed in accordance with the requirements of QUDM;
 - i. Lawful point of discharge.

The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Minimum Fill and Floor Levels

26. All floor levels in all buildings must be located 150mm 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.

Geotechnical Assessment

27. A geotechnical assessment of the banks of the drainage channel traversing the site and all earthwork batters steeper than 1 in 2 and/or higher than 1.8 metres must be certified by a qualified Geotechnical Engineer. The geotechnical report and details of any amendments to design must be must be endorsed by the Chief Executive Officer prior to issue of the Development Permit for Building Works.

Sediment and Erosion Control

28. 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).

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 streetscape and must be clear of footpath areas. This will require cubicles/sub-stations to be setback from the street alignment behind a screen of landscaping, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

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 (DNRW – 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 DNRW – 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 DNRW: '*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.

Construction Access

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

Stockpiling and Transportation of Fill Material

- 32. 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.**
- 33. 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

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

Landscaping Plan

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

Planting Design

- 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. The large trees on the corner of Progress Road and Fretwell Road are to be retained.**
- b. The inclusion of individual character through landscape design and plant species for the various streets within the development;**
- c. A planting design which is in accordance with the FNQROC Development Manual including planting of street trees to Johanna Street;**

- d. A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species;
- e. Provide a hierarchy of planting, which includes shade trees, shrubs and groundcovers;

Hard Landscaping Works

- a. Natural and finished ground levels including details of all retaining works;
- b. Details of any perimeter, private yard or street fencing;
- c. Protection of landscaped areas adjoining parking areas from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction;
- d. Clothes drying areas screened from public view and have access to natural sunlight.

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

Wildlife

- 36. 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.

The wallabies at the site are to be removed or relocated from the site in an appropriate manner in accordance with the requirements of the Queensland Parks and Wildlife Services (QPWS). The applicant is to provide evidence to Council of the methods chosen to remove/relocate the wallabies and that such methods have been endorsed by QPWS.

The wallabies must be removed/relocated from the site prior to the commencement of the development and temporary fencing is to be erected during the construction phase that prevents the wallabies re-entering the site. All such work must be supervised by and carried out in accordance with the requirements of - and to the satisfaction of - the QPWS.

Notification of Vegetation Clearing

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

Screen Fence

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

Street Fencing

39. The proposed fence to Johanna Street is to be constructed in accordance with the requirements of the Acoustic Assessment prepared by Aurecon Australia Pty Ltd dated 13 July 2009. The fencing must be designed to accommodate indents to reduce the visual impact of the fence. The indents are to be suitably landscaped. The proposed fencing must also be finished with an anti-graffiti covering to the satisfaction of the Chief Executive Officer.

Details of the street fencing, indents and plantings within the indents must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Details Of Development Signage

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

Advertising Signage

41. 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.

Construction Signage

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

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

Crime Prevention Through Environmental Design

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

Health

44. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the *Food Act 2006* and the Food Standards Code.
45. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council's Public Health Unit.
46. An application for the construction or alteration of any food premises must be accompanied by two copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the construction or alteration. All works must be carried out in accordance with the requirements of the *Food Act 2006*, Food Safety Standards and AS 4674 – 2004 – Design, construction and fit-out of food premises.
47. Prior to operation of the food business, the operator must hold a current Food Licence issued by Councils Public Health Unit under the *Food Act 2006*. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council's Public Health Unit for further information.
48. Noise from air conditioning units, swimming and spa 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)*.

49. Premises intended to be used for non-higher risk personal appearance services, such as hairdressing and/or beauty therapy must comply with the requirements of the *Public Health (Infection Control for Personal Appearance Services) Act 2003* and the *Infection Control Guidelines for Personal Appearance Services 2004*.
50. The proprietor of premises used for non-higher risk personal appearance service must notify Council's Public Health Unit within 30 days of commencement of operation.
51. Premises intended to be used to carry out higher risk personal appearance services must be designed and constructed in accordance with Part 15 of the Queensland Development Code.
52. Prior to carrying out higher risk personal appearance services, the proprietor must hold a current Licence issued under the *Public Health (Infection Control for Personal Appearance Services) Act 2003*.
53. Swimming pool water quality must be maintained in accordance with the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004.

Acoustic Report

54. The development is to comply in full with the conclusions and recommendations of the Acoustic Assessment prepared by Aurecon Australia Pty Ltd dated 13 July 2009.

Display Units

55. The Display Units are to be converted to permanent residential units associated with the Retirement Village upon the cessation of their use for sales.

Sealing of Temporary Car Park

56. The temporary car park associated with the display units is to be appropriately sealed to prevent dust, erosion, and other adverse amenity and environmental impacts. A spray seal at the very minimum will be required, to the satisfaction of the Chief Executive Officer.

Drainage Reserve

57. A Drainage Reserve having a minimum width of at least ten (10) metres along the entire length of the existing drain on the southern side of the property in the location(s) shown on Drawing No's K7789-SK10, SK11 and SK12 prepared by McPherson McLean Wargon Chapman and containing all land within the limit of the Q100 ARI event must be transferred to the Crown for Drainage Purposes. The land (reserve) must be transferred in conjunction with registration of the Plan of Survey.

All works within the drainage reserve need to be properly staged to ultimately connect into the future road corridor infrastructure being provided by Council in adjoining Lot 16 on SR152628. As part of the approval of the first Operational Works Application for the proposed development, a Staging Plan of construction of the drain must be endorsed by the Chief Executive Officer prior to commencement of such works. Such works must be constructed in accordance with that 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 for each stage or as may otherwise be agreed to by Council.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrence Agency	Concurrence Agency Reference	Date	Council Reference	Electronic
Department of Main Roads	214/20A/102(2083.01)	24/08/09	2202113	
Department of Natural Resources and Water	IA1208CNS0002	20/01/09	1948078	
Environment Protection Agency	IPAR01309208	28/01/09	1955064	
Queensland Transport	CRN – 227 P29745	25/08/09	2314831	

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 Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 802 of the Sustainable Planning Act 2009.

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 Sustainable Planning Act 2009 log on to www.dip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

THE MEETING CLOSED AT 10.41 am.

CONFIRMED THIS

DAY OF

2010

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER