

CAIRNS REGIONAL COUNCIL

MINUTES

PLANNING & ENVIRONMENT COMMITTEE

7 JULY 2010

COMMENCING AT 10.00 AM

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

OFFICERS:

L Russell	Chief Executive Officer
P Tabulo	General Manager Planning & Environment
J Relph	A/General Manager Water & Waste
S Clarke	Manager Development Assessment
L Phipps	Manager Environmental Assessment
J McGlone	Manager Marketing & Communications
S Anderson	Media CoOrdinator
L Jackson	A/Team Leader
M Grenfell	Sustainability Officer
S Shearer	Minute Secretary

- 1. APPLICATION FOR A PERMIT TO CONDUCT A RICKSHAW (PEDICAB) SERVICE IN CAIRNS CBD UNDER LOCAL LAW NO. 22 (ACTIVITIES ON ROADS) - DIVISION 5..... 1
Stuart Pollett : 1/11/4-20 : #2619164

BLAKE / LANSKEY

That Council approve the issue of a permit under Local Law No. 22 (Activities on Roads) to conduct a rickshaw (pedicab) service in the Cairns CBD area, subject to, but not limited to the following: -

- 1. The permit be for a six (6) month trial period;
- 2. The permit area be confined to the current Cairns CBD regulated parking area.
- 3. The hours of operation to be confined to between 6am and 10pm daily;
- 4. Any pedicabs (bicycles) used in the business being compliant with the relevant Australian Standards applying to pedicabs (bicycles);
- 5. The operator complying with any requirements relating to use of the pedicab on a road or passenger transport as required by the *Transport Operations (Road Use Management) Act 1995 and the Transport Operations (Road Use Management – Road Rules) Regulation 2009*;
- 6. The pedicab to have appropriate permanent lighting front and rear to ensure the pedicabs are highly visible;
- 7. Regulated parking bay fees to apply where parking bays are used in conducting the business.

carried

Cr Forsyth left the meeting at 10.03 am and returned at 10.05 am

- 2. ROADSIDE VENDING RENEWAL APPLICATION - CORNER OF SHIELDS & LAKE STREETS, OUTSIDE PJ O'BRIENS - DIVISION 5 6
Stuart Pollett : 1/11/4-20: #2632231

BLAKE / COCHRANE

That Council approves the renewal application submitted by Eskimo Roy Gourmet Foods to conduct Roadside Vending at a current location at the corner of Shields & Lake Streets, outside PJ O'Briens, subject to :

- 1. This approval is for the sale of hot dogs only from the subject location.

2. The vehicle (hot dog stand) used in the operation of roadside vending activities shall be parked and shall remain at all times in the position as indicated on the approved site plan.
3. This permit allows for roadside vending activities to be conducted between the hours of 9:30pm and 3:30am Sunday to Thursday and 9:30pm and 5:30am Friday to Saturday.
4. A further 30 minutes non-trading time has been allocated to enable the packing up and removal of the roadside vending activity from the permitted area.
5. The enclosed Roadside Vending Certificate is to be displayed at all times whilst the subject activity is being conducted.
6. A copy of the approval conditions and approved site plan shall be kept on site at all times and shall be produced to an Authorised Council Officer upon request.
7. Advertising material is to be limited to one A-Frame sign (900mm high x 600mm wide) only. Illuminated signage and amplified advertising devices are not permitted at the roadside vending site.
8. Details of any amendments to the approved plan including a change of vehicle shall be submitted for the approval of Council.
9. All permitted Roadside Vending activities must be consistent with the Regulation and Standards of the Workplace Health & Safety Act.
10. The Roadside Vending activity must not have any adverse effect on the existing vegetation and landscaping of the area or the environment.
11. The Roadside Vending activity must not cause a nuisance to any person or a danger to any person or property.
12. The holder of this approval must provide and maintain sufficient receptacles for refuse and thoroughly clean and remove all material associated with the Roadside Vending activity at the conclusion of each business day.
13. No structures are to be erected at the vending site without further approval of Council.
14. Appropriate arrangements for toilet arrangements, as agreed, are to be in place at all times.
15. A Public Liability Insurance Policy for the subject premises to the value of ten million dollars (\$10,000,000.00) shall be kept in force for the whole of the period that the permit covers, and shall include the Cairns Regional Council,

the Minister Administering the Land Act 1994 and the State of Queensland as interested parties.

16. This permit is at Council's discretion and Council reserves the right to amend or revoke this permit, subject to notification to the permit holder, at any such time it is deemed necessary.
17. The holder of this approval must maintain Council's Incident Report Monitor Form and forward completed copy to Council following any incidents within the Roadside Vending area.
18. Council may revise this permit on the completion of Council's Security Contractors agreement.
19. Annual Roadside Vending Fees must be paid by the due date outlined on the invoice.
20. This approval expires on 30 June 2011.

carried

3. ROADSIDE VENDING RENEWAL APPLICATION - APPROXIMATELY 650 METRES NORTH OF WHITFIELD STREET, WESTERN SIDE OF THE CAPTAIN COOK HIGHWAY, AEROGLEN - DIVISION 8 11
Stuart Pollett : 1/11/4-20: #2623784

COCHRANE / LESINA

That Council approves the renewal application submitted by The Hot Food Van to conduct Roadside Vending at a location approximately 650 metres north of Whitfield Street, western side of the Captain Cook Highway, Aeroglen, subject to :

1. This approval is for the sale of pies and pastries, salad rolls and soft drinks only from the subject location.
2. The vehicle used in the operation of Roadside Vending activities shall be parked and shall remain at all times in the current approved position with a 1989 Nissan Vanette – Rego Number 249 EIS – attached 2m x 2m side annex.
3. The permit allows for Roadside Vending activities to be conducted between the hours of 7.00am – 3.30pm Monday to Friday.
4. The enclosed Roadside Vending Certificate is to be displayed at all times whilst the subject activity is being conducted.

5. A copy of the approval conditions and approved site plan shall be kept on site at all times and shall be produced to an Authorised Council Officer upon request.
6. Advertising material is to be limited to one A-Frame sign (900mm high x 600mm wide) only. Illuminated signage and amplified advertising devices are not permitted at the Roadside Vending site.

Please Note: All 'specials & prices' advertisements are not to be visible from the roadway.

7. Details of any amendments to the approved plan including a change of vehicle shall be submitted for the approval of Council.
8. All permitted Roadside Vending activities must be consistent with the Regulation and Standards of the Workplace Health and Safety Act.
9. The Roadside Vending activity must not have any adverse effect on the existing vegetation and landscaping of the area or environment.
10. The Roadside Vending activity must not cause a nuisance to any person or a danger to any person or property.
11. The holder of this approval must provide and maintain sufficient receptacles for refuse and thoroughly clean and remove all material associated with the Roadside Vending activity at the conclusion of business each day.
12. No structures are to be erected at the vending site.
13. Appropriate arrangements for toilet breaks, as agreed, are to be in place at all times.
14. A Public Liability Insurance Policy for the subject premises to the value of ten million dollars (\$10,000,000.00) shall be kept in force for the whole of the period that the permit covers, and shall include the Cairns Regional Council, the Minister Administering the Land Act 1994 and the State of Queensland as interested parties.
15. Council reserves the right to amend any conditions of this permit, subject to notification to the permit holder, at any such time it is deemed necessary.
16. This permit is at Councils discretion and may be revoked at any time either partially or fully.
17. The completion and submission of the attached Ancillary Works and Encroachment Form to the Department of Main Roads North Queensland Region to validate this permit.

18. The operator accepts the conditions set out by the Department of Main Roads to validate this permit.
19. Annual Roadside Vending Fees must be paid by the due date outlined on the invoice.
20. This approval expires on the 30 June 2011.

carried

4. ROADSIDE VENDING RENEWAL APPLICATION - ADJACENT TO PREMISES LOCATED AT 28-30 SPENCE STREET, CAIRNS CITY - CAIRNS HOT DOGS - DIVISION 5 16
Stuart Pollett : 1/11/4-20: #2621151

BLAKE / FORSYTH

That Council approve the renewal application submitted by Cairns Hot Dogs to conduct Roadside Vending at a location adjacent to 28-30 Spence Street, Cairns City subject to :

1. This approval is for the sale of Hot Dogs, Chicken Rolls, Hot Roast Beef Rolls and Soft Drinks only from the subject location.
2. This approval is for one (1) Dyna Truck with Pantech fitted out as previously approved by Council's Public Health Unit.
3. This permit allows for roadside vending activities to be conducted between the hours of Thursday 9:00pm – 3:00am, Friday 9:00pm – 5:00am and Saturday 9:00pm – 5:00am. The following specific days are also permitted between the hours of 9:00pm – 5:00am: -
 - New Years Eve
 - Thursday Night before Good Friday
 - Sunday Night before Easter Monday
 - Thursday before Cairns Show Public Holiday
 - Queens Birthday Public Holiday; and
 - Labour Day Public Holiday
4. A further 30 minutes non-trading time has been allocated to enable the packing up and removal of the roadside vending activity from the permitted area.
5. The enclosed Roadside Vending Certificate is to be displayed at all times whilst the subject activity is being conducted.

6. **A copy of the approval conditions and approved site plan shall be kept on site at all times and shall be produced to an Authorised Council Officer upon request.**
7. **Advertising material is to be limited to one A-Frame sign (900mm high x 600mm wide) only. Illuminated signage and amplified advertising devices are not permitted at the roadside vending site.**
8. **Details of any amendments to the approved plan including a change of vehicle shall be submitted for the approval of Council.**
9. **All permitted Roadside Vending activities must be consistent with the Regulation and Standards of the Workplace Health & Safety Act.**
10. **The Roadside Vending activity must not have any adverse effect on the existing vegetation and landscaping of the area or the environment.**
11. **The Roadside Vending activity must not cause a nuisance to any person or a danger to any person or property.**
12. **The holder of this approval must provide and maintain sufficient receptacles for refuse and thoroughly clean and remove all material associated with the Roadside Vending activity at the conclusion of each business day.**
13. **No structures are to be erected at the vending site.**
14. **Appropriate arrangement for toilet breaks, as agreed, are to be in place at all times.**
15. **A Public Liability Insurance Policy for the subject premises to the value of ten million dollars (\$10,000,000.00) shall be kept in force for the whole of the period that the permit covers, and shall include the Cairns Regional Council, the Minister Administering the Land Act 1994 and the State of Queensland as interested parties.**
16. **Council reserves the right to amend any conditions of this permit, subject to notification to the permit holder, at any such time it is deemed necessary.**
17. **This permit is at Council's discretion and may be revoked at any time either partially or fully.**
18. **The holder of this approval must maintain Council's Incident Report Monitor Form and forward completed copy to Council following any incidents within the Roadside Vending area.**
19. **Council may revise this permit on the completion of Council's Security Contractors agreement.**

20. Annual Roadside Vending Fees must be paid by the due date outlined on the invoice.
21. This approval expires on 30 June 2011.

carried

5. ROADSIDE VENDING RENEWAL APPLICATION - MULGRAVE ROAD, PARRAMATTA PARK, OUTSIDE CAIRNS SHOWGROUNDS - DIVISION 5.....21
Stuart Pollett : 1/11/4-20: #2630611

BLAKE / GREGORY

That Council approve the renewal application submitted by Bushman's Pies to conduct Roadside Vending at a current location on Mulgrave Road, Parramatta Park, outside Cairns Showgrounds, subject to :

1. This approval is for the sale of pies, sausage rolls, pasties and non-alcoholic drinks only from the subject location.
2. The vehicle used in the operation of Roadside Vending activities shall be parked and shall remain at all times in the current approved position.
3. This permit allows for Roadside Vending activities to be conducted between the hours of 8.30am – 2.00pm daily.
4. The enclosed Roadside Vending Certificate is to be displayed at all times whilst the subject activity is being conducted.
5. A copy of the approval conditions and approved site plan shall be kept on site at all times and shall be produced to an Authorised Council Officer upon request.
6. Advertising material is to be limited to one A-Frame sign (900mm high x 600mm wide) only. Illuminated signage and amplified advertising devices are not permitted at the Roadside Vending site.

Please Note: All 'specials & prices' advertisements are not to be visible from the roadway.

7. Details of any amendments to the approved plan including a change of vehicle shall be submitted for the approval of Council.
8. All permitted Roadside Vending activities must be consistent with the Regulation and Standards of the Workplace Health & Safety Act.

9. **The Roadside Vending activity must not have any adverse effect on the existing vegetation and landscaping of the area or the environment.**
10. **The Roadside Vending activity must not cause a nuisance to any person or a danger to any person or property.**
11. **The holder of this approval must provide and maintain sufficient receptacles for refuse and thoroughly clean and remove all material associated with the Roadside Vending activity at the conclusion of business each day.**
12. **No structures are to be erected at the vending site.**
13. **Appropriate arrangements for toilet breaks, as agreed, are to be in place at all times.**
14. **A Public Liability Insurance Policy for the subject premises to the value of ten million dollars (\$10,000,000-00) shall be kept in force for the whole of the period that the permit covers, and shall include the Cairns Regional Council, the Minister Administering the Land Act 1994 and the State of Queensland as interested parties.**
15. **Council reserves the right to amend any conditions of this permit, subject to notification to the permit holder, at any such time it is deemed necessary.**
16. **This permit is at Councils' discretion and may be revoked at any time either partially or fully.**
17. **The completion and submission of an attached Ancillary Works and Encroachment Form to the Department of Main Roads North Queensland Region to validate this permit.**
18. **The operator accepts the conditions set out by the Department of Main Roads to validate this permit.**
19. **Annual Roadside Vending Fees must be paid by the due date outlined on the invoice.**
20. **This approval expires on the 30 June 2011.**

carried

6. **ROADSIDE VENDING RENEWAL APPLICATION – ADJACENT TO PREMISES LOCATED AT 77 LAKE STREET, CAIRNS – YELLOW SUBMARINE HOT DOGGERY – DIVISION 5.....26**
Stuart Pollett : 1/11/4-20: #2619272

BLAKE / COCHRANE

That Council approve the renewal application submitted by the Yellow Submarine Hot Doggery to conduct Roadside Vending at a location adjacent to 77 Lake Street, Cairns subject to :

- 1. This approval is for the sale of Hot Dogs, Chicken Rolls, Hot Roast Beef Rolls, Vegie Rolls and Soft Drinks only from the subject location.**
- 2. This approval is for One (1) Mazda E2500 with Pantech – fitted out as previously approval by Council’s Public Health Unit.**
- 3. The vehicle used in the operation of Roadside Vending activities shall be parked and shall remain at all times in the current approved position, until such time the area is converted to a taxi zone.**
- 4. This permit allows for roadside vending activities to be conducted between the hours of 9:30pm and 3:30am Sunday to Thursday and 9:30pm and 5:30am Friday & Saturdays.**
- 5. A further 30 minutes non-trading time has been allocated to enable the packing up and removal of the roadside vending activity from the permitted area.**
- 6. The enclosed Roadside Vending Certificate is to be displayed at all times whilst the subject activity is being conducted.**
- 7. A copy of the approval conditions and approved site plan shall be kept on site at all items and shall be produced to an Authorised Council Officer upon request.**
- 8. Advertising material is to be limited to one A-Frame sign (900mm high x 600mm wide) only. Illuminated signage and amplified advertising devices are not permitted at the roadside vending site.**
- 9. Details of any amendments to the approved plan including a change of vehicle shall be submitted for the approval of Council.**
- 10. All permitted Roadside Vending activities must be consistent with the Regulation and Standards of the Workplace Health & Safety Act.**

11. **The Roadside Vending activity must not have any adverse effect on the existing vegetation and landscaping of the area or the environment.**
12. **The Roadside Vending activity must not cause a nuisance to any person or a danger to any person or property.**
13. **The holder of this approval must provide and maintain sufficient receptacles for refuse and thoroughly clean and remove all material associated with the Roadside Vending activity at the conclusion of each business day.**
14. **No structures are to be erected at the vending site.**
15. **Appropriate arrangements for toilet breaks, as agreed, are to be in place at all times.**
16. **A Public Liability Insurance Policy for the subject premises to the value of ten million dollars (\$10,000,000.00) shall be kept in force for the whole of the period that the permit covers, and shall include the Cairns Regional Council, the Minister Administering the Land Act 1994 and the State of Queensland as interested parties.**
17. **Council reserves the right to amend any conditions of this permit, subject to notification to the permit holder, at any such time it is deemed necessary.**
18. **This permit is at Council's discretion and may be revoked at any time either partially or fully.**
19. **The holder of this approval must maintain Council's Incident Report Monitor Form and forward completed copy to Council following any incidents within the Roadside Vending area.**
20. **Council may revise this permit on the completion of Council's Security Contractors agreement.**
21. **Annual Roadside Vending Fees must be paid by the due date outlined on the invoice.**
22. **This approval expires on 30 June 2011.**

carried

7. RENEWAL APPLICATION FOR APPROVAL TO CONDUCT COMMERCIAL RECREATION ACTIVITIES ON PALM COVE FORESHORE - DIVISION 1031
Stuart Pollett : 10/23/1-16 : #2637237

LEU / BONNEAU

That Council approves the issue of a renewal approval under Local Law No. 27 (Commercial Recreation Activities) to Beach Fun Co to operate a Commercial Recreation Activity on Palm Cove Foreshore subject to :

1. The trailer used in this commercial recreational activity be registered, insured and towable at the request of council in the case of strong/cyclonic weather conditions.

carried

8. ROADSIDE VENDING RENEWAL APPLICATION - EAST SIDE OF CARAVONICA STATE SCHOOL CAR PARK, KAMERUNGA ROAD, CARAVONICA - DIVISION 833
Stuart Pollett : 1/11/4-20: #2637427

COCHRANE / BONNEAU

That Council approves the renewal application submitted by Kenneth & Maureen Mayo to conduct Roadside Vending at a current location at the east side of Caravonica State School Car Park, Kamerunga Road, Caravonica, subject to :

1. This approval is for the sale of fruit and vegetable only from the subject location.
2. This approval is for one (1) vehicle only – Ford Trader 4 tonne with canopy, cold box freezer, side shade tarp and five (5) folding tables.
3. The vehicle used in the operation of Roadside Vending activities shall be parked and shall remain at all times in the position as indicated on the approved site plan.
4. This permit allows for Roadside Vending activities to be conducted between the hours of 7.00am – 5.00pm each Saturday and Sunday and non-school days.
5. The enclosed Roadside Vending Certificate is to be displayed at all times whilst the subject activity is being conducted.

6. **A copy of the approval conditions and approved site plan shall be kept on site at all times and shall be produced to an Authorised Council Officer upon request.**
7. **Advertising material is to be limited to one A-Frame sign (900mm high x 600mm wide) only. Illuminated signage and amplified advertising devices are not permitted at the Roadside Vending site.**

Please Note: All 'specials & prices' advertisements are not to be visible from the roadway.

8. **Details of any amendments to the approved plan including a change of vehicle shall be submitted for the approval of Council.**
9. **All permitted Roadside Vending activities must be consistent with the Regulation and Standards of the Workplace Health & Safety Act.**
10. **The Roadside Vending activity must not have any adverse effect on the existing vegetation and landscaping of the area or the environment.**
11. **The Roadside Vending activity must not cause a nuisance to any person or a danger to any person or property.**
12. **The holder of this approval must provide and maintain sufficient receptacles for refuse and thoroughly clean and remove all material associated with the Roadside Vending activity at the conclusion of business each day.**
13. **No structures are to be erected at the vending site.**
14. **Appropriate arrangements for toilet arrangements, as agreed, are to be in place at all times.**
15. **A Public Liability Insurance Policy for the subject premises to the value of ten million dollars (\$10,000,000-00) shall be kept in force for the whole of the period that the permit covers, and shall include the Cairns Regional Council, the Minister Administering the Land Act 1994 and the State of Queensland as interested parties.**
16. **Council reserves the right to amend any conditions of this permit, subject to notification to the permit holder, at any such time it is deemed necessary.**
17. **This permit is at Councils' discretion and may be revoked at any time either partially or fully.**
18. **The completion and submission of the attached Ancillary Works and Encroachment Form to the Department of Main Roads North Queensland Region to validate this permit.**

- 19. The operator accepts the conditions set out by the Department of Main Roads to validate this permit.
- 20. Annual Roadside Vending Fees must be paid by the due date outlined on the invoice.
- 21. This permit expires on 30 June 2011.

carried

- 9. NEIGHBOURHOOD DISPUTES RESOLUTION BILL 201038
Laurie Phipps: TJ:18/46/2/110: #2637570

COOPER / LANSKEY

That Council resolve to:

- A. Make a submission to the Attorney-General in regard to the proposed *Neighbourhood Disputes Resolution Bill 2010* on grounds as articulated in the Draft Letter at Attachment 1;
- B. Request assistance from the Local Government Association Queensland in regard to the making of submissions to the Attorney-General in regard to the Bill.

carried

- 10. TEMPORARY STATE PLANNING POLICY 1/10 PROTECTING WETLANDS OF HIGH ECOLOGICAL SIGNIFICANCE IN GREAT BARRIER REEF CATCHMENTS, GUIDELINE AND REGULATORY IMPACT STATEMENT.....50
Kristy Gilvear: 8/27/3: #2639731

GREGORY / LESINA

That Council:

- A. Notes the release of the Temporary State Planning Policy 1/10 Protecting Wetlands of High Ecological Significance in Great Barrier Reef Catchments, Guideline and Regulatory Impact Statement;
- B. Endorses the submission made in regard to the Temporary SPP1/10, Guideline and Regulatory Impact Statement (dated 22 June) lodged on 29 June 2010; and

C. Acknowledges the participation of the following organisations in the preparation of the submission:

- **Tablelands Regional Council**
- **Urban Development Institute of Australia (Cairns Branch)**
- **Planning Institute of Australia (Tropical North Queensland Branch)**
- **North Queensland Airports Pty Ltd.**

carried

11. PLANNING & ENVIRONMENT COMMITTEE - ANNUAL ASSESSMENT REPORT 09/1087
Peter Tabulo 1/59/2: #2631601

LESINA / COCHRANE

That Council note the findings of the formal assessment of performance against the Terms of Reference for the Planning & Environment Committee.

carried

12. SUSTAINABILITY SCORECARD - SUSTAINABILITY ASSESSMENT TOOL & SUSTAINABILITY CHECKLISTS 91
Maree Grenfell: 8/27/3-07: #2637128

LESINA / LEU

That Council endorse the Sustainability Scorecard - Sustainability Assessment tool and Sustainability Checklists and endorse their future use by Council Officers.

carried

13. REQUEST FOR APPLICATION OF THE SUPERSEDED PLANNING SCHEME FOR LOT RECONFIGURATION (1 LOT INTO 5 LOTS AND COMMON PROPERTY) – KEWARRA STREET, KEWARRA BEACH – DIVISION 9 104
J Elphinstone :8/35/94 : #2630255

BONNEAU / COCHRANE

That Council approve the application of the Superseded Planning Scheme, being CairnsPlan 2005, for the further assessment of Reconfiguring a Lot (1 lot into 5 lots and common property) over land described as Lot 4 on RP840987, located at Kewarra Street, Kewarra Beach.

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

14. REQUEST FOR A PERMISSIBLE CHANGE FOR A MAJOR SHOPPING DEVELOPMENT UNDER SUPERSEDED PLANNING SCHEME FOR THE BALANCE OF THE CITY OF CAIRNS – BARNARD DRIVE, MOUNT SHERIDAN – DIVISION 3 111
Luke Jackson: 8/35/27 : #2583482

PYNE / BLAKE

That Council approves the request for a Permissible Change for a Major Shopping Development over land described as Lots 1, 3, 4, 5, and 6 on SP136776 and Lot 301 on SP128828, located at Barnard Drive, Mt Sheridan, subject to the following:

1. That the approved drawings and/or documents be amended to read as follows:

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
Ground Level	SK-GD-27B-	Nov-2007
	<u>DA-07 Issue C</u>	<u>May 2010</u>
Undercroft Level	SK-B1-27B	Nov-2007
	<u>DA-06 Issue B</u>	<u>March 2010</u>
Mezzanine Level	DA-04	Oct-2006
	<u>DA-08 Issue B</u>	<u>March 2010</u>

Elevations	DA-06 <u>DA-10 Issue C</u> <u>DA-11 Issue C</u>	<u>Oct 2006</u> <u>April 2010</u> <u>April 2010</u>
Sections	DA-07 <u>DA-12 Issue C</u> <u>DA-13 Issue C</u>	<u>Oct 2006</u> <u>April 2010</u> <u>April 2010</u>
Noise Impact Study	-	26 October 2006
<u>Mt Sheridan Bus Stop Revisions</u>	-	-
<u>Proposed Site Plans</u>	<u>DA-05 Issue D</u>	<u>May 2010</u>

2. That Condition 3 be amended to read as follows:

Water Supply and Wastewater Contributions

3. ~~The applicant/owner must contribute in accordance with Council's Trunk Infrastructure Contributions Policy provided for as per Section 5.1.4 of the *Integrated Planning Act 1997* towards the provisions of water supply and sewerage headworks.~~

~~The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are \$171,737.59 (50.59 EDCs) for water, and \$137,154.61 (50.59 EDCs) for wastewater.~~

~~Payment is required prior to Commencement of Use.~~

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

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

~~Payment is required prior to a Development Permit for Building Work.~~

3. That Condition 4 be amended to read as follows:

Stormwater Mitigation

4. ~~The applicant/owner must contribute in accordance with Council's Trunk Infrastructure Contributions Policy provided for as per Section 5.1.4 of the *Integrated Planning Act 1997* towards the provision or augmentation of stormwater drainage services.~~

~~The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total contributions are \$16,736.47 for Stormwater Mitigation.~~

~~Payment is required prior to Commencement of Use.~~

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

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

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

4. That Condition 5 be amended to read as follows:

Stormwater Quality

5. ~~The applicant/owner must contribute in accordance with Council's Trunk Infrastructure Contributions Policy provided for as per Section 5.1.4 of the *Integrated Planning Act 1997* towards the improvement of Stormwater Quality.~~

~~The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total contributions are \$19,658.21 for Stormwater Quality.~~

~~Payment is required prior to Commencement of Use.~~

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

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

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

5. That Condition 11 be amended to read as follows:

Parking

11. The amount of vehicle parking provided must be as a minimum of ~~one thousand one hundred and seventeen (1,139)~~ one thousand one hundred (1,100) spaces. Car parking spaces must not be used for the purpose of trolley collection bays without the prior consent of Council.

6. That Condition 12 be amended to read as follows:

Parking

12. The parking layout must be designed in accordance with the requirements of the Planning Scheme for the Balance of the City of Cairns and in particular:
- a. Provision must be made for loading/unloading of vehicles;
 - ~~b. The provision of a vehicle wash bay;~~
 - eb. Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear (including refuse and service/delivery vehicles);

7. That Condition 19 be amended to read as follows:

External Works

19. The applicant/owner must at their own cost undertake the following works external to the subject land:
- a. Construct a 2.0 metre wide concrete footpath to the ~~Foster Road~~ and Barnard Drive frontages (including the western side of Barnard Drive for the full length of the frontage from 137 to 145 Barnard Drive, linking to the existing path fronting Barnard Drive at the rear of 21 Bourke Close) in accordance with FNQROC Development Manual Standard Drawing 1035A. The footpath must contain kerb ramps to Barnard Drive in accordance with FNQROC Development Manual Standard Drawing 1016A. Kerb ramps must be fitted with Tactile Ground Surface Indicators in accordance with Australian Standard AS1428.4: 2002 *Design for Access and Mobility Part 4: Tactile Indicators*.
 - b. Provision of a concrete crossover(s) and apron(s);
 - c. Make good the kerb(s) at redundant crossover(s);
 - d. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines that may occur during and works carried out in association with the constructions of the approved development).
 - e. Replace damaged sections of existing kerb and channel;

- f. ~~Construct a roundabout where Barnard Drive splits three ways (adjacent to Cliff Close), 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.~~

A pedestrian crossing is to be provided in accordance with the Department of Main Roads, Manual of uniform traffic control devices (MUTCD) and the FNQROC development manual. The pedestrian crossing is to be located on Barnard Drive at a point between the existing round about and the proposed bus stop. The pedestrian crossing is to connect to the footpath required by condition 19a above and is to be to the satisfaction of the Chief Executive Officer.

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.

8. That Condition 44 be amended to read as follows:

Amalgamation Required

44. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 1, 3, 4, & 5 & 6 on SP136776 & ~~Lot 301 on SP 428828~~ into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines at the applicant's/owner's cost prior to Commencement of Use. Reciprocal easements or rights of way must be provided over the site to allow for lawful access/car parking over the site and adjacent lots and must be to the satisfaction of the Chief Executive Officer.
9. All other conditions of Development Permit 8/35/27 - 01 dated 26 November 2007 remain unchanged.

carried

15. MATERIAL CHANGE OF USE (CODE ASSESSMENT) INDUSTRY CLASSES A & B AND BUSINESS FACILITIES - LOT 41 SWALLOW ROAD, EDMONTON - DIVISION 1 148
Simon Clarke : 8/7/1706 : #2192042 v2

GREGORY / LANSKEY

That Council approves the development application for Industry Classes A and B and Business Facilities over land described as Lot 41 on SP202665, located at Swallow Road, Edmonton, subject to the following:

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

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

Drawing or Document	Reference	Date
Existing Concept Layout Site Plan	Bovis Lend Lease drawing DA 1S 003C	December 2009
Concept Layout Site Plan – Stage One	Bovis Lend Lease drawing DA 1S 003C	December 2009
Concept Landscape Plan, Safety and Movement	Bovis Lend Lease drawing DA 1S 021B	June 2009
Concept Landscape Plan, Sustainability & the Natural Environment	Bovis Lend Lease drawing DA 1S 022B	June 2009
Concept Landscape Plan, Eco Link	Bovis Lend Lease drawing DA 1S 023B	June 2009
Depot Building, Ground Floor Plan	Bovis Lend Lease drawing DA 1S 110B	June 2009
Depot Building, First Floor Plan	Bovis Lend Lease drawing DA 1S 111B	June 2009
Depot Building, North-West and South-East Elevations	Bovis Lend Lease drawing DA 1S 130A	March 2009
Depot Building, North-East and South-West Elevations	Bovis Lend Lease drawing DA 1S 131A	March 2009
Depot Building, North-West Elevation Concept Plan	Bovis Lend Lease drawing DA 1S 132A	March 2009
Depot Building, South-West Elevation Concept	Bovis Lend Lease drawing DA 1S 133A	March 2009
Logistics Warehouse, Ground Floor Plan	Bovis Lend Lease drawing DA 1S 210B	June 2009

Logistics Warehouse, North-West & South-East Elevations	Bovis Lend Lease drawing DA 1S 230A	March 2009
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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.**

Developer Contributions

- 3. Pay a monetary contribution to Council in accordance with the applicable Planning Scheme Policy in force at the time of payment towards the provision of drainage infrastructure, water supply, waste water, transport (roads) and community facilities.**

Contributions must be paid at the rates applicable at time of payment, subject to the discount provided in accordance with the Council Resolution of 12 May 2010, Agenda Item 9, Adoption of proposed Amendment to The Trunk Infrastructure Contribution Planning Scheme Policy. Should the use not have commenced prior to 1 July 2012 and construction is substantially undertaken then a three (3) months extension is available by the applicant submitting details of works completed to date together with projected completion date to the satisfaction of the Chief Executive Officer.

On the present method of calculation, as set out in Attachment 2, Developers Contributions Summary, the current contribution estimate.

In addition, a reduction for stormwater contributions may be applicable in accordance with provisions within the relevant Planning Scheme Policy.

Payment is required prior to the commencement of use of the respective Stage.

Public Art Contribution

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

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

Payment is required prior to the commencement of use of Stage 1.

Water Supply and Sewerage Works External

5. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-
 - a. Connect the site to Council's sewerage infrastructure using Option 3 shown on Aurecon Drawing SKH-1S-01 by constructing a sewer rising main in the southern verge of Swallow Road crossing near the intersection with the Bruce Highway and discharging into the manhole immediately upstream of Sewer Pump Station ED1 or as otherwise agreed by the Chief executive Officer;
 - b. Augment the existing sewerage infrastructure downstream of the discharge manhole to the extent required to cater for the increased sewage load generated by the ultimate development;
 - c. 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;

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.

Water Supply and Sewerage Works Internal

6. 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. The development must be provided with a privately owned pump station designed and constructed in accordance with the FNQROC Development Manual. The pump station shall discharge into the rising main constructed under external works.
- c. Internal property sewers must be designed and constructed in accordance with the FNQROC Development Manual.
- d. Precast concrete units for the manholes and pump station are not permitted for use on this development.
- e. CCTV inspections of constructed sewers must be undertaken upon completion of works. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use.

All the above works 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.

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

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

Water Saving

8. 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

9. **The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of forty-three (43) spaces for Stage 1 and three hundred and nine (309) spaces (total) for the completed development. 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.**

Bicycle Parking

10. **Provide secured, on-site bicycle parking, the amount of parking must be as specified in Council's Planning Scheme which is a minimum of fifteen (15) spaces. The bicycle parking spaces must be complemented with the provision of one (1) female and one (1) male secured shower facilities for employees who cycle to work. The bicycle parking area and shower facilities must be constructed prior to commencement of use of Stage 2.**

External Works

11. **Undertake the following works external to the land at no cost to Council:**
 - a. **Construct a full depth pavement upgrade of Dalla Costa Access to an Industrial Access standard from the intersection of Swallow Road to the development point of entry. Road construction shall be in accordance with FNQROC Development Manual Standard Drawing S1009 and Table D3.09. This road upgrade must be provided prior to the commencement of use of Stage 1. Alternative construction standards maybe considered following consultation and agreement with adjoining landowners and Council regarding the future overall development and timing of adjoining lands;**
 - b. **Construct turnouts of a standard suitable for proposed traffic volumes for all proposed accesses to the development site. These works must be constructed prior to the commencement of each Stage respective to using the turnouts; and**
 - c. **Prior to the commencement of use of Stage 2 all works to external pavements are to comply with any conditions set forth by the Department of Main Roads and the recommendations of the Traffic Impact Assessment Report prepared by Parsons Brinckerhoff Consulting Engineers except where modified by these conditions:
The applicant must also:**

- i. Upgrade the Swallow Road pavement to extent of frontage (as per the current position of the pavement in the road reserve and retention of the drainage swale where possible) to an Industrial Access standard or an alternative standard as found satisfactory by the Chief Executive Officer; and
- ii. Intersection Treatment: A plan of intersection works proposed for the Swallow Road / Dalla Costa Access is to be submitted to Council for approval prior to issue of a Development Permit for Building Works.

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

Electrical

12. 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.

Minimum Fill and Floor Levels

13. All floor levels in all buildings must be located 100mm mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Soil and Water Management

14. 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).

Lawful Point of Discharge

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

Stormwater

16. Undertake a local drainage report (generally consistent with the concept site based stormwater management plan prepared by PB and dated June 2009) for the subject land to identify how discharge will occur and ensuring that there is no detrimental drainage impact on downstream properties. The report must specify the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the subject site must have no worsening effect on the drainage of upstream or downstream properties. If a disparity exists between pre and post development flows, the study must identify required measures or demonstrate sufficient on-site stormwater detention has been provided or identify any requirements for downstream upgrades required to be performed by the applicant in order to have a no worsening effect.

The study must also identify the need and location of any drainage easements to convey stormwater to the lawful point of discharge. The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

17. Create a Drainage Easement having a minimum width of 3 metres along the entire length of South Eastern Property Boundary. The drain shall be constructed in the location(s) shown on the proposal Plan No. DA 1S 004A, dated February 2009 and prepared by Bovis Lendlease must be granted in favour of Council. 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 prior to the commencement of Stage 1 and must be lodged and registered with the Department of Environment and Resource Management conjunction with the Plan of Survey.

Lighting – On Site

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

Construction Access

- 19. Vehicular access to the site for construction and demolition purposes must be provided from Dalla Costa Access only, unless authorised by the Chief Executive Officer.**

Stockpiling and Transportation of Fill Material

- 20. 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.**
- 21. 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

- 22. 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

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

Planting Design

- a. The location and species of all existing trees, with an indication as to whether each tree is to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree.**
- b. The inclusion of individual character through landscape design and plant species for the various streets within the development;**
- c. A planting design which is in accordance with the FNQROC Development Manual;**

- d. **A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species. The plan needs to include measures to be put in place to control and / or eradicate the Class 2 Pest Plant, American Rat's Tail Grass (*Sporobolus jacquemontii*) that is present on the land and the adjacent road reserve;**
- e. **Provide a hierarchy of planting, which includes shade trees, shrubs and groundcovers; and**

Hard Landscaping Works

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

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.

Refuse Storage

- 24. **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

- 25. **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 Wash Bay

- 26. **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.**

Details Of Development Signage

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

Advertising Signage

28. 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

29. 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; and
- g. Landscape Architect.

Crime Prevention Through Environmental Design

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

Powerlink Requirements

31. The requirements nominated by Powerlink (Agency Reference Mslink17124 (DA1473)) dated 24 June 2009 (Council electronic reference 2190201) as contained in Appendix 2 must be complied with.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrence Agency	Concurrence Agency Reference	Date	Council Electronic Reference
Department of Transport and Main Roads	SO- 41	25 March 2010	2523048

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

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Sections 802, 339 and 341 of the *Sustainable Planning Act 2009*.
2. The applicant/owner is advised that this approval does not approve the construction of the building works. The applicant will be required to obtain a Development Permit for Building Work in order for construction to commence.
3. 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.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Separate development approval is required to undertake an Environmentally Relevant Activity (ERA) on the land.
5. For information relating to the *Integrated Planning Act 1997* and the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

16. REQUEST TO EXTEND CURRENCY PERIOD FOR MULTIPLE DWELLINGS (TOURIST), RESTAURANT & ANCILLARY FACILITIES, RECONFIGURING A LOT & PRELIMINARY APPROVAL FOR DWELLING HOUSES - 40-52 MITRE STREET, CRAIGLIE - DIVISION 10201
L Jackson: 8/7/1815 : #2611029

LEU / BLAKE

- A That Council approves the request for an Extension of the Currency Period for Development Approval 8/7/1815, over land described as Lots 1, 2 & 6 on C2253, 40 – 52 Mitre Street, Craiglie, for four (4) years up to and including 13 October 2014, subject to the following;

1. That condition 6 in Part A be amended to read as follows:

Water Supply & Sewerage Headworks

6. The Applicant shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Contributions Policy in force at the time of payment ~~Local Planning Policy: "Determination of Contributions for Water Supply and Sewerage Headworks and External Works" ("the Policy")~~.

The contribution shall be calculated at the rate per Equivalent Domestic Connection ("EDC") applicable at the time of payment in accordance with the Policy.

~~For information purposes only:~~

~~The current number of EDCs for the approved use are:~~

~~Water Supply 56.4
Sewerage 56.4~~

2. That condition 29 in Part A be amended to read as follows:

Currency Period

29. This development approval lapses ~~4~~ 8 years after the day that the development approval takes effect, i.e. the approval lapses 13 October 2014 ~~unless works have substantially commenced or this period is extended under Section 3.5.22 of the Integrated Planning Act 1997.~~

3. That condition 3 in Part B be amended to read as follows:

- 3 The Applicant shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Contributions Policy in force at the time of payment ~~Local Planning Policy: "Determination of Contributions for Water Supply and Sewerage Headworks and External Works" ("the Policy").~~

The contribution shall be calculated at the rate per Equivalent Domestic Connection ("EDC") applicable at the time of payment in accordance with the Policy.

~~For information purposes only:~~

~~The current number of EDCs for the approved use are:~~

~~Water Supply 6~~

Sewerage — 6

4. That condition 4 in Part B be amended to read as follows:

4 This development approval lapses 4 8 years after the day that the development approval takes effect, i.e. the approval lapses 13 October 2014 unless the Plan of Survey has been lodged with Council for endorsement ~~or this period is extended under Section 3.5.22 of the Integrated Planning Act 1997.~~

5. That condition 22 be added to Part B and is to read as follows:

Parkland Contribution

22. Pay a monetary contribution equivalent to ten (10) per cent of the Unimproved Capital Value of the created allotment/s in accordance with the Planning Scheme Policy.

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.

6. That condition 5 in Part C be amended to read as follows:

5 This development approval lapses 4 8 years after the day that the development approval takes effect, unless an application for a Material Change of Use Development Permit over each proposed allotment has been lodged for the approval of Council. ~~Or this period is extended under Section 3.5.22 of the Integrated Planning Act 1997.~~

7. All other conditions of the Decision Notice 8/7/1815 dated 10 December 2009 remain unchanged.

carried

17. COMBINED APPLICATION – MATERIAL CHANGE OF USE FOR DWELLING HOUSES AND RECONFIGURING A LOT (1 LOT INTO 31 LOTS PLUS PARK) – LOT 10 MOORE STREET, TRINITY BEACH – DIVISION 9.....226
 Luke Jackson: 8/30/46 : #2632300

BONNEAU / COCHRANE

A That Council approves the development application for the Reconfiguration of a Lot over land described as Lot 10 RP 724040, located at Moore Street, Trinity Beach, subject to the following:

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

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

Drawing or Document	Reference	Date
Proposal Plan of Lot 10 on RP724040	NA	21.12.2009

ASSESSMENT MANAGER CONDITIONS

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

Except where modified by these conditions of approval.

Timing of Effect

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

Water Supply Contributions

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

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

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

Wastewater Contributions

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

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

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

Road Network Contributions

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

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

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

Community Purpose Infrastructure Contributions

- 6. Proposed Lots 900 and 902 must be transferred to the Crown for Public Use Land – Park in accordance with the Planning Scheme Policy. Proposed Lot 900 is to be expanded to truncate proposed Lot 12 in a direct line to the eastern boundary of proposed Lots 12 and 13. Proposed Lot 902 is to be expanded to include all land on the western side of the new road. 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 Environment and Resource Management.**

Beach Access

7. ***A pathway or boardwalk must be provided over proposed Lot 902 from the cul-de-sac head of the proposed road to the beach at the western side of Taylor Point. The pathway/boardwalk must be provided by the applicant in accordance with the requirements of DERM prior to transferring the land to the Crown. The pathway/boardwalk is to be provided with appropriate legal access that allows pedestrians to legally traverse the site. The pathway/boardwalk must also be constructed to a level which ensures access at all times, including at high tide.***

Access to Proposed Lots 6, 7 and 8

8. ***No access is permitted from proposed Lots 6, 7 and 8 to Mararna Street and/or Wilmas Street***

Water Supply & Sewerage Infrastructure Plan

9. ***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 water and sewer infrastructure external to the subdivision that may require upgrading to accommodate the development;***
 - b. ***Identify any extensions to existing infrastructure.***

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

10. ***Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-***
 - a. ***Extend Council's existing water and sewer infrastructure to connect the site to Council's infrastructure at a point that has sufficient capacity to service the development.***

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

- 11. Undertake the following water supply and sewerage works internal to the subject land:-**
- a. Provide a single internal water and sewerage connection to the Community Titles Scheme development in accordance with the FNQROC Development Manual;**
 - 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. Privately owned water and sewer infrastructure such as property sewers, water mains, pump stations etc, must be designed, constructed and tested in accordance with the FNQROC Development Manual;**
 - d. Provide easements having a nominal width of 3m over public sewers within the Community Titles Scheme.**

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 approval and dating of the Plan of Survey.

Inspection of Sewers

- 12. CCTV inspections of all constructed sewers (including property sewers) must be undertaken. An assessment of the CCTV records must be undertaken by the developer's consultant and a report along with the footage submitted to Council for approval. Identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.**

Damage to Infrastructure

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

Sewer Easement

- 14. Create an easement in favour of Council having a nominal width of 3 metres over all sewers that will be owned by Council within the site (or over sewers on non-standard alignments) 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. The approved easement document must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey.**

External Works

- 15. Undertake the following works external to the subject land at no cost to Council:**
 - a. Upgrade the Mararna Street intersection in accordance with the FNQROC Development Manual and Qld Streets and ensure that appropriate sight distances are provided;**
 - b. Upgrade the earthen drainage path on Mararna Street a minimum of 10m from the intersection with trickle protection to prevent further scouring of the existing drain;**

The external works outlined above require approval from Council in accordance with an Operational Works Application. 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 signing and dating of the survey plan.

Street Layout and Design

- 16. 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. The extension to Moore Street from its current termination point, is to be generally in accordance with an Access Street standard as nominated in the FNQROC Development Manual and is to generally follow the existing formed track and be designed to minimise the loss of trees. The road is to extend as far north as practical taking into account any environmental constraints that apply;**
 - b. Provide the proposed extension to Moore Street with immunity from a 1 in 10 year stormwater event in accordance with the requirements of QUDM;**
 - c. Provide access to the beach from the proposed extension to Moore Street and ensure lighting is provided generally in accordance with CEPTED requirements;**
 - d. Provision of kerb and channel, underground stormwater drainage infrastructure along the eastern side of the Moore Street extension;**
 - e. Provision of a 2.0metre wide footpath in accordance with the FNQROC Development Manual;**
 - f. Provision of appropriate measures along the western side of the proposed extension to formalise a border the carriageway and also prevent vehicles entering the proposed Lot 902 Reserve;**
 - g. Ensure that each lot makes provision of one external carpark per lot generally in accordance with the requirements of QUDM;**
 - h. The proposed internal road is to ensure that it is able to adequately cater for emergency service vehicles;**
 - i. The proposed internal road is not to have a longitudinal gradient steeper than 20%;**
 - j. Demonstrate that appropriate access is able to be achieved for each proposed building envelope from the proposed internal road and in accordance with the FNQROC Development Manual and AS 2890.1;**

A 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.

Geotechnical Report

- 17. Provide a site specific Geotechnical Assessment Report prepared by a qualified registered professional engineer.***

The assessment is to provide comment on:

- a. Slope stability of the site and any proposed earthworks cut/fill batters referencing the relevant engineering drawings;***
- b. Soil/rock parameters for any retaining structure design;***
- c. Requirements for adequate site drainage and foundation maintenance for proposed development.***
- d. The required stability measures required for the proposed extension to Moore Street;***

The geotechnical report is to indicate the treatments required to be implemented in order to ensure that there is only a low risk of failure in accordance with AGS Guidelines (2007) or show that the factor of safety for saturated & dry conditions are above standard tolerances for residential construction.

Additionally, geotechnical assessment must be carried for all batters steeper than 1 in 2 and higher than 1.5m in accordance with the FNQROC Development Manual.

In instances where batters will exceed 1.8m in height, Council will require details to be submitted that include, but are not limited to, the following:

- a. Details of the specific means of supporting or retaining to be used. This must include a geotechnical report supporting each of the proposed treatments at each location;***
- b. Drawings (plans, longitudinal and cross sections) showing the extent of the proposed treatments at each location;***

A geotechnical assessment by a qualified and experienced geotechnical consultant must also be submitted with the application for

Operational Works, with a final geotechnical report to be endorsed by the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Batter Treatment

- 18. The height of batters/retaining structures shall be generally limited to 1.8m with a total height of 3.6m in successive batters. All batters must be constructed in a manner that minimises the construction footprint and has the ability to be screened.**

Typical details of the various methods to be used to achieve this must be submitted to Council in conjunction with seeking a Development Permit for Operational Works. In instances where batters will exceed 1.8m in height, Council will require details to be submitted that include, but are not limited to, the following:

- a. Details of the specific means of supporting or retaining to be used. This must include a geotechnical report supporting each of the proposed treatments at each location;**
- b. Drawings (plans, longitudinal and cross sections) showing the extent of the proposed treatments at each location;**
- c. Methods to be used to minimise the visual impact; and**
- d. Elevations showing the visual impact when viewed from vantage points.**

A geotechnical assessment by a qualified and experienced geotechnical consultant must also be submitted with the application for Operational Works, with a final geotechnical report to be endorsed by the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Acid Sulfate Soil Investigation

- 19. Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in, 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) or updated version of document produced by Department of Environment and Resource Management (Previously DNRW – QASSIT), and State Planning Policy 2/02 - 'Planning and Managing Development involving Acid Sulfate Soils'.**

The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.

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 DNRW: ‘Queensland Acid Sulfate Soil Technical Manual’ (2002) including Soil Management Guidelines (updated Feb. 2003) which must be prepared to the satisfaction of the Chief Executive Officer.

Access to Battleaxe Lots

- 20. Construct a concrete driveway or other approved surface to battleaxe Lots (i.e. proposed Lots 24, 25, 26, 29 and 30) extending the full length of the access leg from adjacent carriageway 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.***

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.

Service Conduits

- 21. Provide service conduits to proposed battleaxe Lots adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.***

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

Drainage Study of Site

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

- c. **Primary and secondary flow paths for the 2, 10 and 100 year ARI flood events;**
- d. **Identify any requirement for drainage easements;**
- e. **Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;**
- f. **The stormwater design is to reflect works as nominated in the geotechnical report;**
- g. **Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.**

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

- 23. **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).*

Access Construction

- 24. *Construct a concrete driveway or other approved surface to each building envelope area from the proposed roads fronting the proposed allotments as detailed on Drawing Titled Proposal Plan of Lot 10 on RP724040 prepared by Brazier Motti and dated 21.12.2009 unless otherwise amended by the Development Permit for Operational Works. Once constructed, cut and fill batters must be stabilised and revegetated. The driveway gradient, dimensions and the like is to be in accordance with the requirements of the FNQROC Development Manual. The driveway gradient is not to exceed 1 in 5 or 20%. The driveways must be designed around significant trees as identified in the required vegetation/tree survey.*

Plans of the access 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 and must be to the requirements and satisfaction of the Chief Executive Officer prior to the approval and dating of the Plan of Survey.

Demolish Structures

- 25. *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 Plan of Survey.*

Temporary Vehicle Turnaround

- 26. *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.*

Slope Analysis

27. **Provide a slope analysis plan as part of the Operational Works application. The plan is to show the slopes within the property at the follow designations, >1:2; 1:3 - 1:2; 1:4 – 1:3; 1:6 - 1:4. The plan is also to include the location of building envelopes.**

Building Envelope Plan

28. **A building envelope plan for all lots must be lodged with Council prior to approval and dating of the Plan of Survey. The building envelope plan must comply with the following requirements:**

- a. **The indicative building envelopes shown on the approved drawings are not approved at this point in time. Prior to submission of an Operational Works application each building envelope must be pegged on site in consultation with Council Officers and be to the requirements and satisfaction of the Chief Executive Officer;**
- b. **Volumetric building envelopes are to be used for proposed allotments 10 – 18 to limit the height of future dwellings to single storey design and/or split volumetric heights to 8.5 metres, where agreed with Council officers;**
- c. **No building setback shall be closer than 1.5 metres to a completed sewer main;**
- d. **No building envelope shall extend into an existing or proposed easement;**
- e. **No building envelope shall contain slopes in excess of 1:3 and contain limited areas having slopes between 1:4 and 1:6. The building envelopes are to be overlaid onto the slope analysis plan required by the previous condition;**
- f. **A suitable building envelope, which seeks to exclude all or most significant vegetation, must be identified for each new allotment. The vegetation which is approved to be cleared must be removed prior to the approval and dating of the Plan of Survey;**
- g. **The building envelope must be clear of the sewer unless alternative arrangements are made to make the existing sewer line redundant to the satisfaction of the Chief Executive Officer;**
- h. **Building envelopes must be of located to accommodate any necessary set-backs from drainage paths; and**

- i. The building envelope plan must show the actual edge of the existing drainage path and include access driveways.*

The applicant/owner must also ensure that the endorsed building envelope plans are made known to all prospective purchasers of the lots.

Proposed clearing on these lots is to be nominated on the engineering drawings submitted for Operational Works approval.

The boundary of building envelopes must be delineated with marker pegs prior to any removal of vegetation. Driveway access corridors must also be clearly marked within the designated vegetation retention areas.

Stockpiling and Transportation of Fill Material

- 29. 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 7 am or after 1pm Saturdays; or
on Sundays or Public Holidays.*

- 30. 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

- 31. 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

- 32. Undertake landscaping of the site and street frontages of new roads in accordance with FNQROC Development Manual and in accordance with an approved 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. ***The location and species of all existing trees with a diameter greater than 300mm, 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. Large trees (i.e. trees with a diameter greater than 300mm) and trees which provide a screening canopy are to be retained and roads/accesses and building envelopes are to be altered to accommodate such trees;***
- b. ***A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species;***
- c. ***Only local/endemic species are to be used in the landscaping plan;***
- d. ***All areas more than 6m from the approved structures (i.e. previously cleared and disturbed areas) must be allowed to regenerate naturally. No further clearing is to occur outside of 6m from the approved structures.***
- e. ***Planting of the footpath with trees, using appropriate species with regard to any overhead powerline constraints, in accordance with the FNQROC Development Manual;***
- f. ***The provision of shade trees;***
- g. ***The revegetation of cut and fill batters, particularly with respect to internal roads and access paths to screen them from surrounding areas;***
- h. ***Retention of significant/large trees on the site is required within the plan;***
- i. ***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

- 33. Existing vegetation on the subject land must be retained in all areas except those affected by construction of roadworks/access driveways and/or installation of services as detailed on the approved plans as stated in this approval. Any further clearing requires an Operational Works Approval. The building envelopes are not to be cleared of vegetation until appropriate approval for a dwelling is obtained on each building envelope. Significant trees located within the building envelopes will not be permitted to be cleared and dwellings will have to be designed around or away from them.**

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

All trees to be retained are to be protected in accordance with the Australian Standard Protection of trees on development sites AS4970-2009.

Any pruning of trees adjacent to the development footprint is to be in accordance with the Australian Standard Pruning of amenity trees AS4373-2077.

Wildlife

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

Notification of Vegetation Clearing

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

Parkland Protection

- 36. Any common boundaries with parkland, general parkland or drainage reserves must be temporarily delineated and fenced off to restrict building access for the duration of construction activity.**

Statutory Covenant for Environmental Purposes

37. A Statutory Covenant for Environmental Purposes (generally detailing all native vegetation is to be retained with the exception of overgrown grass and dangerous, diseased, dying or dead plants or branches), must be registered over all proposed lots, excluding the building envelope areas. 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. This excludes the reasonable control of grasses that may prove to be a hazardous fuel source for bushfire.**
- 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.

- 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

- 38. A Weed Management Plan for all Declared, Environmental and Invasive Weed species must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.*

Existing Creek and Drainage Systems

- 39. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.*

The applicant/owner must obtain any necessary approvals from the Department of Environment and Resource Management for carrying out works in a watercourse.

Lawful Point of Discharge

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

Plan of Drainage Works

- 41. 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

- 42. 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).*

Electricity Supply

- 43. 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

- 44. 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

- 45. 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.***

Signage

- 46. The applicant is to provide signage warning the public that Crocodiles inhabit the area. The signage is to be located adjacent to the proposed extended public road.***

Explosive Ordnance

- 47. The site is to be thoroughly investigated by an appropriately qualified professional for unexploded ordnance. The site is to be cleared of unexploded ordnance and evidence of this is to be provided to the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.***

Community Management Statement

- 48. A Community Management Statement is to be provided with the Plan of Survey. The Community Management Statement must specify the following with respect to proposed building envelopes and works:***

a. Building Works are:

- i. finished predominantly in the following exterior colours or surfaces:***
- ***moderately dark or darker shades of olive, green, brown, green or charcoal; or***
 - ***moderately dark to darker wood stains that blend well with the colour and hues of the surrounding vegetation and landscape; and***
- ii. not finished in the following exterior colours or surfaces:***
- ***pastel or terracotta colours, reds, yellows, shades of white or beige, or other bright colours that do not blend with the surrounding vegetation and landscape; and***
 - ***reflective surfaces.***

- b. Roofs on buildings or structures are:**
 - i. non reflective and finished in a low contrast colour that blends with the surrounding vegetation and landscape; and*
 - ii. not finished in terracotta colours, reds, yellows, shades of white, beige or grey.*
- c. Exterior colour schemes:**
 - i. Do not result in the use of single colour on large surface areas or broad expanses; and*
 - ii. limit the use of white or other light colours to exterior trim and the highlighting of architectural features.*
- d. Areas between first floor (including outdoor deck areas) and the ground level are screened from view.**
- e. Recreational or ornamental features (including tennis courts, ponds and swimming pools) do not occur on land:**
 - i. with a gradient of 25% (1 in 4) or more; and*
 - ii. are designed and sighted to respond to the natural constraints of the land and require minimal earthworks.*
- f. Where the gradient of land exceeds 15%, Building Works are designed and constructed as post and beam buildings.**
- g. Excavation and filling does not exceed 1.0 metre in height across any building envelope.**
- h. Excavation and filling are confined to within building envelopes.**
- i. Access ways and driveways are constructed:**
 - i. with surface materials that blend with the surrounding environment;*
 - ii. to minimise the need to cut and fill in excess of 1.0 metre; or*
 - iii. constructed as post and beam design to garaging where gradients exceed 1 in 4.*
- j. Fencing is limited to pool style visually permeable design of darker colours of brown, green or black so as to blend with the surrounding vegetation and landscape.**

B That Council approve the development application for a Material Change of Use for Dwelling Houses over land described as Lot 10 RP 724040, located at Moore Street, Trinity Beach subject to the following:

ASSESSMENT MANAGER CONDITIONS

1. ***One dwelling house is permitted per allotment to be sited within the building envelopes determined in accordance with conditions of the Development Permit for Lot Reconfiguration.***
2. ***Each dwelling house is to conform to the agreed Community Management Statement to be prepared in association with the Development Permit for Lot Reconfiguration.***

Prior to issue of a Development Permit for Building Works for the dwellings, the applicant is to provide certification that the requirements of the Community Management Statement have been met and such certification must be to the satisfaction of the Chief Executive Officer.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<i>Concurrence Agency</i>	<i>Concurrence Agency Reference</i>	<i>Date</i>	<i>Council Electronic Reference</i>
<i>Department of Environment and Resource Management</i>	<i>ENCA0118104</i>	<i>9 February 2010</i>	<i>2473802</i>

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

ADVICE

1. ***This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of Section 802 of the Sustainable Planning Act 2009.***
2. ***All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.***
3. ***This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.***
4. ***For information relating to the Sustainable Planning Act 2009 log on to www.ipa.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.***

5. **Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.**
6. **The subject site is located within 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 Department of Environment and Resource Management 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.derm.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of QPWS on Phone: 4046 6609. (Only apply to large MCU’s over vegetated areas).**
8. **The regrowth vegetation code clearing notification form should be forwarded to DERM prior to the clearing of any vegetation mapped as important regrowth under the VMA. Any clearing of important regrowth vegetation should be in accordance with the Regrowth Vegetation Code.**

GREGORY / BLAKE

That the motion be put

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

The original motion was then put and lost with Councillors Leu, Forsyth, Cooper, Lesina, Pyne, Lanskey & Schier voting against the motion

Cr Lesina left the meeting at 11.05 am – returned at 11.06 am

LEU / FORSYTH

That Council refuse the development application for the Reconfiguration of a Lot over land described as Lot 10 RP 724040, located at Moore Street, Trinity Beach on the following grounds :

1. **The proposed development is not consistent with the Hillslopes Development Control Plan contained in the Planning Scheme for the Balance of the City of Cairns ("Balance Plan").**
2. **The proposed development conflicts with the Far North Queensland Regional Plan 2009-2031 ("FNQ2031") and the Far North Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions 2009 ("SPRP").**
3. **The proposed development conflicts with the current Cairns Plan 2009.**
4. **The proposed development will impact on the scenic and visual amenity of Taylor Point and degrade the scenic beauty of the coast.**

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

Reasons

It is also inappropriate for the March 2010 Hillslopes Overlay Review (proposed) to have been deferred while at the same time the pending development application for Taylor Point, which obviously would be adversely affected by the proposed Review, goes forward.

2.3.1 The visual amenity of the region's landscapes and seascapes is protected and enhanced by assessing proposed developments on landscapes that are vulnerable to visual impact due to their prominence, topography or degree of naturalness.

2.3.2 On coastal hill slopes and headlands contained between the boundary of the Wet Tropics World Heritage area to the west and the Great Barrier Reef lagoon to the east; and from the Daintree River to the north and Cardwell Gap to the south:

a) in the urban footprint and rural living area, reconfiguring a lot and other development inconsistent with a council planning scheme avoids slopes greater than 1:4 or upwards to and including the ridgeline unless there is an overriding need for essential community service infrastructure.

b) in the regional landscape and rural production area, development inconsistent with a council planning scheme avoids slopes greater than 1:6 or upwards to and including the ridgeline.

c) community consultation is undertaken for development on slopes greater than 1:4 and upward in the urban footprint and rural living area and on slopes greater than 1:6 and upward in the regional landscape and rural production area.

With regard to "Slope Stability," Section 4.6.5 of the Cairns 2009 Plan provides that: "No development occurs on land with a gradient that exceeds 25% (1 in 4)." [p 4-95]

With regard to "Visual Amenity and Landscape Character," 4.6.5 of the Cairns 2009 Plan provides that:

- No excavation or filling occurs on land with a gradient that exceeds 25% (1 in 4) except for excavation for the purpose of posthole or soil sample drilling [A2.9]; and
- Where the gradient of land exceeds 20% (1 in 5), accessways with a width of greater than 1 metre and driveways are not constructed [A2.10];

- Excavation or filling does not occur: a) on a hilltop or ridgeline; and b) in the 11 metres (measured vertically) below a hilltop or ridgeline.

With regard to "Access and Provision of Services," Section 4.6.5 of the Cairns 2009 Plan provides that:

- Driveways are: a) no steeper than 25% (1 in 4) for distances of no more than 6 metres; and b) no steeper than 20% (1 in 5) for balance of the driveway; c) where there is a grade shift to 1 in 4, there is an area with a grade of no more than 1 in 6 prior to this area, for a distance of at least 5 metres; d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot i.e. not within the road reserve.

A. Council should have greater regard to the Wet Tropical Coast Region Coastal Management Plan..

- "As a statutory instrument under the Coastal Act, the Wet Tropical Coast Region Coastal Management Plan has the force of law to guide relevant decisions by State and local governments and the Planning and Environment Court. . . . The Wet Tropical Coast Region Coastal Management Plan and the State Coastal Plan, also have the effect of State planning policies under the [IPA 1997]. As State planning plans, the City of Cairns . . . are to appropriately reflect these documents in new planning schemes." [pp 2-3]
- "The Wet Tropical Coast Region Coastal Management Plan provides policy and direction for the City of Cairns . . . in the development of their planning schemes. Its effect as a State planning policy means that local governments must have regard to the policies outlined in the Wet Tropical Coast Region Coastal Management Plan, alongside other State planning policies as part of incorporating State and regional interests into local planning schemes." [p 10]

B. WET TROPICAL COAST REGIONAL MANAGEMENT PLAN REQUIRES ENHANCED PROTECTION OF TAYLOR POINT FROM DEVELOPMENT.

- Table 2 of the Wet Tropical Coast Region Coastal Management Plan, which identifies "Locations of major coastal resources in the Wet Tropical Coast region," specifically includes Taylor Point as a "rocky foreshore" north of Cairns. [p 14]
- Desired coastal outcomes for "Key coastal site: Northern Cairns," include:
 - Appropriate management regimes are in place to maintain and enhance the natural integrity of undeveloped sections of the headlands.
 - The natural integrity of the currently undeveloped headlands, beaches and areas adjacent to the foreshore is maintained.
 - Indigenous Traditional Owner cultural resources, values and practices are adequately recognized, respected and protected and Indigenous Traditional Owners are meaningfully involved in the planning for and management of these resources. [p 167]
- The "significant resources and their values" described in the Wet Tropical Coast Regional Management Plan include:
 - There are moderate-to-high scenic landscape values associated with the headlands beaches, estuaries and bays. The view of, and from, the headlands of Taylor Point . . . make this a very scenic and high value residential area, close to Cairns." [p 168]
- Under "coastal management issues," the Wet Tropical Coast Regional Management Plan notes:
 - The tourism and recreational values of the headlands, coast and estuarine areas may be impaired by any further development that has adverse impacts on the natural integrity and scenic values." [p 171]

- With respect to Coastal locality 11.4: Northern coastal headlands, the Wet Tropical Coast Regional Management Plan’s “Desired coastal outcomes” state:
 - Development on Taylor Point . . . has minimal coastal visual impact especially when viewed from the sea and the landscape values of the headlands are maintained as natural features. [p 171]
- The Wet Tropical Coast Regional Management Plan’s description of “Significant resources and their values” in this locality notes:
 - Taylor Point . . . form[s] prominent scenic headlands These headlands substantially enhance the visual amenity of this coastal sector. [p 171]
- Finally, the Wet Tropical Coast Regional Management Plan identifies the following as “Coastal management issues”:

“Residential development has the potential to impair the scenic values of the headlands and impair their natural integrity. Erosion and land instability may be exacerbated by development.” [p 172]

Cr Cooper left the meeting at 11.17 am – returned at 11.19 am

**18. RECONFIGURING A LOT - (2 LOTS INTO 371 LOTS) - STAGES 13-26 SMITHFIELD VILLAGE – MCGREGOR ROAD, SMITHFIELD – DIVISION 8276
G Warner : 8/13/1472: #2553550**

COCHRANE / BLAKE

That Council approves a Reconfiguration of 2 Lots into 371 Lots of Lot 711 SP232840 and Lot 800 SP211744 (Stages 13-26 Smithfield Village), located at O’Brien, McGregor and Dunne Roads Smithfield, 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:

Drawing or Document	Reference	Date
Smithfield Village Proposal Plan Stages 13 to 26	Brazier Motti Plan 31339-349A	29/06/2009

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.

Limitations

2. **This approval does not authorise land uses within the larger Lots shown as stages 18, 20, 22, 23 & 25 and "Future Day Care Centre".**

Timing of Effect

3. **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.**

Street Layout and Design

4. **The street layout and design must comply with Queensland Streets and FNQROC Development Manual (pre September 2008 Version), to the satisfaction of the Chief Executive Officer. In particular:**
- a. **All roads must have a minimum road reserve width of 14 metres;**
 - b. **Provision of a 2.0 metre wide footpath is to be constructed within all Access Streets and higher order roads in accordance with Table D1.3;**
 - c. **Access place 'street leg length' is must be designed to satisfy the 30km/hr design speed control criteria;**
 - d. **Access street 'street leg length' must be designed to satisfy the 40km/hr design speed control criteria;**
 - e. **Provision of on-street car parking spaces in the vicinity of cul de sac heads and parks must satisfy Queensland Streets**
 - f. **Provision of on-street car parking spaces in the vicinity of cul de sac heads and parks must satisfy Queensland Streets**
 - g. **Provide a review of the Connell Wagner Traffic Assessment dated 27/04/2007 to reflect the revised Master Plan road layout and associated traffic generation and where necessary implement any amendments required as a consequence of the review ;**
 - h. **The realigned McGregor Drive / Smithfield Village Drive connection is to be completed prior to endorsement of a survey plan for Stage 12.**

- i. The southern section of Smithfield Village Drive adjoining Stages 13 and 15 and the link with Dunne Road is to be completed prior to survey plan endorsement for any stage south of the re-aligned McGregor Drive.

MONETARY CONTRIBUTIONS

Water Supply Contributions

5. Pay a monetary contribution to Council in accordance with the Trunk Infrastructure Charges Planning Scheme Policy applicable at the time of lodgment of the application towards the provision of water supply infrastructure.

Contributions must be paid at the rates applicable at the time of payment and based on the table below.

Stage	EDU's (Approx)
13-26	362.4
18,20,22,23,25 & Day Care	7.80

Payment is required prior to approval and dating of the Plan of Survey for each stage of development.

Wastewater Contributions

6. Pay a monetary contribution to Council in accordance with the Trunk Infrastructure Charges Planning Scheme Policy applicable at the time of lodgment of the application towards the provision of sewerage infrastructure.

Contributions must be paid at the rates applicable at time of payment and based on the table below:

Stage	EDU's (Approx)
13-26	363
18,20,22,23,25 & Day Care	6.00

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

Road Network Contributions

7. Pay a monetary contribution to Council in accordance with the Trunk Infrastructure Charges Planning Scheme Policy applicable at the time of

lodgment of the application towards the provision and upgrading of the road network.

Contributions must be paid at the rates applicable at time of payment and based on the table below:

Stage	EDU's(Approx)
13-26	363
18,20,22,23,25 & Day Care	6

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

Public Art Contribution

- 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 and as set out in the table below; alternatively, Public Art to an equivalent value is to be provided on site. Public Art so provided is to be of a type and in locations approved by the Chief Executive Officer.

Stage	Contribution	Lots
13-26	\$72,600.00	363
18,20,22,23,25 & Day Care	\$1200.00	6

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

Stormwater Mitigation

- Pay a monetary contribution to Council in accordance with the Trunk Infrastructure Charges Planning Scheme Policy applicable at the time of lodgment of the application towards the provision or augmentation of stormwater drainage services.

Contributions must be paid at the rates applicable at time of payment and based on the table below:

Stage	ha
13-26	18.25
18,20,22,23,25 & Day Care	1.62

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

Stormwater Quality

10. Pay a monetary contribution to Council in accordance with the Trunk Infrastructure Charges Planning Scheme Policy applicable at the time of lodgment of the application towards the improvement of Stormwater Quality.

Contributions must be paid at the rates applicable at time of payment and based on the table below:

Stage	ha
13-26	18.25
18,20,22,23,25 & Day Care	1.62

LAND DEDICATION

Community Purpose Infrastructure Contributions – Land

11. The physical provision of land must be dedicated in accordance with the approved Plan of Development for the relevant stage of development and subject to Council accepting the land for park. A submission is required from the applicant to determine the status of land to be provided for “park” for each stage against its function as drainage corridor, open space, Passive Park or nature reserve. Park improvements (playground equipment etc) must also be quantified at each stage and completed to the satisfaction of the Chief Executive Officer. The park assessment and improvements quantification must be completed prior to the approval and dating of the Plan of Survey for each of the respective stages containing Parkland.

The park 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.

Note for comparison and negotiation a monetary contribution to Council in accordance with the Planning Scheme Policy for Community Purposes would be in the order of \$1,996,650 (51 ha x 15 EDU x \$2610)

WATER SUPPLY & SEWER REQUIREMENTS

Water Supply & Sewerage Infrastructure Plan

12. An updated water supply and sewerage infrastructure Master Plan and supporting information including hydraulic network analysis must be submitted demonstrating how the lots can be serviced. The Master Plan must also show how the development will be connected to the proposed vacuum system and its impact on that system. In particular the Master Plan must also :-
- a. Identify external catchments that will be connected to the internal sewer or water networks;
 - b. Identify any trunk infrastructure external to the subdivision that may require upgrading to accommodate the development;
 - c. Identify any headworks infrastructure internally or externally to the site;
 - d. Provide concept designs and locations for sewerage pump stations and headworks infrastructure

The water supply and sewerage infrastructure master 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

13. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-
- a. Upgrade and make alterations to the vacuum system to the extent required to service the development;
 - b. Provide water mains such that a connection to each Lot can be made at the property boundary;
 - c. Upgrade water reticulation to the extent required to service the development such that the pressure and supply to neighbouring properties are not adversely affected.

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 approval and dating of the Plan of Survey.

Water Supply and Sewerage Works Internal

14. 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. Provide water mains such that each allotment can be provided with a water service connection to the Lot frontage;

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 approval and dating of the Plan of Survey.

Developer Credits for the Construction of Trunk Infrastructure

15. 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.

Inspection of Sewers

16. 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

17. 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.

EXTERNAL WORKS REQUIREMENTS

General External Works

18. Undertake the following external works:-

- a. Provide a full detail design and costing for the Type C 1 (31m wide) Median Divided 4 Lane Road, as detailed in Council's Trunk Infrastructure Contribution Policy for the central through road (Reed Road to Dunne Road and connection in to McGregor Road).
- b. The detail design in a. above must include approved roundabout locations and designs.
- c. Detail design must be provided for all proposed intersections at each stage of development.
- d. Creditable works are to be defined and agreed with Council prior to the sealing and dating of the Survey plan for Stage 14.

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 for the stage that includes the infrastructure required by this condition.

Developer Credits for the Construction of Network Infrastructure

19. The cost and extent of constructing Road Network Infrastructure identified at each stage of development, must be agreed to by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works to construct the network infrastructure.

- a. An Infrastructure Agreement detailing the circumstances on which the monies will be reimbursed must be entered into prior to the endorsement of the Plan of Survey for the stage in which the Network works take place.

or

- b. The agreed costs of the infrastructure can be claimed against applicable 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 relevant stage of the development.

FURTHER REPORTS / INVESTIGATION

On-Street Car Parking Masterplan

20. Provide an on-street car parking masterplan to demonstrate compliance with the requirements of Qld Streets.

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 for the relevant stage.

Acid Sulfate Soil Investigation

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

Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRW – QASSIT: '*Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland*' (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRW: '*Queensland Acid Sulfate Soil Technical Manual*' (2002) including Soil Management Guidelines (updated Feb. 2003) which must be prepared to the satisfaction of the Chief Executive Officer.

Drainage Study of Site

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

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

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

LANDSCAPING / ENVIRONMENTAL REQUIREMENTS

Landscape Plan

23. Undertake landscaping of the site and street frontages of new roads in accordance with *FNQROC Development Manual* and in accordance with an amended landscape masterplan plan. The landscape Masterplan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work for the next stage of development. In particular, the plan must show:
- a. Planting of the footpath with trees, using appropriate species with regard to any overhead power line constraints;
 - b. The provision of shade trees, especially in parks;
 - c. The revegetation of cut and fill batters
 - d. Remediation and revegetation works to be undertaken within the drainage areas of the site to enhance these areas as a passive recreational spaces;
 - e. Identification of all proposed “park” areas including a list of proposed improvements for each park area;
 - f. Provision of play equipment in parks in accordance with FNQROC requirements;
 - g. The extent of mounding required in buffer areas adjoining network roads; and

- h. **Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this 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

24. **Existing vegetation on the subject land must be retained in all areas except those affected by construction of road works/access driveways and/or installation of services as detailed on the approved plans as stated in this approval. Any further clearing requires an Operational Works Approval.**

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

Weed Management

25. **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.**
26. **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.**

DRAINAGE REQUIREMENTS

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 to the requirements and satisfaction of the Chief Executive Officer.**

Plan of Drainage Works

28. **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

- 29. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works for each stage. 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).

SERVICES REQUIREMENTS

Existing Services

- 30. 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

31. 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

32. 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 for each stage of development.

Street Lighting

33. 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 for each stage , 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:

- ÿ Intersections
- ÿ Pedestrian Refuges
- ÿ Cul-de-sacs
- ÿ 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 for each stage, 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.

GENERAL REQUIREMENTS

Cane Railway Fence

- 34. A fence along the common boundary of the site and cane-rail corridor must be installed. The fence must be constructed in accordance with the FNQROC Development Manual, prior to approval and dating of the Plan of Survey.

Vector Control

- 35. A Vector control and Mosquito /Midge Management Guidelines will be required for stages potentially affected by Mosquitoes/Midges. The Management Guidelines will be required to be made available to all potential owners of lots in affected stages. A Rates Notation to this effect will be required for Lots in those stages determined by Council to be affected.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrence Agency	Concurrence Agency Reference	Date	Council Electronic Reference
Dept of Transport and Main Roads	214/20A/102 (1523.07) CRN-260	13/04/2010	2539951

Dept Environment and Resource Management	IC0909CNS0007	22/10/2009	2370484
Dept Environment and Resource Management	311066	13/10/2009	2358338

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. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns Regional Council's Priority Infrastructure Plan (PIP) are adopted.
2. Headwork contribution calculations will be calculated for each stage of development. 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.
3. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 802 of the *Sustainable Planning Act 2009*.
4. All building site managers must take all actions necessary to ensure all building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning is received and that the relevant emergency telephone contacts are provided to the Council Officers, prior to the commencement of works.
5. The approval of the subject reconfiguration does not imply approval of the street names shown on the application plans. A separate application should be made to Council for street naming approval.
6. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.
7. The subject site is located within 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.

carried

19. RECONFIGURING A LOT (1 LOT INTO 8 LOTS) - SHAWS ROAD REDLYNCH - DIVISION 6 330
G Warner: 8/13/1529: #2622331

COOPER / BLAKE

That Council approves the Development Application for Reconfiguring a Lot over land described as Lot 1 on RP713000 located at Shaws Road, Redlynch, subject to the following conditions:

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

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

Drawing or Document	Reference	Date
Reconfiguring a Lot - Proposed Lots 1 – 8 Cancelling Lot 1 RP713000	Conics Drawing PR101761-2 Issue B	19/05/2010

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.

Lot Yield

3. **The allotment yield may need to reduce due to servicing constraints. The lot yield will ultimately be determined following compliance with the conditions of this Development Permit with particular reference to the provision of reticulated waste water disposal to all proposed lots. If, for what ever reason, reticulated waste disposal can not be made available to the development the following shall happen:**
 - a. **The lot yield and layout must be amended, in accordance with the findings of the on-site effluent disposal report, as required by Condition 11.**

Lots may be required to be merged in order to provide on-site effluent disposal in accordance with the requirements of the FNQROC Development Manual.

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 \$35,152.49 (9.1 EDUs). (Note this payment may reduce as consequence of Condition 3 above)

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

Wastewater Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$12,844.69 (4.00EDUs). (Note this payment may reduce as consequence of Condition 3 above).

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

Road Network Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$84,381.88 (7 EDUs).

(Note this payment may reduce as consequence of Condition 3 above)

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

Public Art

- 7. 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 \$400 (\$200 per Lot for over 6 lots in an ROL i.e. $8 - 6 = 2$). (Note this payment may reduce as consequence of Condition 3 above).

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

Community Purpose Infrastructure Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$14,194.65 (5.4EDU's).

Payment is required prior to the issue of a Compliance Certificate for 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 \$5,612.28 for Stormwater Quality

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

Sewerage Works External

- 10. Undertake the following sewerage works external to the site to connect the site to existing sewerage infrastructure:-**
- a. Extend the sewer main from Damson Drive to the proposed development.**

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.

On-Site Effluent Disposal Report

- 11. In the event that Condition 10 can not be met, for what ever reasons, an on-site effluent disposal report prepared in accordance with the requirements of the Queensland Plumbing & Wastewater Code and by a suitably experience RPEQ must be provided for all lots. The report must demonstrate that all proposed allotments can be serviced by on-site effluent disposal in accordance with the requirements of the FNQROC Development Manual. The report must nominate the method and location of on-site effluent disposal for all lots.**

The report must be provided to the satisfaction of the Chief Executive Officer prior to the signing and dating of the Plan of Survey.

Water Supply and Sewerage Works Internal

- 12. Undertake the following water supply and, if necessitated by Condition 10, sewerage works internal to the subject land:-**
- a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual. Lots 2, 3 and 4 must each be serviced by a property connection branch. Demonstrate how the whole of each lot will be serviced and controlled by sewer;**
 - b. Extend water mains such that each allotment can be provided with a water service connection to the lot frontage;**
 - c. Provide easements having a nominal width of 3m over sewers which are on a non-standard alignment;**

- d. Existing water connections must be located within the lot it serves and if they are not or located on or through other private property, existing connections must be relocated.

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 approval and dating of the Plan of Survey.

Inspection of Sewers

13. CCTV inspections of all constructed sewers (including property sewers) must be undertaken, if necessitated by Condition 10. An assessment of the CCTV records must be undertaken by the developer's consultant and a report along with the footage submitted to Council for approval. Identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to approval and dating of the Plan of Survey.

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 developer's cost, prior to the commencement of use.

Sewer Easement

15. If necessitated by Condition 10, create an easement in favour of Council over sewers on non-standard alignments 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. The approved easement document must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey.

Drainage Easements

16. **Create an easement in favour of Council covering all land below the top of the high bank of the seasonal water course and a 5 (five) metre minimum wide strip adjacent to the top of the high bank or the limit of the Q100 flood event, which ever is greater. A copy of the easement documents must be submitted to Council for the approval by Council's solicitors at no cost to Council. The approved easement documents must be lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey prior to the Commencement of Use.**

Lawful Point of Discharge

17. **All stormwater from the property must be directed to a lawful point of discharge in accordance with the principles outlined in the Queensland Urban Drainage Manual. The discharge of stormwater must not adversely affect surrounding properties or properties downstream from the development. The applicant must demonstrate how and where a lawful point of discharge will be achieved for the site. All works shall be undertaken to the requirements and satisfaction of the Chief Executive Officer. The applicant is to demonstrate compliance prior to the issue of a Development Permit for Operational Works.**
18. **All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.**

Electricity and Telecommunications

19. **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.**

General External Works

20. **Undertake the following external works:-**
 - a. **Extend Shaws Road to provide access to the proposed subdivision to a minimum "Access Street" in accordance FNQROC standard drawing S1005.**

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.

Traffic Study

21. The applicant/owner must provide a traffic study of appropriate detail to demonstrate how the proposed entrance and intersection (Robb Road intersection with Shaws Road) meets minimum design requirements set forth in "Queensland Streets" and the FNQROC Development Manual.

The traffic study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. All design and Operational Works must be carried out in accordance with the approved Traffic Study.

22. Access to Proposed Lots 3, 4 and 6 is to be as follows:
- a. Construct a crossing to proposed lot 4 to a minimum of 5 year ARI storm event.
 - b. Construct a concrete driveway or other approved surface to proposed battleaxe Lots 3, 4 and 6, extending the full length of the access leg from adjacent kerb and channel. Construction of the concrete driveway must be in accordance with Council Standard Drawing S1110 and generally in accordance with Black & More Drawing 6913-1-A.

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.

Electricity and Telecommunications

23. 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.

Service Conduits

24. Provide service conduits to Lots 3, 4 and 6, adjacent to the proposed 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.

Sediment and Erosion Control

25. 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).

Street Lighting

26. 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 (2) 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 (2) spans either side of the intersection to the relevant Lighting Category.

Parkland Protection

27. Any common boundaries with drainage reserves must be temporarily delineated and fenced off to restrict building access for the duration of construction activity.

Weed Management

28. 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.
29. A vehicle wash down and inspection facility for all machinery entering and leaving the site during construction must be provided to reduce the spread of invasive weed species.

Access Limitation

30. Access to proposed Lot 1 is only permitted via the internal road within the development. Dual access is not permitted.

Standard Notations

31. The following notation will be placed on Council's future rates record in respect of the new lots shown as Lots 2, 3 and 4:

Private Sewage Pump Station

The owner (s) of this lot will be required to install a private sewage pump station and rising main to connect the lot to Council's sewerage infrastructure at their own cost.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Transport and Main Roads	CRN-277	8 March 2010	

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

FURTHER ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in

accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.
5. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

20. COMPENSATION CLAIMS & APPEALS – JUNE 2010.....350
Simon Clarke : 1/59/2 : #2180161 V13

BLAKE / LESINA

1. That the report on the Compensation Claims & Appeals for June 2010 be received and noted.
2. Council resolves that it is satisfied that the services of a barrister and consultants to act for Council in The Appeals are of such a confidential nature that it would be impractical or disadvantageous to the Council to invite quotations and will proceed to procure these services utilising the provisions outlined in Section 486(3)(b) of the *Local Government Act 1993*.

carried

21. PLANNING & ENVIRONMENT – JUNE 2010 MONTHLY REPORT
.....357
Peter Tabulo : 1/3/83 #2174797v12

COCHRANE / BLAKE

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

carried

22. BUCKLAND ROAD, MIRIWINNI.....373
Richard Bello : 1/58/14-03 #2628406

GREGORY / LANSKEY

That :

1. The road between Miriwinni and the intersection of Goldsworthy Road have the name Buckland Road retained;
2. Advise the affected property owners;
3. Advise the Department of Transport and Main Roads and Emergency services of the decision, with a request that records be amended (if required) to reflect this action;
4. Correct the Rural Road Addressing for the affected properties.

carried

GENERAL BUSINESS

1. O'BRIEN ROAD, SMITHFIELD – ROAD CONSTRUCTION

COCHRANE / BONNEAU

That Infrastructure Services discusses with Marlin Coast Land Company their Option 2 proposal to undertake the design and connection of O'Brien Road from the ex-Barbagallo property to the existing O'Brien Road, connecting approx 30 metres of Council controlled land, not including any new drainage works.

carried

2. PETITION - TAYLOR POINT - MOORE STREET, TRINITY BEACH

BONNEAU / LEU

Cr Bonneau presented the Chair with a petition, the petition is received and will be considered. The Principal Petitioner will be advised of Council's decision.

carried

THE MEETING CLOSED AT 11.37 am.

CONFIRMED THIS

DAY OF

2010

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER