Council Resolution Delegated due to the requirement of Section 175E(6) of the Local Government Act 2009 to the Chief Executive Officer

In accordance with Section 257(1)(B) of the Local Government Act 2009

<table>
<thead>
<tr>
<th>Date of Meeting &amp; Type</th>
<th>Material Personal Interest (MPI)</th>
<th>Conflict of Interest (COI)</th>
<th>Agenda Item</th>
<th>Resolution No.</th>
<th>Officer Recommendation</th>
<th>Chief Executive Officer (CEO) Approval</th>
<th>CEO Change to Recommendation - Alternate Recommendation and Reasons for Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/9/2019 Ordinary Meeting #6176978</td>
<td>Unity</td>
<td></td>
<td>Negotiated Decision Request – Combined Development Permit for Material Change of Use (Car Wash, Food And Drink Outlet, Low Impact Industry, Office, Service Industry, Service Station, Shop, Shopping Centre And Showroom), Operational Works (Advertising Device – Illuminated and Pylon), and Reconfiguring a Lot (2 Lots into 4 Lots and Access Easement) – Thomson Road, Edmonton – Division 1</td>
<td>6180532</td>
<td>It is recommended that Council approves in part the Negotiated Decision Request to the Combined Development Permit for Material Change of Use (Car Wash, Food and Drink Outlet, Low Impact Industry, Office, Service Industry, Service Station, Shop, Shopping Centre and Showroom), Operational Works (Advertising Device – Illuminated and Pylon), and Reconfiguring a Lot (2 Lots into 4 Lots and Access Easement) over land described as Lot 1 on RP905280 and Lot 101 on RP905280, located at Thomson Road, Edmonton, subject to the following:</td>
<td>11 Sep 2019</td>
<td>Approved by CEO as per officers recommendation</td>
</tr>
</tbody>
</table>

1. That the Approved Drawing(s) and/or Document(s) of Part A are amended as follows:

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

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

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staging Plan</td>
<td>Council Reference #6170916</td>
<td>Received by Council 29 August 2019</td>
</tr>
<tr>
<td>Site Plan Layout</td>
<td>Max Slade Designs, Drawing No. A100, Revision C, Council Reference #6046176</td>
<td>10 December 2018</td>
</tr>
<tr>
<td>General Arrangement &amp; Site Access</td>
<td>Civil Walker, Drawing No. 172-003-SK01, Revision 4, Council Reference #6009827</td>
<td>23 February 2019</td>
</tr>
<tr>
<td>Proposed Car Wash Layout Plan</td>
<td>TMC Building Design Group, Drawing No. 1 of 4, Issue B, Council Reference #6046176</td>
<td>February 2019 Received by Council 29 March 2019</td>
</tr>
<tr>
<td>Elevations</td>
<td>Max Slade Designs, Drawing No. A103, Revision B, Council Reference #6046176</td>
<td>10 December 2019</td>
</tr>
<tr>
<td>Proposed Car Wash Development</td>
<td>TMC Building Design Group, Drawing No. 2 of 4, Issue B, Council Reference #6046176</td>
<td>February 2019 Received by Council 29 March 2019</td>
</tr>
<tr>
<td>Proposed Car Wash Development</td>
<td>TMC Building Design Group, Drawing No. 3 of 4, Issue B, Council Reference #6046176</td>
<td>February 2019 Received by Council 29 March 2019</td>
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</tbody>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Swept Path</td>
<td>TMC Building Design Group, Drawing No. 4 of 4, Issue B, Council Reference #6046176</td>
<td>February 2019 Received by Council 29 March 2019</td>
</tr>
<tr>
<td>Landscaping Plan</td>
<td>TMC Building Design Group, Drawing</td>
<td>February 2019</td>
</tr>
</tbody>
</table>

Council Resolutions Delegation to the CEO
2. That Condition 3 – Timing and Effect of Part A be amended as follows:

Timing of Effect

3. The conditions of the Development Permit must be effected prior to Commencement of Use for each respective stage, except where specified otherwise in these conditions of approval.

3. That Condition 4 – Timing and Effect of Part A be amended as follows:

Timing and Effect

4. The Plan of Survey for Lots 1, 2 and 3 in accordance with Part C of this Decision Notice cannot be registered with the Department of Natural Resources, Mines and Energy prior to the issue of the Final Certificate or Commencement of Use, whichever occurs first until Council is provided with evidence that the works have ‘substantially commenced’ on all buildings and structures on Lot 2 and Lot 3 which are approved as Part A of this Decision Notice.

Note: For the purposes of this approval, ‘substantially commenced’ means the Development Permit for Building Works has been issued and the works have commenced to the satisfaction of the Chief Executive Officer.

4. That the following condition be included as Condition 5 of Part A:

Development Staging

5. The development (exclusive of Lot 4) is proposed to be undertaken in two (2) stages as detailed on the Approved Plans of development.

Any variation to the staging must be submitted to and endorsed by the Chief Executive Officer.

Note: Lot 4 is to be transferred to the Department of Transport and Main Roads for future transport purposes and therefore is able to be created at any time for this purpose.

5. That Condition 11 – Water Supply and Sewerage Works Internal of Part A be amended as follows:

Water Supply and Sewerage Works Internal

11. 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.

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 for each respective stage.
6. That Condition 12 – General External Works of Part A be amended as follows:

General External Works

12. The Applicant/Owner/Developer must undertake the following external works at no cost to Council:

a. A channelised right turn into the site from Thomson Road must be provided in the location identified on the Approved Plans and Drawing No. 172-003-SK02 Issue 4, dated 23 February 2019 of Civil Walker Engineering Report, 172-003-001R, Revision C, dated February 2019 (Council Reference #6009827), and must be constructed in accordance with FNQROC Development Manual and the relevant Australian Standards.

b. Provide two (2) new commercial crossovers and aprons at both Thomson Road and Pyne Street as detailed in the Approved Plans, and in accordance with FNQROC Development Manual Drawing S1015, Revision D. A copy of the Drawing is attached at Appendix 3.

c. Ensure the current footpath along the frontage of the site is fit for the purpose. If required, the footpath must be upgraded to a width of 2 metres in accordance with FNQROC Development Manual Standard Drawing 1035, Revision D. The new section of footpath must match neatly to the existing footpath at both extents in relation to alignment, width and grade. A copy of the Drawing is attached at Appendix 3.

d. The new kerb and channel along the frontage of the site is to be constructed in accordance with FNQROC Development Manual Standard Drawing 1000, Revision F. A copy of the Drawing is attached at Appendix 3.

e. The new pedestrian kerb ramp is to be constructed in accordance with FNQROC Development Manual Standard Drawing 1016, Revision C. A copy of the Drawing is attached at Appendix 3.

f. The end of bicycle lane on the northern side of Thomson Road as detailed in Drawing No. 172-003-SK02 Issue 4, dated 23 February 2019 of Civil Walker Engineering Report, 172-003-001R, Revision C, dated February 2019 (Council Reference #6009827), must be designed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) requirements, including line marking and signage.

g. To prevent water penetration into the pavement through joints between the existing pavement and pavement widening, a 50mm asphalt overlay in accordance with FNQROC Development Manual shall be provided over the full width of pavement, from the western boundary of the subject site to the eastern edge of the new access driveway. The required pavement widening and joints on Thomson Road must be constructed in accordance with the FNQROC Development Manual and relevant Australian Standards.

h. 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.

Plans of the external works must be submitted as part of the first Development Application for Operational Works documentation for the development. The plans must be certified by a Registered Professional Engineer Queensland (RPEQ) and be in accordance with Austroads and the FNQROC Development Manual.
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. through the provision of temporary kerb ramps if necessary.

Such work must be constructed in accordance with the first Development Permit for Operational Works to the satisfaction of the Chief Executive Officer prior to Commencement of Use of Stage 1.

Note: The above works are not considered to be creditable or trunk related works in accordance with section 145 of the Planning Act 2016.

Note: The construction of the vehicular access from Thomson Road to the subject site must be in accordance with the Concurrence Agency Response issued by the Department of Transport and Main Roads, SDA-1905-10134 SRA (Council Reference #6092175).

7. That Condition 14 – Parking and Access of Part A be amended as follows:

Parking and Access

14. The amount of vehicle parking must be a minimum of thirty-five (35) car parking spaces. The car parking layout must comply with the Australian Standard AS2890.1 and AS2890.6 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 (unless otherwise approved), drained and line marked.

The car parking and manoeuvring areas must specifically incorporate the following:

a. Provision of space must be provided on site for vehicles to turn around so that all vehicles, including service vehicles, can enter and exit in a forward direction;

b. Loading/unloading areas as per the approved Plans of Development which are clear of internal circulation and appropriately line marked; and

c. The driveway at Thomson Road and Pyne Street which services the parking area must include a physical means of speed control at the entry and exit point.

The design is to be certified by an RPEQ that the car park manoeuvring provisions comply with Australian standards or where they deviate from Australian standards provide RPEQ certification that the provisions are suitable. The certified plan must be submitted for endorsement as part of the first Development Application for Operational Works.

Evidence must be submitted to Council prior to the issue of the first Development Permit for Operational Works that the development has responded to and incorporated the above requirements.

The parking and access must be constructed in accordance with the Development Permit for Operational Works prior to Commencement of Use for each respective stage.

8. That Condition 16 – Bicycle Parking of Part A be amended as follows:

Bicycle Parking
<table>
<thead>
<tr>
<th>AGENDA ITEM</th>
<th>RESOLUTION NO.</th>
<th>OFFICER RECOMMENDATION</th>
</tr>
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<tbody>
<tr>
<td>16. Provide secured, on-site bicycle parking in accordance with the requirements of Table 9.4.8.3.d of the Parking and Access Code of the Cairns Planning Scheme and the Approved Site Plan. The bicycle parking spaces must be provided and available for use at the time of Commencement of Use for each respective stage.</td>
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<td>9. That Condition 17 – Acoustic Fence of Part A be amended as follows: Acoustic Fence</td>
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<td>17. A double-boarded screen fence of a minimum height of 2.0 metres, must be provided and/or retained along the southern, eastern and northern property boundaries as detailed in the Approved Plans. The fence must be designed to protect the amenity of adjoining residential uses and assist with noise attenuation to the broader residential areas to the north, south and east, to the satisfaction of the Chief Executive Officer. Details of the fence are to be included in the Landscape Plan prepared for the development as detailed in Condition 19, and must be constructed prior to Commencement of Use for Stage 1.</td>
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<td>10. That Condition 18 – Plant and Equipment Screening of Part A be amended as follows: Plant and Equipment Screening</td>
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<td>18. Mechanical plant and equipment (e.g air conditioning, plant and machinery units) must be designed, sited and acoustically attenuated to improve the appearance of the building and mitigate any impacts on the adjoining sensitive land use. Such screening must be completed prior to the Commencement of Use for each respective stage.</td>
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<td>11. That Condition 19 – Amended Landscaping Plan of Part A be amended as follows: Amended Landscaping Plan</td>
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<td>19. The submitted Landscaping Plan, prepared by TMC Building Design Group, Drawing No. 18-037 DA, Issue B, must be amended to: a. Remove all landscaping from Lot 4 – Land for Future Transport Purposes; b. Include details of all fencing (including Acoustic Fencing) as required by Condition 17; c. Include all pedestrian Pathways, as detailed on the Approved Site Layout Plan, included at Appendix 1; d. Include details for street trees at a maximum spacing of six (6) metres within the verge fronting Collinson Street and Pyne Street in accordance with the FNQROC Development Manual Cairns Regional Council Specific Drawing S4200B Verge Landscaping Guidelines and FNQROC D9.07 (6) Street Tree Planting. Contact Council’s Environmental Officer to discuss the proposed species for street tree planting in consideration of the local availability and power lines prior to submitting the landscaping plan for endorsement; e. Detail specifications for street tree planting in accordance with FNQROC Development Manual Standard Drawing S4210 Street Tree Planting; f. Include details for shade tree planting within and adjacent to all internal car park and manoeuvring areas, where possible. One Tree must be set in sufficient growing space – required for every 6-8 parking spaces that are not covered.</td>
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<td>DATE OF MEETING &amp; TYPE</td>
<td>MATERIAL PERSONAL INTEREST (MPI)</td>
<td>CONFLICT OF INTEREST (COI)</td>
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26. Where Ergon Energy requires the installation of a substation to augment their network, a padmount type is to be incorporated within the development and positioned so that it does not detract from the appearance of the streetscape and must be clear of footpath areas.

If a transformer/generator is required, details of the transformer/generator positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Works for each respective stage.

14. That Condition 31 – Refuse Storage of Part A be amended as follows:

Refuse Storage

31. The development must be designed to be serviced by bulk bins. Bulk bin enclosures must be provided in accordance with Council’s requirements. Brochures on Council’s requirements – ‘Requirements for Refuse Storage’ are available from Cairns Regional Council Water & Waste department.

Details must be shown on the plan of works and must be approved by the Chief Executive Officer prior to issue of a Development Permit for Building Works for each respective stage.

The bin enclosures must be constructed in accordance with the approved plans prior to the Commencement of Use for each respective stage.

15. That Condition 32 – Liquid Waste Disposal of Part A be amended as follows:

Liquid Waste Disposal

32. Trade waste discharge to sewer must meet the requirements of Cairns Water and Waste’s Trade Waste Environmental Management Plan (TWEMP). Detailed Hydraulic Plans must be provided accompanied by a report which demonstrates that the facility complies with the TWEMP and must be approved by Council prior to the issue of a Development Permit for Building Works for each respective stage. All measures for pre-treatment in accordance with the approved plans must be installed prior to Commencement of Use for each respective stage.

16. That Condition 33 – Damage to Infrastructure of Part A be amended as follows:

Damage to Infrastructure

33. In the event that any part of Council’s existing 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/Developer must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer’s cost, prior to the Commencement of Use for each respective stage.

17. That Condition 34 – Demolish Structures of Part A be amended as follows:

Demolish Structures

34. All buildings and structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the property prior to Commencement of Use for each respective stage.

18. That Condition 37 – Construction Management Plan of Part A be amended as follows:
Construction Management Plan

37. A Construction Management Plan must be submitted to, and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Development Permit for Operational Works, whichever occurs first for each respective stage. The Construction Management Plan must address all activities/operations associated with construction including, but not limited to:
   a. Hours of construction;
   b. Construction access;
   c. Parking of vehicles (including construction site employees and delivery vehicles);
   d. Traffic management and control (including loading and unloading);
   e. Maintenance of safe pedestrian access across the site’s frontage (including access by persons with a disability);
   f. Building and demolition waste storage and disposal;
   g. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area;
   h. Tree protection management; and
   i. Location and details of construction signage including any signage that is to be illuminated.

The endorsed Construction Management Plan must be complied with and a copy kept on site at all times during construction of the development. The Construction Management Plan must identify the need for and timing on obtaining any necessary permits required for any proposed temporary road closures.

19. That the Approved Drawing(s) and/or Document(s) of Part C be amended as follows:

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

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

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<td>Site Plan Layout</td>
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<td>10 December 2018</td>
</tr>
<tr>
<td>Subdivision Plan</td>
<td>SK01, Council Reference #6046176</td>
<td>Received by Council 29 March 2019</td>
</tr>
</tbody>
</table>

20. That Condition 3 – Timing and Effect of Part C be amended as follows:

Timing of Effect

3. The conditions of the Development Permit must be effected prior to Council Approval of the Plan of Survey for each respective stage, except where specified otherwise in
21. That Condition 4 – Timing and Effect of Part C be amended as follows:

Timing and Effect

4. Prior to Council approval of the Plan of Survey for Lots 1, 2 and 3, Council must be provided with evidence that the works have ‘substantially commenced’ on all buildings and structures approved as Part A of this Decision Notice.

Note: For the purposes of this approval, ‘substantially commenced’ means the Development Permit for Building Works has been issued and the works have commenced to the satisfaction of the Chief Executive Officer.

22. That the following condition be included as Condition 5 of Part C:

Development Staging

5. The development (exclusive of Lot 4) is proposed to be undertaken in two (2) stages as detailed on the Approved Plans of development.

Any variation to the staging must be submitted to and endorsed by the Chief Executive Officer.

Note: Lot 4 is to be transferred to the Department of Transport and Main Roads for future transport purposes and therefore is able to be created at any time for this purpose.

23. That Condition 5 – Water Supply and Sewerage Works Internal of Part C be amended as follows:

Water Supply and Sewerage Works Internal

5. 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.

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

A plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for each respective stage.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Council’s approval of the Plan of Survey for Lots 1, 2 and each respective stage.

24. That Condition 6 – Access and Parking Easement/s of Part C be amended as follows:

Access and Parking Easement/s

6. Create the following Easements to allow vehicle access, on-site manoeuvring and parking as generally shown on the Approved Plan of Development:

a. An Easement for access purposes over Lot 1, in favour of Lot 2 and Lot 3;

b. An Easement for access purposes over Lot 2, in favour of Lot 3; and
<table>
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<tr>
<th>AGENDA ITEM</th>
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</table>

- An Easement for access purposes over Lot 3, in favour of Lot 2.

A copy of the easement documents must be submitted to Council for approval by Council’s Solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking Council approval of the Plan of Survey for each respective stage and must be lodged and registered with the Department of Natural Resources, Mines and Energy in conjunction with the Plan of Survey for Lots 1, 2 and 3.

25. That Condition 7 – Easement of Support of Part C be amended as follows:

- Create a reciprocal Easement over the common wall between the Service Station and the Retail building as detailed on the Approved Plans.

A copy of the easement documents must be submitted to Council for approval by Council’s Solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking Council approval of the Plan of Survey for Stage 2 and must be lodged and registered with the Department of Natural Resources, Mines and Energy in conjunction with the Plan of Survey for Lots 1, 2 and 3.

26. That Condition 8 – Existing Services of Part C be amended as follows:

Existing Services

- Prior to Council approving the Plan of Survey for each respective stage, written confirmation of the location of existing services (including water connections, internal plumbing, electricity and telecommunications) for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
  - Relocate the services to comply with this requirement; or
  - Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of the Plan of Survey creating the lot.

27. That Condition 10 – Damage to Infrastructure of Part C be amended as follows:

Damage to Infrastructure

- In the event that any part of Council’s existing 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 Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the Applicant/Owner/Developer’s cost, prior to Council approval of the Plan of Survey for each respective stage.

28. That Condition 11 – Electricity and Telecommunications of Part C be amended as follows:

Electricity and Telecommunications

- Where Ergon Energy requires the installation of a substation to augment their network, a padmount type is to be incorporated within the development and positioned so that it does not detract from the appearance of the streetscape and must be clear of footpath areas.
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<th>CEO CHANGE TO RECOMMENDATION – ALTERNATE RECOMMENDATION AND REASONS FOR CHANGE</th>
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<tbody>
<tr>
<td>11/9/2019 Ordinary Meeting #6176978</td>
<td>Unity</td>
<td>Material Change of Use – Bar and Function Facility – 2-4 Mt Koolmoon Street, Smithfield – Division 8</td>
<td></td>
<td>6180537</td>
<td>It is recommended that Council approves the development application for Bar and Function Facility over land described as Lot 19 SP188100, located at 2-4 Mt Koolmoon Street, Smithfield, subject to the following:</td>
<td>11 Sep 2019</td>
<td>Approved by CEO as per officers recommendation</td>
</tr>
</tbody>
</table>

29. That any reference to Reconfiguring a Lot (2 Lots into 4 Lots and Access Easement) be amended to Reconfiguring a Lot (1 Lot into 4 Lots and Access Easement), to correct an administrative error.

30. That all other Conditions and Advice Notes of Development Permit 8/30/281, #6103202 remain unchanged and be renumbered accordingly.

If a transformer/generator is required, details of the transformer/generator positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Works for each respective stage.

29. That any reference to Reconfiguring a Lot (2 Lots into 4 Lots and Access Easement) be amended to Reconfiguring a Lot (1 Lot into 4 Lots and Access Easement), to correct an administrative error.

30. That all other Conditions and Advice Notes of Development Permit 8/30/281, #6103202 remain unchanged and be renumbered accordingly.

42 11/9/2019 Ordinary Meeting #6176978 Unity Material Change of Use – Bar and Function Facility – 2-4 Mt Koolmoon Street, Smithfield – Division 8 G Bartlett | 8/8/1534 | #6093020

It is recommended that Council approves the development application for Bar and Function Facility over land described as Lot 19 SP188100, located at 2-4 Mt Koolmoon Street, Smithfield, 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:

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<th>Drawing or Document</th>
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<tbody>
<tr>
<td>Site Plan</td>
<td>CA Architects Proposed Bar Drawing No. 0000 DA A-01</td>
<td>27 June 2019</td>
</tr>
<tr>
<td>Basement and GF Plan</td>
<td>CA Architects Proposed Bar Drawing No. 0000 DA A-02</td>
<td>27 June 2019</td>
</tr>
<tr>
<td>Elevations</td>
<td>CA Architects Proposed Bar Drawing No. 0000 DA A-03</td>
<td>27 June 2019</td>
</tr>
</tbody>
</table>

Assessment Manager Conditions

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of select one Section 85 of the Planning Act 2016.

2. 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.

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

Notice of Intention to Commence Use

4. Prior to commencement of use, written notice must be given to Council that the development fully complies with the relevant conditions of this Development Permit. Please return the attached “Notice of Intention to Commence Use” form when the relevant use has commenced.

11 Sep 2019 Approved by CEO as per officers recommendation
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<th>CONFLICT OF INTEREST (COI)</th>
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**Limitation of Use**

5. The Bar and Function Facility are limited to the areas shown on the approved plans.

6. A maximum capacity of one-hundred (100) persons inclusive of a seating capacity of sixty (60) persons.

**Hours of Operation**

7. The hours of operation of the Bar and Function Facility are restricted to between 12pm to 12am Monday to Sunday unless otherwise approved by the Chief Executive Officer.

**Vehicle Parking**

8. A minimum of thirty-one (31) car parking spaces must be provided on-site in accordance with the approved plan of development. The car parking layout must comply with the requirements of Australian Standard AS2890.1 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. All car parking, driveway and vehicular manoeuvring areas must be imperviously sealed and drained.

9. Two (2) car parking spaces must be provided for the existing Caretaker’s Accommodation on-site as demonstrated on the approved plan of Development.

10. Four (4) car parking spaces located on-site in the existing car parking area accessed from Mt Koolmoon Street, immediately adjoining the proposed Bar and Function Facility, must be clearly identified and provided for the exclusive use of the proposed Bar and Function Facility between the operational hours of 12pm - 5pm Monday to Friday.

**Parking Signage**

11. Erect signs identifying the availability for off-street visitor parking located at the two (2) entrances to the site from Mt Koolmoon Street and the entrance to the site from Mt Milman Drive.

**Service Vehicles**

12. Deliveries (including refuse collection vehicles) to the site must not be made prior to 7:00am or after 6:00pm, Monday to Sunday, including public holidays.

**Internal Pedestrian Pathway**

13. Provide a pedestrian pathway internal to the subject site that provides a link between the proposed Bar and Function Facility and the proposed amenities as shown on the Approved Plan of Development. The pathway must be differentiated in; colour, texture, and/or line marking, from the pathway surface finish. The pathway must be clearly identified and kept available and clear at all times.

14. Direct pedestrian access must be provided from the existing car parking area fronting the tenancy located at the south-western entrance of Mt Koolmoon Street and the proposed Bar and Function Facility.

**Crime Prevention through Environmental Design**

15. A plan detailing proposed lighting on-site must be provided to Council for approval prior to the commencement of use. The plan must identify the extent of lighting for the proposed pedestrian access pathways and the existing car parking areas.
16. Existing and proposed landscaping must be maintained adjoining the proposed pedestrian access pathways and existing car parking areas at all times to ensure clear sightlines.

17. Install external lighting in accordance with AS4282-1997 – Control of the Obtrusive Effects of Outdoor Lighting. The installation of external lighting in accordance with this condition must be certified by a suitably qualified person prior to the commencement of use.

18. The Applicant/Owner must ensure that all fencing, lighting and landscaping requirements comply with Council's General Policy Crime Prevention through Environmental Design (CPTED).

Refuse Storage

19. Refuse collection bins storage area must be located in accordance with the location identified on the approved plans. The refuse bin enclosure must be roofed and enclosed.

Refuse Collection

20. General waste and recycling generated by the approved use, must be collected and disposed of by regulated waste contractors.

Damage to Council Infrastructure

21. In the event that any part of Council’s existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced at the developer’s/owners/builders cost, prior to the Commencement of Use.

Lawful Point of Discharge

22. All stormwater from each lot 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.

Ponding and/or Concentration of Stormwater

23. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.

ADVICE

1. 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.

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

3. Any signage on the subject site not approved by this Development Permit must conform with the relevant provisions of Local Law No. 4 (Advertising Devices) 2016, to the satisfaction of the Chief Executive Officer. Details of signage proposed in association with the approved use of premises must be provided to Council prior to its establishment.
4. The provision of serving or handling of food on the site may also require the need for a Food License to be obtained from Council. Please refer to Council’s Website for more information. 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.

5. Prior to operation of the food business, the operator must hold a current Food Licence issued by Council’s 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.

Trade Waste

6. Trade waste discharge to sewer must meet the requirements of Cairns Water and Waste’s Trade Waste Environmental Management Plan (TWEMP). Detailed Hydraulic Plans accompanied by a report which demonstrates that the facility complies with the TWEMP may be required to be submitted to Council prior to the issue of a Development Permit for Building Work. All measures for pre-treatment in accordance with the approved plans must be installed prior to Commencement of Use.

Liquor License

7. The sale of alcohol may also require a liquor license to be obtained from the Office of Liquor and Gaming Regulation. Please refer to the State Government, Department of Liquor and Gaming for more information.

Infrastructure Charges Notice

8. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Infrastructure Charges Notice has been calculated according to Council’s Infrastructure Charges Resolution.

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Planning Approvals Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Infrastructure Charges Notice.


To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au

LAND USE DEFINITIONS*

In accordance with CairnsPlan 2016 the approved land use of Bar and Function Facility is defined as:

*Bar - Premises used primarily to sell liquor for consumption on the premises and that provides for a
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<th>CEO CHANGE TO RECOMMENDATION – ALTERNATE RECOMMENDATION AND REASONS FOR CHANGE</th>
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<tbody>
<tr>
<td>43</td>
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<td></td>
<td>Unity</td>
<td>6180538</td>
<td>It is recommended that Council:</td>
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<td></td>
<td>1. Notes the details contained within this report and lodges an Expression of Interest to purchase the site; and</td>
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<td>2. Delegates authority to the Chief Executive Officer under the provisions of the Local Government Act 2009 to finalise all matters associated with acquiring the subject area needed for Council’s operational use in accordance with Council’s ‘General Policy for Acquisition of Land’.</td>
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<tr>
<td>11/9/2019 Ordinary Meeting #6176978</td>
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<td>Unity</td>
<td>6180541</td>
<td>It is recommended that Council:</td>
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<td>1. Awards Preferred Supplier Arrangement (PSA) 2708 – Supply and Delivery of Quarry Products to the Contractors listed in Attachment 1, for a term of two years commencing on 1 October 2019, with an extension option of up to 12 months available at Council’s discretion.</td>
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<td>2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contract, negotiate, finalise and execute any and all matters associated with or in relation to this contract subject to Council’s normal procurement policies and practices.</td>
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<td>11 Sep 2019 Approved by CEO as per officers recommendation</td>
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