

CAIRNS REGIONAL COUNCIL

ORDINARY MEETING

25 FEBRUARY 2009

10:00 A.M.

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

OFFICERS:

N Briggs	Chief Executive Officer
J Hawkes	General Manager Works and Services
B Grosser	General Manager Corporate Services
P Tabulo	General Manager Planning & Environment
B Gardiner	General Manager Water & Waste
I Lowth	General Manager Community & Cultural Services
L Kirchner	Manager Corporate Performance
L Phipps	Manager Environmental Assessment
K Hull	Manager Community Relations
P Boyd	Manager Planning Strategies
S Tyter	Manager Infrastructure Mgt Works & Services
G Warner	Planning Officer
G Lehmann	A/Manager Libraries
S Godkin	Minute Secretary

PURPOSE OF MEETING

To consider the matters listed on the agenda.

CONFIRMATION OF MINUTES OF ORDINARY MEETING 22/1/09

BLAKE / FORSYTH

That the Minutes of the Ordinary Meeting held on Thursday, 22 January 2009 be confirmed.

carried

CONFIRMATION OF THE REPORT OF THE PLANNING &
ENVIRONMENT COMMITTEE MEETING – 11/02/09

COCHRANE / LANSKEY

That the Minutes of the Planning and Environment Committee Meeting held on Wednesday, 11 February 2009 be confirmed.

carried

CONFIRMATION OF THE REPORT OF SPORTS, ARTS, CULTURE &
COMMUNITY SERVICES COMMITTEE MEETING – 11/02/09

COCHRANE / FORSYTH

That the Minutes of the Community & Cultural Committee held on Wednesday, 11 February 2009 be confirmed.

carried

CONFIRMATION OF THE REPORT OF FINANCE & ADMINISTRATION
COMMITTEE MEETING – 18/02/09

BLAKE / LESINA

That the Minutes of the Finance & Administration Committee held on Wednesday, 18 February 2009 be confirmed.

carried

CONFIRMATION OF THE REPORT OF THE WORKS & SERVICES COMMITTEE – 18/02/09

GREGORY / LANSKEY

That the Minutes of the Works and Services Committee held on Wednesday, 18 February 2009 be confirmed.

carried

CONFIRMATION OF THE REPORT OF THE WATER & WASTE COMMITTEE – 18/02/09

GREGORY / COOPER

That the reports and recommendations contained in the Minutes of the Water & Waste Committee held on Wednesday, 18 February 2009 be confirmed.

carried

1. TRUSTEE LEASING "CAIRNS NORTH RESERVE" LOT 317 ON NR7749, SHERIDAN STREET, CAIRNS NORTH – DIV. 7 1
Allan Simpson : 19/15/1-18: #1946245

FORSYTH / COCHRANE

That Council delegate authority to the Mayor and Chief Executive Officer in accordance with Section 472 of the *Local Government Act 1993*, and in consultation with the Divisional Councillor in regard to Lot 317 on NR7749, 358-368 Sheridan Street and Lot 1 on SP201258, 320-354 Lake Street, Cairns North ("Reserves") to:

- **negotiate, determine, approve, execute and finalise any and all matters associated with tenure (trustee lease/trustee permit) of the subject Reserves, including surrender of any existing trustee lease/s;**
- **review and determine the outcomes of public consultation associated with the Land Management Plan for either, or both of the subject Reserves; and**
- **determine and approve any proposed amendment of the reserve purpose for Lot 317 on NR7749 from Park and Recreation to Sport and Recreation and Lot 1 on SP201258 from Recreation to Sport and Recreation.**

carried

2. LEASE C. TANNER & G. TANNER-BROWNING LOT 102 ON RP888506, 41 BARNES STREET, EARLVILLE – DIV. 4 8
Allan Simpson : 19/3/3-78: #1962533

LESINA / BLAKE

That Council offer the C. Tanner & G. Tanner-Browning (“Lessee”) a further lease of Lot 102 on RP888506, 41 Barnes Street, Earlville (“the Land”) subject, but not limited to the following terms and conditions:

- Ministerial approval being obtained in accordance with Section 492(1)(e) of the *Local Government Act 1993*, on the basis that the size of the land restricts any other use, and its locality only provides an opportunity to lease, to the Lessee;
- for a term of ten (10) years from the 1 February 2010;
- at a base rental of \$302.07 (GST inclusive) per annum, subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);
- Lessee to be responsible for all rates and charges, including any costs of water usage on the leased premises;
- Lessee being responsible for all reasonable costs associated with the preparation, execution, stamping and registration of the lease.

Furthermore, C. Tanner & G. Browning (“proposed Purchaser”) be offered the opportunity to purchase the Land subject, but not limited to the following terms and conditions:

- Ministerial approval being obtained in accordance with Section 492 (1)(e) of the *Local Government Act 1993*, on the basis that the size of the land restricts any other use, and its locality only provides an opportunity to purchase, to the proposed Purchaser;
- At a sale price \$6,254.00 (GST exclusive), or as negotiated by the Mayor and Chief Executive Officer;
- Proposed Purchaser amalgamating the Land with their adjoining Lot 55 on RP888506, 2 Jacamunda Court, Earlville
- Proposed Purchaser granting an easement to Council for the purpose of water supply if required; and
- The proposed Purchaser being responsible for all costs associated with the matter including, but not limited to survey, legal, valuation, duty, transfer registration costs, easement and amalgamation.

Also, the Mayor and Chief Executive Officer being delegated authority pursuant to section 472 of the *Local Government Act 1993* to negotiate terms and conditions, and determine and finalise, any and all matters associated with the proposed lease of, or sale of the Land.

carried

3. CBD STRATEGY PROJECT ENDORSEMENT 15
Ian Lowth: 1/3/87-05: #1929408v4

BLAKE / COOPER

That Council:

1. **adopt the Terms of Reference for the CBD Strategy Steering Committee;**
2. **endorse the attached project scope and deliverable information for inclusion in the Project Plan for the development of the CBD Strategy;**
3. **note the allocation of \$50,000 from the Divisional Councillor's 2008-09 capital works budget towards this project; and**
4. **allocate \$100,000 towards the project, subject to confirmation through the 2009-10 Budget development process.**

carried

4. REVIEW OF COUNCIL DECISION TO REFUSE ONE (1) APPLICATION TO EXHIBIT A PORTABLE ADVERTISEMENT AT 9-13 SHIELDS STREET, CAIRNS CITY - DIVISION 5..... 33
Julie Wright: 8/1/3-26 : #1971317

BLAKE / LESINA

Council resolves to uphold a decision to refuse one (1) application to exhibit a portable advertisement adjacent premises at 9-13 Shields Street, Cairns City in accordance with Local Law No. 28 (Control of Advertising).

carried

5. ROADSIDE VENDING APPLICATION - ADJACENT 55 LAKE STREET, CAIRNS CITY – DIVISION 5 48
Julie Wright: 1/11/4-16: #1971147

BLAKE / FORSYTH

That Council refuse the application to conduct Roadside Vending at the location adjacent 55 Lake Street, Cairns City on the grounds the activity does not fit Council's Roadside Vending Policy – Assessment of Application.

carried

6. CAIRNSPLAN - EDMONTON AND SMITHFIELD TOWN CENTRES AMENDMENT 2009 NO. 1 54
Gerard Rosse GR : 8/26/5: #1954607

LANSKEY / COCHRANE

That Council undertake a Schedule 1 Amendment to the Planning Scheme for the Former City of Cairns, CairnsPlan to include the Edmonton and Smithfield Town Centres Amendment 2009 No.1 and that Council endorse the proposed amendments for the purpose of a first State interest review in accordance with the *Integrated Planning Act 1997*, subject to a further review of the extent of the core precinct and height in the Smithfield Town Centre.

carried

7. CAIRNSPLAN AMENDMENTS – ADOPTION AND COMMENCEMENT OF AMENDMENTS 58
Gerard Rosse GR : 8/26/5: #1953742V2

BLAKE / COCHRANE

1. **That Council adopt the following CairnsPlan Amendments described as:**
 - a. **CairnsPlan Amendment - 2007 No.1**
 - b. **Alley Park Sporting Precinct Amendment - 2008 No.2**
 - c. **as a consolidated planning scheme**
2. **That 1 March 2009 be the commencement date for the abovementioned amendments.**
3. **That 1 March 2009 be the commencement date for the Public Art Contributions Planning Scheme Policy.**

carried

8. CAIRNS CITY IN A GARDEN MASTERPLAN PLANNING SCHEME POLICY - ADOPTION 66
Deborah Wellington: 8/26/12-02 #1967617

BLAKE / LANSKEY

That Council:

1. **Adopt the Cairns City in a Garden Planning Scheme Policy, as notified subject to the following modifications:**
 - a. **Term Clearway to be replaced with Clear Zone to be consistent with main roads terminology.**
 - b. **Section 1.1.9 include revise of text regarding exotic tree selection.**
 - c. **Section 4.1 quality of nursery stock to remain as a guide only.**
 - d. **Section 4.2.7 text is revised to remove references qualifications to specific memberships.**
 - e. **Section 4.2.8 current structural soil specification is removed.**

The commencement date for the Planning Scheme Policy will be 1st March 2009, which is consistent with the commencement of the CairnsPlan Amendment 2007, No. 1.

2. **Advise the submitters of its decision, place a public notice in the local newspaper and provide copies of the Planning Scheme Policy to the Department of Infrastructure and Planning.**

carried

- 9. RESPONSE TO DEPARTMENT OF TREASURY – LIQUOR LICENSING DIVISION – APPLICATION FOR EXTENDED HOURS PERMIT FOR LAKE STREET CELLARS, LAKE STREET, CAIRNS - DIVISION 5 .. 86
Kelly Barnes: 8/20/6-07: #1970725

BLAKE / PYNE

That the applicant and the Department of Treasury Liquor Licensing Division be advised that Council objects to the application for an extension to the operating hours for the Detached Bottleshop attached to the Crown Hotel located at 82 Lake Street, Cairns and described as Lots 2 on RP722070.

carried

- 10. RESPONSE TO DEPARTMENT OF TREASURY – LIQUOR LICENSING DIVISION – APPLICATION FOR EXTENDED HOURS PERMIT FOR THE HERITAGE NIGHTCLUB, LAKE STREET, CAIRNS - DIVISION 5 91
Kelly Barnes: 8/20/6-07: #1971052

BLAKE / LANSKEY

That the applicant and the Department of Treasury Liquor Licensing Division be advised that Council objects to the application for an extension to the operating hours for the Heritage Nightclub located on the corner of Lake and Spence Streets, Cairns and described as Lots 1 on RP715151 and L1 on RP708081.

lost with Councillors Schier, Leu, Cochrane, Forsyth, Cooper and Lesina voting against the motion.

COCHRANE / COOPER MOVED AN ALTERNATE MOTION

That the applicant and the Department of Treasury Liquor Licensing Division be advised that Council has no objection to the application for an extension to the operating hours for the Heritage Nightclub located on the corner of Lake and Spence Streets, Cairns and described as Lots 1 on RP715151 and L1 on RP708081

carried with Councillors Bonneau, Blake, Pyne, Lanskey and Gregory voting against the motion.

11. RESPONSE TO DEPARTMENT OF TREASURY – LIQUOR LICENSING DIVISION – APPLICATION FOR ON PREMISES (RESIDENTIAL) LICENCE DAINTREE RAINFOREST RETREAT MOTEL, COWBAY - DIVISION 10 95
 Kelly Barnes: 8/20/6-07: #1970419

LEU / FORSYTH

That the applicant and the Department of Treasury Liquor Licensing Division be advised of the following comments and that the reply contain the general safety issues Council has with Licenses. A copy of Council’s report is to be attached:

1. Daintree Rainforest Retreat Motel – Residential Licence

Council does not object to the application for a Residential Licence for the Daintree Rainforest Retreat Motel located 336 Cape Tribulation Road, Cow Bay and described as Lot 336 on RP738178.

carried

12. LOT RECONFIGURATION – (1 LOT INTO 3 LOTS) -- 2L CAPTAIN COOK HIGHWAY, CLIFTON BEACH – DIVISION 10.....100
 Luke Jackson 8/13/1383 1959471v2

LEU / PYNE

- A. That Council approves the request for Reconfiguring a Lot (1 Lot into 3 Lots) over land described as Lot 21 on SP170399, located at the Captain Cook Highway, Clifton Beach, subject to the following:

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

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

Drawing or Document	Reference	Date
Reconfiguration of a Lot	8728-7	06/06/2008
Building Envelope Plan	8728-8 Issue B	19/01/2008

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.**

Water Supply Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$19,377.90 (2.6 ERAs).

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. On the present method of calculation, the contributions are \$9,283.56 (2.00 ERAs).

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. On the present method of calculation, the contributions are \$11,031.04 (2.00 ERAs).

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

Community Purpose Infrastructure Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$3,006.00 (6 EPs).

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

Stormwater Mitigation

- 7. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision or augmentation of stormwater drainage services.**

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$3,426.59 for Stormwater Mitigation.

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

Stormwater Quality

- 8. 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 \$3,110.29 for Stormwater Quality.

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

Water Supply and Sewerage Works External

- 9. 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 water and sewer infrastructure to connect the site to Council's existing water and sewer 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

10. **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. **Extend water mains such that each allotment can be provided with a water service connection to the lot frontage;**
- c. **The house drain to proposed Lots 211 and 213 must be extended to the building platform/envelope.**
- 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

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

Damage to Infrastructure

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

Sewer Easement/s

- 13. Create an easement in favour of Council over any sewer within the site on a non-standard alignment to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval by Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Water in conjunction with the Plan of Survey.**

Adjoining Owner's Approval

- 14. The written approval of any adjoining property owners are to be obtained for any proposed water and sewerage infrastructure that will be undertaken on private land external to the subject site. The approval must be submitted to Council as part of the application for a Development Permit for Operational Works.**

Service Conduits

- 15. Provide service conduits to Lot 211, 212 and 213 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.

Access to Hatchet or Battleaxe Lots

- 16. Construct a concrete driveway or other approved surface to battleaxe Lot 211 & 213 extending the full length of the access leg from adjacent edge of 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.**

Drainage Study of Site

- 17. 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 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.

Stockpiling and Transportation of Fill Material

- 18. 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.**
- 19. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.**

Access Easement/s

- 20. Create Access Easements to allow vehicle access and on-site manoeuvring to all lots, to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Water in conjunction with the Plan of Survey.**

Vegetation Clearing

- 21. Existing vegetation on the subject land must be retained in all areas except those affected by construction of roadworks/access driveways, building envelopes 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.

Wildlife

- 22. 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

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

Reserves Over Creeks and Streams

- 24. A Drainage Reserve containing all land below the top of the high bank or the limit of the Q100 ARI event, whichever is the greater must be transferred to the Crown for Drainage Purposes. The land (reserve) must be transferred in conjunction with registration of the Plan of Survey.**

Existing Creek and Drainage Systems

- 25. 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 Natural Resources and Water for carrying out works in a watercourse.

Lawful Point of Discharge

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

Sediment and Erosion Control

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

Existing Services

- 28. 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

- 29. 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

- 30. 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.**

Building Design

- 31. The design and construction of the proposed dwelling on Lot 211 must be of stepped post and beam techniques (not slab on ground techniques) and must be located in the building envelope plan highlighted on the building envelope plan attached as appendix 1.**
- B. The following notation will be placed on Council's future rates record in respect of proposed lot 211:-**

Hillslopes

- 1. This site is constrained by Hillslopes. The exterior colour and materials of any proposed structures must be non-reflective and must blend with the natural colours of the surrounding environment. Details of the proposed building materials and colour scheme for the exterior walls, features and roof, including any changes to the building materials and colour scheme must receive prior approval from the General Manager Planning & Environment.**
- 2. The design and construction of dwellings must be of post and beam techniques (not slab on ground techniques)**

Building Envelope

- 3. The future dwelling and outbuildings must be sited within the building envelope as detailed on the Building Envelope Plan held by Council. A copy of the Building Envelope Plan is available from Council's Planning Department.**

Geotechnical Report

- 4. Future development on this site must occur in accordance with the Geotechnical Report January 2009, prepared by ETS Geotechnical & Materials Testing (DM5 # 1959526). Any request to undertake alterations to the cut/fill batters must be accompanied by a report prepared by a qualified and experienced geotechnical consultant. A copy of the Geotechnical Report is available from Council's Planning Department.**

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Reference
Dept of Main Roads	214/20A/102(492.01)	7 August 2008	1796630
Dept of Natural Resources and Water	2008/005627:459023	16 July 2008	1765866
Environmental Protection Agency	CNS2008/5632	16 July 2008	1761973

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

FURTHER ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.
5. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

Cr Pyne left the meeting 10:51 a.m.

13. LOT RECONFIGURATION (1 LOT INTO 2 LOTS) – 2929 MOSSMAN-DAINTREE ROAD LOWER DAINTREE – DIVISION 10129
 S M Cook : 8/13/1384 : #1971064

LEU / COCHRANE

That Council approve the development application for Lot Reconfiguration (1 Lot into 2 Lots) over land described as Lot 60 on SR780, located at 2929 Mossman-Daintree Rd Lower Daintree , 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
Plan of Proposed Subdivision	08-002-10- SK01	
Proposed DDA	08-002-10- SK02	

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

3. Unless otherwise permitted in writing by Council, any dwelling-house to be constructed on the land must be provided with a 90,000 litre rainwater tank storage water supply system which must be established prior to the

commencement of the use of the dwelling-house. Where tanks are provided, they are to be roofed and fully mosquito-proofed in order to avoid contamination and evaporation and must be fitted with a 50mm Camlock fitting.

Community Purpose Infrastructure Contributions

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

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

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

Sewerage Works Internal

- 5 **Prior to the approval of any Development Application (Building Application), an assessment shall be provided to Council which confirms that the siting of the dwelling-house and proposed means of effluent disposal shall comply with the provisions of the On-site Sewerage Code July 2002 (prepared by the Department of Natural Resources and Water) to the satisfaction of Council's delegated officer.**

Lawful Point of Discharge

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

Existing Services

- 7 **Written confirmation of the location of existing services for the subject 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 and Telecommunications

8. **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.**

Miscellaneous

- 9 If domestic pets or animals are to be kept on lot 602 save for caged birds and aquarium fish they are to be securely enclosed and prevented from entering the forest areas.
- 10 Unless otherwise approved by Council, no clearing is permitted outside the DDA.
- 11 All building works and any works associated with the provision of access and wastewater treatment and disposal are to be carried out within the DDA.
- 12 A source of water for fire fighting purposes of not less than 5,000 litres shall be provided prior to commencement of the use of any dwelling house constructed on the proposed Lot 2. This condition may be satisfied by the provision of an accessible dam, swimming pool or tank. In case of tank supply, delivery of water shall be provided through a 50 mm Camlock fitting. The outlet from the tank water supply or dam/pool shall be located within an accessible position within 40 metres from any habitable building situated upon the proposed Lots 2.
- 13 The applicant is to landscape, with species indigenous to the area, a strip of land 6m wide along the presently cleared frontage of Lot 601 to the Mossman - Daintree Road, save for the access driveway. The purpose of the landscaping is to screen the clearing and buildings located on lot 601 from the road within 3 years of planting. A landscape plan is to be submitted to and approved by council prior to planting commencing. The planting is to be complete prior to Council endorsing its consent on the plan of survey.
- 14 The applicant is to arrange with Council and pay for Rural Road numbering to both driveways.
- 15 Prior to the lodgement of a Development Application – Building works, the owner is to satisfy themselves that habitable floor levels are above the Q100 ARI level for the adjacent section of the Daintree River.
- 16 The Concurrency Agency Condition to be complied with in full, in particular
 - a The requirements and conditions nominated in the Department of Main Roads letter dated 23 July 2008
 - b The requirements and condition nominated in the Department of Natural Resources and Water letter dated 21 August 2008
 - c The requirements and conditions nominated in the EPA Notice and Permit dated 7 October 2008

ADVICE

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

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Headwork contribution calculations are attached as Appendix 2. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.
5. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au

carried

14. MATERIAL CHANGE OF USE FOR UNDEFINED USES - (VISITOR CENTRE, CATERING HUB, PUBLIC AMENITIES HUB, WET ACTIVITY HUB AND ACCESS) - 46-76 COLLINS AVENUE EDGE HILL - DIVISION 8.....149
S M Cook : 8/8/1002 : #1734612

COCHRANE / FORSYTH

That Council approve the development application for Undefined Uses (Visitor Centre, Catering Hub, Public Amenities Hub, & Wet Activity Hub and Access) over land described as Lot 349 RP715416 & Lot 402 on SP201236, located at 46-76 Collins Avenue, Edge Hill, 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
Master Plan	A SK 01 001 B	Not Dated
Site Plan	1VC A CD 01	Not Dated
Floor Plan (Visitor Centre)	1VC A CD 02 2003	Not Dated
Elevations (Visitor Centre)	1VC A CD 02 2007	Not Dated
Elevations (Visitor Centre)	1VC A CD 02 2009	Not Dated
Sections – Foyer	1VC A CD 03 20011	Not Dated
Hub A Floor and Roof Plan	629 A DD 02 102	Not Dated

Hub A Elevations	1HB A CD 02 2105	Not Dated
Hub B Floor and Roof Plan	629 A DD 02 202	Not Dated
Floor Plan	629 A DD 02 302	Not Dated
Hub C Elevations	1HB A CD 02 2305	Not Dated
Hub B Elevations & Sections	1HB A CD 02 2204	Not Dated
Elevations	A DD 02 010 A	Not Dated

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.

Air-conditioning Screens

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

Water Supply Contributions

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

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$4,208.77 (0.925 ERAs).

Payment is required prior to Commencement of Use.

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 \$2,691.60 (0.925 ERAs).

Payment is required prior to Commencement of Use.

Water Saving

- 6. 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.**

Bicycle Parking

- 7. Provide secured, on-site bicycle parking in accordance with Table 10-1 of *AUSTROADS Guide to Traffic Engineering Practice Part 14 - Bicycles*. Based on the provisions in Table 10-1 (page 133). The bicycle parking area must be constructed prior to Commencement of Use.**

Lighting

- 8. 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.**

Above Ground Transformer Cubicles/ Electrical Sub-Stations

- 9. 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.**

Landscaping Plan

- 10. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:**
 - a. Landscaping around the visitor centre; and**
 - b. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.**

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

Vegetation Clearing

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

Wildlife

- 12. 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

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

Existing Creek and Drainage Systems

- 14. 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 Natural Resources and Mines for carrying out works in a watercourse.

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.

Sediment and Erosion Control

16. 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).

Refuse Storage

17. 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.

Details Of Development Signage

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

Crime Prevention Through Environmental Design

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

Health

20. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the *Food Act 2006* and the Food Standards Code.
21. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council’s Public Health Unit.
22. An application for the construction or alteration of any food premises must be accompanied by two copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the

construction or alteration. All works must be carried out in accordance with the requirements of the *Food Act 2006*, Food Safety Standards and AS 4674 – 2004 – Design, construction and fit-out of food premises.

23. Prior to operation of the food business, the operator must hold a current Food Licence issued by Councils Public Health Unit under the *Food Act 2006*. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council's Public Health Unit for further information.
24. Noise from air conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994*, *Environmental Protection (Noise) Policy 1997* and *Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance)*.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Environmental Protection Agency	303755	Received 29 September 2008	1843139

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

ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.

5. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

15. MATERIAL CHANGE OF USE (CODE ASSESSMENT) - RETIREMENT VILLAGE – CANOPY'S EDGE BOULEVARD - SMITHFIELD – DIVISION 9189
Nick Bowden : 8/7/1491 : #1908449

WITHDRAWN AT APPLICANTS REQUEST

Cr Pyne returned 10:55 a.m.

16. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - EXTENSION TO EXTRACTIVE INDUSTRY & ERAS 16(2)(C) & 16(3)(B), 1L - 2L KAMERUNGA ROAD & STEWARTS ROAD, BARRON – DIVISION 8224
J Elphinstone : 8/8/939 #1620913

COCHRANE / BONNEAU

- A. That Council approve the Material Change of Use (Impact Assessment) application for Extension to Extractive Industry and Environmentally Relevant Activities (ERA 16(2)(c) and ERA 16(3)(b)) over land described as Lot 237 on NR2060, Lots 1 and 2 on SP173007 and Lots 2 and 4 on SP181502, located at 1L and 2L Kamerunga Road and Stewarts Road, Barron, 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
Site Plan – Conceptual Plan of Final Pit and Bund Locations	Natural Solutions Drawing C-05-037-19 Issue A	4 August 2008
Flood Modelling Study “Kamerunga Sand Pit Expansion Flooding Investigation”	Cardno Lawson Treloar Report, Job No LJ8691/R2/V2	April 2008
Proposed Site Operation	Burton Russell & Associates Pty Ltd Drawing 8/92 Figure 3.4	As submitted to Council on 30/06/1994 (Council reference document 411744)

Recommended Layout	Site	Connell Wagner Figure 8	As submitted to Council on 30/06/1994 (Council reference document 411744)
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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.

Amendment to Design

3. The proposed plan of development must be amended to accommodate the following changes:
 - a. A buffer setback of a minimum width must be provided to the following boundaries:
 - i. The north-eastern boundary of Lot 1 on SP173007 where it abuts the neighbouring land being Lot 1 on RP716266 and Lot 3 on SP173007; and
 - ii. The northern boundary of Lots 2 on SP173007, Lot 2 on SP181502 and Lot 237 on NR2060.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to the commencement of use.

Screen Fence (General)

4. **A security fence must be provided to the external boundaries of the subject land, to the satisfaction of the Chief Executive Officer. The fencing must be consistent in terms of design and materials with other fences in the locality and the boundary to which the fence is constructed. The fencing must be completed prior to the Commencement of Use.**

Access Road Design

5. **Access to and from the site shall only be via the existing haul route and access /egress point onto Lake Placid Road. Internal access roads must have a minimum sealed and adequately stabilised width of seven (7) metres and must be designed to the satisfaction of the Chief Executive Officer so as to provide adequate access for service vehicles, including at least one turning circle for such vehicles and must be so constructed as to be capable of supporting the mass of the vehicle.**

Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer. Such works must be constructed in accordance with the endorsed plan, to the satisfaction of the Chief Executive Officer and Council's Development Manual prior to commencement of the use.

Shaker Grid

6. **Construct a shaker grid to appropriate standards. The entry exit point should have a minimum length of ten (10) metres at the road end. It is to be of a minimum width of three (3) metres per lane (inbound /outbound) or four (4) metres if there is only one lane. The pad must be a minimum thickness of two hundred millimetres (200mm). The pad should be constructed from crushed rock or durable recycled concrete with a minimum aggregate size of fifty to seventy-five millimetres (50-75 mm). If the pad is on unstable soil the applicant should install filter cloth beneath the rock pad. These measures are to be constructed prior to the commencement of use to the satisfaction of the Chief Executive Officer.**
7. **Prior to the commencement of the use, the applicant/owner must submit a contoured site plan prepared by a licensed surveyor at a suitable scale to fix the location of the limit of extraction. The determined limit of extraction must be clearly and permanently marked with delineator posts on the ground. The applicant must indicate on this plan or on a separate plan the method of staging the extraction of material from the site on a yearly basis commencing one year after the approval date. A copy of the staging plan must be forwarded to the Chief Executive Officer.**

The method of progressive rehabilitation of the areas no longer used

for the Extractive Industry, is to be indicated on a professionally prepared landscape plan. The applicant shall provide a Rehabilitation Plan for the whole site prior to any material being extracted from the proposed extraction area. This Plan shall consider the type of rehabilitation works, proposed final use of the site and completion time for the rehabilitation of the proposed pit and rehabilitation of the existing pit. Each section of embankment shall be rehabilitated immediately the adjacent area has been excavated to its finish level. All rehabilitation work recommended by the plan shall be undertaken by the applicant at the applicant's cost. The plan must be submitted to and endorsed by the Chief Executive Officer prior to the commencement of the use.

8. No extraction is to occur within the cane tramway buffer area as nominated on the approved plan.
9. Access across the cane tramway must only be at point(s) as approved by the Mulgrave Central Mill in accordance to the Mill's requirement for crossing over a tramway. All associated crossing infrastructure, including signage, must be supplied by the applicant.
10. The hours of operation of the Extractive Industry are limited to the following:

Monday to Friday	7.00am to 6.00pm;
Saturday	7.00am to 12 noon (with regard to Saturday hours that all cartage operations cease at 12 noon on Saturdays and all other onsite operations cease at 1.00pm); and
Sundays / Public Holidays	No work permitted,

Unless otherwise approved by the Chief Executive Officer.

Development Over Lot 1 On SP173007

11. The conditions of Town Planning Consent Permit issued on 14 February 1995 for the Extractive Industry (Sand Extraction, Processing and Stockpiling) on land described as Lot 1 on SP173007 (formally known as Lots 30 and 31 on RP851525) must be complied with unless the conditions of this approval allow otherwise (Council document references 411648 & 411744). The conditions of that approval shall continue until the rehabilitation of the land has been completed.
12. Consideration must be given to any variation on the finished site ground levels from that proposed in the site layout plan prepared by Connell Wagner and referenced as Figure 8, Recommended Site Layout (Council document reference 411744) issued over the site. In the event that final ground levels do differ from the 6 Metre AHD level as detailed in Figure 8, the applicant will be required to conduct works on the site

to ensure that ground levels are to the satisfaction of the Chief Executive Officer prior to the vacating of the land. Where variation occurs further hydraulic modelling must be undertaken and demonstration be provided to Council that there is no detrimental impact to the delta flood plain. All works associated with achieving suitable final ground level, including flood modelling is the applicant/owner's cost.

Buffer Areas

13. a. The applicant must plant and maintain a buffer area of trees and shrubs around the permitted extraction area in accordance with an approved landscape plan to the requirements and satisfaction of the Chief Executive Officer in accordance with the following requirements:
- i. A fifty (50) metre minimum width along the frontage to Kamerunga Road;
 - ii. A twenty (20) metre minimum width buffer to neighbouring land, being Lot 1 on RP716266, Lot 3 on SP173007, Lot 5 on SP181502 and Lots 57 and 125 on C157314;
 - iii. A forty (40) metre minimum width buffer to the MHWS of the Barron River on Lot 2 on SP173007 (except where the cane tramway buffer interferes) , Lot 4 on SP181502 and Lot 237 on NR2060; and
 - iv. A twenty (20) metre buffer on Lot 1 on SP173007 to Lake Placid Road.

The area so defined must be identified on site with permanent, brightly coloured markers to enable regular inspections by Council. The Metes and Bounds description must be provided to Council's satisfaction prior to the commencement of the use.

These buffer strips must be planted with additional native plants if necessary to provide an effective visual screen in accordance with a landscape plan approved by Council.

And

- b. No intrusion by extraction of material, site operations or clearing into the buffer area shall be permitted.

And

- c. **The operator must maintain the faces of the excavations adjoining this buffer at a batter of not steeper than 1 vertical to 3 horizontal (1 in 3) during the course of the extractive operation. Any temporary batters steeper than 1 in 3 in the vicinity of existing roads and resulting from the active sand pumping operation must have temporary secure fencing provided along the property boundary.**
14. **At the cessation of the extractive industry operation, the owner/operator must stabilise all excavated faces to ensure that batters not steeper than (1 in 3) are achieved; and to carry out approved reclamation works with restoration of natural ground levels where possible, and in such a manner so as to be free draining and to be generally suitable for cultivation.**
 15. **The pits may be backfilled with inert material in accordance with an environmental licence issued by the Environmental Protection Agency. At the cessation of backfilling operations clean fill will be placed over the backfilled pits to a depth of 0.5 metres and profiled to facilitate surface drainage. A further 0.2 metres of topsoil will be placed over the fill to provide a suitable substrate for seedling germination and establishment. The final contours shall be determined in accordance with the detailed hydraulic modelling done on the site.**

The applicant shall ensure that slumping of the buried material does not alter the long-term contours of the site.

When seeding the site so as to prevent erosion, turf species such as Buffalo Grass or Green Couch should be included in the site cover.

Damage to Infrastructure

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

Vehicle Parking

17. **The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of four (4) spaces of which two (2) must be provided as visitor spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and**

vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

External Works

18. Undertake the following works external to the land at no cost to Council:
 - a. Construct a bitumen turnout in front of the proposed access to accommodate the turning circle of the largest vehicle accessing the site. A pedestrian and vehicle management plan is required prior to the construction of the works.

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e. the provision of temporary kerb ramps if pedestrian diversions are necessary.

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

Sediment and Erosion Control

19. 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).

Acid Sulfate Soil Investigation

20. Undertake a comprehensive groundwater study to determine whether or not there has been any adverse change to the groundwater quality characteristics at locations hydraulically down gradient of the site.

Should possible adverse change be identified then a site management plan must be compiled to reduce the chance of environmental harm resulting from the Barron River operation.

Three copies of the study and any associated site management plan developed to address Acid Sulfate Soil must be submitted to and endorsed by the Chief Executive officer prior to the commencement of the use.

Where it is found that PASS exist in exposed soil, immediate treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRM 'Queensland Acid Sulfate Soil Technical Manual'.

Reference is made to 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'.

21. The applicant shall prepare a suitable vector (mosquito) control program to be approved by the Department of Primary Industries. The vector control strategy should describe target species and their life cycles along with details of proposed chemicals and known effects on aquatic fauna.
22. This approval allows for the extraction, processing, screening, and stock piling of sand and gravel as per the approved Environmentally Relative Activities and respective conditions. The crushing of rock or other materials is not authorised by this approval.

Advertising Signage

23. 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.

Powerlink

24. The applicant must comply with the conditions issued by Powerlink Queensland on 10 April 2008 (Referral Agency reference 16953 & 169552) (Council document reference 1691640). A copy of these conditions is included in Appendix 2.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Environment Protection Agency	213839	30 January 2009	1959091
Department of Main Roads	214/647/102 (905.08)	17 November 2008	1888277
Department of Natural Resource and Water	IC0308CNS0007	6 May 2008	1703247
Powerlink	16953 & 169552	10 April 2008	1691640

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

ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Specifically, the applicant will need to shall apply for an approval under Council's Local Law 13 – Extractive Industries and comply with the relevant conditions before work can commence on site on the proposed new extraction area.

4. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.
- B. That Council resolve to advise the Environment Protection Agency, by forwarding a copy of submissions received in regards to Development Application 8/8/939, for the Material Change of Use (Impact Assessment) application for Extension to Extractive Industry and Environmentally Relevant Activities (ERA 16(2)(c) and ERA 16(3)(b)) over land described as Lot 237 on NR2060, Lots 1 and 2 on SP173007 and Lots 2 and 4 on SP181502, located at 1L and 2L Kamerunga Road and Stewarts Road, Barron, of concerns held by local residents and the request by residents for a consultative committee regarding the future operation of the Extractive Industry on the land.

- C. That Council resolve to advise the Environment Protection Agency and the Department of Natural Resources and Water, that the Development Application 8/8/939, for the Material Change of Use (Impact Assessment) application for Extension to Extractive Industry and Environmentally Relevant Activities (ERA 16(2)(c) and ERA 16(3)(b)) over land described as Lot 237 on NR2060, Lots 1 and 2 on SP173007 and Lots 2 and 4 on SP181502, located at 1L and 2L Kamerunga Road and Stewarts Road, Barron, has regard only to those lands listed and does not give approval or legitimise any use of road reserve, known as lot 3 on AP12358, as this land lies outside the Planning Scheme.

carried with Councillor Leu voting against the motion.

- 17. REQUEST FOR EXTENSION OF CURRENCY PERIOD, MATERIAL CHANGE OF USE AND RECONFIGURATION OF A LOT - DIVISION 10.....288
Leon Doutre: 8/38/2: #1958841

LEU / LESINA

That Council refuse the request for an extension to the currency period for the Development Permit CA31, approved by Consent Order on 17 February 2005 for Reconfiguration of a Lot (1 into 4 lots) and Material Change of Use (Impact) for 338 Multiple Dwellings (Tourist), restaurant/bar, outdoor recreation ground and ancillary facilities including shops, office and gymnasium at the corner of Captain Cook Highway and Andreassen Road, Craiglie, being Lot 2 on SR431, on the following grounds:

- 1. **The current approval is in conflict with the desired outcomes for the Port Douglas & Environs Locality Code under the current Planning Scheme.**
- 2. **The current approval is in conflict with the desired outcomes for the Residential 1 Planning Area Code under the current Planning Scheme.**
- 3. **The current approval is in conflict with the desired outcomes for the Multi-Unit Housing / Holiday Accommodation / Retirement Facility Land Use Code under the current Planning Scheme.**

carried

18. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - EXTENSION TO INDOOR SPORT AND ENTERTAINMENT (POLICE CITIZENS YOUTH CENTRE) - 91-97 MACNAMARA STREET MANUNDA - DIVISION 7322

Nick Bowden: 8/8/1051: #1962199

FORSYTH / COCHRANE

That Council approves the Material Change of Use (Impact Assessment) for Extension to Indoor Sport & Entertainment (PCYC Centre) described as Lot 545 on NR6086 located at 91-99 McNamara Street Manunda, 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
Site layout	A-01	27/10/08
New works plans	A-02	27/10/08
Elevations	A-03	27/10/08
Section	A-04	27/10/08

Assessment Manager Conditions

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

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

Air-conditioning Screens

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

Water Supply and Sewerage Works

4. **Water and sewerage property connections inadequately sized to service the development must be upgraded**

Damage to Infrastructure

5. **In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify 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.**

Water Saving

6. **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.**

Parking Signage

7. **Erect signs advising of the location of the parking/drop off area and access thereto. The signs must be erected prior to Commencement of Use. One sign must be located on the McNamara Street frontage.**

Details of Development Signage

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

Advertising Signage

9. **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.**

Refuse Storage

10. **Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from CRC Water & Waste.**
11. **The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.**

Crime Prevention through Environmental Design

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

Food Premises

13. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the *Food Act 2006* and the Food Standards Code.

Minimum Fill and Floor Levels

14. All floor levels in all buildings must be located 100 mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements. Council's current records indicate existing ground levels of approximately 2.3-2.9 metres.

Landscaping Plan

15. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
 - a. Deep planting of setback areas around the extended building;
 - b. Planting around any paved areas around the extended building.

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

FURTHER ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

- 19. REQUEST FOR CHANGE OF CONDITIONS FOR ACCOMMODATION UNITS (BACKPACKERS HOSTEL), MANAGER’S UNIT, BAR AND ANCILLARY FACILITIES (SWIMMING POOL, VOLLEYBALL, BARBECUE AND OTHER RECREATION FACILITIES) – 702-704 BRUCE HIGHWAY WOREE – DIVISION 3333
 Jenny Elphinstone : 8/8/213 : #1963368

PYNE / LESINA

That Council advise the land owner that as the Development Permit 8/8/213, issued for Accommodation Units (Backpacker’s Hostel) over land described as Lot 1 on RP747301, located at 702-704 Bruce Highway, Woree has been abandoned, all conditions relating to that Development Permit have no force and effect. Council no longer seeks recovering of the outstanding developer contributions required under Condition 8 of Development Permit 8/8/213.

carried

- 20. REQUEST TO CHANGE CONDITIONS - MULTIPLE DWELLINGS – 22-26 & 40-62 CLIFTON ROAD, CLIFTON BEACH - DIVISION 10.....339
 Simon Clarke : 8/7/106 #1972683

LEU / BONNEAU

ITEM BE DEFERRED UNTIL AN INSPECTION OF THE SITE WITH COUNCIL OFFICERS AND SUBMITTERS HAS BEEN CONDUCTED

carried

Cr Cooper left the meeting 11:00 a.m.
Cr Cooper returned 11:02 a.m.

- 21. IMPLEMENTATION OF ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008 TO COMMENCE 1 JULY 2009387
 Julie Wright: 18/5/3-49 : #1961574

LESINA / BONNEAU

Council resolve to implement the purposes and application of the *Animal Management (Cats and Dogs) Act 2008* commencing 1 July 2009 and amend Cairns Regional Council’s Local Laws and Subordinate Local Laws pertaining to the Keeping, Control and Impounding of Animals to ensure there are no inconsistencies in relation to the provisions contained within the Act.

carried

Cr Schier left the meeting 11:03 a.m.
Cr Schier returned 11:04 a.m.

22. GRANT SUBMISSIONS – DEPARTMENT OF LOCAL GOVERNMENT
SPORT AND RECREATION 2009 ENVIRONMENTAL
INFRASTRUCTURE PROGRAM AND SHORELINE EROSION
MANAGEMENT PLANNING SCHEME.....390
Sarah Faulkner : 8/27/3-: - #1974186

BONNEAU / FORSYTH

That Council resolve to:

Proceed with funding applications to the Department of Local Government, Sport and Recreation Queensland through the Environmental Infrastructure Program (EIP) and the Shoreline Erosion Management Planning Scheme (SEMPs) 2009 confirming additional funding commitments if required, and determine the priority of the following funding submissions:

- Manunda Sporting Precinct
- Moody Creek Drainage System
- Remediation of Portsmith Landfill
- Remediation of Machans Beach Landfill
- Remediation of Killaloe Landfill
- Shoreline Erosion Ellis Beach to Bloomfield

Delegates authority to the Mayor and Chief Executive Officer in accordance with Section 472 of the Local Government Act 1993 following a short workshop with Councillors later today to determine the priority of the funding submissions.

carried

23. JOYCE CREEK, BRAMSTON BEACH – PURCHASE OF AN
EXCAVATOR FOR DREDGING396
Terry Armit : 17/9/5-04: #1963771

GREGORY / BLAKE

That Council:

- a) Agrees to donate \$45,000 from the Beach Protection Reserve to the Joyce Creek Action Committee for the purchase of a suitable excavator for use in maintaining the entrance to Joyce Creek, subject to the signing of an agreement between Council and the Bramston Beach Ratepayers and Progress Association Inc.

- b) **Delegates authority to the Mayor and Chief Executive Officer in accordance with Section 472 of the Local Government Act 1993 to negotiate and finalise any and all matters associated with establishing the agreement.**

carried

24. RECONFIGURATION OF A LOT - 8 LOTS INTO 84 LOTS – DALLA COSTA ACCESS SWALLOW & THOMSON ROADS, EDMONTON, – DIVISION 1403
 G Warner : 8/13/1334: #1686719

GREGORY / PYNE

That Council grant a Preliminary Approval for the development application for Lot Reconfiguration (8 Lots into approximately 70 Lots) over land described as Lot 635 NR: 6866, located at Dalla Costa Access, Swallow, Carne & Richards Access & Thomson Roads, Edmonton subject to the following additional requirements being met:

1. **The proposed development must be redesigned to accommodate the following:**
 - a. **The applicant/owner redesign the layout generally in accordance with the principles outlined in the concept plan provided in Appendix 2.**
 - b. **That Lot 300 not be created until the outcomes of all other associated applications (Material Change of Use & ROL’s) have been determined.**
 - c. **That Lots 1 – 18 be removed from the proposal in their entirety.**
 - d. **That the road layout be amended to have Dalla Costa Access road become the central main road and that this road be widened to collector road standard**

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
DNR&W	IC0508TSV0028	22/07/2008	1767806
Department of Main Roads	214/10P/102(802.06)	11/12 /2008	1910479
EPA	CNS6952	8/12/2008	1908214
QT	CRN-172 P27845	1/07/2008	1742823

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

ADVICE

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2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council’s Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

GENERAL BUSINESS

1. COUNCIL REVIEW THE POLICY ON LIQUOR LICENSING THAT INCLUDES ENTERING INTO A COMMUNITY ENGAGEMENT PROCESS TO TEST SUPPORT FOR A 3:00 A.M. CLOSING.

PYNE / BONNEAU

carried

THE MEETING CLOSED AT 11:26 AM

CONFIRMED THIS DAY OF 2009

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER