

# CAIRNS REGIONAL COUNCIL

## MINUTES

### PLANNING & ENVIRONMENT COMMITTEE

**12 MAY 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
B Gardiner	General Manager Water & Waste
P Boyd	Manager Strategic Planning
S Clarke	Manager Development Assessment
L Phipps	Manager Environmental Assessment
J McGlone	Manager Marketing & Communications
S Anderson	Media CoOrdinator
K Gilvear	Planning & Environment Consultant
R Rankine	Consultant Engineer
R Leeds	Executive Adviser to the Mayor
S Shearer	Minute Secretary

1. MOUNT PETER STRUCTURE PLAN.....1  
Sandra Burke: 8/26/22-05: #2551013v1

GREGORY / LANSKEY

**That Council endorses Part 1 - Amendments to CairnsPlan – May 2010 of the Mount Peter Structure Plan for the purpose of seeking agreement from the coordinating agency in accordance with Schedule 1A of the *Integrated Planning Act 1997*.**

*carried*

2. PROPOSED AMENDMENT TO THE CAIRNSPLAN AND DOUGLAS SHIRE PLANNING SCHEME – SHORT TERM LETTING OF A HOUSE FOR HOLIDAY RENTAL ACCOMMODATION .....22  
Deborah Wellington: 8/26/5-08: #2558892

BLAKE / COCHRANE

**That in accordance with the requirement of the *Sustainable Planning Act 2009* Council:**

- A. Propose to undertake an amendment to the CairnsPlan to**
- i. Amend the definition of a ‘house’ to allow for the short term letting for the purpose of holiday rental accommodation and**
  - ii. Amend the definition of ‘household’ to change the number of persons not related by blood from five to six persons.**
- B. Propose to undertake an amendment to the Douglas Shire Planning Scheme to amend the definition of a house to allow for the short term letting for the purpose of holiday rental accommodation.**
- C. Write to the Minister to commence the first state interest review and following the review proceed to public notification if the amendment is not subject to any ministerial conditions.**

*carried*

- 3. CAIRNSPLAN AMENDMENT 2010, NO. 4 – HILLSLOPES REVIEW 29  
Peter Boyd :8/27/3-06: #2558365v1

COOPER / BONNEAU

**That the report be deferred pending a further workshop.**

*carried*

- 4. CAIRNS REGIONAL COUNCIL GREENHOUSE MITIGATION ACTION PLAN .....60  
Maree Grenfell 8/23/2-08 #2408186v2

LESINA / COCHRANE

**That Council endorses the attached Greenhouse Mitigation Action Plan.**

*carried*

- 5. CAIRNS & ENVIRONS - NEW PLANNING SCHEME- PROJECT BUSINESS CASE .....107  
Peter Boyd : 8/26/5: #2549596v1

GREGORY / LANSKEY

**That Council reaffirms its position in relation to preparing the Cairns and Environs - Planning Scheme, pursuant to the *Integrated Planning Act 1997* and endorses the attached business plan subject to budget deliberations.**

*carried*

**Cr Lesina left meeting at 10.21 am – returned at 10.22 am**

- 6. CAIRNS REGIONAL COUNCIL - TERRAIN MEMORANDUM OF UNDERSTANDING .....142  
K Gilvear : 8/26/22: #2551965v1

LEU / GREGORY

**That Council:**

- A. Adopts the Terrain Memorandum of Understanding dated April 2010; and**

- B. Delegates authority to the Mayor and Chief Executive Officer, pursuant to Section 472 of the *Local Government Act 1993*, to finalise any and all matters in relation to the Memorandum of Understanding.**

*carried*

Cr Pyne left the meeting at 10.26 am – returned at 10.30 am

- 7. URBAN DESIGN ADVISORY BOARD – REVIEW OF TERMS OF REFERENCE .....157  
Peter Boyd : 8/27/3: #2552816

BLAKE / FORSYTH

**That Council:**

- 1. **Notes the activities of the Urban Design Advisory Board; and**
- 2. **Delegates authority to the General Manager Planning and Environment to finalise amendments to the Terms of Reference in conjunction with other Board Members; and**
- 3. **Extends the existing board appointments until 1 December 2011; and**
- 4. **Invites nominated Board Member proxies to participate in Board Meetings and activities in accordance with the Revised Draft Terms of Reference in Annexure 1.**

*carried*

- 8. CAIRNS CITY CENTRE MASTER PLAN - PROJECT BUSINESS CASE AND UPDATE.....174  
Peter Boyd : 8/26/5: #2551227v1

BLAKE / COOPER

**That Council approves the commencement of the Cairns City Centre Master Plan and endorses the attached business plan subject to budget deliberations.**

*carried*

9. **ADOPTION OF PROPOSED AMENDMENT TO THE TRUNK INFRASTRUCTURE CONTRIBUTION PLANNING SCHEME POLICY**  
 .....202  
 R. Rankine : 8/26/20:#2553617v2

**GREGORY / PYNE**

**A. That Council:**

1. **Adopt the Trunk Infrastructure Planning Scheme Policy as notified subject to modifications outlined in Attachment 1 and confirmed in Attachment 2.**
2. **Apply the charges to Applications retrospectively from 30 June 2009.**
3. **Advise the submitters of its decision, place a public notice in the local newspaper and government gazette and provide copies of the amended Planning Scheme Policy to the Department of Infrastructure and Planning.**
4. **Confirm that development as described below for which works on site have been completed, and the use either commenced (for Material Change of Use applications) or a Survey Plan lodged for endorsement on or before 30 June 2012 will be considered to have a NIL Transport Supply Demand, and therefore not require payment of Road Network Contributions:**
  - a. **Retail uses as defined in Section 5.3.3 of CairnsPlan;**
  - b. **Business and Commercial Uses as defined in Section 5.3.4 of CairnsPlan;**
  - c. **Industry and associated uses as defined in Section 5.3.5 of CairnsPlan;**
  - d. **Community Facilities as defined in Section 5.3.6 of CairnsPlan;**
  - e. **Recreation Uses as defined in Section 5.3.7 of CairnsPlan**

**Where an Applicant / Developer is unable to obtain approvals and complete the development on or before 30 June 2012, and provides satisfactory supporting information and detail to Council, Council may, in its absolute discretion, extend the moratorium referred to above for a further period, such period to be confirmed within Conditions of Approval, or an Amendment to Conditions of Approval.**

- B. That a guideline be prepared for the industry and it be reported back to Council for endorsement.**

*carried*

*Cr Pyne & Cr Cooper left the meeting at 10.45 am – Cr Cooper returned at 10.46*

- 10. RESPONSE TO DEPARTMENT OF EMPLOYMENT, ECONOMIC DEVELOPMENT AND INNOVATION – OFFICE OF LIQUOR & GAMING REGULATION – APPLICATION FOR VARIATION TO LICENCE FOR THE SALT HOUSE, PIER POINT ROAD, CAIRNS, DIVISION 5 .....217  
Kelly Barnes: 8/20/6-08: #2560231

**BLAKE / LANSKEY**

**That the applicant and the Department of Employment, Economic Development and Innovation be advised that Council does not object to the application for an variation to the existing licence for Salt House, Cairns and described as Lot 13 SP214821.**

*carried*

- 11. REQUEST FOR REFUND OF SECURITY PAYMENT FOR PROVISION OF ON-SITE CAR PARKING – STAGE 3 OF SOUTHERN CROSS ATRIUM APARTMENTS AT 3-11 WATER STREET, CAIRNS CITY – DIVISION 5 .....221  
Llew Beaton: 8/20/1-110: #2554941

**BLAKE / COCHRANE**

**That Council advises the applicant of the following in relation to security held for the provision of on-site car parking spaces for the Southern Cross Atrium Apartments located at 3 – 11 Water Street, Cairns:**

- 1. **The contribution of \$102,609.75 in respect of the shortfall of 5 on-site car parking spaces for Stage 3 will be released.**

*carried with Councillors Leu & Lesina voting against the motion*

12. REQUEST TO CHANGE CONDITIONS OF AN EXISTING APPROVAL  
 - CHILD CARE CENTRE - 235-239 KAMERUNGA ROAD  
 FRESHWATER - DIVISION 8.....225  
 L J Payler : 8/7/542: #2545946

### COCHRANE / BONNEAU

That Council resolves to approve the Request to Change Conditions of Existing Approval for 8/7/542 over land described as Lot 1 on SP190311 (formerly Lot 3 on RP742737), located at 235 Kamerunga Road, Freshwater, subject to the following:

1. Condition 1 be amended to read:

1. The applicant/owner must at all times during development of the subject land carry out development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
  - a. The approved plans, noted below, prepared by Hedley Group, dated May 06 and attached as Appendix 1;

Title	Plan Number	Date
Site & Floor Plan	Prelim-01 Revision C	May 2006
Elevations & Section A-A	DA-02 Revision A	May 2006
<u>Plan View- Rework Acoustic Fence</u>	<u>FCC1001 Rev C prepared by STP Consultants</u>	<u>15/4/2010</u>
<u>Section A – Rework Acoustic Fence</u>	<u>FCC1002 Rev C prepared by STP Consultants</u>	<u>15/04/2010</u>
<u>Section B – Rework Acoustic Fence</u>	<u>FCC1003 Rev C prepared by STP Consultants</u>	<u>15/04/2010</u>

- b. The plans, specifications, facts and circumstances as set out in the application submitted to Council;
- c. 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
- d. Subject to any alterations found necessary by Council at the time of examination of Engineering Plans or during construction of the development because of particular engineering requirements.

Except where modified by these conditions of approval.

2. Condition 10 be amended to read:

**Landscaping Plan**

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

- a. The location and species of all existing trees, with an indication as to whether each tree is to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree.
- b. The provision of shade trees.
- ~~c. Landscaping of required setback areas, being a minimum two and a half (2.5) metre wide buffer to the rear boundary of the site.~~
- c. The provision of landscaped planter boxes along the front and side boundaries of the outdoor play area.
- d. Inclusion of landscaping requirements detailed in the Concurrence Agency Conditions contained within the letter dated 6 June 2006, reference number 158/6472/102 (2184B). Council Reference number #1190836.
- e. Inclusion of all requirements as detailed in other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

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

3. Condition 20 be amended to read:

Screen Fence

20. The applicant/owner must provide a minimum 1.8 metre high screen fence to the side and rear-boundaries of the subject site. ~~and along the frontage of the site from the covered walkway on Lavis Street to the fence on Kamerunga Road, to the satisfaction of the Chief Executive Officer.~~ The required fencing must be consistent in terms of design and materials with other similar fences in the locality. ~~Details of the screen fence must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.~~

4. Condition 27 be added which states:

27. Noise attenuation structures must be constructed along the rear and side property boundaries in accordance with the approved plans.

4. All other conditions of approval contained in the Decision Notice 8/7/542 dated 4 July 2007 (Council reference #1200142) remain unchanged.

*carried*

13. MATERIAL CHANGE OF USE (CODE ASSESSMENT) INDOOR SPORT AND ENTERTAINMENT - 41-43 HARGREAVES STREET EDMONTON - DIVISION 2 .....246  
Simon Clarke : 8/7/1922 : #2554945

LANSKEY / GREGORY

That Council approves the development application for Indoor Sport and Entertainment over land described as Lot 178 on SP197995, located at 41-43 Hargreaves Street, 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
Proposed Site Plan & East Elevation	PA02 Issue 1 prepared by Gregory G Terzi	-

**ASSESSMENT MANAGER CONDITIONS**

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

- a. **The specifications, facts and circumstances as set out in the application submitted to Council;**
- b. **The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.**

**Except where modified by these conditions of approval**

#### **Timing of Effect**

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

#### **Water Supply Contributions**

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

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$9,148.17 (1.83 EDUs).**

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

#### **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 \$6,710.61 (1.83 EDUs).**

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

#### **Water Saving**

5. **All new toilet devices in the development must be fitted with dual flush cisterns and new 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**

- 6. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of thirty-five 35 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 maneuvering areas must be imperviously sealed, drained and line marked.**

## **Car Parking Layout**

- 7. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and CairnsPlan, in particular:**
  - a. Parking spaces adjacent to columns and walls must have a minimum unobstructed clear width as determined by AS2890.1;**
  - b. Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear (including refuse and service/delivery vehicles);**
  - c. Aisle widths must comply with the minimum requirements of the Australian Standard.**

**Amended plans must be endorsed by the Chief Executive Officer prior to the construction of the parking area.**

## **Protection of Landscaped Areas From Parking**

- 8. Landscaped areas adjoining the parking area must be protected by a 150mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.**

## **Use of Easement B**

- 9. No building/structure is to be erected within the easement.**
- 10. The owner will be liable for the costs of repairing any infrastructure constructed which is damaged as a result of Council undertaking drainage works in the easement.**
- 11. Any vehicle parking and manoeuvring surfaces located within the easement will be required to be removed and reinstated at the owners expense, if drainage works are required within the easement.**

- 12. Undertake a local drainage study on the subject land to demonstrate that:**
- a. All proposed car parking located within Easement B will be Q20 immune; and**
  - b. That proposed car parking located within Easement B will not have adverse hydraulic impacts or impede the intended function of the easement.**

**The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to construction of the car parking located within Easement B.**

### **Bicycle Parking**

- 13. Provide secured, on-site bicycle parking in accordance with CairnsPlan. Based on the provisions in Schedule 2 of the Parking and Access Code, the minimum number of parking spaces required for this development is five (5) spaces. The bicycle parking area must be constructed prior to Commencement of Use.**

### **Lighting**

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

### **External Works**

- 15. Undertake the following works external to the land at no cost to Council:**
- a. Make good the kerb at the redundant crossover; and**
  - b. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.**

**Such work must be constructed in accordance with the FNQROC Development Manual to the satisfaction of the Chief Executive Officer prior to Commencement of Use.**

### **Above Ground Transformer Cubicles/ Electrical Sub-Stations**

16. 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**

17. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
- a. Deep planting of front boundary setback area with species which provide dense screening of the car parking area;
  - b. Planting of the footpath with trees, using appropriate species with regard to any site constraints.
  - c. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

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

### **Refuse Storage**

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

### **Details Of Development Signage**

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

### **Advertising Signage**

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

## Crime Prevention Through Environmental Design

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

## CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Main Roads	214/10P/102 (2050.17)	29/03/10	#2526157

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 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](http://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](http://www.cairns.qld.gov.au).
6. The following notation will be included in Council's Rate Record for the allotment:  
*"Any works, including driveways, parking spaces and landscaping located within the Easement B will be required to be removed and reinstated at the owners expense, if necessary"*.

*carried*

**Cr Pyne returned to the meeting at 10.53 am**

14. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) EXTENSION TO EXISTING TAVERN – 401-411 KAMERUNGA ROAD REDLYNCH – DIVISION 6 .....264  
 Sarah Cook : 8/8/1115 : #2368258

**COOPER / BLAKE**

That Council approve the development application for Extension to Existing Tavern over land described as Lot 4 RP748667, located at 401-411 Kamerunga Road Redlynch, subject to the following:

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

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

Drawing or Document	Reference	Date
<b>PROPOSED SITE PLAN</b>	<b>07-13 DA.1.02 DA3</b>	<b>FEBRUARY 2010</b>
<b>PROPOSED GAMING ROOM &amp; DOSA PLAN</b>	<b>07-13 DA.1.03 DA3</b>	<b>FEBRUARY 2010</b>
<b>PROPOSED ELEVATIONS</b>	<b>07-13 DA1.05 DA3</b>	<b>FEBRUARY 2010</b>

**ASSESSMENT MANAGER CONDITIONS**

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

Except where modified by these conditions of approval.

**Timing of Effect**

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

**Amendment to Design**

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

- a. **Provide a single vehicle crossover to Kamerunga Road, generally in the location of the existing vehicle crossover; and**

**Provide a traffic study prepared by an appropriately qualified traffic engineer that demonstrates that the proposed two access points to Kamerunga Road maintain the existing safety and efficiency of Kamerunga Road. In particular the report is to evaluate the existing right turning pocket for vehicles entering the site from Kamerunga Road. The report is to include a plan of the existing road line marking and nominate any necessary external works (including line marking, widening, traffic islands, signage etc) required to Kamerunga Road; and**

- b. **Demonstrate compliance with the requirements of Condition 12.**
- c. **Deletion of proposed addition to the southern side of the existing Red Beret Hotel, as attenuated on attached plan.**

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

#### **Air-conditioning Screens**

4. **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**

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

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$3,590.40 (0.96 ERAs).**

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

#### **Wastewater Contributions**

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

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$2,984.64 (0.96 ERAs).**

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

#### **Road Network Contributions**

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

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$18,766.97 (1.6 ERAs).**

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

#### **Public Art Contribution**

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

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

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

#### **Damage to Infrastructure**

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

#### **Water Saving**

- 10. All new 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**

- 11. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 70 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.**

### **Car Parking Layout**

- 12. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and CairnsPlan, in particular:**
  - a. Parking spaces adjacent to columns and walls must have a minimum unobstructed clear width as determined by AS2890.1;**
  - b. The driveways serving the parking area must include a physical means of speed control at the exit point;**
  - c. No car parking spaces within the queuing area for the Kamerunga Road entrance to the site as required by s.3.4 of AS2890.1; and**
  - d. The parking area must be set back a minimum of 2 metres from the Kamerunga Road Boundary.**

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

### **Protection of Landscaped Areas From Parking**

- 13. Landscaped areas adjoining the parking area must be protected by a 150mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.**

### **Bicycle Parking**

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

### **Lighting**

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

## External Works

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

- a. **Construct a 1.2 metre wide concrete footpath to Kamerunga Road frontage extending from the existing footpath adjacent to the western portion of the sites frontage to the boundary with adjoining Lot 1 on RP711706. The footpath must be constructed in accordance with FNQROC Development Manual Standard Drawing 1035; provide Tactile Ground Surface Indicators either side of the Vehicle crossover(s) to Kamerunga Road 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) to Kamerunga Road in accordance with FNQROC Development Manual Standard Drawing 1015;**
- c. **Make good the kerb at the redundant crossover;**
- d. **Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development; and**
- e. **If required, undertake any necessary external road works to Kamerunga Road, as stipulated within a traffic report prepared in accordance with Condition 3.**

**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.**

### **Above Ground Transformer Cubicles/ Electrical Sub-Stations**

- 17. 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**

- 18. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:**
  - a. Deep planting of setback areas;**
  - b. Planting with a variety of plant species which achieve a variety of heights and densities at maturity. Planting adjacent to the vehicle entry and exist points must be with species which will not inhibit sight lines for vehicle entering and exiting the site.**
  - c. Planting of the footpath with trees, using appropriate species with regard to any site constraints; and**
  - d. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.**

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

### **Lawful Point of Discharge**

- 19. 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.**

### **Advertising Signage**

- 20. 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

21. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:-
- a. Developer;
  - b. Project Coordinator;
  - c. Architect / Building Designer;
  - d. Builder;
  - e. Civil Engineer;
  - f. Civil Contractor;
  - g. Landscape Architect

### Crime Prevention Through Environmental Design

22. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).
23. Noise from air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994, Environmental Protection (Noise) Policy 2008*.
24. Dust emissions or other air pollutants, including odours, do not extend beyond the boundary of the site and cause a nuisance to surrounding properties.
25. Provide a traffic study that demonstrates that peak patronage of the Red Beret does not have a detrimental effect on siting parking along Tenni Street and in the Redlynch Village carpark.

### 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 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 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. Supporting documentation outlining the required information for the Dewatering Report is attached to this Development Approval. Further information can be obtained from Council's Environmental Protection Unit on (07) 4044 3044.
6. For information relating to the *Sustainable Planning Act 2009* log on to [www.dip.qld.gov.au](http://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](http://www.cairns.qld.gov.au).

*carried with Councillors Cochrane & Forsyth voting against the motion*

15. LOT RECONFIGURATION (1 LOT INTO 2 LOTS AND ACCESS EASEMENT) -292 MOWBRAY RIVER ROAD MOWBRAY - DIVISION 10 .....284  
C S Garner : 8/13/1489 : #2314173

#### LEU / BONNEAU

- A. That Council approves the development application for Reconfiguring a Lot (1 into 2 Lots and Access Easement) over land described as Lots 0, 2 & 3 on GTP106148 located at 292 Mowbray River Road Mowbray, 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
Proposed Reconfiguration	Conics 62932-1 Sheet 1 REV G	9 November 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.**

#### **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 \$13,785.42 (1 ERA).**

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

#### **Parkland Contribution**

4. **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.**

**Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$9,515.98.**

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

#### **Driveway Construction**

5. **Submit additional, amended, longitudinal and cross-section plans of the full length of the driveway. It is noted that the proposed driveway plans as submitted, do not comply with the requirements of the FNQROC Development Manual.**

**The applicant must also submit a risk assessment of the driveway, prepared by a suitably qualified and experienced RPEQ.**

Both the driveway plans and risk assessment are to be certified by an RPEQ as meeting the requirements of AS2890.1 and must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

#### **External Works**

6. Undertake the following works external to the land at no cost to Council:
  - a. Construct a bitumen turnout in front of the existing access onto Mowbray River Road.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to approval and dating of the Survey Plan.

#### **Access Construction**

7. Construct an imperviously sealed driveway over the Proposed Access Easement within Lot 3, the Common Property between Lot 3 and Proposed Lot 4 and within Proposed Lot 4, in accordance with Council's 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.

#### **Access Easement**

8. Create an Access Easement to allow vehicle access and on-site manoeuvring for Proposed Lot 4 GTP106148 on Lot 3 GTP106148, 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 Environment and Resource Management in conjunction with the Plan of Survey.

#### **Water Supply Works Internal**

9. Undertake the following water supply works internal to the subject land:-

- a. The development must be serviced by a single internal water connection made clear of any buildings or structures;
- b. 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 infrastructure such as water mains, pump stations etc must be designed, constructed and tested in accordance with the FNQROC Development Manual.

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.

#### **On-site Effluent Disposal**

10. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be in accordance with report provided by Zammataro Plumbing Pty Ltd dated 21 December 2009 Council reference # 2521696.

#### **Damage to Infrastructure**

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

#### **Building Envelope Plan**

12. A building envelope plan for Lot 4 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 building envelope must be pegged on site to the requirements and satisfaction of the Chief Executive Officer;
- b. No building envelope shall contain slopes in excess of 1:3 and contain limited areas having slopes between 1:4 and 1:6;
- c. A suitable building envelope, which seeks to exclude all or most significant vegetation, must be identified. Any vegetation which is approved to be cleared must be removed prior to the approval and dating of the Plan of Survey;
- d. The building envelope should allow for a setback to all retained vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater, in order to minimise the potential impacts of storm related tree-fall and tree limb damage to future buildings and to provide a buffer to reduce potential bushfire impacts.

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

Any proposed clearing on Lot 4 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.

### Vegetation Clearing

13. Existing vegetation on the subject land must be retained in all areas except that which is included within the approved building envelope or affected by the construction of access driveways and the installation of services as detailed on the approved plans. Any further clearing requires a Permit to Damage Protected Vegetation under *Amendment 1 of 2006 of Local Law No 56 Vegetation Management*.

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

### Landscape Plan

14. Undertake landscaping of the site in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:

- a. The revegetation of cut and fill batters;
- b. 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.

#### **Batter Treatment**

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

#### **Geotechnical Assessment**

16. A site specific geotechnical assessment for Proposed Lot 4, that takes into account any proposed clearing of vegetation, must be undertaken by a qualified and experienced geotechnical consultant and endorsed by Council prior to the issue of a Development Permit for Building Work.

#### **Existing Creek and Drainage Systems**

17. 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**

18. 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**

19. **A site specific 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**

20. **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 and Telecommunications**

21. **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.**

### **Storage of Machinery and 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.**

### **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 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](http://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](http://www.cairns.qld.gov.au).

B. That the following property notation be placed on the rates file for Lot 4.

**On-Site Effluent and Building Envelope**

- 1. There is a Building Envelope on this lot within which all buildings and structures must be contained, with the exception of the On-Site Effluent Disposal System. The owner(s) of this property must obtain Council approval prior to building any structure outside of the approved Building Envelope. For further information contact Council's Planning Department.

**House Construction**

- 2. The design and construction of a House on Lot 4 must be of post and beam techniques (not slab on ground techniques).

**On-site Effluent Disposal**

- 3. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. A report previously approved prior to signing of the survey plan is available from Council ref # 2521696.

*carried*

16. RECONFIGURING A LOT (1 LOT INTO 3 LOTS) CAPTAIN COOK HIGHWAY, CRAIGLIE – DIVISION 10) .....299  
 Luke Jackson : 8/13/1512: #2402526

**COCHRANE / BONNEAU**

**That Council issue a Preliminary Approval for the development application for Reconfiguring a Lot (1 Lot into 3 Lots) over land described as Lot 2 on SR431, located at Andreassen Road, Craiglie, subject to the following additional requirements being met:**

## Flooding

1. The applicant is to provide additional flood modelling to show what ameliorative measures and/ or augmentations are required to ensure a no worsening effect to properties either up or down-stream from the site (refer to afflux occurring in adjoining lots, shown on QC002863 – N600 (A)). Updated modelling must be approved prior to the development permit being issued.

## Lawful Point of Discharge

2. 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 development permit being issued.

## Access

3. The access easements located within Lots 2 & 3 as shown on sketch QC002863-01-SK13 are not supported. As required by both DTMR and Council, Andreassen Road is to be the single point of access to the development from the Captain Cook Highway. Updated drawings must be approved prior to the development permit being issued.

## CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Agency Reference	Date	Council Electronic Reference
Department of Transport and Main Roads	214/20A/102(2090.03)	12 January 2010	2446594

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 preliminary 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 provision Section 339 of the *Sustainable Planning Act 2009*.

2. This preliminary approval is for three lots only and does not imply that approval will be given for the proposed lot layout submitted with the application. The proposed lot layout and proposed staged reconfiguration will be required to be assessed under a separate development application.
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.
5. For information relating to the Sustainable Planning Act 2009, log on to [www.dip.qld.gov.au](http://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](http://www.cairns.qld.gov.au).

*carried with Councillors Leu, Forsyth, Pyne and Lanskey voting against the motion*

17. PLANNING & ENVIRONMENT – APRIL 2010 MONTHLY REPORT 313  
Peter Tabulo : 1/3/83 #2174797v10

COCHRANE / BLAKE

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

*carried*

18. COMPENSATION CLAIMS & APPEALS – APRIL 2010.....332  
Simon Clarke : 1/59/2 : #2180161 V11

BLAKE / COOPER

1. **That the report on the Compensation Claims & Appeals for April 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*

**GENERAL BUSINESS**

- 1. PETITION - SMITHFIELD RESIDENTS RE PROPOSED CYCLE WAY ON SURVEY STREET #2566299

The abovementioned petition was presented to the Chair, the petition was received and will be considered at a future meeting.

**CLOSED SESSION**

BLAKE / FORSYTH

**COUNCIL RESOLVE INTO CLOSED SESSION FOR THE FOLLOWING REASONS :**

- 1. LEGAL MATTER - WITHOUT PREJUDICE RESOLUTION OF APPEAL - TOURIST ATTRACTION - (WATER BASED THEME PARK) - CAPTAIN COOK HIGHWAY BARRON - DIVISION 8.....1  
Nick Bowden: 8/8/1082 : #2553129
- 2. LEGAL MATTER - RESOLUTION OF APPEAL - RECONFIGURING A LOT (1 LOT INTO 94 LOTS) STAGES 13 & 14 SUGARWORLD, WALKER ROAD, EDMONTON - DIVISION 2.....20  
G Warner : 8/13/1302 : #2551564

*carried*

**OUT OF CLOSED SESSION**

**COUNCIL RESOLVE TO MOVE OUT OF CLOSED SESSION**

BLAKE / FORSYTH

*carried*

**RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.**

1. **LEGAL MATTER - WITHOUT PREJUDICE RESOLUTION OF APPEAL - TOURIST ATTRACTION - (WATER BASED THEME PARK) - CAPTAIN COOK HIGHWAY BARRON - DIVISION 8.....1**  
 Nick Bowden: 8/8/1082 : #2553129

**COCHRANE / BLAKE**

- A. **That Council resolves to settle the Planning & Environment Appeal No. 19 of 2010 subject to such conditions or similar which are attached as Appendix 1 and to undertake discussions with the appellant and co-respondent to agree such conditions.**
- B. **That all matters associated with the appeal are delegated to the Mayor and Chief Executive Officer in consultation with the Divisional Councillor.**

*carried with Councillors Forsyth and Lesina voting against the motion*

2. **LEGAL MATTER – RESOLUTION OF APPEAL – RECONFIGURING A LOT (1 LOT INTO 94 LOTS) STAGES 13 & 14 SUGARWORLD, WALKER ROAD, EDMONTON – DIVISION 2.....20**  
 G Warner : 8/13/1302 : #2551564

**GREGORY / COCHRANE**

**That Council resolve to settle Planning and Environment Court Appeal No 83 of 2010 for a development application for Reconfiguring a Lot (1 Lot into 94 Lots) over land described as Lot 402 on SP207617, located at 902L Walker 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:

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
<b>Proposal Plan for Stages 13 &amp; 14 Sugarworld Central</b>	<b>Brazier Motti Plan No. 30970/219A</b>	<b>8 January 2008</b>
<b>Proposal Plan for Stages 13 &amp; 14 Sugarworld Central (Including trees)</b>	<b>Brazier Motti Plan No. 30970/219B</b>	<b>8 January 2008</b>

## **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 the approval and dating the Plan of Survey for each stage of development, except where specified otherwise in these conditions of approval.

### **Amendment to Design**

3.
  - a. Show the northern part of Lot 402 SP207617 bounded by Blackfellows Creek and the rear of Lots 211,212 and 213 as Park (to be transferred to Council in freehold and described herein as the Blackfellows Riparian Park).
  - b. Show how access to Lot 181 is able to comply with Queensland Streets and FNQROC Development Manual in terms of separation distances from intersections and if necessary amend the location and layout of this lot or access thereto.
  - c. Access to Lot 330 is to be restricted to the Reddicliffe Street frontage and a Rates Notation to this effect is to be placed on Council's rates records.
  - d. Vehicular access to Lots 181, 199 to 211,312 to 323 and 325 to 329 is restricted to Reddicliffe Street, a Rates Notation to this effect is to be placed on Councils rates records for each lot.
  - e. The Walker Road frontage of all lots is to be fenced to the satisfaction of the Chief Executive Officer.

The above matters must be addressed to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

### **Water Supply Contributions**

4. The applicant/owner must contribute in accordance with Council's policy provided for as per Section 6.2 of the *Local Government (Planning and Environment) Act 1990* towards the provision of water supply headworks.

The extent of headworks to be contributed by the applicant/owner shall be defined by:

- a. The Deed of Participation for Limited Joint Venture Subdivision Works, dated 14 December 1995, between: (i) CSR Limited and Metway Bank Limited Joint Venture; (ii) Selpam Pty Ltd; (iii) Hillview developments Pty Ltd and; (iv) Cairns Real Estate Pty Ltd.

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 based on 94.6 ERA's for water. ( Note :credits may apply)

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

### **Water Supply & Sewerage Master Plan**

5. A Water Supply and Sewerage Master Plan accompanied by supporting information including hydraulic network analysis must be provided which demonstrates how the development can be serviced.

The Water Supply and Sewerage 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**

6. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-
- a. Extend the water main such that each allotment can be provided with a water service connection to the lot frontage;
  - b. Extend the sewer main such that each allotment is provided with a single internal sewer Property Connection Branch (PCB);
  - c. 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**

7. 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 an easement over any part of the 450mm water main located within the site;
  - 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**

8. 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

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

### Sewer Easement/s

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 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 Environment and Resource Management in conjunction with the Plan of Survey.

### Stormwater Mitigation

11. 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.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$6,612.77 for Stormwater Mitigation in Blackfellows Creek Drainage District.

Payment is required prior to approval and dating of the Plan of Survey for Stage 14.

### Stormwater Quality

12. 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 improvement of Stormwater Quality.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, estimated total contributions are \$21,603.15 for Stormwater Quality for the Blackfellows Creek Drainage District.

Payment is required prior to approval and dating of the Plan of Survey for Stage 14.

### **Public Art Contribution**

- 13. 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 \$18,800.00(\$200 / Lot).**

### **Landscaping Plan**

- 14. The applicant/owner must landscape the subject land, proposed parks, and street frontages in accordance with the FNQROC Development Manual and in accordance with a landscape plan endorsed by the Chief Executive Officer. In particular, the plan must show:**
- a. The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs (including the existing large trees shown in proposed parks on the approved Plans);**
  - b. Planting of the footpath with trees or shrubs, depending on any overhead power line constraints;**
  - c. Landscape treatment for proposed parks including the riparian margins of Blackfellows Creek;**
  - d. Provision for removal of all weed species from proposed park areas;**

**Two (2) A1 copies and one (1) A3 copy of the landscape plan must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.**

### **Lawful Point Of Discharge**

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

**In particular, new lots shall be drained to the road frontages and discharged to the existing drainage system via storm water quality improvement device(s).**

### **Drainage Study of Site**

- 16. 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. Primary and secondary flow paths for the 2 and 100 year ARI flood events;**
  - c. Identify any requirement for drainage easements;**
  - d. Information on the proposed works and any impacts proposed at the drainage outlet/s from the proposed development;**
  - e. Lawful point of discharge;**
  - f. Location and nature of stormwater quality improvement devices (SQID).**

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

### **Street Layout and Design**

- 17. The street layout and design must comply with Queensland Streets and the FNQROC Development Manual to the satisfaction of the Chief Executive Officer. In particular:**
  - a. Provide a 2.0m wide footpath for all streets providing access to more than 30 lots;**
  - b. Provide a 2.0m wide footpath on the Walker Road frontage of Stage 14 in location approved by the Chief Executive Officer including verge improvement and grassing between the footpath and proposed lot boundaries (creditable works);**
  - c. Provide traffic management device/s, or the amendment of the road layout, to comply with Queensland Streets minimum street leg length criteria;**
  - d. Provide 2m wide linkage footpaths through the proposed Park shown as Lot 324 and the proposed Blackfellows Riparian Park ( paths should link with existing paths and be located to the satisfaction of the Chief Executive Officer);**

The above requirements must be incorporated in plans submitted for the issue of a Development Permit for Operational Works.

### Street Lighting

18. 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.

### **Soil and Water Management Strategy**

- 19. A soil and water management strategy for the relevant stages of subdivision, in accordance with Council's Development Manual must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work.**

### **Installation of SWM Measures**

- 20. The soil and water management measures endorsed by the Chief Executive Officer 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 Council's Development Manual).**

### **Services**

- 21. The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunications authorities that services will be provided to the development.**

### **Electricity Supply**

- 22. The applicant/owner must provide written evidence from Ergon Energy advising if distribution substation/s are required within the development. 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.**

### **Temporary Vehicle Turnaround**

- 23. The applicant/owner must provide 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). The turning facility shall be of sufficient size to turn around a garbage truck, either in a continuous forward movement or by a three-point turn.**

### **Access to Hatchet or Battleaxe Lots**

- 24. Construct a shared concrete driveway or other approved surface to battleaxe Lots 269 and 270 extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with FNQROC Standard Drawing S1015. Construction of the concrete driveway must be in accordance with FNQROC 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**

- 25. Provide service conduits to Lots 269 & 270 adjacent to the shared 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 & Services Easement/s**

- 26. Create a Reciprocal Access and Services Easements to allow vehicle access to Lots 269 and 270 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 Environment and Resource Management in conjunction with the Plan of Survey.**

### **Community Purpose Infrastructure Contributions**

- 27 Land must be provided for park as follows:**
- a. Lot 274 ; (boundaries of this park lot to include full drip line of existing large tree shown therein)**
  - b. Lot 324; (boundaries of this park lot to include full drip line of existing large tree shown therein)**
  - c. Blackfellows Riparian Park, adjoining Walker Road, Blackfellows Creek and the rear of Lots 211 – 214 and Lots 214 – 218 SP210272.**

**Park improvements must also be completed in accordance with the FNQROC Manual and to the satisfaction of the Chief Executive Officer. The park improvements must be completed prior to the approval and dating of the Plan of Survey for each of the respective stages containing the proposed parks.**

**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 (except where existing trees and vegetation is to be retained) 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.**

The park areas shall be transferred to the Council in freehold for Town Planning purposes at the same time as approval and dating of the Plan of Survey for the relevant stage containing the park.

**28. Tree removal**

The existing trees located along the Walker Road frontage be removed without causing damage to existing services infrastructure to the satisfaction of the Chief Executive Officer. Trees are to be removed prior to the approval and dating of the Plan of Survey.

**29. Property Notations**

The following notation will be placed on Council's future rates record in respect of the new lots:-

**Access Limitation – Lot 330**

1. Physical access to Lot 330 is not permitted from Quinn Drive.

**Access Limitation Lots 181, 199 to 211,312 to 323 and 325 to 329**

2. Vehicular Access to Lots 181, 199 to 211,312 to 323 and 325 to 329 is not permitted from Walker Road

**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. 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*.
3. 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 or works.
4. 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.

5. For information relating to the *Sustainable Planning Act 2009* log on to [www.dip.qld.gov.au](http://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](http://www.cairns.qld.gov.au).

*carried with Councillors Lanskey voting against the motion*

**THE MEETING CLOSED AT 11.25 am.**

**CONFIRMED THIS**

**DAY OF**

**2010**

.....  
**MAYOR**

.....  
**CHIEF EXECUTIVE OFFICER**