



MINUTES ORDINARY MEETING

6 MARCH 2024

9:00 A.M.

PRESENT: Cr T James (Chairperson)
 Cr R Coghlan
 Cr A Eden
 Cr B Moller
 Cr J Neal
 Cr M O'Halloran
 Cr B Olds
 Cr R Pyne
 Cr K Vallely
 Cr C Zeiger

OFFICERS:

M Martin	Chief Executive Officer
C Posgate	Director People & Organisational Performance
E Johnson	Director Planning Growth & Sustainability
M Wuth	Director Cairns Infrastructure & Assets
D Puia	Director Lifestyle & Community
L Whitton	Director Finance & Business Services
N Masasso	Director Economic Development & Advocacy
G Everson	Associate Director Service Delivery
A Combe	Executive Manager Marketing & Communications
P Rogato	Media Coordinator
A Turnbull	Executive Manager – Engagement
B Spencer	Executive Manager – Community Life
J Ritchie	Executive Manager - Finance
S Godkin	Minute Secretary

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CONFLICTS OF INTEREST

Cr Eden declared a declarable conflict of interest in Item 6 Community Partnerships Grant Round 10 due to a member of Team Eden being on the Management Committee for Redlynch Valley Community Group Inc. She did not believe a reasonable person could have a perception bias and therefore, she choose to remain in the meeting. However, she will respect the decision of the meeting on whether she can remain and participate in the decision.

PURPOSE OF MEETING

To consider the matters listed on the agenda.

MAYORAL MINUTE

1. FAREWELL TO CR MAX O'HALLORAN

JAMES

Cr Max O'Halloran has been the elected Councillor in 2012, 2016 and 2020 for Division 7 which encompasses the suburbs of Edge Hill and Whitfield, as well as parts of Manoora, Manunda and Brinsmead.

Cr O'Halloran has represented Council on the Cairns Art Gallery Board, has served as Chair of Council's Community, Sport, Events and Cultural Services Committee, and as Chair of Cairns Gallery Precinct Project Steering Committee.

Cr Max has also held positions in the following Council committees:

- Water and Waste Committee
- Cyclesport Precinct Development
- The Precinct Steering Committee
- Planning & Environment Committee
- Major Events Advisory Group
- Cannon Park Master Plan Steering Committee
- Flying Fox Advisory Committee

Cr O'Halloran has also been Patron of Cairns Bands, and the Rondo Theatre. He is also a life member and coach with Cairns AFL and a former president of Cairns Jockey Club.

To tell the story of Cr O'Halloran's Council career in numbers, the following numbers paint a picture:

- He has served as a Councillor for 3 terms over 12 years, or 4340 days, attending 394 Council meetings which equates to a 99.8% attendance record, and has served on Councils that have delivered \$1.5 billion in capital works projects.

Some of the Capital Work projects Cr O'Halloran has overseen in his time have included:

- Munro Martin Parklands
- Cairns Performing Arts Centre
- Esplanade Dining Precinct
- Court House Gallery
- Tobruk Memorial Pool redevelopment
- Griffiths Park redevelopment
- Cairns Netball Centre redevelopment
- Cairns international Tennis Centre roof
- Harald Falge Park redevelopment
- Endeavour Park soccer/cricket redevelopment

Other notable achievements of the Council where Councillor O'Halloran has played a key role include:

- Establishment of Council's Go Clubs NFP support program – Cr Max has been a champion for the not-for-profit sector
- Great Barrier Reef Masters Games
- Development of the Major Events Precinct vision and subsequent Olympic venue upgrades
- Support for Cairns Taipans community ownership model
- AFL and NRL Premiership Matches
- Rugby League World Cup

They are the official titles and achievements, but he's also affectionately and unofficially known as the Minister for Good Times and Cairns' busiest Councillor!

At the conclusion of the meeting, I will invite Councillor O'Halloran up so that we can make a formal presentation to properly commemorate the occasion and acknowledge a tremendous career in local government, as well as an invaluable contribution to the people of Cairns.

CONFIRMATION OF MINUTES OF ORDINARY MEETING 21/2/24

MOLLER / O'HALLORAN

That the Minutes of the Ordinary Meeting held on Wednesday, 21 February 2024 be confirmed.

carried unanimously

1. CEO MONTHLY REPORT14
93/1/2-04 | #7364249

COGHLAN / MOLLER

That Council notes:

- a. The status of Council Resolutions.
- b. Submissions to the Inquiry into the Queensland Youth Justice Reform and the Inquiry into the Corrective Services (Promoting Safety) and Other Legislation Amendment Bill 2024.
- c. The update on advocacy activities relating to the Cairns Water Security Stage 1 project and the two page advocacy summary used to support these activities.
- d. The Ex-Tropical Cyclone Jasper Flooding Recovery Update, including the intention to lodge a \$25.5M Disaster Recovery Funding Arrangements submission for the proposed Holloways Beach Bridge.

carried unanimously

2. MINUTES AUDIT COMMITTEE MEETING – 27 FEBRUARY 2024 ...
.....27
65/4/1 | #7366386

MOLLER / COGHLAN

That Council accepts the minutes of the Audit Committee meeting held 27 February 2024.

carried unanimously

3. FINANCIAL PERFORMANCE REPORT FOR THE PERIOD ENDED 23
FEBRUARY 202433
63/17/2-01 | #7357183

COGHLAN / MOLLER

That Council notes the financial performance report for the period ended 23 February 2024.

carried unanimously

4. DISASTER RECOVERY WORKS – HARD WASTE COLLECTION CONTRACT57
59/1/3 | #7365524

MOLLER / COGHLAN

That Council:

1. In accordance with Section 235(c) of the Local Government Regulation 2012 and the Ministerial exemption provided under s90(B) of the *Local Government Act 2009*, retrospectively approves the award of contract 2956, Hard Waste Collection, to Johns Lyng Group Disaster Management (QLD) Co Pty Ltd for \$3.7 Million excluding GST.
2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into this contract, finalise and negotiate any and all matters relating to this engagement.

carried unanimously

5. COMBINED DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING, SHORT-TERM ACCOMMODATION (75 UNITS), FOOD & DRINK OUTLET AND SHOP AND A DEVELOPMENT PERMIT FOR BUILDING WORK ASSESSABLE AGAINST THE PLANNING SCHEME FOR DEMOLITION WITHIN THE PLACES OF SIGNIFICANCE OVERLAY – 22, 24, 26, 28-30, AND 32-34 ABBOTT STREET, CAIRNS CITY – DIVISION 563
8/39/14 | #73332569

EDEN / ZEIGER

That Council approves the development application for a Development Permit for a Material Change of Use for Multiple Dwelling, Short-Term Accommodation (75 Units), Food & Drink Outlet and Shops and a Development Permit for Building Works Assessable Against the Planning Scheme for Demolition within the Places of Significance Overlay over land described as 22, 24, 26, 28-30, 32-34 Abbott Street, Cairns City, located on land formally described as Lots 502, 503, & 504 on C1981, and Lots 1 & 2 on RP715691, subject to the following:

PART A: MATERIAL CHANGE OF USE

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

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

Drawing or Document	Reference	Date
Development Application Cover Sheet	Drawing No. 0.1, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Development Application Contents	Drawing No. 0.2, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Site Context	Drawing No. 1.01, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Site Plan Existing	Drawing No. 1.02, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Site Plan Demolition	Drawing 1.03, Revision 01, Project No. POST 001, prepared by Hunt Design	13 September 2023
Level 00	Drawing No. 2.01, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Level 01 (Cairns Post)	Drawing No. 2.02, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Level 02 (Carpark 1)	Drawing No. 2.03, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Level 03 (Carpark 2)	Drawing No.2.04, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Level 04 (Carpark 3)	Drawing No. 2.05, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Level 05 (Pool Terrace)	Drawing No. 2.06, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Level 06	Drawing No. 2.07, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023

Drawing or Document	Reference	Date
Level 07	Drawing No. 2.08, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Level 08	Drawing No. 2.09, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Level 09	Drawing No. 2.10, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Level 10	Drawing No. 2.11, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Level 11	Drawing No. 2.12, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Level 12	Drawing No. 2.13, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Roof Level	Drawing No. 2.14, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Elevation 1 – South West	Drawing No. 3.01, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Elevation 2 – North West	Drawing No. 3.02, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Elevation 3 – North East	Drawing No. 3.03, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Elevation 4 – South East	Drawing No. 3.04, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Section A	Drawing No. 4.01, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023

Drawing or Document	Reference	Date
Section B	Drawing No. 4.02, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Section C	Drawing No. 4.03, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Section D	Drawing No. 4.04, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Apartment Plans	Drawing No. 5.01, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Analysis Area Gross Floor Area (GFA)	Drawing No. 6.01, Revision 01, Project No. POST001, prepared by Hunt Design	20 November 2023
Area Analysis Summary	Drawing No. 6.02, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Shadow Diagrams – March 2023 Equinox	Drawing No. 7.01, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Shadow Diagrams – June 2023 Solstice	Drawing No. 7.02, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Shadow Diagrams – September 2023 Equinox	Drawing No. 7.03, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Shadow Diagrams – December 2023 (Solstice)	Drawing No. 7.04, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Streetscape Perspective – Abbott Street	Drawing No. 8.01, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Tower Perspective – Abbott Street	Drawing No. 8.02, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023

Drawing or Document	Reference	Date
Esplanade Perspective 1	Drawing No. 8.03, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Esplanade Perspective 2	Drawing No. 8.04, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Cover Sheet Locality Plan	Drawing No. L0.00, Revision 02, Project No. 2305-031, prepared by Landplan Landscape Architecture	17 November 2023
Level 00 Planting Concept	Drawing No. L0.01, Revision 02, Project No. 2305-031, prepared by Landplan Landscape Architecture	17 November 2023
Level 02 Planting Concept	Drawing No. L0.02, Revision 02, Project No. 2305-031, prepared by Landplan Landscape Architecture	17 November 2023
Level 03 Planting Concept	Drawing No. L0.03, Revision 02, Project No. 2305-031, prepared by Landplan Landscape Architecture	17 November 2023
Level 05 Planting Concept	Drawing No. L0.04, Revision 02, Project No. 2305-031, prepared by Landplan Landscape Architecture	17 November 2023
Level 06-12 Planting Concept	Drawing No. L0.05, Revision 02, Project No. 2305-031, prepared by Landplan Landscape Architecture	17 November 2023
Planting Strategy	Drawing No. L1.01, Revision 02, Project No. 2305-031, prepared by Landplan Landscape Architecture	17 November 2023
Landscape Elevations	Drawing No. L2.01, Revision 02, Project No. 2305-031, prepared by Landplan Landscape Architecture	17 November 2023

Drawing or Document	Reference	Date
Landscape Elevations	Drawing No. L2.02, Revision 02, Project No. 2305-031, prepared by Landplan Landscape Architecture	17 November 2023
Soil Strategy	Drawing No. L3.01, Revision 02, Project No. 2305-031, prepared by Landplan Landscape Architecture	17 November 2023
Traffic Impact Assessment	Reference: R-ARO184, Project No. 0997, prepared by Langtree Consulting Engineers	11 August 2023

Assessment Manager Conditions

General Requirements		Timing
1.	<p>Approved Plan(s) and Document(s)</p> <p>The development is to be completed and carried out generally in accordance with the approved plan(s) and document(s) above, except where modified by the conditions of this Development Permit.</p>	At all times.
2.	<p>Maintain the Approved Development</p> <p>Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any relevant approval required by these conditions of approval.</p>	At all times.
3.	<p>Currency Period</p> <p>This development approval, granted under the provisions of the <i>Planning Act 2016</i> (Qld), lapses six (6) years from the day the development approval takes effect, in accordance with the provisions of section 85 of the <i>Planning Act 2016</i> (Qld).</p>	As stated.
4.	<p>Notice of Intention to Commence Use</p> <p>Written notice must be given to Council that the development fully complies with this Development Permit.</p> <p>Return the attached "Notice of Intention to Commence Use" (attached at Attachment 3).</p>	Prior to Commencement of Use.
5.	<p>Amalgamation of Lots</p>	Prior to Commencement of Use.

General Requirements	Timing
<p>Amalgamate Lots 502, 503 & 504 on C1981 and Lots 1 & 2 on RP715691 into one (1) lot and register the Plan of Subdivision.</p>	
<p>6. Street Numbering</p> <p>Provide clear and legible signage incorporating the street number for the benefit of the public. Signage and numbering must be installed on the premises prior to the commencement of use.</p>	<p>Prior to Commencement of Use.</p>
<p>7. Podium</p> <p>All sides of the Podium must be articulated generally in accordance with the approved plans to ensure that any bulk can be further relieved through the use of patterns, textures, or use of different materials.</p> <p>A plan detailing proposed design and material palette must be submitted to Council for endorsement prior to the issue of a Development Permit for Building Work for the construction of the tower.</p>	<p>As stated.</p>
<p>8. Water Supply and Sewerage Works External</p> <p>Undertake the following water supply and sewerage work external to the premises to connect the land to existing water supply and sewerage infrastructure:</p> <ul style="list-style-type: none"> a. If necessary, augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage; b. If necessary, augment existing sewerage network downstream of the site, to the extent required to accommodate the increased flows generated by the development; and c. Any AC or CICL water mains where located under any access crossovers and any road works must be replaced. <p>All the above work must be designed and constructed in accordance with the <i>FNQROC Development Manual</i>.</p>	<p>In accordance with a Development Permit for Operational Work.</p>
<p>9. Water Supply and Sewerage Works Internal</p> <p>Undertake the following water supply and sewerage works internal to the subject land:</p>	<p>As stated.</p>

General Requirements	Timing
<p>a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;</p> <p>b. Water supply sub-metering must be designed and installed in accordance with the <i>Plumbing and Drainage Act 2018</i> and the <i>Water Supply (Safety and Reliability) Act 2008</i>. Smart meters are to align with Council’s Smart Meter Program;</p> <p>c. Any redundant sewer property connection and water connection shall be decommissioned and removed;</p> <p>d. Fire fighting pumped connections must be provided with a break tank. Council does not guarantee a minimum service standard for fire fighting from Council’s water network. It is the responsibility of the property owner to design the private fire system to ensure compliance with the relevant building codes and standards and install all necessary on-site pressure boosting and storage that may be required; and</p> <p>e. Any fire booster assembly, cabinet and water meters are to be located within the property.</p> <p>All the above works must be designed and constructed in accordance with the <i>FNQROC Development Manual</i>.</p> <p>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.</p>	
<p>10. Refuse Storage</p> <p>The development must be designed to be serviced by bulk bins.</p> <p>A bulk bin enclosure must be provided in accordance with Council’s requirements.</p> <p>Details must be shown on the plan of work and must be approved by the Chief Executive Officer prior to the issue of an Operational Works Approval or Compliance Permit for Building Works.</p> <p>The bin enclosure must be constructed in accordance with the approved plans prior to the Commencement of Use.</p> <p>Note: Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Cairns</p>	As stated.

General Requirements		Timing
	Infrastructure and Assets.	
11.	<p>Liquid Waste Disposal</p> <p>Trade waste discharge to sewer must meet the requirements of Cairns Infrastructure and Assets' Trade Waste Environmental Management Plan (TWEMP).</p> <p>Detailed Hydraulic Plan(s) must be provided accompanied by a report which demonstrates that the facility complies with the TWEMP and must be approved by Council prior to the issue of a Development Permit for Building Work.</p> <p>All measures for pre-treatment in accordance with the approved plan(s) must be installed prior to Commencement of Use.</p>	As stated.
12.	<p>Maximum Height</p> <p>All building and structures must not exceed 46.0m AHD.</p> <p>The Applicant/Developer/Landowner/Property Manager must ensure that all buildings, structures, aerials, lightning rods, antennae, poles, posts, trees, or other obstacles (at maximum height) remain under the Airport's Obstacle Limitation Surface which is 46.0 to 50.0 metres AHD over the site.</p>	At all times.
13.	<p>Certification of Building Height</p> <p>Provide certification to Council and the Cairns Airport from a licensed Surveyor or Building Certifier that the overall height of the "As Constructed roof" and associated structures are in accordance with Condition 12 of this Development Permit.</p>	Prior to the issue of Certificate of Classification / Final Inspection Certificate.
14.	<p>Certification of Construction Impacts</p> <p>Provide certification to Council and the Cairns Airport from a licensed Surveyor that the overall height of any construction equipment, including but not limited to cranes and other equipment, does not encroach into the Airport's Operational Airspace, which is 46.0 to 50.0 metres AHD over the site.</p> <p>Alternatively, provide to Council a copy of the requisite approvals documentation from Cairns Airport permitting temporary encroachment into the Airport's Operational Airspace.</p>	Prior to the issue of a Development Permit for Building Work.
15.	<p>External Works</p> <p>Undertake the following works external to the land at no</p>	As stated.

General Requirements	Timing
<p>cost to Council:</p> <p>a. Design and construct a dedicated left in left out only access crossover(s) and driveway(s) to Abbott Street in accordance with the location(s) shown on the Approved Plan(s) of development.</p> <p>The access crossover(s) and driveway(s) must be constructed in accordance with <i>FNQROC Development Manual Standard Drawings S1015 and S1110</i> to a commercial standard.</p> <p>b. Remove any redundant crossovers and reinstate the kerb and channel along the frontage of the site. Any sections showing ponding, significant cracking or the like shall be deemed as not fit for purpose and are to be replaced to the satisfaction of the Chief Executive Officer;</p> <p>c. Repair any damage to existing kerb and channel, footway, or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during works being carried out in association with the construction of the approved development.</p> <p>All the above works must be designed and constructed in accordance with the <i>FNQROC Development Manual</i> and indicated in any application for Development Permit for Operational Works. All works must be carried out in accordance with the Approved Plan(s), to the requirements and satisfaction of the Chief Executive Officer.</p>	
<p>16. Traffic Impact Assessment</p> <p>Comply with and implement the recommendations of the Traffic Impact Assessment prepared by <i>Langtree Consulting R-AR0184 August 2023</i>.</p>	<p>Prior to Commencement of Use.</p>
<p>17. Car Parking Requirements</p> <p>The amount of car parking must be as per the Approved Plan(s), being:</p> <p>a. A minimum of 107 spaces, including four (4) accessible car parking spaces.</p> <p>b. A minimum of 16 spaces designated for use by non-residential activities and line marked or signed as such;</p> <p>c. A minimum of seven (7) spaces dedicated for use by visitors, staff, or services vehicles for the residential activities, and line marked or signed as such;</p>	<p>Prior to Commencement of Use.</p>

General Requirements	Timing
<p>d. Any tandem parking spaces:</p> <ul style="list-style-type: none"> i. Shall be limited to resident parking only; ii. Are not to be provided for commercial, visitor, staff, or service use, nor included in the general pool of regulated parking; and iii. Must be allocated to a specific unit/s, be line marked or signed as such, and be assigned under the CMS accordingly. <p>The car parking layout must comply with the <i>AS 2890.1:2004 Parking facilities – Off-street car parking</i> and be constructed in accordance with <i>Austrroads</i> and good engineering design.</p> <p>The accessible off-street car parking must be designed in accordance with <i>AS 2890.6:2009 Parking facilities, Part 6: Off-Street parking for people with disabilities</i>, including parking bay dimensions and shared area.</p> <p>The vehicle access and parking design must be approved by a suitably qualified RPEQ.</p>	
<p>18. Parking and Access Generally</p> <p>All parking, driveway, and vehicular manoeuvring areas must be imperviously sealed, drained, and line marked.</p>	<p>Prior to Commencement of Use.</p>
<p>19. On-Street Parking</p> <p>The on-street car parking must be designed in accordance with <i>AS 2890.5:2020 Parking facilities On-street parking</i>, including parking bay dimensions, line marking and signage, etc. The parking design must be certified by a suitably qualified RPEQ Engineer.</p>	<p>Prior to Commencement of Use.</p>
<p>20. Turning Area</p> <p>Space must be provided on site for vehicles to manoeuvre so that all design vehicle(s) associated with the approved use(s) can enter and exit in a forward direction.</p>	<p>At all times.</p>
<p>21. Internal Manoeuvring</p> <p>All parking, queuing, loading, servicing, unloading, and vehicle manoeuvring areas associated with the approved use(s) must be undertaken on the land.</p>	<p>At all times.</p>
<p>22. Speed Control</p> <p>The driveway serving the parking area must include a</p>	<p>Prior to Commencement of Use.</p>

General Requirements	Timing
physical means of speed control at the exit point onto Abbott Street.	
<p>23. Bicycle Parking Provision</p> <p>Provide a minimum of 14 onsite bicycle parking spaces for the exclusive use of the approved development.</p> <p>Bicycle parking must be secure, sheltered, and accessible to potential users. All required bicycle spaces must be available for the permitted uses and be maintained.</p>	<p>Prior to Commencement of Use.</p>
<p>24. Pedestrian Access</p> <p>The design of the building must be such that any ramping or step up into the property is wholly contained within the land and does not occur within the road reserve. No grade change for pedestrian access is permitted to occur within the road reserve.</p>	<p>Prior to Commencement of Use.</p>
<p>25. Acid Sulfate Soils Management Plan</p> <p>Where identification of soils with a pyrite content in excess of the action levels nominated in the Queensland Acid Sulfate Soils Technical Manual (QASSTM) prepare, provide for approval, and comply with an Acid Sulfate Soils Management Plan.</p> <p>The Acid Sulfate Soils Management Plan must be prepared by a suitably qualified person.</p> <p>Construct all works in accordance with the recommendations of the Acid Sulfate Soils Management Plan.</p>	<p>Prior to Commencement of Work.</p> <p>AND</p> <p>As stated.</p>
<p>26. Community Management Statement</p> <p>Any future Community Management Statement for the land must address the following matters:</p> <ol style="list-style-type: none"> a. Responsibility for the management of and ongoing maintenance of the vertical landscape features and planter boxes including, but not limited to, green walls and façade planters as identified on the approved <i>Landscape Concept Design</i> prepared by <i>LandPlan</i>. b. An allocation must be made in the administration fund for the specific purpose of enabling maintenance and management activities of the landscape features referred to on the Landscape Maintenance and Management Plan required by Condition 30 of this Development Permit; 	<p>Prior to Commencement of Use.</p>

General Requirements	Timing
<p>c. Allocation of tandem parking spaces required by Condition 17 of this Development Permit.</p> <p>d. All parking spaces, except tandem spaces for private use allocation as per Item c, must be included within the common property.</p> <p>Any amendments to the Community Management Statement must not remove the above requirements for the life of the development.</p> <p>A copy of the Community Management Statement must be submitted to Council for review and endorsement prior to the Commencement of Use.</p>	
<p>27. Detailed Landscaping Plan</p> <p>Provide a Detailed Landscaping Plan in accordance with Planning Scheme Policy – Landscaping and the FNQROC Development Manual, prepared by a suitably qualified Landscape Architect or Landscape Designer, to Council and obtain an approval from Council. The plans and specifications must provide:</p> <p>a. A landscaping design which is generally in accordance with that shown on the Landscape Concept Design (Dwg. No's., L0.00, L0.01, L0.02, L0.03, L0.04, L0.05, L1.01, L2.01, L2.02, L3.01, Rev 02 prepared by LandPlan);</p> <p>b. Location of all civil infrastructure such as water, sewer, stormwater, street lighting, proposed driveway locations, footpaths, irrigation, street trees and garden beds, and any other essential infrastructure, proposed to be contained within the public area of the footpath and road reserve to demonstrate the proposed design is a suitable fit for the area with no conflicts;</p> <p>c. Demonstration of vertical landscaping covering 15% of each façade of the building onsite;</p> <p>d. Location of trees to be removed;</p> <p>e. A planting schedule including species, quantity, and container size utilising plants that are not listed as local environmental weeds within the FNQROC Development Manual Cairns Regional Council Specific Requirements Appendix F Extended Environmental Weed List. The container supply size must be in accordance with FNQROC Development Manual D9.</p> <p>Note: The Genus known as Tarlmounia spp. (syn.Vernonia spp) is not supported. Tarlmounia</p>	<p>Prior to the issue of the first Development Permit for Operational Work.</p>

General Requirements	Timing
<p>elliptica (Syn. Vernonia elaeagnifolia) is listed as a Low-Level Environmental Weed and become prevalent within coastal areas in the LGA within the tidal waters. Tarlmounia elliptica is not accepted due the ease of propagation and regeneration from vegetative reproduction and risk of establishment within the coastal environment;</p> <p>f. A planting design of all proposed landscaped areas with details of the climatic conditions of the locality which will inform the species selection;</p> <p>g. Planting of the verge within street trees;</p> <p>h. Details and specifications for the design and location of the external planters.</p> <p>Note: The concept plans detail a street tree within a planter with a streetlight. The FNQROC Development Manual setback between a street tree and streetlight is 7.5m. The applicant may consider the installation of palms (other than Wodyetia bifurcata, Foxtail Palm) within an external planter, where street trees cannot be accommodated due to setback requirements;</p> <p>i. Details and specifications for permanent irrigation for external landscaping designed to Council's Irrigation Standard. Contact Council to obtain the current standard for irrigation design and supply and obtain direction via PlanningAdmin@cairns.qld.gov.au;</p> <p>j. Details and specifications for the vertical and horizontal landscaping and trellises including relevant engineering specifications, potting media, trellising, irrigation, and drainage to be incorporated to provide the vertical landscape features;</p> <p>k. Details of the size and location of the planter boxes including engineering and management of the planter boxes, and any associated irrigation system;</p> <p>l. Footpath treatments to each frontage of the site which are consistent with those implemented as part of the City Centre Alive upgrade of Lake Street;</p> <p>m. Any landscaped areas adjoining parking and manoeuvring areas are protected from vehicle encroachment by a 150mm high vertical concrete kerb or similar;</p> <p>n. Any existing landscape treatments, either hardscape or softscape, street furniture, infrastructure or assets that are proposed to be removed, relocated or retained;</p> <p>o. Details of any fencing and retaining walls</p>	

General Requirements	Timing
<p>associated with the development; and</p> <p>p. Inclusion of any other relevant conditions included in this Development Permit.</p> <p>A copy of this Development Approval must be given to the Landscape Architect / Landscape Designer responsible for the preparation of the Detailed Landscape Plan.</p>	
<p>28. Landscaping - External Works</p> <p>Prior to the issue of the first Development Permit for Operational Work and Commencement of Building Work obtain an Operational Work Development Permit for the following external work:</p> <ul style="list-style-type: none"> a. Removal of the two existing <i>Cassia javanica</i>, Java Cassia and planting of the footpath with replacement semi mature verge street tree planting in accordance with the FNQROC Development Manual Standard Drawing S4210-CRC Urban Street Tree Planting, Design Manual D9 Landscaping and the FNQROC Development Manual Cairns Regional Council Specific Requirements; b. Any external planters generally in accordance with The FNQROC Development Manual Cairns Regional Council Specific Standard Drawings for Footpath Planters and located and sized with regard to overhead awnings and the setback requirements for street trees from infrastructure e.g., street lighting; and c. Permanent irrigation designed to Council's Irrigation Standard. <p>Note: Contact Council to obtain the current standard for irrigation design and supply and obtain direction via PlanningAdmin@cairns.qld.gov.au.</p> <p>External Works must be completed at a Works Acceptance Inspection and maintained by the applicant/property owner to the satisfaction of Council until Final Works Acceptance.</p> <p>External Landscaping and Irrigation must be inspected by Council and achieve Works Acceptance in accordance with CP1 of the <i>FNQROC Development Manual – Construction Procedures</i>. Upon acceptance, the</p>	<p>At a Works Acceptance;</p> <p>AND</p> <p>At a Final Works Acceptance.</p>

General Requirements	Timing
<p>landscaping must be maintained and established by the applicant/property owner until Final Works Acceptance.</p>	
<p>29. Internal Landscaping Inspection</p> <p>Internal Landscaping associated with the Development Permit for Material Change of Use must be inspected by Council at the time of landscaping completion.</p> <p>At all times, the property owner is responsible for the maintenance of the landscaping associated with the subject site and development.</p>	<p>Prior to the Commencement of Use;</p> <p>AND</p> <p>At all times.</p>
<p>30. Landscape Maintenance / Management Plan</p> <p>Provide a Landscape Maintenance / Management Plan to detail the maintenance and/or management regimes proposed to be implemented to ensure the landscape features incorporated as part of the building design will be established and maintained for the life of the development. Landscape Maintenance/Management Plan must provide specifications/methodology to demonstrate the proposed maintenance and management regimes for all planters and vertical trellising and include details of the suitably qualified person(s) who will maintain the landscaping to ensure the landscape features on site can be maintained safely, for the life of the development. The Manual must include the following specifications/work methods:</p> <ol style="list-style-type: none"> a. Number of and types of contractors required for landscaping maintenance; b. Frequency of maintenance servicing; c. Schedule of maintenance works, required equipment and consumables, and PPE and safety equipment; d. Plan for replacement of plants, potting medium materials or irrigation for the event that plants become over mature and unhealthy or species or materials/irrigation is unsuccessful because no longer suitable for the aspect or purpose; e. The person or entity committing to the landscaping maintenance who will ensure: <ol style="list-style-type: none"> i. The operation and management activities are adequate to protect public health, safety, and amenity, and prevent environmental harm; ii. The works or activity must not significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; iii. The works or activity must not adversely affect 	<p>Prior to the issue of the first Development Permit for Operational Work.</p> <p>AND</p> <p>Prior to the Commencement of Building Works.</p>

General Requirements	Timing
<p>the amenity of the area, residents, or the environment; and</p> <p>iv. The person or entity is to ensure the person has public liability insurance.</p> <p>f. Whether a Common Property Maintenance Arrangement is required within the Body Corporate Plan to allow for access to private property to maintain all proposed planter boxes from Level 6 upwards.</p>	
<p>31. Secure Storage</p> <p>Each dwelling must be provided with a secure storage area that:</p> <p>a. Has a minimum area of 2.5m²;</p> <p>b. Has a minimum height of 2 metres;</p> <p>b. Is weather proof; and</p> <p>c. Has immunity to the 1% AEP defined inundation event level for the land.</p>	<p>Prior to the commencement of Use;</p> <p>AND</p> <p>At all Times.</p>
<p>32. Electricity Supply</p> <p>An underground electricity reticulation must be designed and provided to service the development in accordance with requirements Section D8.04 and D8.06 of the <i>FNQROC Development Manual</i>.</p> <p>Where Ergon Energy requires the installation of a substation to augment their network, a padmount type is to be incorporated within the development and positioned so that it does not detract from the appearance of the streetscape and must be clear of footpath areas. Details of the electrical substation positioning must be endorsed by the Chief Executive Officer.</p> <p>The Development Approval condition(s) relating to the supply of electricity must be provided to Ergon Energy with the application for power supply.</p>	<p>Prior to the Commencement of Use.</p>
<p>33. Electrical Transformer</p> <p>A padmount transformer must be installed on site as required by the development's electricity supply requirements and positioned generally in accordance with the approved drawing(s).</p>	<p>Prior to the commencement of Use.</p>
<p>34. Telecommunications Services</p> <p>The development must be connected to the telecommunications network in accordance with section</p>	<p>Prior to the commencement of Use.</p>

General Requirements	Timing
D8.05 of the <i>FNQROC Development Manual</i> .	
<p>35. Lighting</p> <p>Lighting is to be designed and constructed by a suitably qualified person to ensure that it does not increase the risk of an aircraft incident and has regard to the <i>Manual of Standards Part 139—Aerodromes Chapter 9 Section 9.144 Lights – requirements for zones and Civil Aviation Regulations 1988- REG 94 Dangerous Lights</i>.</p>	At all times.
<p>36. Street Lighting</p> <p>The existing LED heritage style light pole located on the footpath outside the Cairns Post Building is to be retained.</p> <p>Council must be notified of any damage sustained during construction to any of Council’s electrical and lighting infrastructure and have it repaired, replaced, or reinstated at no cost to Council.</p>	Prior to the commencement of Use.
<p>37. Awning Lighting</p> <p>Provide lighting to the underside of all awnings that cantilever over the footpath.</p> <p>The lighting must illuminate continuously in hours of darkness and should be evenly placed to ensure that the entire awning is sufficiently lit, and black spots are avoided.</p>	Prior to the commencement of Use.
<p>38. Air-Conditioning, Plant and Machinery Screens</p> <p>Air-Conditioning, Plant and Machinery units located above ground level and visible from external properties and the street must be screened from view with appropriate materials or landscaping.</p>	<p>Prior to the commencement of Use;</p> <p>AND</p> <p>At all Times.</p>
<p>39. Minimum Fill and Floor Levels</p> <p>All finished floor levels of all habitable areas must be a minimum of 300mm above the defined inundation event, in accordance with the requirements of the CairnsPlan 2016 and the FNQROC Development Manual.</p> <p>Advice Note: Provide a minimum ground floor level of 3.6m AHD as shown on the Approved Plan(s).</p>	Prior to Commencement of Use.
<p>40. Car Parking Levels</p> <p>Finished surface levels of car parking areas are to be constructed at a minimum of the 5% AEP defined inundation event level in accordance with the</p>	Prior to Commencement of Use.

General Requirements	Timing
requirements of the Cairns Plan 2016.	
<p>41. Drainage Design</p> <p>Design all necessary drainage management and drainage works (internal and external to the land) to satisfactorily drain the subject land in accordance with section D4 of the FNQROC Development Manual and the Queensland Urban Drainage Manual.</p> <p>Detailed design drawings of all stormwater infrastructure required as a result of the development are to be provided to Council for endorsement. Once approved, all work must be carried out in accordance with the approved plan(s).</p>	<p>Prior to the issue of a Development Permit for Operational Work.</p>
<p>42. Private Drainage Assets</p> <p>All drainage associated pipework contained within the lot boundaries of this development site must be private infrastructure and must not become an asset of Council.</p>	<p>At all times.</p>
<p>43. Concentration of Stormwater</p> <p>Stormwater discharge must have a no worsening effect or ponding nuisances on downstream or upstream properties, associated with the following:</p> <ul style="list-style-type: none"> a. Diversion of stormwater; b. Concentration of stormwater flows; c. Changes in other flow characteristics; and d. Changes that affect the future use of land. <p>If a disparity exists between pre and post alteration flows, measures are to be implemented in order to have a no worsening effect.</p>	<p>At all times.</p>
<p>44. Discharge of Stormwater</p> <p>Stormwater associated with development is discharged to:</p> <ul style="list-style-type: none"> a. A lawful connection provided from the premises to Council's stormwater network; or b. Land under Local Government control that has a lawful drainage function immediately adjoining to the premises; or c. An easement for drainage purpose immediately adjoining to the premises; or d. Where the site cannot discharge to a, b or c, stormwater is discharged from the site in a manner that does not result in: <ul style="list-style-type: none"> i. Change to the location of stormwater discharge; 	<p>At all times.</p>

General Requirements	Timing
<ul style="list-style-type: none"> ii. An increase to peak flow velocity or volume; or iii. A concentration in stormwater discharge. 	
<p>45. Damage to Infrastructure and Land</p> <p>Where any part of Council's existing infrastructure or land is damaged as a result of construction activities occurring on the land, including but not limited to; mobilisation of heavy construction equipment, stripping, grubbing and vegetation damage, notify Council immediately of the affected infrastructure or land and have it repaired, replaced, or reinstated at no cost to Council.</p>	<p>At all times;</p> <p>AND</p> <p>Prior to Commencement of Use.</p>
<p>46. Storage of Machinery and Plant</p> <p>The storage of any machinery, material or plant during construction work must not cause a nuisance to surrounding properties.</p>	<p>At all times.</p>
<p>47. Transportation of Material</p> <p>Transportation of fill or spoil to and from the land must not occur:</p> <ul style="list-style-type: none"> a. Within peak traffic times; b. Before 7:00am or after 6:00pm Monday to Friday; c. Before 7:00am or after 1:00pm Saturday; or d. On Sunday or a Public Holiday. 	<p>As stated.</p>
<p>48. Stockpiling of Material</p> <p>Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises and/or a road frontage for any longer than one (1) month from the commencement of work on the land.</p>	<p>As stated.</p>
<p>49. Construction Management Plan</p> <p>A Construction Management Plan (CMP) must be prepared and submitted to Council.</p> <p>The CMP must address all activities/operations associated with the construction including:</p> <ul style="list-style-type: none"> a. Hours of construction; b. Location(s) of construction access; c. Parking of vehicles (including construction site employees and delivery vehicles); d. Traffic management and control (including loading and unloading); 	<p>Prior to the commencement of Work;</p> <p>AND</p> <p>As stated.</p>

General Requirements	Timing
<p>e. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area;</p> <p>f. Tree protection management;</p> <p>g. Site safety and security after hours to prevent public entry; and</p> <p>h. Location and details of construction signage including any signage that is to be illuminated.</p> <p>The CMP must be provided to Council and made available to all onsite workers at all times. The CMP must be implemented at all times for the duration of approved work.</p>	

PART B – BUILDING WORKS

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

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

Drawing or Document	Reference	Date
Site Plan Existing	Drawing No. 1.02, Revision 02, Project No. POST001, prepared by Hunt Design	20 November 2023
Site Plan Demolition	Drawing 1.03, Revision 01, Project No. POST 001, prepared by Hunt Design	13 September 2023

Assessment Manager Conditions

General Requirements	Timing
<p>1. Approved Plan(s) and Document(s)</p> <p>The development is to be completed and carried out generally in accordance with the approved plan(s) and document(s) above, except where modified by the conditions of this Development Permit.</p>	At all times.
<p>2. Maintain the Approved Development</p> <p>Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any relevant approval required by these conditions of approval.</p>	At all times.
<p>3. Currency Period</p> <p>This development approval, granted under the provisions of the <i>Planning Act 2016 (Qld)</i>, lapses two (2) years from the day the development approval takes effect, in accordance with the</p>	As stated.

General Requirements	Timing
provisions of section 85 of the <i>Planning Act 2016</i> (Qld).	
<p>4. Limitation of Building Works</p> <p>Building Works (Demolition) must not commence on site prior to the issue of a Development Permit for Building Works associated with the Material Change of Use for the land given effect under Part A of this Development Permit.</p>	As stated.
<p>5. Conservation Management and Benefits Plan</p> <p>Provide a Conservation Management and Benefit Plan to Council for endorsement.</p> <p>The Plan must be prepared by a suitably qualified professional in accordance with <i>ICOMOS Burra Charter 1999</i> and associated guidelines, and Planning Scheme Policy – Places of Significance, and, at a minimum, include:</p> <ol style="list-style-type: none"> a. A description of the place/s and their heritage values; b. Detail the conservation works that are proposed, including methods employed to treat and protect these heritage elements throughout building works and the life of the development; b. Evidence of the condition of the building/s and their associated built heritage fabric; c. Identify any repairs to be undertaken and associated work methods; d. Annotated proposal drawings that indicate: <ol style="list-style-type: none"> i. The extent of conservation works proposed; ii. Any elements that would be re-used from existing places in new development, including how they would be handled and protected during demolition works, throughout the construction phase, and life of the development; e. A description of the conservation obligations and future needs, requirements, opportunities, and constraints to conserve the place; f. Specific management policies, specifying what needs to be done to maintain the significance of the place and respond to identified issues; g. An action plan identifying priorities, resources and timing; h. An implementation plan and monitoring plan; i. A statement identifying the benefits to the significance of the place for any works under items a – d above; j. A schedule that itemises the heritage elements for each place, noting their existing condition and proposed treatment; and k. Details of: 	Prior to the issue of a Development Permit for Building Works (Demolition).

General Requirements	Timing
<ul style="list-style-type: none"> i. the author/s, including qualifications, ii. the date of the management plan; and iii. any expected revision date. 	
<p>6. Document Extent of Detrimental Impact of Significance</p> <p>Provide a Detrimental Impact Statement / Dilapidation Report to Council for endorsement that demonstrates the impact of the proposal on the heritage values of the four (4) places of local significance.</p> <p>The Report must be prepared by a suitably qualified professional and, at a minimum, include:</p> <ul style="list-style-type: none"> a. Existing and demolition plans (for all levels) and external elevations, of the affected external walls (to demonstrate new openings or removal of façade layers, etc.) of the heritage places with sufficient detail to demonstrate impact to heritage fabric; b. Annotation of the heritage fabric as identified in the Heritage Report prepared by Dash Architects, the Cairns Post Building Conservation Management Plan prepared by Converge Heritage, and as outlined in the citations for the places under the Planning Scheme Policy - Places of Significance (referring to criteria, description, and history components); c. Plans of the areas of the buildings affected by the proposal with elements/areas labelled to indicate the relative levels of cultural heritage significance of the elements; d. Photographs of all areas of the buildings affected by the proposal, linked to plans to demonstrate the condition and significance of the areas; e. Impact assessment to discuss alternative options considered where works would have a detrimental impact, to include extents of demolition as well as changes to facilitate new use, such as raising floor levels and other changes; and f. Responses to relevant aspects of the Conservation Management Plan for the Cairns Post Building, for example responses to policies and any changes to the fabric assessment in the previously prepared Conservation Management Plan. 	<p>Prior to the issue of a Development Permit for Building Works (Demolition).</p>
<p>7. Archival Record</p> <p>Provide an Archival Record to Council for endorsement.</p> <p>The Record must be prepared by a suitably qualified professional in accordance with <i>ICOMOS Burra Charter 1999</i></p>	<p>Prior to the issue of a Development Permit for Building Works (Demolition).</p>

General Requirements	Timing
<p>and associated guidelines, the Queensland Government Guideline: Archival Recording of Heritage Places, and Planning Scheme Policy – Places of Significance. The Record, at a minimum, must include all relevant parts prescribed under Item (5) of section 3.5 – Guidelines for preparing an archival report of the Planning Scheme Policy – Places of Significance.</p>	
<p>8. Construction Management Plan – Heritage Record</p> <p>Prepare and provide Council with a detailed Heritage Record Construction Management Plan for endorsement. The Record must include, but is not limited to the following:</p> <ol style="list-style-type: none"> a. List the building works and refer to the relevant plan(s) which shows the existing building and clearly shows the demolition works; b. An assessment of relevant risks of damage to heritage fabric of the places of local heritage significance by the development (i.e. vibration); c. Documentation of preliminary strategies to protect and manage heritage fabric during construction to ensure damage is avoided and treatments are compatible with the affected elements, particularly: <ol style="list-style-type: none"> i. vibration; ii. provision of temporary bracing; iii. protection of retained elements; iv. careful salvage, treatment, and storage of significant elements; d. Vibration Management Plan or similar documentation for consideration of construction measures that will be put in place to manage the risk of damage due to vibration. This must include advice from an appropriately experienced structural engineer on the construction methods and construction management strategies, with their consideration of the existing condition of the significant buildings (both on and adjoining the land) and an appropriate understanding of the geotechnical information for the sites. e. Preliminary documentation of strategies to manage heritage values while providing for modern building requirements (as would be required by the National Construction Code / Building Act 1975) such as: <ol style="list-style-type: none"> i. The sensitive integration of services for the proposal within heritage fabric, avoiding visual and physical damage in their installation; ii. Structural upgrades; iii. Equal access provisions (i.e., <i>Disability Discrimination Act 1992</i>); 	<p>Prior to the issue of a Development Permit for Building Works (Demolition).</p>

General Requirements	Timing
<ul style="list-style-type: none"> iv. Roof / rainwater upgrades; and v. Energy efficiency. f. An Interpretation Plan that outlines the physical elements to be interpreted and associated interpretive installations to provide an understanding of their significance to users of the subject sites. 	
<p>9. Certification of Construction Impacts</p> <p>Provide certification to Council and the Cairns Airport from a licensed Surveyor that the overall height of the any construction equipment, including but not limited to cranes and other equipment, does not encroach into the Airport's Operational Airspace, which is 46.0 to 50.0 metres AHD over the site.</p> <p>Alternatively, provide to Council a copy of the requisite approvals documentation from Cairns Airport permitting temporary encroachment into the Airport's Operational Airspace.</p>	<p>Prior to issue of a Development Permit for Building Works.</p>
<p>10. Water Supply and Sewerage Works Internal</p> <p>At the time of demolition, any redundant sewer and/or water connections must be capped. Council must be provided with written notice of the relevant affected connections within 20 business days of the capping of such connection(s) occurring.</p>	<p>As stated.</p>
<p>11. Traffic Impact Assessment (TIA) – Building Work</p> <p>Provide a detailed Traffic Impact Assessment (TIA) for the proposed Building Works.</p> <p>The detailed TIA must assess the impacts of the proposed demolition works on the existing local road network and the need for any temporary upgrades / augmentations to accommodate the works. The TIA must include, but is not limited to the following matters:</p> <ul style="list-style-type: none"> a. The proposed staging of the proposed partial demolition works and anticipated timing; b. The prediction of road traffic generated by the proposed partial demolition works, traffic distribution and travel patterns; c. Analysis of the impact of the proposed demolition related traffic on Councils local road network and intersections giving the necessary consideration to capacity, safety, and efficiency. The Applicant must demonstrate that the proposed development can operate safely; d. Analysis of the impact of the proposed demolition related traffic on Council's pedestrian and cycling networks 	<p>Prior to Commencement of Building Works (Demolition Works).</p>

General Requirements	Timing
<p>giving the necessary consideration to capacity, safety and efficiency. The Applicant must demonstrate that the development can operate safely; and</p> <p>e. Identification of possible temporary upgrades / augmentations required to the existing road, cycling, and/or pedestrian network/s to maximise the safe and serviceable operation of the identified network, mitigate any identified impacts of the proposed demolition and the associated timing for such upgrades.</p> <p>The TIA must be prepared and certified by a suitably qualified and experienced Traffic Engineer and be prepared in accordance with Austroads guide to Traffic Management Part 12 and certified by a RPEQ in this field.</p> <p>The TIA must include appropriate discussion and data to support the recommendations. All assumptions made within the TIA must be documented and references detailed.</p>	
<p>12. Traffic Management / Risk Management Assessment</p> <p>Conduct a Risk Management Assessment (RMA) of all safety risks likely to arise during the course of undertaking potential works on the road including the setting up, operating, changing, and dismantling of a traffic guidance scheme.</p> <p>This assessment must consider the general behaviour of road users, cyclists, and pedestrians. Where the RMA determines works will impact the normal operations of the Local Government Managed Areas and Roads, the Applicant must implement a Traffic Guidance Scheme and a copy of the plans must be submitted to Council prior to implementation of the Traffic Guidance Scheme.</p> <p><i>Advice Note: Where the Local Government Road is required to be partially or fully closed, please note that additional permits and approvals may be required.</i></p> <p><i>Advice Note: The Traffic Impact Assessment and Risk Management Assessment should be prepared in conjunction with the Construction Management Plan required under Condition 19 of this Development Permit.</i></p>	<p>Prior to Commencement of Building Works (Demolition Works).</p>
<p>13. Concentration of Stormwater</p> <p>Stormwater discharge must have a no worsening effect or ponding nuisances on downstream or upstream properties, associated with the following:</p> <p>a. Diversion of stormwater;</p> <p>b. Concentration of stormwater flows;</p>	<p>At all times.</p>

General Requirements	Timing
<p>c. Changes in other flow characteristics; and d. Changes that affect the future use of land.</p> <p>If a disparity exists between pre and post alteration flows, measures are to be implemented in order to have a no worsening effect.</p>	
<p>14. Discharge of Stormwater</p> <p>Stormwater associated with development is discharged to:</p> <p>a. A lawful connection provided from the premises to Council's stormwater network; or b. Land under Local Government control that has a lawful drainage function immediately adjoining to the premises; or c. An easement for drainage purpose immediately adjoining to the premises; or d. Where the site cannot discharge to a, b or c, stormwater is discharged from the site in a manner that does not result in:</p> <p>i. Change to the location of stormwater discharge; ii. An increase to peak flow velocity or volume; or iii. A concentration in stormwater discharge.</p>	At all times.
<p>15. Sediment and Erosion Control – Water Discharge</p> <p>Soil and water management measures must be installed/implemented prior to discharge of water from the land, such that no external stormwater flow from the land adversely affects surrounding or downstream properties (in accordance with the requirements of the <i>Environmental Protection Act 1994</i> (Qld), the FNQROC Development Manual and the International Erosion Control Association 2008 Guidelines).</p>	At all times.
<p>16. Runoff Generally</p> <p>All reasonable and practicable measures must be taken to prevent pollution entering existing creeks, waterways, or drainage lines, as a result of silt run-off, oil and grease spills from any machinery. Wastewater as a result of cleaning equipment must not be discharged directly or in-directly to any watercourses, stormwater systems or private properties (in accordance with the requirements of the <i>Environmental Protection Act (1994)</i>, the FNQROC Development Manual and Best Practice Erosion & Sediment Control – IECA Australasia).</p>	At all times.
<p>17. Sediment and Erosion Control Plan</p> <p>Prepare and provide to Council for approval an Erosion and Sediment Control Plan (ESCP) to manage the site during construction and the defect liability period until Final Works</p>	Prior to Commencement of Building Works (Demolition

General Requirements	Timing Works).
<p>Acceptance. The submitted plan is to be substantially in accordance with the approved Erosion and Sediment Control Strategy, and must be in accordance with the following requirements:</p> <ol style="list-style-type: none"> a. An Erosion and Sediment Control (ESC) Plan must be submitted to Council and endorsed by the Consulting Engineer; b. The ESC Plan must address Engineering Best Practice, the <i>Environment Protection Act 1994</i> (Qld) and Clauses CP1.05, CP1.13 and D5.10 of the FNQROC Development Manual. The ESC Plan must be relevant to all phases of the construction and be updated where necessary as works progresses; c. During the construction period, the Consulting Engineer must randomly audit and inspect the ESC measures for compliance with the Engineer endorsed Contractor's ESC Plan, derived from the Engineers ESC Strategy (ss per FNQROC CP1 Appendix A); d. It is the Contractor's responsibility to ensure that the ESC Plan is updated and amended to reflect any changes in the construction methodology. All such amendments must be approved by the Engineer and presented to Council; e. During construction, the Contractor must implement a suitable dust management strategy to minimise dust nuisance on adjacent properties. Details of the dust management strategy must be incorporated into the Erosion and Sediment Control Strategy and be noted on the Contractor's ESC plan; f. The developer must be held responsible for any rectification works required to clean up dust, pollutants and sediments that may leave the site as a result of construction activities; g. The developer or their representative must be responsible for communicating with third parties affected by any dust, pollutants or sediment leaving the site as a result of any construction activity that is associated with the project site; and h. Upon completion of earthworks and prior to Works Acceptance, all exposed surfaces are to be treated (i.e., drill seeding, hydro mulching) to prevent erosion. Temporary ESC measures must remain in place during construction and until the site is stabilised to prevent and sediment entering the adjacent stormwater systems or properties. <p>The Erosion and Sediment Control (ESC) measures must be installed and maintained for the duration of the works in</p>	

General Requirements	Timing
accordance with the approved Plan until Final Works Acceptance.	
<p>18. Damage to Infrastructure and Land</p> <p>Where any part of Council's existing infrastructure or land is damaged as a result of construction activities occurring on the land, including but not limited to; mobilisation of heavy construction equipment, stripping, grubbing and vegetation damage, notify Council immediately of the affected infrastructure or land and have it repaired, replaced, or reinstated at no cost to Council.</p>	<p>At all times;</p> <p>AND</p> <p>Prior to Commencement of Use.</p>
<p>19. Construction Management Plan</p> <p>A Construction Management Plan must be prepared and submitted to Council.</p> <p>The Construction Management Plan must address all activities/operations associated with the construction including:</p> <ul style="list-style-type: none"> a. Hours of construction; b. Location(s) of construction access; c. Parking of vehicles (including construction site employees and delivery vehicles); d. Traffic management and control (including loading and unloading); e. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area; f. Tree protection management; g. Site safety and security after hours to prevent public entry; and h. Location and details of construction signage including any signage that is to be illuminated. <p>The CMP must be provided to Council and made available to all onsite workers at all times. The CMP must be implemented at all times for the duration of approved work.</p>	<p>Prior to Commencement of Building Works (Demolition Works).</p>
<p>20. Storage of Machinery and Plant</p> <p>The storage of any machinery, material or plant during construction work must not cause a nuisance to surrounding properties.</p>	<p>At all times.</p>
<p>21. Transportation of Material</p> <p>Transportation of fill or spoil to and from the land must not occur:</p> <ul style="list-style-type: none"> a. Within peak traffic times; b. Before 7:00am or after 6:00pm Monday to Friday; 	<p>As stated.</p>

General Requirements		Timing
	c. Before 7:00am or after 1:00pm Saturday; or d. On Sunday or a Public Holiday.	
22.	Stockpiling of Material Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises and/or a road frontage for any longer than one (1) month from the commencement of work on the land.	As stated.

PART C: INFRASTRUCTURE CHARGES

1. That an Infrastructure Charges Notice is issued for the development.

PART D: REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment Referral Agency	2309-36986 SRA	11 December 2023	#7320240

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

ADVICE

1.	Planning Laws Information relating to the <i>Planning Act 2016</i> (Qld), <i>Planning Regulation 2017</i> (Qld) and Development Assessment Rules is located on the Queensland Government's planning website.
2.	Further Approvals Required to Carry out the Development The following further approvals are required prior to carrying out the development generally in accordance with the approved plan(s) and drawings: <ol style="list-style-type: none"> a. Development Permit for Building Works; b. Development Permit for Operational Works; and c. Development Permit for Plumbing Works.
3.	Definitions All terms used in this development approval have those definitions as defined under the <i>Planning Act 2016</i> (Qld) and <i>Planning Regulation 2017</i> (Qld) (as at the date of the approval), Queensland Development Code and CairnsPlan 2016.

	<p>To the extent of any inconsistency, the order of precedence of the above instruments is as follows:</p> <ol style="list-style-type: none"> a. <i>Planning Act 2016</i> (Qld); b. <i>Planning Regulation 2017</i> (Qld); c. Queensland Development Code; d. CairnsPlan 2016; and e. FNQROC Development Manual.
4.	<p>FNQROC Development Manual</p> <p>Access to FNQROC Development Manual, Local Laws, CairnsPlan 2016 and other referenced planning scheme policies are located on Council’s website – www.cairns.qld.gov.au.</p>
5.	<p>Infrastructure Charges Notice</p> <p>A charge levied for the supply of trunk infrastructure is payable to Council in accordance with Council’s Infrastructure Charges Resolution No. 2 of 2021 and the Infrastructure Charges Notice, a copy of which is attached for reference purposes only.</p> <p>The original Infrastructure Charges Notice will be provided under cover of a separate letter.</p> <p>The amount in the Infrastructure Charges Notice has been calculated according to Council’s Infrastructure Charges Resolution.</p> <p>Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The <i>Planning Act 2016</i> (Qld) confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.</p> <p>The amount in the Infrastructure Charges Notice is subject to index adjustments and may differ at the time of payment. Please contact Council’s Development Assessment Team for review of the charge amount prior to payment.</p> <p>The time when payment is due is contained within the Infrastructure Charges Notice.</p>
6.	<p>Environmental Nuisance</p> <p>Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an ‘environmental nuisance’ within the meaning of the <i>Environmental Protection Act 1994</i> (Qld) to any sensitive receptor as stated within Schedule 1 of the Environmental Protection (Noise) Policy 2019 (Qld).</p>

	<p>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 an Authorised Person (officer) of Council, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the <i>Environmental Protection Act 1994</i> (Qld).</p>
7.	<p>Cyclone Watch Site Management</p> <p>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.</p>
8.	<p>Connections to, Alteration or Realignment of Council Infrastructure</p> <p>Where development works require the connection to, alteration, removal or realignment of Council infrastructure or impact on other public utility infrastructure (e.g. telecommunications, electricity and gas), obtain the necessary approvals from the relevant public utility authority prior to works commencing.</p> <p>All connections or disconnection of water infrastructure must be undertaken by Council at the Applicant's cost.</p> <p>Connection to, alteration, removal or realignment of Council infrastructure includes (but is not limited to) fire hydrants, water service meters, sewer maintenance hole covers, stormwater drainage, reinstatement of maintenance hole covers, stormwater drainage, crossovers, footpaths, road pavement, kerb and channel, kerb ramps, medians, traffic islands, road furniture, signage and line-marking.</p>
9.	<p>Building Works Near Sewer Mains</p> <p>Any building works located over or near an existing sewer is subject to a Plumbing Application for Permission to Build over/and or Adjacent to Sewer Mains unless the works are not referable under the Queensland Development Code MP1.4. The design of the building and footings over or near the sewer are to comply with the performance criteria in section MP.1.4 of the Queensland Development Code where relevant.</p>
10.	<p>Bushfire</p> <p>The Building Certifier is responsible for assessing whether the proposed development meets the relevant construction requirements in accordance with AS 3959-2009 Construction of buildings in bushfire-prone areas.</p>
11.	<p>Dial Before You Dig</p> <p>Undertake a 'Dial Before You Dig' search and all information is to be verified and services located on site. Council accepts no responsibility for damaged</p>

	assets as a result of these works. All damaged Council infrastructure is to be returned/replaced to an as-new state before works acceptance is issued.
12.	<p>Building Work</p> <p>This approval does not approve or authorise the construction of building work. A Development Permit for Building Work must be obtained in order for construction to commence.</p>
13.	<p>Future Compliance</p> <p>This approval does not negate the requirement for compliance of any future use with CairnsPlan 2016 or any future in force planning schemes, all other relevant Local Laws and other statutory requirements.</p>
14.	<p>Cultural Heritage</p> <p>Aboriginal cultural heritage is protected under the <i>Aboriginal Cultural Heritage Act 2003</i> (Qld).</p> <p>Under the Act, a person who carries out an activity must take all reasonable and practicable measures to ensure that the activity is properly managed to avoid or minimise harm to Aboriginal cultural heritage.</p> <p>The Duty of Care Guidelines provide further guidance on identifying and protecting Aboriginal cultural heritage and can be accessed at the following webpage – https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care.</p>
15.	<p>Road Closures and Works on a Local Government Road</p> <p>Road Closures and Works on a Local Government Road require further approvals from Cairns Regional Council that are not covered by this Permit. An Application for a Temporary Road Closure is required where an activity on Council managed road or footpath occurs and where the activity will create an interference with the normal flow of traffic or pedestrian movement. An activity pertains to construction works undertaken within the road reserve. Applicants should allow additional time before planned works commence to obtain the required approvals.</p>

LAND USE DEFINITIONS*

In accordance with Schedule 24 of the *Planning Regulation 2017* (Qld) and CairnsPlan 2016, the approved land use of Food & Drink Outlet, Multiple Dwelling, Shops, and Short-Term Accommodation are defined as:

Food and Drink Outlet “means the use of premises for—

(a) preparing and selling food and drink for consumption on or off the

premises; or

- (b) providing liquor for consumption on the premises, if the use is ancillary to the use in paragraph (a).”

Multiple Dwelling “multiple dwelling means a residential use of premises involving 3 or more dwellings, whether attached or detached.”

Shop “means the use of premises for—

- (a) displaying, selling or hiring goods; or
 (b) providing personal services or betting to the public.

Short-term Accommodation —

“(a) means the use of premises for—

- (i) providing accommodation of less than 3 consecutive months to tourists or travellers; or
 (ii) a manager’s residence, office, or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in subparagraph (i); but
 (b) does not include a hotel, nature-based tourism, resort complex or tourist park.”

*These definitions are provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

carried with Cr Pyne voting against the motion

6. COMMUNITY PARTNERSHIPS GRANT ROUND 10 322

63/18/1 | #7312179

OLDS / PYNE

I move that it is in the public interest that Cr Eden participates and votes on this item on the condition that the rationale outlined in her declaration being:

- a member of Team Eden is on the Management Committee for Redlynch Valley Community Group Inc.

And therefore a reasonable person would trust that the final decision is made in the public interest.

carried with Cr Eden not participating in the vote

ZEIGER / OLDS

That Council Approves \$134,572 (ex GST) funding from the 2023/2024 Community Partnerships Grant stream and \$65,600 (ex GST) funding from the 2024/2025 Community Partnerships Grant stream to the following applicants:

- a. Aloomba Primary P&C Association for the Aloomba State School Quasquicentennial to the value of \$3,500 (ex GST).**
- b. Babinda Harvest Festival Inc. for the Babinda Harvest Festival to the value of \$25,000 (ex GST).**
- c. Bats and Trees Society of Cairns Inc. for the Annual Cairns Bat Festival 2024 to the value of \$5,000 (ex GST).**
- d. Cairns African Association Incorporated for the Cairns African Festival 2024 to the value of \$12,700 (ex GST).**
- e. Cairns Bhutanese Community Inc. for the Interstate Bhutanese Soccer Championship 2024 to the value of \$19,000 (ex GST).**
- f. Cairns Municipal Band Incorporated Association for Volkstanzfest to the value of \$5,000 (ex GST).**
- g. Cancer Council Queensland for Far North Queensland Relay for Life 2024 to the value of \$20,400 (ex GST).**
- h. FNQ Volunteers Inc. for the FNQ Volunteer of the Year Awards to the value of \$5,000 (ex GST).**
- i. Freshwater Tennis Club for the Freshwater Festival to the value of \$7,000 (ex GST).**
- j. Fulfilling Dreams Inc. for PLAYGRND Showdown Quest Tour to the value of \$10,000 (ex GST).**
- k. GOPIO Cairns Inc. for the Cairns Indian Festival to the value of \$20,677 (ex GST).**
- l. Marlin Coast Neighbourhood Centre Inc. for the Community Fun Day to the value of \$2,500 (ex GST).**
- m. Our Future Mentors Indigenous Corporation for Ebor Carnival to the value of \$20,000 (ex GST).**
- n. Queensland Police-Citizens Youth Welfare Association for Youth Week After Dark Basketball and Finale to the value of \$6,000 (ex GST).**

- o. Redlynch Valley Community Group Inc. for the Redlynch Community Twilight Markets 2024 to the value of \$12,395 (ex GST).
- p. The Dr Edward Koch Foundation Limited for the All of us Festival – Celebrating Queensland Mental Health Week to the value of \$10,000 (ex GST).
- q. UMI Arts Limited for Big Talk One Fire (First Nations Cultural Festival) to the value of \$16,000 (ex GST).

Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any and all matters relating to the above funding agreements.

carried unanimously

BUSINESS NOT ON THE AGENDA

1. CERTIFICATE OF RECOGNITION – CAIRNS REGIONAL COUNCIL

Cr Coghlan presented a certificate to the Chief Executive Officer from The Hon. Warren Entsch MP recognising Cairns Regional Council staff for their service to the Far North Queensland Community in their time of need following Tropical Cyclone Jasper.

2. BEST BEACH IN THE WORLD FOR PALM COVE – CONDE NAST TRAVELER AWARD

Cr Olds advised that Palm Cove Beach was awarded the “Best Beach in the World” by Conde Nast Traveller magazine for its palm trees, powdery sand and view of the dolphins and whales from the jetty.

There is an item in closed session. This item relates to a budgetary matter.

Can I please have a mover and a seconder to move into Closed Session under Section 254J(3)(c) of the Local Government Regulations 2012.

CLOSED SESSION

COGHLAN / MOLLER

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

- 1. BUDGETARY MATTER – OUTSTANDING DEBTORS REPORT 346**
63/8/31 | #7363635V1

carried unanimously

OUT OF CLOSED SESSION

COUNCIL RESOLVED TO MOVE OUT OF CLOSED SESSION

MOLLER / OLDS

carried unanimously

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

- 1. BUDGETARY MATTER – OUTSTANDING DEBTORS REPORT 346**
63/8/31 | #7363635V1

O'HALLORAN / COGHLAN

That Council notes the status of the outstanding debt owed to Council as at 23 February 2024.

carried unanimously

A presentation was made to Cr Max O'Halloran due to his retirement from Council.

THE MEETING CLOSED AT 9.39 AM

CONFIRMED THIS DAY OF 2024

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER