CAIRNS REGIONAL COUNCIL

ORDINARY MEETING

27 MAY 2009

10:00 A.M.

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

APOLOGY:  P Tabulo - General Manager Planning & Environment
         B Grosser – General Manager Corporate Services

OFFICERS:

N Briggs  Chief Executive Officer
J Hawkes  General Manager Works and Services
J Ward    A/General Manager Corporate Services
S Clarke  A/General Manager Planning & Environment
B Gardiner General Manager Water & Waste
I Lowth   General Manager Community & Cultural Services
L Kirchner Manager Corporate Performance
K Hull    Manager Corporate Communications
J Hunter  Manager Sport, Recreation & Community Development
L Sparkes Manager Cultural Services & Facilities
M Seedhouse Business Support Officer
L Collyer  Team Leader Community Development Far North
J Elphinstone Senior Planning Officer
S Godkin  Minute Secretary
PURPOSE OF MEETING
To consider the matters listed on the agenda.

CONFIRMATION OF MINUTES OF ORDINARY MEETING 22/04/2009
BLAKE / LANSKEY
That the Minutes of the Ordinary Meeting held on Wednesday, 22 April 2009 be confirmed.

*carried*

CONFIRMATION OF THE REPORT OF THE PLANNING & ENVIRONMENT COMMITTEE MEETING – 13/05/2009
LEU / BONNEAU
That the Minutes of the Planning and Environment Committee Meeting held on Wednesday, 13 May 2009 be confirmed.

*carried*

CONFIRMATION OF THE REPORT OF SPORTS, ARTS, CULTURE & COMMUNITY SERVICES COMMITTEE MEETING – 13/05/2009
COCHRANE / LANSKEY
That the Minutes of the Community & Cultural Committee held on Wednesday, 13 May 2009 be confirmed.

*carried*

CONFIRMATION OF THE REPORT OF FINANCE & ADMINISTRATION COMMITTEE MEETING – 20/05/2009
BLAKE / LESINA
That the Minutes of the Finance & Administration Committee held on Wednesday, 20 May 2009 be confirmed.

*carried*
CONFIRMATION OF THE REPORT OF THE WORKS & SERVICES COMMITTEE – 20/05/2009

GREGORY / COOPER

That the Minutes of the Works and Services Committee held on Wednesday, 20 May 2009 be confirmed.

carried

CONFIRMATION OF THE REPORT OF THE WATER & WASTE COMMITTEE – 20/05/2009

GREGORY / FORSYTH

That the reports and recommendations contained in the Minutes of the Water & Waste Committee held on Wednesday, 20 May 2009 be confirmed.

carried

1. DOUGLAS COMMUNITY WATER REFERENCE GROUP.................... 1
   Lia McDonald : 1/60/22-01: #2055931v1

GREGORY / BONNEAU

That Council note the minutes of the Douglas Community Water Reference Group’s third meeting held on 16 April 2009.

carried

Cr Pyne joined the meeting 10:09 a.m.

2. AMENDMENT TO FEES & CHARGES SCHEDULE 2009/10 ............. 12
   John Rehn: 17/9/23.01: #2058459

BLAKE / GREGORY

That the amendment to the fee for metered parking from ninety cents per hour to one dollar per hour in the Fees and Charges Schedule 2009/2010 be adopted, effective 1st July 2009.

carried
3. **COMPULSORY ACQUISITION OF NATIVE TITLE RIGHTS & INTERESTS** PART OF LOT 234 ON SP122860, WATTLE STREET, YORKEYS KNOB – DIV. 8 .............................................................. 13

Allan Simpson :19/15/1-18: #2054770

COCHRANE / BLAKE

That Council make application to the Minister for Natural Resources, Mines and Energy to compulsorily acquire any and all native title rights and interests over part (about 8,640m²) of Lot 234 on SP122860, Wattle Street, Yorkeys Knob.

Furthermore, Council delegate authority to the Mayor and Chief Executive Officer in accordance with Section 472 of the *Local Government Act 1993* to finalise any and all matters (including execution) associated with the matter of the compulsory acquisition of native title rights and interests over the subject part of Lot 234 on SP122860.

*carried*

4. **RENEWAL OF TERM LEASE NO. 213948, LOT 395 ON NR7954, LAVIS ROAD, BARRON – LESSEE'S: G. & S. ANDREJIC – DIV. 8.** 19

Allan Simpson :19/3/3-80: #2039992

COCHRANE / BONNEAU

That Council advise the Department of Environment and Resource Management that is has no objection to the renewal of the term lease to Gerald & Stephen Andrejic over Lot 395 on NR7954, Lavis Road, Barron subject to it being at no cost to Council.

Furthermore, Council delegate authority to the Mayor and Chief Executive Officer in accordance with Section 472 of the *Local Government Act 1993* to finalise any and all matters associated with the renewal of the term lease over Lot 395 on NR7954.

*carried*
5. SECTION 16 EVALUATION DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT, LOT 28 USL21847, EUBENANGEE ROAD, EUBENANGEE – DIV. 1....................................................... 24

Allan Simpson : 19/3/3-80: #2039980

GREGORY / LANSKEY

That Council advise the Department of Environment and Resource Management that Lot 28 on USL21847, Eubenangee Road, Eubenangee is contained within the Rural 1 Planning Area and the Vegetation Conservation and Hillslopes Overlays under CairnsPlan, and it is also identified as having High Ecological Significance in the Far North Queensland Regional Plan 2009-2031. Council has no specific requirements in regard to the tenure of the land, however uses will be impacted by CairnsPlan and Regional Plan requirements.

carried

6. APPLICATION FOR PERMANENT ROAD CLOSURE OVER AN AREA OF ABOUT 271 M² BEING PART OF JUNCTION ROAD MOSSMAN, ABUTTING LOT 97 ON SR836110 AS DESCRIBED AS LOT C ON DRAWING CNS 09/017 - DIVISION 10. .......................................... 30

Liam Nicholas: 15/7/01-07: #2044208

LEU / FORSYTH

That Council advise the Department of Environment and Resources Management that it has no objections to the application for permanent road closure over an area of about 271 M² being part of Junction Road Mossman, abutting Lot 97 on SR836110 as described as Lot C on Drawing CNS 09/017, subject to:

- The area of proposed closure being amalgamated with the Applicant’s Lot 97 on SR836110.
- An amendment of the Douglas Shire Planning Scheme and the planning area map to be undertaken in the next overall review.
- An easement being required for access and maintenance purposes over the trunk sewer line which is located within the proposed road closure area.
- It being at no cost to Council.

Furthermore, the Mayor and 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 permanent road closure.

carried
7. PROPOSED LEASE TO OPTUS MOBILE PTY LTD OVER PART (APPROX 35M²) OF LOT 26 ON RP728571, HILLVIEW CRESCENT WHITFIELD – DIVISION 6 .............................................................. 38

Kylie Richardson : 19/3/3-80: #2012788V2

COOPER / BLAKE

That Council approve the issue of a lease to Optus Mobile Pty Limited (“Optus”) over an area of 35m² being part of Lot 26 on RP728571, Water Reservoir Site, Hillview Crescent Whitfield for the purpose of a telecommunications facility, subject but not limited to the following:

- Ministerial approval being obtained in accordance with Section 492(1)(e) of the Local Government Act 1993
- Optus to obtain all necessary planning and engineering approvals prior to commencement of any work on the site
- Optus site access to be via Easement B (driveway) and Optus obtaining any required approvals and consents
- Optus to permit Council to attach telemetry transmission equipment to the structure erected by Optus and connect to Optus’ power supply
- Optus being responsible for all rates and charges, including any costs of water usage
- Optus to pay rental in the sum of $10,000.00 plus GST, per annum, with an annual increase in rental of 3%
- Optus making a one off payment to Council of $50,000.00 to cover rent in arrears
- The term of the lease to be ten (10) years from a date to be determined, with one (1) consecutive ten (10) year term; and
- Optus being responsible for costs associated with the preparation negotiation, execution and registration of the lease.

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

_carried_
8. TRUSTEE LEASES TO MERIDIEN PTY LTD AND THE AUSTRALIAN VOLUNTEER COASTGUARD ASSOCIATION INC. (PORT DOUGLAS) OVER PART OF LOT 126 ON SR868, WHARF STREET, PORT DOUGLAS – DIVISION 10 .............................................................. 46

Kylie Richardson: 19/3/3-79: #1972315

LEU / FORSYTH

That the matter be deferred pending a meeting with the Port Douglas Waterfront Management Committee.

Reason:

The Port Douglas Waterfront Management Committee was established to provide advice to Council on matters relating to the Port Douglas Waterfront Masterplan planning process.

carried

9. RELEASE OF COVENANT 705111466 WHICH BINDS LOT 6 ON RP743980, LOT 4 ON RP736716 AND LOT 6 ON RP886633, KINGSTON ROAD WHYANBEEL – DIVISION 10. ............................. 56

Liam Nicholas: 19/3/3 – 81: #2054110

LEU / LESINA

1. That Council has no objection to the release of Covenant 705111466 which binds Lot 6 on RP743980, Lot 4 on RP736716 and Lot 6 on RP886633.

2. That the applicants be advised that a new Deed of Agreement and Covenant will be required for Lots 6 on RP886633 and Lot 4 on RP743980 and that this is to be at no cost to Council.

Furthermore, the Mayor and Chief Executive Officer being delegated authority pursuant to section 472 of the Local Government Act 1993 to determine any and all future tenure matters associated with the subject parcels.

carried
10. EXTRACTIVE INDUSTRY – RENEWAL OF PERMIT 54256-13-5 – LOT 2 ON RP862626 - GREER ROAD MIRIWINNI - N WEBSTER – DIVISION 1 .................................................................................... 60
Mark Dillon : 13/16/2- #2049395

GREGORY / LANSKEY

1. That Council approve the conditions of Extractive Industry Permit No 54256-13-5A.

2. That Permit No 54256-13-5A is issued to Norman & Rhonda & Andrew Webster for a period of 5 years ending on 30 June 2014, with the option to seek an extension of the permit provided the application is made no later than 13 weeks prior to the expiry date on the permit.

3. That the permit is transferred from Norman Webster to Norman & Rhonda & Andrew Webster.

11. RESPONSE TO DEPARTMENT OF TREASURY, LIQUOR LICENSING DIVISION – APPLICATION FOR VARIATION OF LICENCE– DIVISION 10 .................................................................................................. 71
Kelly Barnes: 8/20/6-08: #2053716

LEU / FORSYTH

That the applicant and the Department of Treasury Liquor Licensing Division be advised that Council does not object to the proposed variation to Existing Licence (To Allow Amplified Entertainment) for Court House Hotel located at 18-20 Wharf Street, Port Douglas and described as Lot 1 on SP139068.

Reasons

The trading hours for upstairs lounge area are already 10am to 2am (Monday to Sunday) and the request for a variation of licence is to allow periodic functions such as weddings to have a night music facility not live bands. It is my understanding that the Liquor Licence Law does not allow noise to exceed 95 decibels and an acoustic report confirms this. The applicant has informed me that an additional acoustic report was not requested.
It should be noted that the nearby Iron Bar hotel has music till 2am. This particular location is in the heart of the entertainment tourism area of Port Douglas in front of the waterfront area. I have confirmed with the report author that the comments attributed to myself in the report were not about this particular application.

12. PRELODGEMENT ENQUIRY – MULTIPLE DWELLINGS WOODWARD STREET & KEIRLE AVENUE, WHITFIELD – DIVISION 7................. 75
Sarah Cook: 8/20/2-45 2051523

FORSYTH / COOPER

1. That Council advise the proponent that it supports the lodgement of an application for Multiple Dwellings at 209 – 215 Woodward Street 7 16 – 18 Keirle Avenue, Whitfield, more particularly described as Lots 5, 6 & 8 on RP711358 and Lots 1 & 2 on RP727318.

2. That Council also advise the applicant that a detailed assessment will be undertaken at the time of lodgement.

13. MATERIAL CHANGE OF USE AIRCRAFT LANDING FACILITY (COMMERCIAL) – CAPTAIN COOK HIGHWAY PORT DOUGLAS – DIVISION 10 .................................................................................. 86
Gary Warner: 8/8/1041: #1855632

LEU / BLAKE

That Council approves the request for Aircraft Landing Facility (Commercial), over land described as Lot 16 on N15 located at Captain Cook Highway Port Douglas, 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>
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<tr>
<td>Proposed Aircraft Landing Facility</td>
<td>Conics 62894-2</td>
<td>04/02/2009</td>
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<tr>
<td>Fuel Farm Site Plan</td>
<td></td>
<td>Undated – received with application and attached in Appendix 1</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.

Parking

3. All parking associated with the uses but be in accordance with the parking requirements for Aircraft Landing Facilities – Commercial. A plan showing parking areas must be submitted for approval of the Chief Executive Officer prior to the Commencement of Use.

Hours of Operation

4. The proposed use must only operate between the hours of 7am and 7pm Monday to Sunday except in emergencies or unless otherwise approved by the Chief Executive Officer.

Landscaping Plan

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

   a. The provision of screening along the State Controlled Road frontage in accordance with the Department of Main Roads requirements;

   b. Screening of facilities in accordance with the Aircraft Landing Facility – Commercial Code;

   c. Inclusion of all requirements as detailed in other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant’s Landscape Architect/Designer.
Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. Areas to be landscaped must be established prior to Commencement of Use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

Limitations on Operators

6. The use of the site shall be limited to the following operators;

   a. One operator based on site (with access to all associated on site facilities);

   b. One operator using the site for re-fuelling; and

   c. One operator/manager for the micro-light facility.

Flight records

7. a. Provide a record of all flights in and out of the site over the past calendar year in order to establish a baseline from which to determine future extensions to flight frequencies. Provide the above record to the satisfaction of the Chief Executive officer prior to the establishment of the additional fuel facilities.

   b. Provide a 3 monthly (calendar quarter) record of all flight movements, including ultra lights and micro light aircraft.

Flight Frequencies

8. The maximum number of flight movements per day is to be twenty (20). This number of flights is to be reviewed by the Chief Executive Officer annually in accordance with records submitted under condition 7b. If the flight movements are exceeded by 20% in any one calendar year this condition is to be reviewed by full Council through application to Council for a change to a Development Approval.

Advertising Signage

9. Signs on the subject land must conform with the Planning Scheme and Department of Main Roads requirements and to the requirements and satisfaction of the Chief Executive Officer.

10. The Helicopter Landing Pad Area must not be externally illuminated unless further approval is gained from the Chief Executive Officer.
Aircraft Limitations

11. The use of the facility shall be restricted to helicopters, ultra lights and micro light aircraft only.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<table>
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<tr>
<th>Concurrency Agency</th>
<th>Concurrency Agency Reference</th>
<th>Date</th>
<th>Council Electronic Reference</th>
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<tr>
<td>Department of Transport &amp; Main Roads</td>
<td>214/20A/102(1581.04)</td>
<td>16/02/2009</td>
<td>1971540</td>
</tr>
<tr>
<td>Department of Environment and Resource Management (formerly Dept Natural resources and Water)</td>
<td>IC1108CNS002</td>
<td>14/04/2009</td>
<td>2023749</td>
</tr>
</tbody>
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Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

FURTHER ADVICE

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

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

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


carried

Cr Gregory left the meeting 10:34 a.m.
Cr Gregory returned 10:36 a.m.
14. MATERIAL CHANGE OF USE SHOPPING FACILITY – 11-17 MACROSSAN STREET, 11-13 WARNER STREET PORT DOUGLAS – DIVISION 10 .................................................................................131
L Jackson : 8/7/1571 : #2011645

LEU / COCHRANE

That Council approves the development application for a Material Change Of Use Shopping Facility over land described as Lots 1 - 3 on SP105932– located at 11-17 Macrossan Street & 11-13 Warner Street Port Douglas, subject to the following:

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

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<tbody>
<tr>
<td>Proposed Site Plan</td>
<td>DA-010 Issue A</td>
<td>23/03/2009</td>
</tr>
<tr>
<td>Proposed Elevations</td>
<td>DA-009 Issue B</td>
<td>25/03/2009</td>
</tr>
<tr>
<td>Proposed Sections</td>
<td>DA-008 Issue A</td>
<td>23/03/2009</td>
</tr>
<tr>
<td>Proposed Mezzanine</td>
<td>DA-007 Issue A</td>
<td>25/03/2009</td>
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<tr>
<td>Roof Plan</td>
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<tr>
<td>Proposed Basement</td>
<td>DA-006 Issue C</td>
<td>25/03/2009</td>
</tr>
<tr>
<td>and Ground Plans</td>
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<td></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 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

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $70,556.12 (10.92 ERAs).

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

Wastewater Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $39,547.18 (10.92 ERAs).

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

Water Supply and Sewerage Works External

6. 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 existing 150mm diameter water main within Warner Street to the existing 150mm diameter water main at the intersection of Grant and Warner Streets.

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

Water Supply and Sewerage Works Internal

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

   a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
b. Any redundant sewer main/s and/or property connection/s and water connection/s located within existing Lots 2 and 3 shall be decommissioned and removed following the amalgamation of all subject Lots;

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

Damage to Infrastructure

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

Sewer Easement

9. Create an easement in favour of Council having a nominal 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 approval by Council's solicitors at no cost to Council.

   a. The approved easement documents must be lodged and registered with the Department of Natural Resources and Water in conjunction with the Plan of Survey prior to the Commencement of Use.

Refuse Storage

10. 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.

Liquid Waste Disposal

11. Trade waste discharge to sewer must meet the requirements of CRC Water and Waste’s Trade Waste Environmental Management Plan (TWEMP).
A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.

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

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.

Vehicle Parking

13. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 195 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

14. 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

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 Warner Street frontage.

Bicycle Parking

16. 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 40 spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

17. 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

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

a. Construct a 2.0 metre wide concrete footpath to Warner Street 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. Construct full width bitumen widening to the Warner Street frontage;

c. Provision of a concrete crossover(s) and apron(s) in accordance with FNQROC Development Manual Standard Drawing 1015;

d. Make good the kerb(s) at redundant crossover(s);

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

f. 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.

g. Construct kerb and channel to Warner Street;

h. Linemark parking spaces in front of and adjacent to the subject land along Warner Street;

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 constitute Operational Works. 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.
Pedestrian Sight Lines

19. Provide complying pedestrian sight lines or suitable protection/warning for pedestrians at the Warner Street exit through one or more of the following mechanisms:
   a. The installation of a stop sign to require exiting vehicles to stop before crossing the footpath;
   b. The installation of a warning/flash light to warn pedestrians that a vehicle is approaching the exit from the site;
   c. The installation of a mirror so that a vehicle driver can be aware of pedestrians before attempting to exit from the site.

Above Ground Transformer Cubicles/ Electrical Sub-Stations

20. 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

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

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

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

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

Acid Sulfate Soils – Basement Disturbance

22. The basement excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest ‘Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland’ produced by the Department of Natural Resources and Water, and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of
soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRM ‘Queensland Acid Sulfate Soil Technical Manual’.

Basement Parking

23. Submit a report prepared by a qualified and experienced, registered engineer on the basement parking and a separate report prepared by a qualified and experienced hydrologist on the dewatering process. Both reports must be endorsed by the Chief Executive Officer prior to commencement of any works on the site.

a. The basement parking report must include, but is not limited to the following:
   i. Construction techniques;
   ii. Techniques to imperviously seal the basement; and
   iii. Method of basement ventilation.

b. The dewatering report must include, but is not limited to the following:
   i. Method of water extraction pre and post development and the layout of the dewatering pumps and pipelines;
   ii. Water quality;
   iii. Lawful discharge of water; and
   iv. How the results (being the form & frequency) will be reported to Council.

c. The access to the basement parking area must be designed to prevent 100 year ARI flood waters from entering the basement parking area and must have a minimum vertical clearance of 2.1 metres.

Construction Access

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

Stockpiling and Transportation of Fill Material

25. 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.
26. 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

27. 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

28. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
   
   a. Deep planting of setback areas;
   
   b. Planting of the footpath with trees, using appropriate species with regard to any site constraints.
   
   c. 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.
   
   d. A screen fence must be provided to the side boundary 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.
   
Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

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

Sediment and Erosion Control

30. 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).

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. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

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 phone 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).

Health

35. Premises intended to be used for non-higher risk personal appearance services, such as hairdressing and/or beauty therapy must comply with the requirements of the Public Health (Infection Control for Personal Appearance Services) Act 2003 and the Infection Control Guidelines for Personal Appearance Services 2004.
36. The proprietor of premises used for non-higher risk personal appearance service must notify Council's Public Health Unit within 30 days of commencement of operation.

37. Premises intended to be used to carry out higher risk personal appearance services must designed and constructed in accordance with Part 15 of the Queensland Development Code.

38. Prior to carrying out higher risk personal appearance services, the proprietor must hold a current Licence issued under the Public Health (Infection Control for Personal Appearance Services) Act 2003.

39. 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.

40. 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.

41. 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.

42. 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.

43. Noise from air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).

Amalgamation Required

44. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 1 to 3 on SP105932 into one lot. The Plan of Survey must be
registered with the Department of Natural Resources and Water at the applicant's/owner's cost prior to Commencement of Use.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<table>
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<tr>
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<th>Concurrence Agency Reference</th>
<th>Date</th>
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<td>214/6504/102(2525.02)</td>
<td>27 March 2009</td>
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Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

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

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

3. Supporting documentation outlining the required information for the Dewatering Report is attached to this Development Approval. Further information can be obtained from Council's Environmental Protection Unit on (07) 4044 3044.

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


6. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.

carried
FORSYTH / COCHRANE

That Council approve the development application for Outdoor Sport & Entertainment (Regional Tennis Centre) over land described as Lot 317 on NR7749, located at 358 – 368 Sheridan Street, Cairns North, subject to the following:

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

<table>
<thead>
<tr>
<th>Drawing or Document</th>
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<td>Tennis Facility Project Plan</td>
<td>21692-SK14B Rev C</td>
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<td>Proposed area of fill</td>
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<td>Ground Floor Plan – Option 4</td>
<td>1744 S6</td>
<td>26/03/2009</td>
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<td>First Floor Plan – Option 4</td>
<td>1744 S7</td>
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<td>Layout Plan</td>
<td>21692-SK19 Rev A</td>
<td>Feb 2009</td>
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<tr>
<td>Example of Shade Structure</td>
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</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.
Elevation Plans

3. The applicant is to submit elevations of the proposed development.

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

Height of Shade Structure

4. The height of the shade structure is not to exceed 15m.

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 $9,979.27 (2.18 ERAs).

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

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 $6,789.75 (2.18 ERAs).

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

Water Supply and Sewerage Works Internal

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

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

b. Relocate the existing sewer within the site such that the sewer is a minimum of 1.5 metres away from any hard court playing surfaces 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.
Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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

Inspection of Sewers

8. CCTV inspections of 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 deemed to be caused by the works associated with this development must be rectified to the satisfaction of the Chief Executive Officer at the developer’s cost prior to Commencement of Use.

Damage to Infrastructure

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

Water Saving

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

Refuse Storage

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

Vehicle Parking

12. The amount of vehicle parking must be a minimum of 70 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.
13. The parking layout must comply with the Australian Standard AS2890.1 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 physical speed control device located at the entrance/exit to the parking area must be retained and maintained;
   
   c. 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.

Protection of Landscaped Areas from Parking

14. 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

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 Sheridan Street frontage.

Bicycle Parking

16. 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 30 spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

17. 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.

18. At no time shall external lighting create straight parallel lines of lighting that is 500m to 1,000m long. Buildings and structures are to have non-reflective cladding. Upward shining lights, flashing or sodium lights are not permitted at any time.
19. Lighting must not exceed the maximum intensity of illumination of 50 Candela measured at 2 metres above the horizontal.

External Works

20. Undertake the following works external to the land at the developer’s cost:

   a. Construct a 2.0 metre wide concrete footpath to Sheridan & Lily Street 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. Construct full width bitumen widening to the northern side of Lily Street and the Lake Street road frontages;

   c. Relocate power poles at the front of the subject land to behind the kerb or within blister islands – as required along the Lily Street Road frontage;

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

   e. Construct tree guard around the existing trees in the road reserve;

   f. 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.

   g. Construct kerb and channel to Lily Street;

   h. Line mark parking spaces in front of and adjacent to the subject land along the Lily Street Frontage;

   i. Relocate/erect traffic/parking signs outside the subject land

   j. Extend the existing culvert under CH 372 Lily Street adjacent to the subject land.

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.

Acid Sulfate Soil Investigation

21. Undertake an Acid Sulfate Soil investigation in the area to be affected by this development if filling and/or excavation proposed is to an extent that invokes the Potential or Actual Acid Sulfate Soil Material Code. Soil sampling and analysis must be undertaken in accordance with procedures specified in, ‘Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland’ (1998) or updated version of document produced by Department of Natural Resources and Water (DNRW – QASSIT), and State Planning Policy 2/02 - ‘Planning and Managing Development involving Acid Sulfate Soils’. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.


Above Ground Transformer Cubicles/ Electrical Sub-Stations

22. 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.

Stockpiling and Transportation of Fill Material

23. 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.
24. 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

25. 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

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

   a. An overall planting design for the whole site showing all species proposed;

   b. Planting of the footpath with trees, using appropriate species with regard to any site constraints.

   c. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant’s Landscape Architect/Designer.

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

Lawful Point of Discharge

27. 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 Commercial / Industrial: CBD and Environs Area - Zone 1

28. All floor levels in all new buildings must be located above the Q100 flood immunity level of 2.9 metres AHD, in accordance with FNQROC Development Manual, the CBD environs Drainage Management Plan and Planning Scheme requirements.
Note that the Q100 flood level is the minimum allowable level and Council recommends a freeboard of 150mm to floor levels. Council’s current records indicate existing ground levels of approximately 3.2-3.3 metres AHD.

Sediment and Erosion Control

29. 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).

Advertising Signage

30. 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.

Crime Prevention Through Environmental Design

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

Health

32. 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.

33. 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.

34. 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.

35. 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.

36. Noise from air conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

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

ADVICE

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

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

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

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


carried
16. MATERIAL CHANGE OF USE - HOME BASED BUSINESS (HAIR DRESSER) – 54-56 THOMSON ROAD EDMONTON – DIVISION 2..198
Kelly Barnes : 8/8/1081 : #2012834

LANSKEY / GREGORY

That Council approve the development application for Home Based Business (Hair Dresser) over land described as Lot 1 on RP729614, located at 54-56 Thomson Road Edmonton, subject to the following:

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

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<td>Site Plan</td>
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<td>Floor Plan</td>
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<td>Side Elevation</td>
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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.

Signage

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

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

The parking layout must be designed in accordance with Australian Standard AS2890.1 1993 Parking Facilities - off street car parking, except as varied with the consent of the Chief Executive Officer.

Parking Signage

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

Hours of Operation

6. The use must only be conducted during the approved hours which are as follows:

   8:00am – 6:00pm Monday – Friday
   8:00am – 3:00pm Saturday
   and not at all on Sunday or Public Holidays.

Noise Emissions

7. Noise from either air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).

8. The proposed use is limited to a maximum of 50m² of floor area.

ADVICE

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

2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.


carried

17. MATERIAL CHANGE OF USE (CODE ASSESSMENT) - ILLUMINATED TENNIS COURT – 19 ALLINGA CLOSE, BENTLEY PARK – DIVISION 2

L Beaton: 8/7/1562: #1999380

LANSKEY / LESINA

That Council approves the Material Change of Use (Code Assessment) application for an Illuminated Tennis Court on land described as Lot 11 on SP127927 located at 19 Allinga Close, Bentley Park, subject to the following:

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

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

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<th>Drawing or Document</th>
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<td>Site Plan</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.
Landscaping and Screening

3. Landscaping with dense screening qualities must be planted in the vicinity of the tennis court to provide an effective visual screen in order to eliminate or substantially reduce the impact of the floodlights on neighbouring properties.

Lighting and Illumination Levels

4. Illumination levels parallel to and at a distance of 1.5 metres outside the site for a height of 10 metres must not exceed 8 lux in either the vertical or horizontal plane. All lighting to be purely down facing lights with backshields as detailed in the report.

Shading Devices

5. The floodlights must be provided with shading devices to eliminate or substantially reduce the impact of the floodlighting on neighbouring properties.

Hours of Operation

6. The floodlights must not be used after 10.00 pm.

Use of Tennis Court

7. The tennis court must only be used in association with the primary residential use of the land and not for any commercial purpose.

Lawful Point of Discharge

8. 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.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse two (2) years from the day 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 relevant Local Laws and statutory requirements.

3. This approval is solely for the tennis court lighting and does not approve other aspects of the proposed development. All aspects of the proposed development require a Development Permit for Building Work.

carried


C S Garner : 8/7/1520 : #1945137

COOPER / COCHRANE

That Council approve the development application for Multi Unit Housing over land described as Lots 3 and 12 on RP857592, located at 387-393 Kamerunga Road, Redlynch, subject to the following:

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

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan</td>
<td>07060 01A (as amended by Condition 3)</td>
<td>30 November 2007</td>
</tr>
<tr>
<td>Grd. Floor Plan, Elevation &amp; Section</td>
<td>07060 02A (as amended by Condition 3)</td>
<td>30 November 2007</td>
</tr>
<tr>
<td>Floor Plan &amp; Elevation</td>
<td>07060 03 A (as amended by Condition 3)</td>
<td>30 November 2007</td>
</tr>
<tr>
<td>Site Plan – Information Request</td>
<td>07060 04 A (as amended by Condition 3)</td>
<td>30 November 2007</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 building must amended to accommodate the following changes:

   a. To provide fixed louvre screens to the balcony areas of the first, second and third floors of the western elevation to inhibit overlooking of the neighbouring residential properties;

   b. articulate the roof profile to add visual interest and break up the bulk of the roof design;

   c. design the roof to act as a ‘hat’ for the building. Include wide eaves to shade exterior walls and outdoor rooms incorporating structural supports to add striking architectural detail;

   d. include awnings over windows that are subject to direct sun light;

   e. include roof ventilators at the highest point of the roof and vented gables to assist in cooling the roof cavity;

   f. minimise large areas of glass along western elevations;

   g. maximise the number of south and east orientated windows to capture prevailing breezes;

   h. units to be designed (where possible) to incorporate openings at opposing sides to enable cross ventilation through dwellings;

   i. incorporate louvers, batten screens or bi-fold doors to outdoor rooms that can be adjusted to manipulate the climatic conditions and maintain privacy;

   j. block walls are to be rendered and painted in light and bright colours appropriate for the tropics and must incorporate a mix of building materials such as chamfer board, corrugated iron or mini orb over blockwork to provide visual interest and to continue to the use of materials consistent with Cairns Queenslanders;
i. construct awnings of timber and metal sheeting to enhance the architectural detail of the building;

j. incorporate louvers or casement windows (where appropriate) to add texture;

k. provide detailed balustrades with materials and elements that complement and reference traditional housing;

l. incorporate timber batten screens to provide privacy, texture and visual interest.

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

Water Supply Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $43,344.34 (11.4 ERAs).

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

Wastewater Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $60,797.88 (14.2 EDCs).

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

Road Network Contributions

6. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision and upgrading of the road network.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $99,767.44 (18.25 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

7. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of Community Purpose Infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $22,698.00 (58.5 EPs).

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

Stormwater Quality

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $2,571.33 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

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. On the present method of calculation, the contributions are $3,600.00.

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

Drain Realignment

10. The plan must be amended to show all earthworks to be carried out to the earth drain as entirely located within the subject site;

Or

Approval must be obtained from the Department of Environment and Resource Management prior to works being carried out to realign the
existing drain within the adjoining park, this to be considered under the provisions of the Land Act 1994.

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

Water Supply 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. Ensure that the proposed building is located such that the existing 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; or

d. Replace the existing sewer main under or within 1.5 metres of the building and within the zone of influence of the footings and foundations with uPVC sewer pipe class SN8.

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

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

Sewer Easement

12. Create an easement in favour of Council having a nominal width of 3 metres over the existing 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 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 Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Water & Waste, 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.

Bin Enclosure

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

Vehicle Wash Bay

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

Vehicle Parking

19. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 42 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and
good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked and the driveway serving the parking area must include a physical means of speed control at the exit point as indicated on the approved plans.

Protection of Landscaped Areas From Parking

20. 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

21. 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 Kamerunga Road frontage.

Bicycle Parking

22. 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 10 spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

23. 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

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

   a. Construct a 2.0 metre wide concrete footpath to Kamerunga Road frontage in accordance with FNQROC Development Manual Standard Drawing 1035;

   b. Provision of concrete crossover(s) and apron(s) in accordance with FNQROC Development Manual Standard Drawing 1015;

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 approval and dating of the Building Format Plan.

Acid Sulfate Soils – Pool Disturbance

25. The pool excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest ‘Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland’ produced by the Department of Natural Resources and Water, and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRM ‘Queensland Acid Sulfate Soil Technical Manual’.

Lawful Point of Discharge

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

Sediment and Erosion Control

27. 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).

Demolish Structures

28. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to approval and dating of the Building Format Plan.

Landscaping Plan

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

   a. Deep planting of setback areas;
b. The location and species of existing street trees, with an indication as to whether each tree is to be retained or removed and any new planting of the footpath, using appropriate species.

c. Plantings to give protection to western walls.

d. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant’s Landscape Architect/Designer.

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

Screen Fence

30. A screen fence must be provided to the side and rear boundaries of the subject land. The fencing must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Street Fencing

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

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

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

External Colours

32. The exterior colour scheme of the building must harmonise with the existing streetscape.

Details of the proposed colour scheme must be submitted at the time of lodgement of a Development Application for Building Works and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works.
Air-conditioning Screens

33. 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 approval and dating of the Building Format Plan.

Lockable Storage

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

Details of Development Signage

35. The development must provide clear and legible signage incorporating the street number for the benefit of the public. Details of the design and location of proposed signage are to be submitted prior to the issue of a Development Permit for Building Work.

Construction Signage

36. 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 phone 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

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

Noise from Air Conditioning

38. Noise from air conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).
Swimming Pool Water

39. 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

40. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lot 3 and Lot 12 on RP857592 into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Water at the applicant's/owner's cost prior to Commencement of Use.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<table>
<thead>
<tr>
<th>Concurrency Agency</th>
<th>Concurrence Agency Reference</th>
<th>Date</th>
<th>Council Electronic Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Main Roads</td>
<td>214/647/102 (658.02)</td>
<td>19 January 2009</td>
<td>1948076</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. 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.


carried
PYNE / LANSKEY

That Council approve the development application for Retirement Village over land described as Lot 221 NR1861, located at 40-48 Progress Road White Rock, 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>
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<tr>
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<tbody>
<tr>
<td>Floor Plan</td>
<td>TP02 Rev B</td>
<td>02/04/2009</td>
</tr>
<tr>
<td>Elevations</td>
<td>TP03 Rev B</td>
<td>02/04/2009</td>
</tr>
<tr>
<td>Cover (Illustrations)</td>
<td>TP00 Rev B</td>
<td>02/04/2009</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.

Water Supply Contributions

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

   Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $113,598.42 (34.7 ERAs).

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

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $131,831.19 (47 ERAs).

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

Road Network Contributions

5. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision and upgrading of the road network.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $125,734.31 (23 ERAs).

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

Community Purpose Infrastructure Contributions

6. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of Community Purpose Infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $12,597.00 (57 EPs).

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. On the present method of calculation, the contributions are $1,894.46 for Stormwater Mitigation.

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. On the present method of calculation, the contributions are $6,513.60 for Stormwater Quality.

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. On the present method of calculation, the contributions are $2,500.

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

Air-conditioning Screens

10. 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 & Sewerage Infrastructure Plan

11. An updated water supply and sewerage infrastructure plan and supporting information including hydraulic network analysis must be submitted demonstrating how the development will be serviced by Council's Infrastructure. In particular the plan must:-

a. Identify external catchments that will be connected to the internal sewer or water networks;

b. Identify any trunk infrastructure external to the development that may require upgrading to accommodate the development;

c. Be consistent with the White Rock Sewerage Scheme and sewer layout currently being designed by Council.

The water supply and sewerage infrastructure plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.
Water Supply and Sewerage Works External

12. The applicant/owner must undertake water supply and sewerage works external to the site to connect the subject land to Council’s existing water supply and sewerage infrastructure, in particular:-

a. The applicant/owner must carry out sewerage works to connect the subject land to Council’s sewerage infrastructure. The applicant must liaise with Water and Waste regarding the status of the design and projected timeframe for construction of the proposed sewerage scheme;

b. 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;

c. Construct a 100 mm water main along Fretwell Road to the eastern side of the proposed access road and along the proposed access road to the boundary of adjoining Lot 220 on NR4033.

d. Where sewer works are contained in adjoining property, obtain the written approval from the relevant property owners.

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. Sewer must be located a minimum of 1.5 metres away from the proposed buildings and clear of the zone of influence from the footings and foundations of any building/structure;

d. Construct sewers within the property to sewer adjoining Lot in accordance with the White Rock Sewerage Scheme and sewer layout.

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

The plan of works must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.
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 or approval and dating of the Building Format Plan, whichever occurs first.

Developer Credits for the Construction of Trunk Infrastructure

14. The cost of constructing Trunk Infrastructure must be agreed to by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works to construct the infrastructure. All trunk infrastructure, headworks or otherwise is subject to the applicant/owner entering into an infrastructure agreement with Council prior to commencement of detailed design.

Design and construction of trunk water and/or sewer infrastructure can be claimed against applicable water and sewerage contributions in accordance with Council’s Headworks Policy.

The agreement shall document the terms and conditions under which the infrastructure is to be built and how and when the applicant/owner is financially reimbursed.

Sewer Easement

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

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

Damage to Infrastructure

16. In the event that any part of Council’s existing 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 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.

Refuse Storage

18. 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.

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

Liquid Waste Disposal

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

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

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

Vehicle Parking

21. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 26 spaces. One of the spaces is to be allocated exclusively for ambulances close to the main entrance to the building. 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 maneuvering areas must be imperviously sealed, drained and line marked.

Protection of Landscaped Areas From Parking

22. 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

23. 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 Fretwell Road frontage.
Bicycle Parking

24. 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 17 spaces. The bicycle parking area must be constructed 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.

External Works

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

   a. Construct a road running along the full length of the site near the eastern boundary from Fretwell Road to the northern boundary of the site in accordance with the FNQROC development Manual. The design of the road shall include the following:

      i. 12.5m road reserve is to be provided along the full length of the Eastern Boundary of the site.

      ii. The Eastern most kerb and channel shall be provided 1.0m in from the Eastern Property boundary.

      iii. The trafficable carriageway is to be 7.5m wide.

      iv. The design of the carriageway pavement is to be based on the future potential traffic and is not to be less than that of a minor collector standard, as defined by Council's FNQROC development manual.

      v. A 4m verge shall be provided on the newly created road reserve and shall contain a footpath in accordance with Council's Standard drawing CCC S1035

      vi. Lighting in accordance with Council’s development manual Section D8. Lighting shall be based on the road's ultimate form being not less than a minor collector.

   c. Construct full width bitumen widening to the Fretwell Road frontage to a major collector standard. The design of the carriageway pavement is to be for a major collector standard, as defined by Council's FNQROC development manual. The carriageway width is to be a full 5m on the
development side plus accommodate a minimum 3m lane on the southern side;

d. Provision of concrete crossovers and aprons in accordance with FNQROC Development Manual Standard Drawing 1015;

e. Make good the kerb(s) at redundant crossover(s);

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

g. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

h. Construct kerb and channel to Fretwell Road;

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.

Dedication of Road Reserve

27. Once constructed, the road along the eastern boundary must be dedicated as Road Reserve at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Drainage

28. The applicant is to provide a revised plan of stormwater drainage works that show:

a. How the development may be drained in the future to ensure the drainage regime is generally in accordance with stormwater master planning as shown at Appendix 4; and

b. What additional infrastructure or what modifications to the existing drainage infrastructure shall be required to facilitate the future drainage regime.
The revised plans must be approved by Council prior to the commencement of works on site and must be constructed and completed prior to occupation of the building.

Above Ground Transformer Cubicles/ Electrical Sub-Stations

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

Acid Sulfate Soil Investigation

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


Construction Access

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

Stockpiling and Transportation of Fill Material

32. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.
Transportation of fill or spoil to and from the site must not occur within:

a. peak traffic times; or
b. before 7am or after 6pm Monday to Friday; or
c. before 7am or after 1pm Saturdays; or
d. on Sundays or Public Holidays.

33. Dust emissions or other air pollutants, including odours, do not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery & Plant

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

Landscaping Plan

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

Planting Design

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

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

c. A planting design which is in accordance with the FNQROC Development Manual including planting of street trees to Fretwell Road and Progress Road;

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

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

Hard Landscaping Works

a. Natural and finished ground levels including details of all retaining works;

b. Details of any perimeter, private yard or street fencing;
c. Protection of landscaped areas adjoining parking areas from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction;

d. Clothes drying areas screened from public view and have access to natural sunlight.

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

Wildlife

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

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

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

Notification of Vegetation Clearing

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

Lawful Point of Discharge

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

39. 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

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

Street Fencing

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

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

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

Details Of Development Signage

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

Advertising Signage

43. 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

44. 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

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

Health

46. 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.

47. 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.

48. 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.

49. 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.

50. Noise from air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).
CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

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

FURTHER ADVICE

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

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

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

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


carried

20. MATERIAL CHANGE OF USE – (IMPACT ASSESSMENT) - TAVERN EXTENSION – 6-8 GROVE STREET CAIRNS NORTH – DIVISION 7

..........................................................271


FORSYTH / BLAKE

That Council approve the development application for Tavern Extension over land described as Lots 1 & 2 on SP102690, located at 6 - 8 Grove Street Cairns North, subject to the following:
APPROVED DRAWING(S) AND / OR DOCUMENT(S)
The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

<table>
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<td>March 09</td>
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<tr>
<td>Proposed Covered Walkway</td>
<td>07039 02A</td>
<td>March 09</td>
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ASSESSMENT MANAGER CONDITIONS

1. The applicant/owner must at all times during development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
   a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
   b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual; and

   Except where modified by these conditions of approval.

Timing of Effect

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

Stormwater Quality

3. 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 $2,145.45 for Stormwater Quality.

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

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. Any redundant sewer infrastructure shall be decommissioned and removed;

c. Provide easement over any Council sewer or manhole located within the property.

The above works must be shown on a plan of works and 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.

Sewer Easement

6. Create an easement in favour of Council having a nominal width of 3 metres over the existing sewer manhole within Lot 2 SP102690 to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement document must be submitted to Council for the approval by Council’s solicitors at no cost to Council.

a. The approved easement document must be lodged and registered with the Department of Environment and Resource Management.

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.

9. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.
Liquid Waste Disposal

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

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

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

Vehicle Parking

11. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 51 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Protection of Landscaped Areas From Parking

12. 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

13. 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 Grove Street frontage.

Bicycle Parking

14. 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 20 spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

15. 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

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

   a. Construct full width asphalt widening to the northern side of the Grove Street frontage immediately adjacent to the site of the Tavern extension;

   b. Provision of concrete crossovers and aprons in accordance with FNQROC Development Manual Standard Drawing 1015;

   c. Make good the kerb(s) at redundant crossover(s);

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

   e. Construct tree guard around the existing trees in the road reserve. The tree guard is to include a 450mm wide maintenance strip in accordance with the FNQROC Standard Drawing S1000;

   f. 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.

   g. Linemark parking spaces in front of and adjacent to the subject land at Grove Street;

   h. Relocate/erect traffic/parking signs outside the subject land (and/or adjacent properties) where necessary as a result of the 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.

Street Lighting

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

18. Provide a means of speed control at the entry exit point to the carpark at the property boundary.

Above Ground Transformer Cubicles/ Electrical Sub-Stations

19. 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.

Construction Access

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

Stockpiling and Transportation of Fill Material

21. 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.

22. 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

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

Demolish Structures

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

25. Create an Access Easement to allow pedestrian access over Lot 2 SP 102690 in favour of Lot 1 SP102690, to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council.

The approved easement documents must be lodged and registered with the Department of Natural Resources and Water prior to the commencement of use.

26. Create an Access Easement to allow vehicle access and on-site manoeuvring over Lot 2 SP 102690 in favour of Lot 1 RP 735837, to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Water in conjunction with the Plan of Survey.

Landscaping Plan

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

   a. Deep planting of setback areas. In particular a dense screen of landscaping is to be provided along the western boundary adjacent to the existing multi unit housing;

   b. Planting of the footpath with trees, using appropriate species with regard to any site constraints.

   c. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant’s Landscape Architect/Designer.

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

Lawful Point of Discharge

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

30. 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

31. 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 constructed such that it prevents light spillage to adjacent properties and reduces noise impacts. The fencing must be completed prior to the Commencement of Use.

Street Fencing

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

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

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

Noise Ameliorative Measures

33. The applicant/owner must at all times ensure that the operation of the Tavern does not cause a nuisance to residents living in the adjacent or surrounding properties by implementing noise ameliorative measures as outlined in a Noise Impact Study. The Noise Impact Study is to be prepared by a suitably qualified acoustic professional and is to provide information detailing the noise impacts to adjacent residential properties, whether such noise complies with relevant legislation and the mitigative methods recommended to the buildings and property which ensure that adjacent and surrounding residential properties achieve internal noise limits in accordance with noise regulations. The Noise Impact Study is to be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

At the completion of the building works and prior to use within the new areas at the Tavern, tests should be carried out by a suitably qualified acoustic engineer which verify that adequate attenuation measures have been provided to ensure the noise limits inside noise-sensitive premises (i.e. adjacent residential buildings) is achieved. Written confirmation by the suitably qualified acoustic engineer is to be provided to Council prior to the
use of the Tavern extension verifying that noise limits specified are complied with.

34. Noise emanating from the car parking areas associated with loading activities and traffic movements in this facility must be attenuated to achieve the requirements for sensitive place (residence). The applicant/owner must submit an Acoustic Engineer's report demonstrating the ability of any proposed structures to achieve these requirements.

Plans and reports that ensure the above noise ameliorative measures are implemented into the design must be submitted and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

35. Noise from the mechanical equipment associated with the facility must be attenuated to achieve the requirements for sensitive place (residence). The applicant/owner must submit an Acoustic Engineer's report demonstrating the ability of the proposed structures to achieve these requirements, with particular respect to the location of plant and acoustic screening of plant.

Plans and reports that ensure the above noise ameliorative measures are implemented into the design must be submitted and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

36. The applicant/owner must prepare a Noise Management Plan to manage and control noise emissions from the premises while it is operating. In particular, the Noise Management Plan must include operational aspects relating to noise attenuation for the Tavern as outlined in the required Noise Impact Study. The Noise Management Plan must incorporate measures to reduce impacts to adjacent residents, including:

a. The management of the Tavern must take all reasonable precautions to control noise emissions to nearby residences by Patron use of outdoor areas;

b. Entertainment conducted at the Tavern is prohibited in any outdoor area;

c. Deliveries to any business on the subject site must not be made prior to 7.00 am and after 6.00 pm.

The Noise Management Plan must be complied with at all times. The Noise Management Plan is to be submitted and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.
Hours of Operation

37. The hours of operation of the Tavern extension are restricted to between 10:00 am and 12 midnight, seven days per week.

Details of Development Signage

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

Advertising Signage

39. 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

40. 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 respective phone contact numbers:-

   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

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

Health

42. 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.

43. 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.
44. 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.

45. 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.

46. Noise from air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1998.

Clearance Height

47. The proposed covered walkway is to be increased in height to ensure that the minimum clearance height required for service vehicles is provided.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

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

ADVICE

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

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

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


5. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.

carried

21. REQUEST TO CHANGE CONDITIONS - FOR MATERIAL CHANGE OF USE - MULTI-UNIT HOUSING – 89-91 ARLINGTON ESPLANADE, CLIFTON BEACH – DIVISION 10................................................... 295

Gary Warner 8/7/1041 #2051584

LEU / COOPER

That Council refuse the request to Change Conditions of Development Permit Decision 8/7/1041 (Council Negotiated Decision date 16/6/2008) for Multi-Unit Housing over land described as Lots 10 & 11 on RP712039

Reasons

The proposed intensification from 28 to 36 units at this location requires additional five (5) car parking spaces. I am particularly concerned about the four (4) on public land, on the sea ward side of Arlington Esplanade frontage. This is identified on several maps including the Shoreline Erosion Management Plan (SEPP) of Clifton Beach, within an erosion prone area.

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

BONNEAU / FORSYTH

That Council approves the request to Change Conditions of Development Permit Decision 8/7/1041 (Council Negotiated Decision date 16/6/2008) for Multi-Unit Housing over land described as Lots 10 & 11 on RP712039, subject to the following:
Previous Drawings | New Drawings (all as amended to accord with Condition 12 herein)
--- | ---
CB 001 Ground / Semi Basement | A1.03 Building A Basement Plan
A1.04 Building A – Ground Floor
A1.08 Building B – Ground Floor
CB 002 Level 1 Plan | A1.05 Building A – Level 1
A1.09 Building B – Level 1
CB 003 Level 2 Plan | A1.06 Building A – Level 2
A1.10 Building B – Level 2
CB 004 Level 3 Plan | A1.07 Building A – Level 3
Delete
CB 004 Level 4 Plan | CB 005 Roof Plan (As Before)
CB 005 Roof Plan | CB 006 Elevations (Read with A2.01 and A2.02)
CB 006 Elevations | CB 007 Elevations (Read with A2.01 and A2.02)
A2.01 Building A Elevations
A2.02 Building A Elevations
CB 008 Sections | CB 008 Sections (As Before)
CB 009 Material Finishes | CB 009 Material Finishes (As Before)
CB 010 View from Arlington Esp | As Before
CB 011 View from Internal Courtyard | As Before
CB 012 View from Guide Street | As Before

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

   Except where modified by these conditions of approval
Timing of Effect

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

Water Supply and Wastewater Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are $64,804.82 (13.8 ERAs) $70,128.54 (14.6 ERAs) for water, and $73,782.60 (17.2 EDCs) $86,493.21 (18.8 EDCs) for sewerage.

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

Road Network Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are $112,137.27 (22 ERAs) $131,201.02 (24 ERAs).

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

Stormwater Mitigation

5. Pay a monetary contribution to Council in accordance with Council’s Trunk Infrastructure Contributions Policy towards the provision or augmentation of stormwater drainage services (Deadmans Gully/Clifton Beach DMP).

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are $1428.09 for Stormwater Mitigation.

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

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are $1296.27 for Stormwater Quality.

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

Community Purpose Infrastructure Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are $34,068.00 (68 EPs) $45,090.00 (90 EPs).

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, estimated total contributions are $4,200 $5400.00.

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

Water Supply and Wastewater

9. The applicant/owner must undertake the following water supply and sewerage works internal to the subject land, in particular:-

   a. The development must be serviced by a single internal water service and sewer Property Connection Branch (PCB).

   b. The sewer Property Connection Branch (PCB) must be located clear of all buildings, structures and driveways. Existing sewer PCB’s not retained and used must be decommissioned.
c. If an existing sewer Property Connection Branch (PCB) is to be retained for use in the development but is inadequately sized to service the development, it must be upgraded.

d. Sub metering to be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Act 2000.

All works must be designed and constructed in accordance with the FNQROC Development Manual and other relevant Regulations.

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.

10. No works shall be carried out on or connections made to existing water supply or sewerage infrastructure without the prior written approval of Cairns Water.

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

Vehicle Parking

12. The amount of vehicle parking must be as specified in Council's Planning Scheme (2009 Amendment) which is a minimum of 49 54 spaces made up as follows:

a. 36 spaces allocated one to each unit;

b. 9 on site spaces for visitor parking (readily accessible to visitors and signed and marked accordingly;

c. 9 further spaces on site; and/or alternatively reduce the number of units to ensure that all parking required for the development is confined to the site.

Parking and circulation areas must comply with the relevant Australian Standards. This includes ramp grades and transitions.

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

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

Protection of Landscaped Areas from Parking

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

Basement Parking

15. Submit a report prepared by a qualified and experienced, registered engineer on the basement parking and a separate report prepared by a qualified and experienced hydrologist on the dewatering process. Both reports must be endorsed by the Chief Executive Officer prior to commencement of any works on the site.

a. The basement parking report must include, but is not limited to the following:

   i. Construction techniques;
   ii. Techniques to imperviously seal the basement; and
   iii. Method of basement ventilation.

b. The dewatering report must include, but is not limited to the following:

   i. Method of water extraction pre and post development and the layout of the dewatering pumps and pipelines;
   ii. Water quality;
   iii. Lawful discharge of water; and
   iv. How the results (being the form & frequency) will be reported to Council.

c. The access to the basement parking area must be designed to prevent 100 year ARI flood waters from entering the basement parking area and must have a minimum vertical clearance of 2.1 metres.

Bicycle Parking

16. 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

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

a. Construct a 2.0 metre wide concrete footpath to both Street frontages;

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).

c. Upgrade Guide Street to an Access Street Standard, inclusive of all infrastructure required to service the development, in accordance with Council’s FNQROC Development Manual, for the full length of the road fronting the site;

d. Provision of concrete crossovers and aprons in accordance with CCC Drawing S1015 from the FNQROC Development Manual; and

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

Landscaping Plan

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

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

b. The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs.

c. Planting of the footpath with trees, using appropriate species with regard to any site constraints.

d. The provision of shade trees.

e. Landscaping of required setback area.
f. Inclusion of all requirements as detailed in other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant’s Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. Areas to be landscaped must be established prior to Commencement of Use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

Local Drainage Study and Lawful Point of Discharge

19. Undertake a local drainage study of the site and surrounds to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:

   a. The contributing catchment boundaries;

   b. The extent of the 100 year ARI flood event in relation to the site both pre and post development;

   c. Primary and secondary flow paths for the 5, 20, 50 and 100 year ARI flood events;

   d. Obtain a “discharge approval' as reoffered to in QUDM Section 3.03 to satisfy achieving a legal point of discharge.

   e. The study must also identify the need and location of any drainage easements to convey stormwater to the lawful point of discharge.

   f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.

   g. The study must address the requirements of the Deadmans Gully/Clifton Beach Drainage Management Plan.

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

The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.
Sediment and Erosion Control

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

Water Saving

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

Lockable Storage

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

Refuse Storage

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

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

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.

Details of Development Signage

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

Advertising Signage

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

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

Crime Prevention through Environmental Design

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

Above Ground Transformer Cubicles/ Electrical Sub-Stations

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

Under Grounding of Electricity Supply

31. 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 and are to be completed prior to Commencement of Use.

32. Prior to Commencement of Use, the applicant/owner must submit to Council a letter from Ergon Energy, or details of alternative arrangements for the works, stating that satisfactory works have been completed for the provision of:

a. an underground electricity supply to the development; and

b. street lighting in accordance with the requirements of the FNQROC Development Manual; and

c. locating of all above ground transformer cubicles clear of footpath areas.

Acid Sulfate Soils – Basement/Pool Disturbance

33. The basement/pool excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the
latest ‘Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland’ produced by the Department of Natural Resources and Mines, and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRM ‘Queensland Acid Sulfate Soil Technical Manual’.

Acid Sulfate Soil Investigation

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


Perimeter Fencing

35. Unless otherwise agreed in writing with neighbouring property owners, construct a screen fence (minimum height 1.8 metres and maximum gap of 10mm) to the side and rear boundaries of the subject land. The fencing must be consistent in terms of design and materials with other fences in the locality. The cost of any new fencing, including any required resurvey and relocation of fencing on adjoining land, is to be borne by the developer.

Details of the perimeter fence or alternative written agreements with neighbouring property owners must be provided to, and endorsed by, the Chief executive officer in association with Council’s assessment of the Landscape Plan.

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

Health

37. Noise from either air conditioning units, swimming pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).

38. Swimming pool water quality must be maintained so that it meets the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines at all times.

Stockpiling and Transportation of Fill Material

39. 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:

- peak traffic times; or
- before 7am or after 6pm Monday to Friday; or
- before 7am or after 1pm Saturdays; or
- on Sundays or Public Holidays.

40. Dust emissions or other air borne pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties during construction.

Minimum Fill and Habitable Floor Levels

41. All floor levels in all buildings must be located 150 mm above the Q100 flood immunity level of 184 metres AHD, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.
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 phone contacts):

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

Air-conditioning Screens

43. 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.

ADVICE

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

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

3. Supporting documentation outlining the required information for the Dewatering Report is attached to this Development Approval. Further information can be obtained from Council’s Environmental Protection Unit on (07) 4044 3044.

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

6. 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 with Councillors Leu and Cooper voting against the motion.*

**22. REQUEST TO EXTEND CURRENCY PERIOD – MATERIAL CHANGE OF USE (CODE ASSESSMENT) - 3 MULTIPLE DWELLING UNITS – 25 MURPHY STREET, PORT DOUGLAS – DIVISION 10 .................327**

Leon Doutre : 8/38/2: #2037283

**LEU / FORSYTH**

That Council refuse an extension to the currency period for the Development Permit TPC 1185 issued 19 April 2005 (by the former Douglas Shire Council) for Multiple Dwelling Units at 25 Murphy Street, Port Douglas, on the following grounds:

1. The current approval is in conflict with the desired outcomes for the Port Douglas & Environs Locality Code under the current Planning Scheme.

2. The current approval is in conflict with the desired outcomes for the Residential 1 Planning Area Code under the current Planning Scheme.

*carried*

Cr Pyne left the meeting 11:14 a.m.
Cr Pyne returned 11:18 a.m.

**23. LOT RECONFIGURATION - 2 LOTS INTO 45 LOTS (COMMON PROPERTY, OPEN SPACE & ROADS) – CAPTAIN COOK HIGHWAY, CLIFTON BEACH – DIVISIONS 9 & 10.................................................335**

J Elphinstone : 8/13/1278 : #1621610

**BONNEAU / LEU**

That Council approves the Development Application for Reconfiguring a Lot over land described as Lot 1 on RP731761 and Lot 1 on RP731765, located at Captain Cook Highway, Clifton Beach, subject to the following:
APPROVED DRAWING(S) AND / OR DOCUMENT(S)

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

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parawina Pty Ltd, Reconfiguration of a Lot, Sheet 3, Overall Layout</td>
<td>CONICS (Cairns) Pty Ltd Drawing 8517-26 Issue F</td>
<td>7 May 2009</td>
</tr>
<tr>
<td>Clifton Beach Reconfiguration, landscape screening Detail, Parawina Pty Ltd</td>
<td>CAB Consulting Pty Ltd</td>
<td>August 2008</td>
</tr>
<tr>
<td>Clifton Beach, Captain Cook Highway, Parawina Group, Reconfiguration Submission, Landscape Plan</td>
<td>CAB Consulting Pty Ltd</td>
<td>As submitted to Council on 22 September 2008 (Council document reference 1837219)</td>
</tr>
<tr>
<td>Sketch and Photograph Details of Boardwalk</td>
<td>Unreferenced</td>
<td>As submitted to Council on 22 September 2008 (Council document reference 1837219)</td>
</tr>
</tbody>
</table>

ASSESSMENT MANAGER CONDITIONS

Assessment Manager Conditions

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-

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

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

   Except where modified by these conditions of approval.

Timing of Effect

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

Amended Plan

3. The proposed development must be redesigned to accommodate the following changes:
a. Limit of the developable land of proposed Lot 90 to areas beyond the 10 metre setback from the top of banks of the existing Creek;

b. The deletion of the reference to proposed Lot 90 as a “Pavilion Lot;” and

c. Demonstrate a no-worsening condition to all adjacent properties to the development or suitably modify the development to achieve a no-worsening effect. In particular Council notes the impact on adjacent properties upstream of Site 2 and adjacent to Sites 6 & 7, as detailed in the Clifton Beach, Deep Creek, Cairns, Flooding investigate report prepared by Cardno Lawson Treloar dated September 2007 (Job No. J8715/R1).

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

Boardwalks

4. The boardwalks must:

   a. Comply with all relevant standards, such as Disability Discrimination Act 1992, Australian Standards, Cairns Plan, FNQROC Development Manual and Building Regulations;

   b. Have appropriate shared and disabled access and be appropriately transitioned to external paths/facilities;

   c. Be constructed of low maintenance materials;

   d. Be maintained in a safe and amenable manner;

   e. Be maintained with consideration to maintaining a high level of public access;

   f. Be provided with suitable illumination; and

   g. Be covered by an Easement in Gross in favour of Council.

The easement must be registered together with the signing and sealing of the Survey Plan.

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 $188,290.31 (39.2 ERAs).
Payment is required prior to approval and dating of the Plan of Survey.

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 $109,123.00 (37.0 ERAs).

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

Road Network Contributions

7. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision and upgrading of the road network.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $202,268.24 (37.0 ERAs).

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

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 $7,800.00 ($200 / Lot).

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

Stormwater Quality

9. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the improvement of Stormwater Quality.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $34,595.45 for Stormwater Quality.

Payment is required prior to approval and dating of the Plan of Survey.
Community Purpose Infrastructure Contributions

10. Community Purpose Infrastructure Contributions

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 $55,611.00 (111 EPs).

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

Water Supply & Sewerage Infrastructure Plan

11. An updated water supply and sewerage infrastructure plan and supporting information including hydraulic network analysis must be submitted demonstrating how the development will be serviced by Council’s Infrastructure. In particular the plan must:-

a. Identify any reticulation and trunk infrastructure external to the subdivision that may require upgrading to accommodate the development;

b. Provide the Master Plan and staging of internal sewer and water infrastructure; and

c. Identify on the Master Plan population densities, demands and loadings for each lot and Super Lot.

The water supply and sewerage infrastructure plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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; and

b. Augment existing sewers downstream of the site, to the extent required to accommodate the increased flows generated by the development;

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

Three (3) copies of 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 approval and dating of the Plan of Survey.

Water Supply and Sewerage Works Internal

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

   a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;

   b. Sewerage pump stations shall be privately owned and maintained;

   c. Construct internal property sewers and private pump stations if required to connect individual premises to the property connection branch servicing the development;

   d. Water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Act 2000.

All the above works including internal property sewers and pump stations 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 approval and dating of the Plan of Survey.

Inspection of Sewers

14. CCTV inspections of all constructed sewers must be undertaken for all sewers that will become an asset of Council. An assessment of the CCTV records will be undertaken and any identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.
Damage to Infrastructure

15. 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.

Sewer Easement/s

16. Create an easement in favour of Council over the existing 225mm and 375 sewer rising main and other sewers that will be owned by Council within the site to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval by Council's solicitors at no cost to Council.

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

Developer Credits for Network Road Construction

17. The cost of constructing the elements of the network road, being the Intersuburban Connection (CCC) and more particularly the cost of the crossing of Deep Creek less the cost of road pavement and seal for that crossing distance, must be agreed to by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works to construct the road whereby:

a. An Infrastructure Agreement detailing the circumstances on which the monies will be reimbursed must be entered into prior to the issue of a Development Permit for Operational Works;

OR

b. The agreed costs of the network road can be claimed against applicable traffic contributions generated by the development. For any residual monies owed after the completion of the development, an Infrastructure Agreement detailing the circumstances on which the monies will be reimbursed must be entered into prior to approval and dating the Plan of Survey for the last stage of the development.
General External Works

18. Undertake the following external works:-

   a. The North – South Connector Road shall have a reserve of not less than 18m and shall have a pavement width of not less than 10m kerb to kerb (as defined in Council’s FNQROC Development Manual);

   b. Construct a roundabout at the intersection of the extension of Cottesloe Drive to the East-West highway link and North-South intersuburban connector road including street lighting, landscaping, line-marking and signage in accordance with the Department of Mains Roads, Road Planning and Design Manual (Chap 14), Manual of Uniform Traffic Control Devices (MUTCD) and Council’s Development Manual (FNQROC);

   c. The applicant is to provide a Channelised Right (CHR) turn intersection treatment on the Northbound leg of the intersuburban Connector Road, at the access into the South Precinct. In addition to this a slip lane must be provided on the South-bound portion of this intersection. All works are to completed at no Cost to Council.

   Alternatively,

   The applicant must demonstrate the appropriate treatment of the intersection in accordance with the relevant and current Standards. Council’s requirements for a detailed traffic report have been attached in Appendix 4;

   d. Provision of a 2.0 metre wide footpath is to be constructed on all Access Streets and higher order roads in accordance with Table D1.3 of Council’s FNQROC development Manual;

   e. The proposed intersection on the Northern boundary of the development is to be designed in accordance with the current and relevant design standards and submitted to Council for approval prior to the issue of a development Permit for operational works;

   f. Private Roads are to be separated and identifiable from the existing Council road network by a gate or similar. Vehicles entering the Southern Precinct must be able to enter and leave the private roads in a forward gear.

   Alternatively,

   If the private roads are developed to the standards outlined in Council’s Development Manual – FNQROC, no permanent measures of delineation are required; and
g. Provide a full detail design complete with costing and undertake construction of the crossing of Deep Creek. Credits will be available for this work in accordance with Condition 17.

The access road crossing over Deep Creek must be designed to have a minimum ARI 10 road year cross drainage capacity without overtopping the road. The access road crossing and any associated bridge/culvert works must not adversely impact on surrounding properties and must have zero afflux upstream or downstream of the subject land. The creek crossing is to be constructed to ensure that no flows overtopping the road satisfying the safety requirements for pedestrian/vehicle access in accordance with the Queensland Urban Drainage Manual.

If the cost of the crossing are less than or equal to the cost identified in Council’s Transport Network Plan (TNP) then payments will be made immediately available. If the costs of the works are greater than the contributions made available under the TNP then a partial payment of costs shall be made by Council up to the TNP costing of the crossing. Any balance amount will be payable through the terms and conditions identified in an infrastructure agreement – to be agreed to by both parties.

The details of the infrastructure agreement must be agreed to in-writing prior to any works associated with creditable infrastructure being constructed. Any works undertaken prior to agreement being reached will be done so at the applicants risk and expense.

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

Acid Sulfate Soil Investigation

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

Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRM – QASSIT: ‘Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland’ (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the

Temporary Vehicle Turnaround

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

Stockpiling and Transportation of Fill Material

21. 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.

22. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery & Plant

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

Construction Access

24. Vehicular access to the site for construction and demolition purposes must be provided from Captain Cook Highway only, unless authorised by the Chief Executive Officer.

Landscape Plan

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

a. Planting of the footpath with trees, using appropriate species with regard to any overhead powerline constraints;
a. Provide and maintain a minimum 5 metre wide landscape buffer within
common property and “Superlot C” adjacent to the site boundary
adjoining Lots 44-53 on RP 730674/730675.

This landscape buffer, which is to incorporate:

i) A minimum 2.5 metre high acoustic screen central within the buffer
where adjacent to any proposed new road; and

ii) Endemic native species, selected by the applicant’s landscape
architects in consultation with adjoining property owners.

The abovementioned works shall be undertaken in accordance with
plans and specifications to be submitted to and approved by the Chief
Executive Officer and shall be completed and fully established prior to
the commencement of any site works within 100 metres of the above-
listed adjoining properties.

b. The provision of shade trees, especially in parks;

c. Construction of a landscaping and if necessary a new common
boundary fence to the abuttal of Lots 51, 52 and 53 on RP730674, as per
the approved schematic landscape plan;

c. d. The rehabilitation of degraded riparian corridors;

d.e. For the purpose of filling lots for development no retaining wall is to be
constructed within two (2.0) metres of the boundary to a riparian
corridor. Any slope required within these areas should be suitably
battered and stabilised with vegetation; and

e.f. Inclusion of all requirements as detailed in other relevant conditions
included in this Approval, with a copy of this Development Approval to
be given to the applicant’s Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed
by the Chief Executive Officer prior to the issue of a Development Permit for
Operational Works. Areas to be landscaped must be established prior to
approval and dating of the Plan of Survey and must be maintained for the
duration of the on-maintenance period to the satisfaction of the Chief Executive
Officer.

Vegetation Clearing

26. Existing vegetation on the subject land must be retained in all areas except
those affected by construction of roadworks/access driveways and/or
installation of services as detailed on the approved plans as stated in this
approval. Any further clearing requires an Operational Works Approval.
Where any tree greater than 250mm diameter is removed, either for construction of roads/access driveways and/or the installation of services, the applicant is required to undertake replacement planting elsewhere on the site at a ratio of 5 new trees from every tree removed. Such replacement planting will comprise endemic species the same as or similar to the tree(s) removed and shall be undertaken within areas of the site to be approved by the Chief Executive Officer of the Cairns Regional Council, or their delegate, in consultation with community representatives, nominally the Combined Beaches Community Association.
Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

Buffer Around Vegetation

27. A minimum 2 metre wide buffer shall be provided around the vegetation to be retained. This buffer must consist of suitable fencing to ensure that machinery, equipment or construction materials are not stored or used within this area. This buffer is to be established prior to the commencement of any works on the site and must be maintained at all times for the duration of the construction to the satisfaction of the Chief Executive Officer.

Council’s Development Assessment Branch is to inspect the buffer prior to machinery, equipment or construction materials being delivered to the site.

Wildlife

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

Ant Plants & Removal of Protected Vegetation

29. An Ecoaccess approval must be obtained from the Environmental Protection Agency for:

a. The relocation of all specimens of Ant Plant (*Myrmecodia beccarii*) prior to the removal of any host trees. Ant Plants are listed as Vulnerable under both the *Nature Conservation Act 1992* and the *Environment Protection & Biodiversity Conservation Act 1999*; and

b. Prior to the clearing of vegetation and/or tree removal as plant species protected under the provisions of the *Nature Conservation Act 1992* are known to occur within the area covered by this development approval.
Information on Ecoaccess approvals may be obtained at www.epa.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of QPWS on Phone: 4046 6609.

Notification of Vegetation Clearing

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

Riparian Area Protection

31. Existing riparian corridors, being a setback of ten (10) metres from the top of the existing banks must be fully protected from development and must be temporarily delineated and fenced off to restrict building access for the duration of construction activity. With the exception of the ‘Future Intersuburban Connector (Developer)’ link road, the ‘Intersuburban Connection (CCC)’ link road, the north south internal private road link to Super Lot D and the adjacent individual lots and boardwalk construction no development is to occur within the riparian corridor.

Statutory Covenant for Environmental Purposes

32. A Statutory Covenant for Environmental Purposes (generally detailing all native vegetation is to be retained with the exception of overgrown grass and dangerous, diseased, dying or dead plants or branches), must be registered generally over the naturally vegetated areas of the proposed Common property, excluding the boardwalks. The Covenant is to be registered at the same time of registering of the Plan of Survey with the Department of Natural Resources & Water. The covenant is required to include the following clauses:

a. The covenantor must not use the land or undertake operational works or building works in a way that interferes with or destroys any endemic vegetation, including undergrowth and regrowth, in the covenant area;

b. The covenantor must not use the covenant area for construction of improvements or the erection of buildings or for storage of materials;

c. The covenantor must not alter the drainage patterns of stormwater across the land or impede natural flows;

d. The covenantor must not carry out any landscaping within the covenant area or allow the introduction of non-endemic plant species into the area;

e. The covenantor must allow free movement of all natural wildlife in the covenant area and not allow household pets to enter the area. For the movement of native fauna and for stormwater purposes, fences must have a 80% permeable area (such as post & rail type fencing, or post
and wire strand type fencing for side boundary fencing only. No fencing is permitted within the bed of the gully / creek. When fencing for domestic animals, pool type fencing must be constructed along the boundary between the rear of the garden and the front of the covenant area. This fence may include an access gate for pedestrian use only. Vehicles must not enter into the covenant area;

f. The covenantor may apply to the Council for a permit to remove vegetation that poses an immediate and severe hazard to the dwelling or the occupants of the lot;

g. The covenant area must be maintained in its natural state. Garden waste and any other waste must not be disposed of or stored within this area. Overgrown grass may be removed to minimise the fire risk. Other plant material, dead or alive must not be removed as this performs a habitat function in the ecosystem; and

h. Existing native and mature vegetation shall only be removed with the prior written consent of the Chief Executive Officer. All vegetation proposed for removal shall be marked by the applicant/owner and approved by Council Officers prior to being removed. Council’s Development Assessment Branch is to be notified of the proposed date of commencement of any approved vegetation clearing.

Weed Management

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

34. A vehicle wash down and inspection facilities for all machinery entering and leaving the site during construction must be provided to reduce the spread of invasive weed species.

Easements Over Creeks and Streams

35. A Drainage Easement containing all land below the top of the high bank and a ten (10) metre minimum wide strip adjacent to the top of the bank or the limit of the Q100 ARI event, whichever is the greater must be transferred free of cost to Council for Drainage Purposes. The land (reserve) must be transferred in conjunction with registration of the Plan of Survey.

Existing Creek and Drainage Systems

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

Plan of Drainage Works

37. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,

a. Drainage infrastructure in accordance with the FNQROC Development Manual

b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:

   i. End-of line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer’s performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.

   ii. SQIDs shall remove at least 95% of all foreign matter with a minimum dimension of 3mm and shall be configured to prevent re-injection of captured contaminants. The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the 3 month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.

   iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.

   iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.

   c. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event; and

   d. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).

Sediment and Erosion Control

38. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or
downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Existing Services

39. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
   a. Relocate the services to comply with this requirement; or
   b. Arrange registration of necessary easements over services located within another lot prior to or in conjunction with submission of the Plan of Survey creating the lot.

Electricity Supply

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

Electricity and Telecommunications

41. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to approval and dating of the Plan of Survey.

Street Lighting

42. The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the approval and dating of the Plan of Survey:
   a. Prior to the approval and dating of the Plan of Survey, a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.
The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:

Intersections
Pedestrian Refuges
Cul-de-sacs
LATM Devices (Including Roundabouts)

LATM Devices are to be shown on the civil layout design, the electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.

b. Prior to approval and dating of the Survey Plan, written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.

c. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two spans either side of the intersection to the relevant Lighting Category.

d. Where an existing intersection is required to be upgraded as part of a development approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two spans either side of the intersection to the relevant Lighting Category.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

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<thead>
<tr>
<th>Concurrency Agency</th>
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<th>Date</th>
<th>Council Electronic Reference</th>
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<tr>
<td>Department of Environment and Resource Management (formerly Environment Protection Agency)</td>
<td>321721</td>
<td>3 February 2009</td>
<td>1961505</td>
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<tr>
<td>Department of Employment, Economic Development and Innovation (formerly Department of Primary Industries and Fisheries)</td>
<td>NFC/140/000(956)</td>
<td>20 October 2008</td>
<td>1861545</td>
</tr>
<tr>
<td>Department of Transport and Main Roads (formerly Department of Main Roads)</td>
<td>158/20A/102(1497.02)</td>
<td>21 May 2008</td>
<td>1714292</td>
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</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. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.

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


5. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.

6. The subject site is located adjacent to a pest quarantine area declared under section 4(1) of the Plant Protection (Electric Ant) Quarantine Notice 2006. The Plant Protection (Electric Ant) Quarantine Notice 2006 places restrictions on the movement of electric ants and “high risk items” within and out of the pest quarantine area and places certain obligations and restrictions on land owners within the quarantine area. For further information on the Plant Protection (Electric Ant) Quarantine Notice 2006
consult either the Department of Primary Industries and Fisheries (21-23 Redden Street, Cairns), Council’s Land Protection or the following website: www.dpi.qld.gov.au

7. An Ecoaccess approval should be obtained, if necessary, from the Environmental Protection Agency prior to the clearing of vegetation and/or tree removal that involves damage or destruction of plant species protected under the provisions of the Nature Conservation Act 1992. Information on Ecoaccess approvals may be obtained at www.epa.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of QPWS on Phone: 4046 6609.

8. In the assessment of this application, and based upon information submitted in support of the application, Council has determined that only those sections of existing creeks/waterways adjacent to and upstream of the proposed boardwalk linking Cottesloe Drive to Hope St warrant reclassification as Category 4 waterways under the provisions of the Vegetation Conservation and Significant Waterway Code within Cairns Plan.

The balance of the creeks/waterways downstream of these points should remain under the current classifications as detailed on the relevant overlay within Cairns Plan.

9. Council confirms that the applicant/landscaper has given a commitment that any future development upon Superlot C shall be limited to residential dwelling units a maximum of 2 storeys in height, setback minimum of 5 metres from the adjoining boundary with Lots 44-50 on RP730674/730675.

The Council will be cognisant of this commitment at the time of assessment of any future application for development upon this land.

*carried*

24. OIL SPILL INCIDENT AND RESPONSE – 11 MAY 2009 – RAY FRY INVESTMENTS PTY LTD, TRADING AS NORSHIP 47-51 TINGIRA STREET PORTSMITH. .................................................................411

BLAKE / GREGORY

That the report be noted.

*carried*
25. CAIRNS REGIONAL GALLERY RESOURCE AND PERFORMANCE AGREEMENT .................................................................420
Leslie Sparkes 10/25/1: #2012839

BLAKE / COCHRANE

That Council:

a) approve the agreement, as listed on pages 424 to 429 of the agenda, with the Cairns Regional Gallery Ltd for the period 1 July 2009 to 30 June 2013, including annual funding of $831,444 (ex GST) indexed for cost increases in years two to four of the agreement; and
b) delegate authority to the Mayor and Chief Executive Officer pursuant to section 472 of the Local Government Act 1993 to finalise any and all matters in relation to the agreement.

carried

26. TRAFFIC SIGNAL UPGRADE ................................................................................................................................430
Allen Brennan:15/22/1: #2047138

BLAKE / BONNEAU

That Council:

a) note the report and the impending withdrawal, by 31 December 2009, of the Permitted Attached Private Line (PAPL) service which currently provides the communications link to traffic signals;

b) resolves in accordance with Section 486(1)(f)(i) of the Local Government Act 1993, to enter into an arrangements with and made by the Department of Transport and Main Roads (DTMR) with Telstra, Transmax and RoadTek to implement the Telstra IP Remote Telemetry solution to replace the current PAPL service for traffic signals on Council's local roads;

c) delegates authority to the Chief Executive Officer in accordance with section 472(2)(d) the Local Government Act 1993 to negotiate with the DTMR, RoadTek and contractors with which DTMR has established arrangements to implement the Telstra Remote Telemetry solution in accordance with the terms set out in this report.

carried
27. OIL PALMS - PORT DOUGLAS ROAD – DIVISION 10 (LATE AGENDA ITEM)..................................................................................................................435
Pieter Taylor: 15/28/1: #2059023

LEU / LANSKEY

That Council:

a) advise Ergon Energy that it will allocate funding in the 2010 / 2011 financial year to recompense Ergon Energy to undertake works to underground power on Port Douglas Road;
b) allocate funding in the 2010/2011 operational budget to fund this commitment.
c) Council delegate authority to the Mayor and Chief Executive Officer in accordance with Section 472 of the Local Government Act 1993 to finalise any and all matters associated with works to underground power on Port Douglas Road.

carried

GENERAL BUSINESS

1. ENVIRONMENTAL PROTECTION AGENCY

COOPER / FORSYTH

That Council raise with the Environmental Protection Agency they consider an increase in financial fines covered under the Environmental Protection Act 1994, Section 440ZG.

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

2. MOTOR HOME PARKING CITY

COCHRANE / BLAKE

Cairns Regional Council investigate the possibility of short term parking at Barlow Park for motor home parking.

carried
3. STATE AND FEDERAL FUNDING

COCHRANE / PYNE

Cairns Regional Council call a meeting (independently chaired) of Council, State and Federal representatives along with the Executive of Advance Cairns, TTNQ and Chamber of Commerce for Cairns and Port Douglas and all Councillors to discuss with State and Federal Representatives how this area can get an increase in funding.

carried

4. COURTHOUSE HOTEL ABBOTT STREET – JUDGES BENCH

LANSKEY / FORSYTH

That Council make representation to the State Government to have the Judges bench reinstalled at the Court House.

carried

CLOSED SESSION

BLAKE / LANSKEY

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

1. PREJUDICIAL MATTER - WITHOUT PREJUDICE CONSIDERATION FOR APPEAL MATTER - RECONFIGURING A LOT (2 LOTS INTO 49 LOTS) – OASIS DRIVE WONGA, 17L OASIS DRIVE WONGA – DIVISION 10 ........................................................................................................................................................................1
   J Elphinstone : 8/37/56 : #2053746

2. CONTRACTUAL MATTER – FUTURE MANAGEMENT – BABINDA, GORDONVALE, EDMONTON AND WOREE SWIMMING POOLS ............30
   Mark Seedhouse: MJS: 19/3/115-02: #2058286v2

3. CONTRACTUAL MATTER – PROPOSED PURCHASE OF LOT 101 ON SP118926, BEING 38 – 40 ABBOTT STREET, CAIRNS – DIV 5............45
   Lisa Giacomi: 19/3/3-81 - #2055108

carried
OUT OF CLOSED SESSION

COUNCIL RESOLVE TO MOVE OUT OF CLOSED SESSION

BLAKE / LANSKEY

carried

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

1. PREJUDICIAL MATTER - WITHOUT PREJUDICE CONSIDERATION FOR APPEAL MATTER - RECONFIGURING A LOT (2 LOTS INTO 49 LOTS) – OASIS DRIVE WONGA, 17L OASIS DRIVE WONGA – DIVISION 10 .......................................................................................1

J Elphinstone : 8/37/56 : #2053746

LEU / FORSYTH

A. That Council instruct its solicitors to negotiate the settlement of the Planning & Environment Court Appeal 109 of 2008 for Lot Reconfiguration (2 lots into 49 lots) over land described as Lot 2 on RP747733 & Lot 17 on SP118447, located at Oasis Drive, Wonga subject to:

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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<td>To be advised (see condition 3)</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 approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

Amendment to Design

3. The proposed layout plan must be amended to accommodate the following changes:
   
a. Modification/Conversion of proposed Lot 17 to create a widened vista to the Esplanade as a Park / Drainage Reserve;
   
b. Delete the annotation “Future Shopping Centre;”
   
c. Amendment to design to remove vehicular road connection between Oasis Drive and Marlin Drive;
   
d. Inclusion of a pedestrian / bicycle path through the Parks; and
   
e. Inclusion of all required drainage infrastructure works, to ensure no upstream and downstream impact, on the land.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to settlement of the appeal, lodgement of an application for a Development Permit for Operational Work.

Water Supply Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $622,154.62 (49.0 ERAs).

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

Wastewater Contributions

5. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy, in respect to the Waste Water Treatment plant (WWTP) Supplementary Planning Report and associated documentation, as currently being prepared by Cairns Regional Council towards the provision of sewerage infrastructure.
Contributions must be paid at the rates applicable at time of payment.

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

Open Space Contributions

6. a. An area of land equivalent to ten (10) percent of the gross developable area of the site must be transferred to the Crown for Public Use Land – Park in accordance with the Planning Scheme Policy. This area is to be a fair average of the type of land to be reconfigured and shall be filled, graded, and drained, and all declared pest plants to be destroyed and left in a mowable condition to the requirements and satisfaction of the Chief Executive Officer. Bollards to prevent vehicle access must also be installed as part of the physical land dedication. This area of land must be to the requirements and satisfaction of the Chief Executive Officer. The land must be transferred to the Crown at the same time as registering the Plan of Survey with the Department of Natural Resources and Water.

AND

b. The provision of a bicycle / pedestrian path, to the satisfaction of the Chief Executive Officer through the Parks. The park improvements must be completed prior to the approval and dating of the Plan of Survey for each of the respective stages containing Parkland.

AND

c. Where the area of land provided as Park is less than that required under (a) above then the applicant/owner is to pay the shortfall as a monetary contribution equivalent to the 10% of the Unimproved Capital Value of the created allotment/s in accordance with the Planning Scheme Policy less the area of Park provided and less the cost of works required under (b) above.

At the time of seeking approval and dating of the Plan of Survey, a security equivalent to the amount payable must be submitted to Council. This security can take the form of a cash bond or bank guarantee. The amount payable must be determined by an appropriately qualified property valuer and must be submitted to Council as supporting information when seeking endorsement of the Survey Plan.

The contribution payable must be made within three (3) months of the registration of the allotment/s.
Water and Sewerage

7. Prior to Operational Works submission the applicant must provide a water supply and sewerage infrastructure plan showing how the lots will be connected to Council’s infrastructure. The water supply and sewerage infrastructure plan must be endorsed by the Chief Executive Officer prior to submission of the Operational Works Application.

In particular the applicant/owner must provide the following:

a. Infrastructure plans for water and sewerage prepared in accordance with the Mossman Wastewater Treatment Plant (WWTP) Supplementary Planning Report and the Water Supply Planning Report for Division 10 currently being prepared for Council;

b. Hydraulic calculations for water supply to confirm that adequate pressures can be maintained to the entire development and that the existing network has sufficient capacity for the proposed development. The plan must show the size and material of the water mains and the point of connection to Council’s existing infrastructure; and

c. Calculations that demonstrate each allotment can be serviced and controlled by the proposed sewerage reticulation system.

Water and Sewerage Works External

8. The applicant/owner must undertake water supply and sewerage works external to the site to connect the subject land to Council’s existing water supply and sewerage infrastructure, in particular:-

a. The applicant/owner must carry out water supply and sewerage works to connect the subject land to Council’s water supply and sewerage headworks in accordance with an approved water supply and sewerage infrastructure plan. The applicant is required to liaise with Water and Waste regarding the projected timeframe for implementation of the sewerage; and

b. Augment existing water supply infrastructure to the extent necessary to accommodate the increased demand generated by the development.

All water supply and sewerage works must be designed and constructed in accordance with the FNQROC Development Manual.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Works.
Easements must be registered in conjunction with approval and dating of the Plan of Survey.

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

Water and Sewerage Works Internal

9. The applicant/owner must undertake the following water supply and sewerage works internal to the subject land, in particular:-

a. Construct a sewerage system of a type, as adopted in the Mossman Waste Water Treatment Plant (WWTP) Supplementary Planning Report, as being currently prepared by Cairns Regional Council;

b. The applicant/owner shall be responsible for sullage collection and disposal from the development to the approval of Water and Waste, until such time as external sewerage infrastructure is made available and commissioned for Wonga Beach;

c. Extend sewerage infrastructure such that each allotment is provided with a single internal sewer connection;

d. Extend potable water mains such that each allotment and park can be provided with a water connection at the lot frontage; and

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

All the above works must be shown on the plan of works to the requirements and satisfaction of the Chief Executive Officer as part of the application for a Development permit for Operational Works.

Water and Sewerage Headworks

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

The applicant/owner must obtain permission from the Chief Executive Officer for the construction of any headworks infrastructure. The extent of water and/or sewer infrastructure works for construction and value of developer’s contributions credit for such works must be determined by the Chief Executive Officer prior to the approval of a Development Permit for Operational Works.
Council and the applicant/owner shall enter into an Infrastructure Agreement. The agreement shall document to the satisfaction of both parties, but not be limited to, the terms and conditions under which the applicant/owner can expect refunds for partial costs of such works where the cost exceeds the value of any required contributions.

Inspection of Sewers

11. CCTV inspections of all constructed sewers must be undertaken for all sewers that will become an asset of Council. An assessment of the CCTV records will be undertaken and any identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.

Damage to Infrastructure

12. 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 developers cost, prior to the commencement of use.

Waste Water Disposal

13. Prior to the signing and dating of the survey plan the land must be either:

   a. Connected to Council’s reticulated sewerage infrastructure; or

   b. An alternative waste water treatment is provided to service all lots until the land is connected to Council’s reticulated sewerage infrastructure whereby:

      i. A plan for sullage collection and disposal is prepared to the satisfaction of the Chief Executive Officer and submitted prior to the issue of a Development permit for operational work;

      ii. All treatment works nominated in the approved plan under (i) above is provided; and

      iii. The applicant/owner agrees for a separate rate scheme to affect all future lots (excluding park lots) to cater for all maintenance costs of the proposed alternative waste water treatment.
Street Layout and Design

14. The street layout and design must be revised to comply with Queensland Streets and FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:

   a. Provision of 2.0 metre wide footpath is to be constructed within all Access Streets in accordance with Table D1.3;

   b. Provision of a 2.0 metre wide footpath is to be constructed adjacent proposed Lots 2 & 6;

   c. Make provisions within the proposed cul-de-sacs to ensure that each lot has been provided within 0.5 on street car parks for each lot in accordance with the requirements of Qld Streets.

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

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

General Works

15. Undertake the following works:-

   a. Upgrade drainage infrastructure to the west of the subject site generally in accordance with the drainage report submitted by Tate Engineering Report subject to any recommendations in a revised detailed drainage report.

   b. Provision of a 2.0 metre wide footpath is to be constructed through the park along the north west boundary of the subject site to connect in with the proposed minor road adjacent to Lots 44 & 45;

Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be submitted to Council and be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operation Works. Such work must be constructed in accordance with the endorsed plan prior to the approval and dating of the Plan of Survey.

Access to Hatchet or Battleaxe Lots

16. Construct a concrete driveway or other approved surface to proposed battleaxe Lot 10 extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with Council Standard Drawing S1015. Construction of the concrete driveway must be in accordance with Council Standard Drawing S1110.
Service Conduits

17. Provide service conduits to proposed Lot 10 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Earthworks

18. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event. The allotments are to have a minimum height of 3.4 metres AHD plus any hydraulic gradient effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Lawful Point of Discharge

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

Drainage Study of Site

20. Revise the submitted local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:

   a. Additional supporting information is to be provided to confirm the contributing catchments in the form of topographical and/or more detailed survey data;

   b. The extent of the 100 year ARI flood event in relation to the site both pre and post development;

   c. Primary and secondary flow paths for the 2 and 100 year ARI flood events;

   d. Provide detailed calculations to validate the assumptions of existing flowpaths and the capacity of existing drainage infrastructure where appropriate;

   e. Identify any requirement for drainage easements;
f. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;

g. The drainage outlet is to be designed by an appropriately experience and qualified Coastal Engineer;

h. Stormwater infrastructure is to be designed such that it is self cleaning in minor events;

i. A maintenance schedule and work method statement is to be provided for all proposed stormwater infrastructure; and

j. Demonstrate how external catchments are delivered to a Lawful Point of Discharge, in particular along the southern boundary of the subject site.

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

Plan of Drainage Works

21. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,

   a. Drainage infrastructure in accordance with the FNQROC Development Manual

   b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:

      i. End-of line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer’s performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.

      ii. SQIDs shall remove at least 95% of all foreign matter with a minimum dimension of 3mm and shall be configured to prevent re-injection of captured contaminants. The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the 3 month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.

      iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.
iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.

c. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event; and

d. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).

Sediment and Erosion Control

22. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Acid Sulfate Soil Investigation

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


Crime Prevention Through Environmental Design

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

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

Electricity and Telecommunications

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

Street Lighting

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

a. Prior to the approval and dating of the Survey Plan a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:
- LATM devices
- Roundabouts
- Pedestrian refuges
- Intersections

b. Prior to approval and dating of the Survey Plan, written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.
c. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, both the intersection and the existing road for two spans of lighting either side of the intersection shall be provided with lighting to the relevant Lighting Category.

Stockpiling and Transportation of Fill Material

28. 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:

i. peak traffic times; or
ii. before 7am or after 6pm Monday to Friday; or
iii. before 7 am or after 1pm Saturdays; or
iv. on Sundays or Public Holidays.

29. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery & Plant

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

Landscape Plan

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

a. Planting of the footpath with trees, using appropriate species with regard to any overhead powerline constraints;

b. The provision of shade trees, especially in parks; and

c. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant’s Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Areas to be landscaped
must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

Esplanade Protection

32. Any common boundaries with the adjacent Esplanade must be temporarily delineated and fenced off to restrict building access for the duration of construction activity.

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):-

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

ADVICE

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

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

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

5. 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.

B. The following notation will be placed on Council's future rates record in respect of the new lots (or detail lot numbers):

Effluent Disposal Prior to Connection to Council Infrastructure

1. All land owners are required to contribute to a Special rate scheme for the collection and disposal of waste water where the land is not connected to the Council's trunk infrastructure prior to the creation of the lot.

C. Council create a special rate scheme for the collection and disposal of waste water where the plan of survey is lodged for signing and dating prior to the connection of the land to Council's reticulated sewerage treatment services.

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

carried

2. CONTRACTUAL MATTER – FUTURE MANAGEMENT – BABINDA, GORDONVALE, EDMONTON AND WOREE SWIMMING POOLS ........30
Mark Seedhouse: MJS: 19/3/115-02: #2058286v2

Cr Cochrane declared she was no longer a member of YMCA and had no involvement in the tendering process.

PYNE / LESINA

That Council:

1. Award the tender for the lease of Woree Municipal Pool for the period 01/07/09 to 30/06/19 (contract 2173) to the YMCA. The contract will require a Council contribution of $271,363 (ex GST) per annum.

2. Award the tender for the lease of Edmonton Municipal Pool for the period 01/07/09 to 30/06/14 (contract 2174) to Red Tractor Pty Ltd. The contract will require a Council contribution of $118,000 (ex GST) per annum.

3. Award the tender for the lease of Gordonvale Municipal Pool for the period 01/07/09 to 30/06/19 (contract 2175) to the YMCA. The contract will require a Council contribution of $170,784 (ex GST) per annum.
4. Award the tender for the lease of Babinda Municipal Pool for the period 01/07/09 to 30/06/19 (contract 2176) to the YMCA. The contract will require a Council contribution of $133,881 (ex GST) per annum.

carried

3. CONTRACTUAL MATTER – PROPOSED PURCHASE OF LOT 101 ON SP118926, BEING 38 – 40 ABBOTT STREET, CAIRNS – DIV 5...........45

Lisa Giacomi: 19/3/3-81 - #2055108

BLAKE / COCHRANE

That Council:

1. Proceed with the purchase of Lot 101 on SP 118926 and enter into a contract for sale, subject to finance.

2. That Council negotiate with both State & Federal Governments for equal share funding.

3. Delegate authority to the Mayor and the Chief Executive Officer pursuant to section 472 of the Local Government Act 1993, to negotiate and finalise all matters relevant to the formation, conditions and administration of any contract arising from the proposal to purchase including settlement; and to negotiate and agree on any variations to conditions, including time and resolve disputes (whether by legal proceedings or otherwise) about the contract.

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

LESINA / PYNE

That Council;

• Not proceed with the purchase of Lot 101 on SP 118926, noting the contents of this report including implications of the acquisition; and

• That Council notify the sellers legal representative of this decision.

carried with Councillor Blake voting against the motion.
THE MEETING CLOSED AT 12:45 PM

CONFIRMED THIS DAY OF 2009

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MAYOR  CHIEF EXECUTIVE OFFICER