PRESENT:  Cr V Schier  (Chairperson)
         Cr A Blake
         Cr S Bonneau
         Cr M Cochrane
         Cr L Cooper
         Cr D Forsyth (arrived 10:03 a.m.)
         Cr P Gregory
         Cr N Lanskey
         Cr K Lesina
         Cr J Leu
         Cr R Pyne (arrived 10:07 a.m.)

OFFICERS:

  P Tabulo        A/Chief Executive Officer
  B Grosser       General Manager Corporate Services
  B Gardiner      General Manager Water & Waste
  J Hunter        A/General Manager Community, Sport & Cultural Services
  L Kirchner      Manager Corporate Performance
  K Still         A/Manager Corporate Communications
  S Anderson      Media Coordinator
  R Leeds         Executive Advisor to the Mayor
  M Seedhouse     Business Support Officer
  J Wright        A/Manager Environmental Assessment
  N Beck          A/Manager Development Assessment
  R Reilly        Senior Coordinator Revenue & Collection
  J Rehn          A/Manager Financial Services
  R Thorpe        Contract Administrator
  S Godkin        Minute Secretary
PURPOSE OF MEETING

To consider the matters listed on the agenda.

CONFIRMATION OF MINUTES OF ORDINARY MEETING 23/09/09

BLAKE / BONNEAU

That the Minutes of the Ordinary Meeting held on Wednesday, 23 September 2009 be confirmed.

carried

CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING – 1/10/09

LEU / COCHRANE

That the Minutes of the Special Meeting held on Thursday 1 October 2009 be confirmed.

carried

CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING – 7/10/09

BLAKE / LEU

That the Minutes of the Special Meeting held on Wednesday, 7 October 2009 be confirmed.

carried

CONFIRMATION OF THE MINUTES OF THE PLANNING & ENVIRONMENT COMMITTEE MEETING – 14/10/09

LANSKEY / LEU

That the Minutes of the Planning and Environment Committee Meeting held on Wednesday, 14 October 2009 be confirmed.

carried

Cr Lesina left the meeting 10:02 a.m.
CONFIRMATION OF THE MINUTES OF SPORTS, ARTS, CULTURE & COMMUNITY SERVICES COMMITTEE MEETING – 14/10/09

COCHRANE / BLAKE

That the Minutes of the Community & Cultural Committee held on Wednesday, 14 October 2009 be confirmed.

carried

Cr Lesina returned 10:03 a.m.

Cr Forsyth joined the meeting 10:03 a.m.

CONFIRMATION OF THE MINUTES OF FINANCE & ADMINISTRATION COMMITTEE MEETING – 21/10/09

COOPER / LEU

That the Minutes of the Finance & Administration Committee held on Wednesday, 21 October 2009 be confirmed.

carried

CONFIRMATION OF THE MINUTES OF THE WORKS & SERVICES COMMITTEE – 21/10/09

BLAKE / LANSKEY

That the Minutes of the Works and Services Committee held on Wednesday, 21 October 2009 be confirmed.

carried

CONFIRMATION OF THE MINUTES OF THE WATER & WASTE COMMITTEE – 21/10/09

LESINA / COOPER

That the Minutes of the Water & Waste Committee held on Wednesday, 21 October 2009 be confirmed.

carried
1. JUSTIFICATION TO PURCHASE GOODS OR SERVICES AS A SOLE MANUFACTURER / SUPPLIER – KOCH MEMBRANE SYSTEMS, INC.

S. Pedersen: 24/19/36-17:#2357688.

LEU / GREGORY

That Council:

1. Resolves in accordance with Section 486(1)(a) of the *Local Government Act 1993*, that it is satisfied that Koch Membrane Systems, Inc is the only supplier reasonably available to it to supply Ultrafiltration Cartridges to Council.

2. Resolves that recommendation 1 remain in place for a period of two (2) years upon which time it is to be reviewed.

3. Delegate authority to the Mayor and Chief Executive Officer in accordance with Section 472 of the *Local Government Act* to negotiate and finalise any and all matters in relation to this supplier facility.

*carried*

Cr Pyne joined the meeting 10:07 a.m.


Allan Simpson: 19/3/3-83: #2329396

LESINA / COCHRANE

That Council advise UCB Australia Ltd that it supports in principle the use of its reservoir facilities at Janett Street, Yorkeys Knob and De Jarlais Street, Earlville (Henley’s Hill) for the purpose of FM radio facilities, subject to the issues raised by Council’s Water & Waste Services in the body of this report being addressed to the satisfaction of the Chief Executive Officer.

Furthermore, the Mayor and Chief Executive Officer being delegated authority pursuant to section 472 of the *Local Government Act 1993* to negotiate determine and finalise any and all matters associated with the matter.

*carried*
3. ACQUISITION OF PART OF LOT 2 ON NR5559 FOR INFRASTRUCTURE PURPOSES – TIDMARSH ROAD, FISHERY FALLS – DIVISION 1

Cheryl Dean : 19/3/3-83: #2358437

GREGORY / BLAKE

That Council delegates authority to the Mayor and Chief Executive Officer in accordance with Section 472 of the Local Government Act 1993 to negotiate and determine any and all matters associated with obtaining legal access to the area required from Lot 2 on NR5559, Tidmarsh Road, Fishery Falls, for the Fishery Falls 1ML water reservoir project.

carried

4. PROPOSED PERMIT TO OCCUPY ADJOINS LOT 86 AND 87 ON NR4722, LOT 372 ON OL42, LOT 1 ON MPH20168 AND LOT 101 ON NR7963 OVER AN AREA OF ROAD OFF GOLDSBOROUGH ROAD, GOLDSBOROUGH – DIVISION 1

Liam Nicholas: 19/3/3 – 83: #2341276

GREGORY / LANSKEY

That Council advises the Department of Environment and Resources Management that it has no objections to the issue of a permit to occupy adjoining Lot 86 & 87 on NR4722, Lot 372 on OL42, Lot 1 on MPH20168 and Lot 101 on NR7963 over an area of road off Goldsborough Road, Goldsborough as described on Drawing CNS 09/064.

Furthermore, the Mayor and acting Chief Executive Officer being delegated authority pursuant to section 472 of the Local Government Act 1993 to determine any and all matters associated with the issue of a permit to occupy.

carried

5. ROLLING STATUS REPORT OF OUTSTANDING ITEMS ARISING FROM CAIRNS REGIONAL COUNCIL DEPUTATIONS

Linda Kirchner : 1/3/87: #2341626

BONNEAU / LANSKEY

1. That Council note the actions required from the Deputations presented in July and September 2009.

2. That Council note the status of outstanding deputation matters.
3. That Council note that a status report on outstanding deputations will be provided quarterly to the Ordinary meeting of Council with the next report to be tabled at the January 2010 meeting.

carried

6. 15 MARCH 2008 TO 26 JUNE 2009 ANNUAL REPORT FOR CAIRNS REGIONAL COUNCIL .......................................................... 35

L. Kirchner : 1/3/87: #2339844v1

BONNEAU / COOPER

That Council adopt the annual report (including the Audited Financial Statements) for the period 15 March 2008 to 26 June 2009 for the Cairns Regional Council in accordance with the requirements of the Local Government Implementation Regulations and the Local Government Act 1993.

That the Report now be posted on Council’s web page and that this be the primary method of distribution.

carried

7. COMPULSORY ACQUISITION OF NATIVE TITLE RIGHTS AND INTERESTS OVER LOT 16 AND 18 ON SP155099, PART OF CAIRNS ESPLANADE – DIV 5 .......................................................... 37

Liam Nicholas : 19/3/3-83: #2339503

BLAKE / LANSKEY

That Council instruct Preston Law on its behalf to proceed to compulsory acquire any and all native title rights and interests over Lot 16 and 18 on SP155099, Cairns Esplanade and to create a reserve for park and recreation purposes.

Furthermore, the Mayor and Acting Chief Executive Officer being delegated authority pursuant to section 472 of the Local Government Act 1993 to deal on any and all matters associated with the proposed compulsory acquisition of native title rights and interests, including but not limited to the service of the Notice of Intention to Resume, attendance at any required objection meeting, consideration of objections and the creation of a park and recreation reserve.

carried
Council approve the development application for Tourist Attraction - (Water Based Theme Park) over land described as Lot 28 on RP748711, located at Captain Cook Highway/Dillon Road, Barron, such development would be subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)
The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
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<tbody>
<tr>
<td>Concept masterplan</td>
<td>DA-01</td>
<td>February 2009</td>
</tr>
<tr>
<td>Ride elevations</td>
<td>DA-02</td>
<td>February 2009</td>
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<tr>
<td>Aerial perspective</td>
<td>DA-03</td>
<td>February 2009</td>
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<tr>
<td>Pedestrian / vehicle traffic flow</td>
<td>DA-04</td>
<td>February 2009</td>
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<tr>
<td>Entry building plan</td>
<td>DA-05D</td>
<td>17 June 2009</td>
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<tr>
<td>Entry building elevations</td>
<td>DA-06</td>
<td>February 2009</td>
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<tr>
<td>Tantrum and bowling alley take off platform</td>
<td>DA-07</td>
<td>February 2009</td>
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<td>Twister and octopus take off platform</td>
<td>DA-08</td>
<td>February 2009</td>
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<tr>
<td>Mammoth falls take off platform</td>
<td>DA-09</td>
<td>February 2009</td>
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<td>Plummet and turbo tunnel take off platform</td>
<td>DA-10</td>
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<tr>
<td>The pipeline take off platform</td>
<td>DA-11</td>
<td>February 2009</td>
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<tr>
<td>Tornado take off platform</td>
<td>DA-12</td>
<td>February 2009</td>
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<tr>
<td>Shade hut 1</td>
<td>DA-13</td>
<td>February 2009</td>
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<tr>
<td>Shade hut 2</td>
<td>DA-14</td>
<td>February 2009</td>
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<tr>
<td>Shade hut 3</td>
<td>DA-15</td>
<td>February 2009</td>
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<tr>
<td>Shade hut 4</td>
<td>DA-16</td>
<td>February 2009</td>
</tr>
<tr>
<td>Rest rooms</td>
<td>DA-17B</td>
<td>9 June 2009</td>
</tr>
<tr>
<td>Food &amp; beverage outlet</td>
<td>DA-18C</td>
<td>15 June 2009</td>
</tr>
<tr>
<td>Service buildings</td>
<td>DA-19B</td>
<td>9 June 2009</td>
</tr>
<tr>
<td>Rapids generator</td>
<td>DA-20</td>
<td>February 2009</td>
</tr>
</tbody>
</table>
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.

Operational Works

3. An Operational Works Approval is required for the internal road network, earthworks and water supply and sewer works associated with the development. The works shall be designed and constructed in accordance with the good engineering standards, with no operational works checking fee payable on internal works. Such works must be completed to the satisfaction of the Chief Executive Officer prior to Commencement of Use. Where plans are required, one (1) A1 size copy of the plans and three (3) copies at A3 size must be submitted to Council.

Amendment to Design

4. The concept is to provide a levee bank system to achieve flood immunity. The submitted designs shall be certified by an RPEQ Engineer. The external line of the levee bank shall be contained within the property boundary and the external alignment shall be as modelled in the Barron Delta Flood mod report, dated 1 June 2009. The minimum height of the levee bank shall be 150mm above the 100 year ARI flood level as per the Hydraulic Model.

The final design of the levee bank shall address stability and erosion resistance to flows associated with the Barron Delta 100 year ARI flows as per the Hydraulic Model Report.

The lawful points of discharge for this site shall be to the frontages of the site along the Captain Cook Highway road reserve and the Dillon Road road reserve.
The Applicant shall submit a Site Based Management Plan prior to commencing operations that demonstrates the following:

a) what staged procedures will be followed in the event for the site requiring evacuation

b) address how incident rainfall within the site shall be dealt with

c) how the storage of materials which are likely to cause environmental harm if released as a result of inundation of stormwater flows will be handled.

In addition, the completed development shall not cause any increased duration or magnitude of residual floodwaters to adjacent properties.

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

External Works

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

a) Upgrade Dillon Road to a minimum sealed pavement width of 8 metres, and pavement depth to be determined via a pavement design report undertaken by an appropriately qualified engineer. The upgraded section shall have a minimum 50mm deep Asphalt wearing surface. This upgrade shall be undertaken from the intersection of the Captain Cook Highway to the Service entrance (identified by Location #22 on Plan DA-01). The upgrade shall included line marking and guide posts as per the FNQROC Development Manual.

b) Provide a 2.5m dual use, off road concrete pathway for pedestrians and cyclists as required by Dept Transport and Main Roads.

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 A3 size and one (1) copy at A1 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.

Traffic study

6. Further to the Traffic Impact Report undertaken for this development (Connell Wagner – 18 December 2008) and the Queensland Transport Information Request and response:
a. The applicant shall provide additional information to identify the nature of cane harvesting operations in this area, particularly with regards to operations that require on road travelling of cane harvesting equipment to the Dillon Road Siding. The information shall identify how these traffic movements would interact with traffic associated with the proposed development; and provide a Traffic Management Plan that will be enacted if necessary to avoid detrimental affects to existing legal cane harvesting operations or traffic flow on the Captain Cook Highway and Dillon Road.

b. The traffic management plan shall demonstrate how the conflict points between cane harvesting operations and the increased traffic load generated by the development will be addressed to ensure that a no-worsening arrangement has been achieved for the existing lawful uses.

The traffic management plan must be submitted to and approved by Council prior to the issue of a Development Permit for Operational Works and consult with the adjacent landholder and Mulgrave Central Mill.

Acid Sulphate Soil Investigation

7. Earthworks in areas identified as having Potential Acid Sulphate Soil or Actual Acid Sulphate Soil material as per Golders Report for this site dated December 2008 (Reference 087673038 002 Revision 1) shall be undertaken in accordance with the recommendations of that report. Construction documentation shall require the Contractor to prepare an Acid Sulphate Management Plan in accordance with those recommendations and in accordance with the most recent requirements of the DNRW: ‘Queensland Acid Sulphate Soil Technical Manual’ (2002) including Soil Management Guidelines (updated February 2003) which must be prepared to the satisfaction of the Chief Executive Officer.

Reverse Amenity

8. The approval to establish a Water Park on this land does not fetter the land use rights in anyway of the surrounding landowners to continue farming the land and undertaking agricultural pursuits as anticipated to take place in the Rural 1 Planning Area. As a consequence, the Water Park may experience intermittent adverse impacts from such operations. In locating in such an area, the applicant / owner acknowledge and accepts this situation.
Minimum Fill and Floor Levels

9. All floor levels in all buildings must be located a minimum of 150 mm above the internal finished surfaces to provide freeboard for internal drainage.

Sediment and Erosion Control

10. 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).

Structural Certification

11. All retaining walls or structures higher than 1.0 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 Operational Works.

Water Supply and Sewerage Infrastructure Documentation

12. As part of the Operational Works Application, the developer shall provide appropriate plans, calculations and reports to demonstrate how the development will be serviced by Council’s infrastructure. In particular, the documentation shall:

a. Identify how the sewage discharge from the site shall be managed to suit the operational requirements of Council’s receiving pressure main. An analysis shall be undertaken of site discharge to determine whether onsite short-term storage is required immediately upstream of the pump station;

b. Identify how the site will be connected to Council’s infrastructure;

c. Calculate the water demand based on minimum yield scenarios for water reuse, rainwater reuse and bore water volumes and such demand would be supported by a water balance analysis;

d. Calculate the sewer load based on minimum yield scenarios for all forms of water reuse.

The water supply and sewerage infrastructure documentation must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.
Connecting the Site to Water and Sewerage Networks

13. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:

   a. Connect the site to the 150AC water reticulation main on the northern side of the Captain Cook Highway via the existing road crossing. The road crossing must be replaced in Ductile Iron Cement Lined;

   b. Connect the site to Council’s sewerage infrastructure at a point with sufficient capacity to cater for the development. The proposed sewer pressure main shall be constructed and maintained wholly at the developer’s cost. Where the main is located in private property, an easement must be provided. The developer is responsible for all approvals necessary for execution of the works;

   c. Approval in writing must be obtained for any works undertaken in private property and such approval shall be provided at the time of the operational works submission.

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

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.

Water Supply and Sewerage Works Internal

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

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

   b. The development must be serviced by a single sewer connection to Council’s sewer network;

   c. The water bore must be approved by the Department of Environment and Resource Management prior to issue of a Development Permit
for Operational Works and must be operational prior to making an application for water connection;

d. Internal water and sewerage reticulation must be designed, constructed and tested to the same standard as Council infrastructure as set out in the FNQROC Development Manual;

e. The development must comply with the Queensland Development Code (QDC) MP4.3 “Alternative Water Sources”

f. The private sewerage pump station must be designed, constructed and tested to the same standard as Council infrastructure as set out in the FNQROC Development Manual;

g. The private pump station shall be provided with gas tight lids;

h. Provide a report with the Operational Works Application that identifies and provides treatment measures/ precautions to any wastewater generated on the site that will be discharged to Council sewerage infrastructure; so that the sewage will not adversely impact on treatment processes at the Marlin Coast Treatment Plant (or whichever Council STP it may be delivered to);

j. Pre-cast sewer manholes and sewerage pump station chamber are not permitted for use on this development without the approval of the Chief Executive Officer

k. Provide as part of the Operational Works Application, the relevant section(s) of the Site Based Management Plan that pertain to operation and maintenance management for the private sewerage pump station in the event of disruption to Council receiving infrastructure, loss of mains power etc;

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

15. CCTV inspections of all Council sewers must be undertaken at Works Acceptance and at off maintenance. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.

Damage to Infrastructure

16. In the event that any part of Council’s water infrastructure is damaged as a result of construction activities occurring on the site, or any part of Council’s sewerage infrastructure is damaged as a result of connecting up the development’s sewerage infrastructure, 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.

Vehicle Parking

17. The amount of vehicle parking must be of sufficient capacity to cater for the proposed development. As such:

a. Upon completion of Stage 1 and prior to the commencement of construction of Stage 2, the applicant is to provide a Car Parking Demand Study prepared by an appropriately qualified person for the proposed use. The Car Parking Demand Study must demonstrate that three hundred and sixty nine (369) car parking spaces are sufficient to cater for the final configuration of the development. If there is any discrepancy between the Car Parking Demand Study and the provision of three hundred and sixty nine (369) car parking spaces, the development must be modified to either:

(i) Cater for the additional car parking requirements within the site; or

(ii) Reduce the scale of the development to ensure that there is no discrepancy with the car parking provision.

b. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking, be constructed prior to the commencement of use and 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.

c. The accesses serving the parking area must include a physical means of speed control at the exit point.
d. Provision must be made for loading/unloading of vehicles particularly with reference to bus/coach set down/pick up areas.

e. Provision of landscaping including shade trees for the car park in accordance with the FNQROC development manual.

Plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for items b, c, d & e.

A copy of the Car Parking Demand Study is to be provided to Council for its review and endorsement prior to the commencement of Stage 2.

In this condition Stage 2 means any ride identified as a future attraction (or similar) on Plan DA - 01 dated February 2009.

Water Supply Contributions

18. 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. Evidence of likely demand shall be submitted to Council prior to payment to the satisfaction of the Chief Executive Officer in order to allow calculation of applicable contributions.

Payment is required prior to Commencement of Use.

Wastewater Contributions

19. 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. Evidence of likely demand shall be submitted to Council prior to payment to the satisfaction of the Chief Executive Officer in order to allow calculation of applicable contributions.

Payment is required prior to Commencement of Use.

Road Network Contributions

20. 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.

Payment is required prior to Commencement of Use.
Community Purpose Infrastructure Contributions

21. 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.

Payment is required prior to Commencement of Use.

Stormwater Mitigation

22. Pay a monetary contribution to Council in accordance with the Planning Scheme Council’s Trunk Infrastructure Contributions Policy towards the provision or augmentation of stormwater drainage services.

Contributions must be paid at the rates applicable at time of payment.

Payment is required prior to Commencement of Use.

Stormwater Quality

23. 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.

Payment is required prior to Commencement of Use.

Public Art Contribution

24. 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.

Payment is required prior to Commencement of Use.

Lighting

25. 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.
Construction Access

26. Vehicular access to the site for construction and demolition purposes must be provided from Dillon Road only, unless authorised by the Chief Executive Officer.

Emissions from site

27. 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

28. 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

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

a. The location and species of all existing trees, with an indication as to whether each tree is to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree.

b. The inclusion of individual character through landscape design and plant species for the development;

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, plants that constitute an Invasive Species or toxic plants;

e. Provide a hierarchy of planting, which includes shade trees, shrubs and groundcovers;

f. Provide buffering planting to chemical storage, generators and electricity supply areas; and

g. Provide a landscaped buffer along the eastern boundary of the car park which achieves visual screening of the car park from the Captain Cook Highway;
h. Provide sufficient screening along the boundaries of the operational elements of the water park to protect users from adverse impacts created by surrounding agricultural land uses.

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.

Protection of Landscaped Areas from Parking

30. 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 damage to the vegetation by parked vehicles.

Water Saving

31. 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

32. 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.

Construction Signage

33. 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.
Details of Development Signage

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

Advertising Signage

35. 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.

Generators

36. All power generation devices are to be positioned and housed (including noise attenuation material) so as to mitigate noise nuisance.

Air-conditioning Screens

37. Air conditioning units located above ground level must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

Public Health

38. 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.

39. 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.

40. 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.

41. 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.

Noise

42. Noise from air conditioning units, swimming and 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*.

Pool Water

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

Crime Prevention through Environmental Design

44. All lighting and landscaping requirements are to comply with Council’s General Policy Crime Prevention through Environmental Design (CPTED).

Restriction on floor area

45. The development must not have a gross floor area in excess of 4000 square metres. Further no more than 750 square metres may be used for commercial or retail activity.

**CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS**

<table>
<thead>
<tr>
<th>Concurrency Agency</th>
<th>Concurrency Agency Reference</th>
<th>Date</th>
<th>Council Electronic Reference</th>
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<td>1A0409CNS0004</td>
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</table>

Refer to Appendix 3: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

Unique Notations

Privately owned sewerage infrastructure

46. The private sewer pump station and pressure main in the Captain Cook Highway shall be owned and maintained by the property owner. In the
event that future road works require relocation of the pressure main all costs shall be borne by the property owner.

Disruption to service

47. The property owner indemnifies Council from any loss or claim resulting from programmed or unplanned disruption to Council’s receiving sewer infrastructure associated with this development.

Rationale:

Despite the conflict with the planning scheme (CairnsPlan), 2031 Regional Plan and other matters identified by Council’s Development Assessment Department, that Council considers that there are justifiable reasons for approving the development and those conflicts identified can be overcome by the imposition of conditions.

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

Cr Pyne left the meeting 11:03 a.m.

9. MATERIAL CHANGE OF USE (IMPACT) PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME TO SEEK USE RIGHTS IN ACCORDANCE WITH A STRUCTURE/MASTER PLAN – BONNIE DOON ROAD BONNIE DOON – DIVISION 10

LEU / BONNEAU

That Council refuses the development application for Preliminary Approval Overriding the Planning Scheme to Seek Use Rights in accordance with a Structure/Master Plan over land described as Part Lot 2 on RP 718188 located at Bonnie Doon Road, Bonnie Doon on the following grounds:

1. The development is contrary to the State Planning Policy for Good Quality Agricultural Land (GQAL);

2. The development is contrary to the State Planning Policy, the draft Far North Regional Plan 2025, the Far North Queensland Regional Plan 2031 and the accompanying State Planning Regulatory Provisions (Regional Plans);

3. There are insufficient grounds to justify a conflict with the state planning policies;

4. The development is contrary to the Planning Scheme and will
compromise the achievement of the desired environmental outcomes of the planning scheme area, in particular:

DEO 4, DEO 5, DEO 6, DEO 7, DEO 8, DEO 11 and DEO 12;

5. The development is contrary to the following parts of the Planning Scheme;

a. S.4.2.5 Coastal Suburbs, Villages and Townships Locality Code.
   i. Performance Criteria: P6; and
   ii. The following purpose of the Code:
       • Ensure GQAL is protected from the impacts of residential development or indiscriminate residential expansion,

b. S.4.3.1 Rural Planning Area Code.
   i. Performance Criteria: P1 and P2; and
   ii. The following purposes of the Code:
       • Conserve areas for use for primary production, particularly GQAL;
       • Facilitate the establishment of a wide range of agricultural and animal husbandry uses, together with other compatible primary production uses;
       • Ensure that rural activities are protected from the intrusion of incompatible uses;

c. S.4.6.5 Reconfiguring a Lot Code
   i. Performance Criteria: P1, P2, P9, P12, P13, P14; and
   ii. The development is contrary to the purpose of the Code.

The purpose of this Code is to ensure:

• Lots are suitable for their intended purpose;

• The environmental and scenic values of the Shire are protected;

• Lot reconfiguration in the Rural Planning Area and Rural Settlement Planning Area does not result in the
fragmentation or alienation of GQAL;

- Lot reconfiguration of land achieves good urban design outcomes; and

- Lot reconfiguration in the urban areas of the Shire facilitates:
  - the efficient use of land;
  - safe, convenient and attractive neighbourhoods and functional industrial or commercial areas;
  - the efficient provision of infrastructure;
  - the efficient provision of transport services;
  - the provision of public open space, Landscaping and Recreational Areas for outdoor recreation and community activities; and
  - opportunities for walking and cycling for recreation and as alternative methods of travel; and

6. There are insufficient grounds to justify the conflict with the Planning Scheme;

7. The development is beyond expected capabilities of Council’s water and wastewater services. There is insufficient information to demonstrate that the development can be adequately serviced;

8. Approval of the proposed development is likely to prejudice the orderly planning, use and development of land in surrounding areas targeted for residential expansion; and

9. The application fails to sufficiently establish that there is an overriding need for the development which would provide a community benefit.

carried

10. RESOLUTION OF APPEAL - MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - TELECOMMUNICATIONS FACILITY – 1, 3 & 5 ELFORD STREET, CLIFTON BEACH – DIVISION 10 ................. 165

S M Cook : 8/8/961 : #2340912

COCHRANE / BLAKE

A. That Council resolves to nominate the following conditions to the Court in regards to Planning and Environment Court Appeal No. 301 of 2008 for a Telecommunications Facility over land described as Lots 26 & 27 on RP725467 and Lot 12 on RP727502, located at 1-5 Elford Street, Clifton Beach, being:
APPROVED DRAWING(S) AND / OR DOCUMENT(S)

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

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
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<tr>
<td>Site, Access and Locality Plan</td>
<td>Q108176 S1</td>
<td>08 February 2008</td>
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<tr>
<td>Site Layout Plan</td>
<td>Q108176 S2</td>
<td>08 February 2008</td>
</tr>
<tr>
<td>Site Elevation Plan</td>
<td>Q108176 S3</td>
<td>08 February 2008</td>
</tr>
</tbody>
</table>

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.

Tower Colour

3. The monopole is to be finished in a moderately dark green for the entire visible part of the tower and the fittings are to also be of a dark colour to ensure that the development effectively blends with the background. Details of the selected colour must be submitted at the time of a development application for a Development Permit for Building Work and endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Vegetation Clearing

4. Existing vegetation on the subject land must be retained in all areas except those affected by the construction and installation of services as detailed on the approved plans. Any further clearing requires and Operational Works Approval.
Landscaping

5. The site must be landscaped, to reduce the visual impact of the monopole and existing facility, in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:

a. The location and species of all existing trees, with an indication as to whether each tree is to be retained or removed;

b. A planting design which is in accordance with the FNQROC Development Manual;

c. A three (3) metre wide strip of dense landscaping adjacent to all boundaries of the site. The plant selection must provide for a hierarchy of planting, which includes trees, shrubs and groundcovers, to provide visual screening for the base of the monopole to a mature height of approximately 10 meters;

e. Inclusion of the Department of Main Roads requirements for Landscaping.

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 Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

External Works

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

a. Provide a concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing 1015. The crossover must be located where the existing access is provided to Elford Street.

The external works outlined above must be completed prior to commencement of use.

Amalgamation Required

7. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 26 & 27 on RP725467 and Lot 12 on RP727502 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.
Miscellaneous

8. The applicant / owner is responsible for ensuring other carriers are aware of the requirements of Condition 3 of this approval.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<table>
<thead>
<tr>
<th>Concurrence Agency</th>
<th>Concurrence Agency Reference</th>
<th>Date</th>
<th>Council Electronic Reference</th>
</tr>
</thead>
</table>
| Department of Main Roads | 214/20A/102(3413) | 14 April 2008 | #1692361

B. That all other matters associated with the settling of Planning & Environment Court Appeal 301 of 2008 are delegated to the Mayor and Chief Executive Officer.

carried with Councillors Leu, Bonneau, Forsyth and Cooper voting against the motion.

Cr Cooper left the meeting 11:05 a.m.
Cr Cooper returned 11:07 a.m.

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

G Warner : 8/8/1019 : #2169825

BONNEAU / COCHRANE

That Council approves the request for a Negotiated Decision to upgrade a Preliminary Approval to a Development Approval for Veterinary Surgery & Ancillary Uses over land described as Lot 1 SP198085 and Common Property on SP114486, located at 1/1-7 Aropa Street Trinity Beach, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)
The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
</tr>
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<tr>
<td>Site Plan &amp; Car Parking (1:250)</td>
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<tr>
<td>Layout Plan at 1:100 – Vet Clinic at Trinity Park</td>
<td>Ken Chappell &amp; Associates Plan (2 of)</td>
<td>28/06/2008</td>
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<td>Elevations at 1:100 – Vet Clinic at Trinity Park</td>
<td>Ken Chappell &amp; Associates Plan (3 of)</td>
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<td>Front Elevation – Vet Clinic at Trinity Park</td>
<td>Ken Chappell &amp; Associates Plan (4 of)</td>
<td>Undated</td>
</tr>
<tr>
<td>Floor Plan – Existing Building</td>
<td>Ken Chappell &amp; Associates Plan</td>
<td>Undated</td>
</tr>
</tbody>
</table>
ASSESSMENT MANAGER CONDITIONS

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

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

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

   Except where modified by these conditions of approval.

Timing of Effect

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

Amendment to Design

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


Limitations on Use

4. Upon completion of the new Veterinary Clinic the building containing the existing Veterinary Clinic can only be used for ‘Appointment Only’ type businesses, similar to a Home Based Business.

Water Supply Contributions

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

   Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $826.26(1.89 ERAs).

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

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $4,344.06 (1.89 ERAs).

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

Stormwater Quality

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

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

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

Public Art Contribution

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

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

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

Water Supply and Sewerage Works External

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

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

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

The external works outlined above require approval from Council in accordance with Local Law 22 – (Activities on Roads). Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use. Payment or approval and dating of the Building Format Plan, whichever occurs first.

Water Supply and Sewerage Works Internal

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

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

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

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

      Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to issue of a plumbing permit.

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

Damage to Infrastructure

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

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

Refuse Storage

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

Vehicle Parking

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

Parking Signage

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

Lighting

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

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

The external works outlined above require approval from Council in accordance with Local Law 22 – (Activities on Roads). Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Internal Works

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

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

   Works are to be completed to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Landscaping Plan

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

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

   b. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant’s Landscape Architect/Designer.
Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Screen Fence

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

Details of Development Signage

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

Advertising Signage

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

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

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

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

Lawful Point of Discharge

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

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

Sediment and Erosion Control

25. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Air-conditioning Screens

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

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

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<td>214/20A/102(3613)</td>
<td>23/09/2008</td>
<td>1829478</td>
</tr>
</tbody>
</table>

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

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.

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

RATES PROPERTY NOTATIONS

Unique Notation to be placed on rates records for Lot 1 on SP198085

Private Sewer Pressure Main

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

2. Upon completion of the new Veterinary Clinic the building containing the existing Veterinary Clinic can only be used for ‘Appointment Only’ type businesses, similar to a Home Based Business.

carried with Councillors Leu, Cooper and Lesina voting against the motion.

Cr Pyne returned 11:09 a.m.

12. MATERIAL CHANGE OF USE (CODE ASSESSMENT) - RETIREMENT VILLAGE - CANOPY’S EDGE BOULEVARD - SMITHFIELD – DIVISION 9......................................................215

Nick Bowden : 8/7/1491 : #2190955

BONNEAU / BLAKE

That Council approve the application for a Retirement Village (incorporating Assisted Living), over land adjacent to Captain Cook Highway and Canopy’s Edge Boulevard more particularly described as proposed Lot 4 on SP 216454 (cancelling lot 4 on RP 748657 & Lot 5 on SP196223), subject to the following conditions:

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>Ground floor site plan</td>
<td>DA 00.01 Issue B</td>
<td>18/05/09</td>
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<tr>
<td>Level 2 site plan</td>
<td>DA 00.02 Issue B</td>
<td>18/05/09</td>
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<tr>
<td>Level 3 site plan</td>
<td>DA 00.03 Issue B</td>
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<td>Roof site plan</td>
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<tr>
<td>Site sections</td>
<td>DA 30.01 Issue B</td>
<td>18/05/09</td>
</tr>
</tbody>
</table>
Assessment Manager Conditions

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

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

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

   Except where modified by these conditions of approval.

Timing of Effect

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

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.

   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.

   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.
   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.

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

Stormwater Mitigation

7. Pay a monetary contribution to Council in accordance with the Planning Scheme Council’s Trunk Infrastructure Contributions Policy towards the provision or augmentation of stormwater drainage services.

   Contributions must be paid at the rates applicable at time of payment.

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

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.

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

Public Art Contribution

9. 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.

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

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 the water main such that the site can be provided with a standard water service connection to the lot frontage.

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 sewer shall be privately owned;

d. Internal property sewers must be designed 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.

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.

Sewer Easement

12. Create an easement in favour of Council at the point of connection of the sewer to the proposed manhole being constructed as part of works relating to Stage 5A, located at the southern end of the 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 by Council's Solicitors at no cost to Council.
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.

Inspection of Sewers

13. 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

14. 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

15. 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

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.

17. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

Refuse Collection

18. The applicant is to provide refuse storage internal to the site, which may be accessed by a garbage truck of the specifications as nominated in Council’s Development Manual - FNQROC. The applicant is to demonstrate the ability of refuse collection prior to sealing of the building format plan.
Internal Road Network

19. The applicant must redesign the access and egress point of the development such that the service delivery vehicles do not have to cross the centreline or median of the public roadway to the extent that there is any interaction with the opposing direction of travel - in accordance with AS2890.2. The applicant is to demonstrate the required width for the crossover prior to sealing of the building format plan.

20. The applicant must ensure that the internal road network is compliant with AS2890.1 and AS 2890.2. In particular the applicant must show how vehicles are able to turn around within the provided aisles in front of Blocks 1 and 4.

21. The applicant must make provision at the entrance for vehicles to turn around at the entrance point to the development, in the event that they are unable to enter, and return to Council's network in a forward gear.

External Road Network

22. The applicant is to provide a Channelised Left Hand Turn (CHL) at the entrance point to the development or demonstrate that the arrangement as exists is adequate. Justification shall be required to show that the proposed treatment will be sufficient to provide access for the development over the horizons as outlined in the detailed traffic Engineering report requirements (attached at Appendix 5).

Vehicle Parking

23. The amount of vehicle parking must be of sufficient capacity to cater for the proposed development. As such:

a. The amount of vehicle parking must be a minimum of one hundred and one (101) car parking spaces in addition to three (3) bus bays, one (1) bus stop and one (1) ambulance bay. 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.

b. All vehicle parking provision as nominated in Condition 23a herein must be constructed prior to the initial commencement of use.

c. Upon completion of the 4 Stage and prior to the commencement of construction of the Stage 5, the applicant is to provide a Car Parking Demand Study prepared by an appropriately qualified person for the proposed use. The Car Parking Demand Study must demonstrate that one hundred and one (101) car parking spaces are sufficient to cater for the final configuration of the development. If there is any discrepancy
between the Car Parking Demand Study and the provision of one hundred and one (101) car parking spaces, the development must be modified to either:

(i) Cater for the additional car parking requirements within the site; or

(ii) Reduce the number of units within the development to ensure that there is no discrepancy with the car parking provision.

A copy of the Car Parking Demand Study is to be provided to Council for its review and endorsement following completion of the Stage 4 and prior to the commencement of Stage 5.

Vehicle Parking Layout

24. The parking layout must comply with the Australian Standard AS2890.1 and AS2890.2 2004 Parking Facilities - off street car parking and CairnsPlan, in particular:

a. Parking spaces adjacent to columns and walls must have a minimum unobstructed clear width as determined by AS2890.1;

b. The driveway serving the parking area must include a physical means of speed control at the exit point;

c. Provision must be made for loading/unloading of vehicles;

d. The provision of a vehicle wash bay;

e. Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear (including refuse and service/delivery vehicles);

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

Vehicle Wash Bay

25. A vehicle wash bay must be provided. It must be roofed and bunded and wastewater must be discharged through a 550 litre triple interceptor to sewer or as agreed to by the Chief Executive Officer.

Protection of Landscaped Areas From Parking

26. 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

27. 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 Canopy’s Edge Boulevard frontage.

Bicycle Parking

28. 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 12 spaces. The bicycle parking area must be constructed prior to Commencement of Use.

External Works

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

   a. Construct a 2.0 metre wide concrete footpath to Canopy’s Edge Boulevard frontage 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. Provision of a concrete crossovers and aprons accordance with FNQROC Development Manual Standard Drawing 1015;

   c. Upgrade the street lighting to comply with requirements of the FNQROC Development Manual;

   d. 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;

   e. Provide pedestrian access points to adjoining public land to enable direct and efficient pedestrian connectivity to shopping and service facilities to the north.

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.

Landscaping Plan

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

Planting Design

a. The inclusion of individual character through landscape design and plant species for the various streets within the development;

b. A planting design which is in accordance with the FNQROC Development Manual;

c. A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species;

d. Provide a hierarchy of planting, which includes shade trees, shrubs and groundcovers;

e. Details of planting along the north eastern boundary (with the Captain Cook Highway) to ameliorate visual and noise conflicts including details of any existing trees/vegetation to be retained.

Details of Development Signage

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

Advertising Signage

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

Construction Signage

33. 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

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

Amalgamation Required

35. The applicant/owner is responsible for the amalgamation of Lot 4 on RP748657 and Lot 5 on SP196223 into Lot 4 SP213454. 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.

Construction Access

36. Vehicular access to the site for construction and demolition purposes must be provided from Canopy's Edge Boulevard only, unless authorised by the Chief Executive Officer.

Lawful Point of Discharge

37. 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

38. All floor levels in all buildings must be located 150 mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements. Council’s current records indicate existing ground levels of approximately 5.9-6.5 metres.

Screen Fence

39. 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.
Combined Height of Fencing/ Retaining Walls

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

41. 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.

42. 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.

43. 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.

44. 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.

45. 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 1998.

46. Swimming pool water quality must be maintained in accordance with the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004.
Air-conditioning Screens

47. 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.

Operational Works

48. An Operational Works Approval is required for the internal road network, nominated earthworks and water and sewer works associated with the development. Such works must be completed to the satisfaction of the Chief Executive Officer prior to Commencement of Use. Where plans are required, three A1 size (3) copies of the plans and one copy at A3 size must be submitted to Council.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.

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

4. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment, and phased over the life of the development.


carried
13. MATERIAL CHANGE OF USE (CODE ASSESSMENT) RETIREMENT VILLAGE – 52-58 SWALLOW STREET & 373-387 MCCOMBE STREET MOOROOBOOL – DIVISION 5.....................................259
S M Cook : 8/7/1676 : #2364368

BLAKE / COCHRANE

That Council approves the development application for Retirement Village over land described as Lot 31 SP196731 & Lot 32 SP196731, located at 52-58 Swallow Street & 373-387 McCoombe Street, Mooroobool, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)
The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>Site Plan</td>
<td>604 DD-01 Rev C</td>
<td>30 June 2009</td>
</tr>
<tr>
<td>Site Elevations</td>
<td>607 DD-02 Rev B</td>
<td>30 June 2009</td>
</tr>
<tr>
<td>Community Centre Floor Plans</td>
<td>607 DD-03 Rev B</td>
<td>30 June 2009</td>
</tr>
<tr>
<td>Community Centre Elevations</td>
<td>607 DD-04 Rev B</td>
<td>30 June 2009</td>
</tr>
<tr>
<td>House Type A Plans</td>
<td>607 DD-05 Rev B</td>
<td>30 June 2009</td>
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<td>House Type B Plans</td>
<td>607 DD-06 Rev B</td>
<td>30 June 2009</td>
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<td>House Type C Plans</td>
<td>607 DD-07 Rev B</td>
<td>30 June 2009</td>
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<tr>
<td>House Type D Plans</td>
<td>607 DD-08 Rev B</td>
<td>30 June 2009</td>
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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.
Operational Works

3. An Operational Works Approval is required for the internal road network, nominated earthworks and water and sewer works associated with the development. Such works must be completed to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first. Where plans are required, three A1 size (3) copies of the plans and one copy at A3 size must be submitted to Council.

Amended Plan

4. An amended plan of development must be provided which clearly identifies the following requirements:

   a. The location of the refuse storage area. The refuse storage area must be designed and sited so as to be unobtrusive and screened from view from the street frontage. It must be demonstrated that appropriate access and sufficient manoeuvrability area for refuse collection services exists.

   The amended plan must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Air-conditioning Screens

5. 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 Contributions

6. 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 $296,491.80 (80.068 ERAs).

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

Wastewater Contributions

7. 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 $362,467.84 (80.068 ERAs).

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

Road Network Contributions

8. 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 $123,712.60 (10.6 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

9. 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 $2,051.70 (1.03 EPs).

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

Stormwater Quality

10. 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 $8,781.19 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

11. 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 to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Water Supply and Sewerage Works External

12. 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;

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.

Water Supply and Sewerage Works Internal

13. 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. Relocate the existing sewer or site the proposed building such that the sewer is 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.

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.

**Sewer Easement**

14. Create an easement in favour of Council having a width of 3 metres over the existing / proposed sewer 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 lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey prior to the Commencement of Use.

**Inspection of Sewers**

15. 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**

16. 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

17. 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.

Vehicle Parking

18. The amount of vehicle parking must be as specified in Council’s Planning Scheme which is a minimum of 77 spaces of which 13 must be provided as visitor 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 manoeuvering 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.

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. Based on the provisions in Table 10-1 (page 133). 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.

External Works

22. Undertake the following works external to the land at no cost to Council:
   a. Construct a 2.0 metre wide concrete footpath to McCoombe Street and Swallow Road 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. Provision of a concrete crossovers and aprons in accordance with FNQROC Development Manual Standard Drawing 1015;

c. The applicant is to confirm that the street lighting to both McCoombe and Swallow Streets complies with requirements of the FNQROC Development Manual. In the event that the lighting does not comply the applicant is to upgrade the lighting to achieve compliance;

d. 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.

Above Ground Transformer Cubicles/ Electrical Sub-Stations

23. 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

24. 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.

Internal Drainage Works

25. The applicant/owner must undertake drainage works to the site to ensure that stormwater is conveyed from the site in accordance with the FNQROC Development Manual and Planning Scheme requirements. The following drainage information / works are required:

   a. Construct a 600mm wide concrete invert in the base of each of the proposed swale drains for the full length of the drain;

   b. The applicant/owner shall ensure that the drainage from the swale drains is delivered to the existing underground stormwater drainage system while still maintaining a Q5 flood immunity level for the required pedestrian footpath;

   c. The applicant/owner shall ensure that the stormwater runoff from the proposed development in a Q5 storm event, will be fully contained within the propose swale drain (C/section2), inclusive of any freeboard required.

   d. The applicant/owner shall provide scour protection / redirectional structures for the stormwater at points at which either:

      i) The stormwater velocity is greater than 2.5m/s; or
      ii) The direction of the stormwater is changed by more than 45 degrees.

   e. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development.

The applicant/owner is to provide detailed plans and calculations demonstrating that the above requirements can be satisfied. Such information must be submitted to and be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Work. The proposed works listed above must be designed such that they do not result in the removal of trees which are nominated to be kept on the approved plans.
Acid Sulfate Soil Investigation

26. 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 Environment and Resource Management (Previously 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.


Stockpiling and Transportation of Fill Material

27. 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.

28. 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

29. 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

30. 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.

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;

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. The revegetation of the batter slopes.

Hard Landscaping Works

g. Details of any perimeter, private yard or street fencing;

h. Protection of landscaped areas adjoining parking areas from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction;

i. 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.

Vegetation Clearing

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

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

Lawful Point of Discharge

32. 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: CBD and Environs Area - Zone 2

33. All floor levels in all buildings must be located a minimum of 150mm above the Q100 flood immunity level of 4.0 metres AHD, in accordance with FNQROC Development Manual, the CBD Environs Drainage Management Plan and Planning Scheme requirements.

Note that 150mm is the minimum allowable freeboard and Council recommends a freeboard of 300mm. Council’s current records indicate existing ground levels of approximately 1.8 – 5.8 metres.

The development of the site must not consume more than sixty (60) percent of the existing flood storage volume of the site and must be conducted so as not to impede or hinder the surface water flow onto or off the subject land.

Three (3) copies of a plan of works, with supporting flood storage volume calculations, must be submitted to and be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Sediment and Erosion Control

34. 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

35. A screen fence must be provided to the side 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

36. 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 included in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Ponding and/or Concentration of Stormwater

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

Refuse Storage

38. 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.

39. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

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).

Miscellaneous

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*.

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 Lot 31 on RP196731 and Lot 32 on RP196731 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.

Earthworks

47. All earthworks must comply with the management strategy described in Section 7 of the Golder and Associates report dated October 2006 (Reference No 001-06673035)

ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in
accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.

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

4. Headwork contribution calculations are attached as Appendix 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.


carried

Cr Gregory left the meeting 11:17 a.m.
Cr Gregory returned 11:19 a.m.

14. MATERIAL CHANGE OF USE (CODE) PUBLIC UTILITY - DISASTER MANAGEMENT CENTRE – 61-79 WINDARRA STREET WOREE – DIVISION 3

PYNE / FORSYTH

That Council approves the development application for Public Utility - Disaster Management Centre over land described as Lot 1 on RP 737188, located at 61-79 Windarra Street, 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:

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Site Plan and Land Section</td>
<td>1193-SK-00</td>
<td>10/08/09</td>
</tr>
<tr>
<td>Proposed Floor Plan</td>
<td>1139-SK-01</td>
<td>22/09/09</td>
</tr>
<tr>
<td>Elevations</td>
<td>1139-SK-02</td>
<td>11/08/09</td>
</tr>
<tr>
<td>Elevations</td>
<td>1139-SK-03</td>
<td>11/08/09</td>
</tr>
</tbody>
</table>
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.

Air-conditioning Screens

3. Air conditioning units located 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 Internal

4. 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) Property Connection Branches are not permitted to be connected to Council’s trunk sewer located in Windarra Street.

   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.

Damage to Infrastructure

5. 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.

External Works

6. Undertake the following works external to the land:

   a. Provision of a new concrete crossover and apron at the entrance of the public parking lot of Windarra Street in accordance with FNQROC Development Manual Standard Drawing 1015;

   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.

   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.

Water Saving

7. 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

8. 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.

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 2 spaces. The bicycle parking area must be constructed prior to Commencement of Use.
Walls Facing Windarra Street

10. Appropriate treatment and texturing of the wall facing Windarra Street must be applied in order to prevent vandalism. Details of the proposed materials and colour scheme for the external wall must be endorsed by the Chief Executive Officer prior to the Commencement of Use.

Landscaping Plan

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

a. Deep planting of the front setback areas. Particular attention must be taken to prevent the front wall facing Windarra Street from being vandalised;

The Landscape Plan must nominate the species and location of trees and shrubs to be planted. 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.

Crime Prevention Through Environmental Design

12. All lighting, walls facing the street frontage and landscaping requirements are to comply with Council’s General Policy Crime Prevention Through Environmental Design (CPTED).

Details Of Development Signage

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

Approved Use

14. The use of the building must only be for the purpose of Public Utility. The building is not permitted to be used as a Place of Assembly.

ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately
following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.

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


carried

15. REQUEST TO EXTEND CURRENCY PERIOD – RECONFIGURATION OF A LOT FOR STAGES 2 & 3 OF OCEANS EDGE ESTATE – CAPTAIN COOK HIGHWAY PALM COVE – DIVISION 10............ 302
   Luke Jackson : 8/13/1005 : #2333572

WITHDRAWN AT APPLICANTS REQUEST

16. REQUEST TO ENDORSE A PLAN OF SURVEY OVER LOT 3 RP857603 – 79 – 99 MOUNTAIN VIEW DRIVE - SHANNONVALE - DIVISION 10 ................................................................. 329
   Gary Warner: 8/38/02-09 :#2361894

LEU / FORSYTH

That the matter be deferred till the Planning and Environment Meeting of 11th November 2009.

Rationale:

I have received additional information today that I want an opportunity to speak with the planning officer prior to a final Council decision.

 carried

17. COMMENT ON DRAFT QUEENSLAND COASTAL PLAN ............ 350
   Paul Cohen : 8/27/3: #2358496

GREGORY / LANSKEY

That Council:

1. note the report on the Draft Queensland Coastal Plan; and
2. make a submission to the State Government on the Draft Queensland Coastal Plan on the grounds set out in Attachment 1.

carried

18. RESPONSE TO DEPARTMENT OF TREASURY – OFFICE OF LIQUOR GAMING & RACING – APPLICATION FOR COMMERCIAL OTHER (PRODUCER/WHOLESALER) LICENCE FOR U-BREW IT, CAIRNS DIVISION 5................................................................. 362
Kelly Barnes: 8/20/6-08: #2364652

BLAKE / COCHRANE

That the applicant and the Department of Treasury, Office of Liquor Gaming & Racing, be advised that Council does not object to the application for a Commercial Other (Producer/Wholesaler) Licence for U-Brew It, located at unit 2, 5 Bramp Close, Portsmith for the sale of liquor produced on the premise. Council does not support the sale of liquor from the site not produced on the premise in a wholesale manner.

carried

19. RESPONSE TO DEPARTMENT OF TREASURY – OFFICE OF LIQUOR GAMING & RACING – APPLICATION FOR COMMERCIAL OTHER (SUBSIDIARY ON-PREMISES) LICENCE FOR SUGAR FLAMES, MOSSMAN DIVISION 10.......................... 366
Kelly Barnes: 8/20/6-08: #2364584

LEU / FORSYTH

That the applicant and the Department of Treasury, Office of Liquor Gaming & Racing, be advised that Council does not object to the application for a Commercial Other (Subsidiary On-Premises) Licence for Sugar Flames Restaurant, located at 79 Alchera Drive, Mossman.

carried
20. APPLICATION FOR APPROVAL TO EXHIBIT AN OFF-SITE FREESTANDING REAL ESTATE BILLBOARD ADVERTISEMENT – DIVISION 9

Aemelia Steblina: 8/1/3-31: #2342241

BONNEAU / COCHRANE

That Council grant approval to exhibit a free standing billboard advertisement at Lot 6 on RP804481, Captain Cook Highway, Kewarra Beach, subject to conditions: including, that the advertisement content must feature 25% Paradise Palms Country Club, with a pictorial background behind the Paradise Palms Country Club name, and that the advertisement must not exceed the maximum size of 18m2.

Rational:

This is an onsite sign and has been in place for several years.

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

21. DAINTREE GREEN POWER OPTIONS STUDY (DGPOS)............. 381

Bob Baade : np : 13/7/1-01 : #2363165

LEU / COCHRANE

That Council:

1) Consider this report as part of the overall planning process committed to as part of the December 2008 Daintree Summit.

2) Apply to the State Government to have the “Electricity Supply in the Daintree Region” Policy rescinded.

3) That the matter be followed up with a deputation to the relevant Minister by Council.

4) Further meetings be held with residents north of the Daintree River to convey the background to the above recommendations.

carried
22. THE DUYFKEN 1606 REPLICA FOUNDATION – PROGRESS REPORT

COOPER / PYNE

That Council notes the following reports received from the Duyfken 1606 Replica Foundation:

a) Progress Report for the period February to July 2009
b) Port Report for January to July 2009
c) Itinerary to June 2010
d) Marketing Plan to June 2010
e) Budget to June 2010
f) Duyfken Contribution Valuation

The current instalment is conditional upon Council receiving a copy of financial statements.

That the Mayor and Chief Executive Officer be delegated authority under Section 472 of the Local Government Act 1993, to finalise the current instalment.

carried

23. ECONOMIC DEVELOPMENT FUND – APPLICATION FROM CAIRNS BLUES FESTIVAL FOR THEIR EVENT IN 2010

FORSYTH / COCHRANE

That Council supports the 2010 Cairns Blues Festival by way of a $9,940 (ex GST) cash grant and $20,060 in kind assistance from the Economic Development Fund to the organising body, Cairns Blues Festival Inc.

carried
24. ECONOMIC DEVELOPMENT FUND – APPLICATION FROM STUDY CAIRNS FOR ASSISTANCE WITH A BID FOR THE 2011 AUSTRALIA NEW ZEALAND EDUCATION AGENTS CONFERENCE

................................................................. 439

Mark Seedhouse: 1/59/13-01: #2364004

COOPER / BLAKE

That a workshop be held within one (1) week to consider this application. That the Mayor and CEO be delegated authority under Section 472 of the Local Government Act 1993 to finalise any payments as a result of this workshop.

carried with Councillor Pyne voting against the motion.

Cr Gregory left the meeting 12:24 p.m.
Cr Gregory returned 12:25 p.m.

25. ECONOMIC DEVELOPMENT FUND GRANT APPLICATION: 15/15 FILM FESTIVAL AT CITY PLACE ................................................................. 467

Ian Lowth: 1/59/13-01: #2360793

BLAKE / COCHRANE

That Council not support the application for financial assistance towards the running of the 2009 15/15 Film Festival in City Place and direct the organisers to submit an application to Council’s Regional Arts Development Fund (RADF) for the specific support sought for planning of the 2010 event.

carried

26. MATERIAL CHANGE OF USE – TEMPORARY DREDGE PIPELINE (UNDEFINED USE), OPERATIONAL WORKS (PRESCRIBED TIDAL WORKS) AND ENVIRONMENTALLY RELEVANT ACTIVITY (ERA 16 EXTRACTIVE ACTIVITY) – DICKSONS INLET, PORT DOUGLAS & KILLALOE – DIVISION 10 (LATE AGENDA ITEM) ......................... 489

Leon Doutre: 8/8/1043 #2151527

WITHDRAWN
GENERAL BUSINESS

1. KEY ACCESS TO GATED ACCESS AREA AND PARKS

PYNE / LANSKEY

That a Councillor workshop be held to examine Council policy on key access to gated access areas and parks.

carried

Cr Schier left the meeting 12:35 p.m.

Cr Schier returned 12:36 p.m.

2. COUNCILLOR WORKSHOP – HILLSLOPES AREA

COOPER / PYNE

A workshop and report to Council be organised to discuss the steps involved in processing and assessing a building application for a dwelling in a hillslopes area in relation to landscaping, amenity and operational works issues.

carried

3. SECURITY MEASURES – CRYSTAL CASCADES

COOPER / FORSYTH

A report to Council on the options of security measures that can be considered at Crystal Cascades.

carried
4. PORT DOUGLAS SURF LIFESAVING CLUB

LEU / FORSYTH

That Council considers amending Council's Rate Relief Policy to ensure Port Douglas Surf Life Saving Club is granted 100% exemption from Council rates and charges for as long as it occupies the current leased land.

lost with Councillors Schier, Bonneau, Cochrane, Cooper, Blake, Lesina, Pyne, Lanskey and Gregory voting against the motion.

CLOSED SESSION

COCHRANE / BONNEAU

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

Cr Blake left the meeting 12:53 p.m.
Cr Blake returned 12:54 p.m.

1. CONTRACTUAL MATTER – CONSULTANCY NO. CW13/2009 – DETAILED DESIGN & CONSTRUCTION/COMMISSIONING SUPPORT FOR NORTHERN (STAGE 1) AND MARLIN COAST RECYCLED WATER SCHEMES.......................................................... 1
   R. Smith: 24/20/110-01: 2361517-v1

2. CONTRACTUAL MATTER – CONTRACT: 55223 LAKE MORRIS ROAD EMBANKMENT LANDSLIP REMEDIATION – CFA PILED RETENTION SYSTEM................................................................. 10
   Roy Thorpe: RHT: 15/23/145-01: #2364941

carried

OUT OF CLOSED SESSION

Cr Pyne left the meeting 1:14 p.m.

COUNCIL RESOLVE TO MOVE OUT OF CLOSED SESSION

BLAKE / FORSYTH

carried
RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

1. CONTRACTUAL MATTER – CONSULTANCY NO. CW13/2009 – DETAILED DESIGN & CONSTRUCTION/COMMISSIONING SUPPORT FOR NORTHERN (STAGE 1) AND MARLIN COAST RECYCLED WATER SCHEMES

Cochrane / Bonneau

That Council:

1. Award consultancy number CW13/2009 – Detailed Design (including Recycled Water Management Plans) & Construction/Commissioning Support for Northern (Stage 1) and Marlin Coast Recycled Water Schemes to Sinclair Knight Merz (SKM) Pty Ltd, ABN 37001024095, on a lump sum basis, for a lump sum price of $509,198 (ex GST) with a provisional sum value of $80,000 (ex GST) for Geotechnical and Survey investigations.

2. Delegate authority to the Mayor and Chief Executive Officer in accordance with Section 472 of the Local Government Act 1993 to negotiate and finalise any and all matters in relation to Consultancy No. CW13/2009 - Detailed Design (including Recycled Water Management Plans) & Construction/Commissioning Support for Northern (Stage 1) and Marlin Coast Recycled Water Schemes.

Carried

2. CONTRACTUAL MATTER – CONTRACT: 55223 LAKE MORRIS ROAD EMBANKMENT LANDSLIP REMEDIATION – CFA PILED RETENTION SYSTEM

Bonneau / Forsyth

That:

1) Contract 55223 Lake Morris Road Embankment Landslip Remediation – CFA Piled Retention System be awarded to CivilTeam Engineering Pty Ltd for the tendered lump sum value of $557,121.27 (inclusive of GST).
2) Authority be delegated to the Mayor and Chief Executive Officer in accordance with Section 472 of the Local Government Act 1993 to negotiate and finalise any and all matters associated with the awarding of this contract.

carried with Councillors Cochrane, Cooper and Gregory voting against the motion.

THE MEETING CLOSED AT 1:20 PM

CONFIRMED THIS DAY OF 2009

..............................                      ..............................
MAYOR                             CHIEF EXECUTIVE OFFICER