PLANNING DEVELOPMENT & COMMUNITY SERVICES COMMITTEE

11 SEPTEMBER 2001
COMMENCING AT 5.30 PM

PRESENT: Councillor S Bonneau
Councillor K Byrne (Chairperson)
Councillor M Cochrane
Councillor P Freebody
Councillor D Ford
Councillor M Gill
Councillor P Gregory
Councillor T James
Councillor F Lindsay
Councillor J O'Brien
Councillor J Pezzutti
Councillor A Sheppard

APOLOGIES: Councillor A Blake

OFFICERS:
D Farmer Chief Executive Officer
P Tabulo General Manager City Development
B Smyth General Manager Cairns Water
J Scarini General Manager Corporate Services
J Howard General Manager Corporate Strategy
B Nelson Manager City Assessment
L Sparkes Manager Community Development
G Underwood Manager Strategic Planning
A Simpson Administration Officer
G Schofield Manager Media & Public Relations Manager
S Shearer Secretary
1. PROPOSED TEMPORARY ROAD CLOSURE ADJOINING LOT 1 ON RP 706216 AND LOT 2 ON NR 6080 – WRIGHTS CREEK APPLICANT: E L MEOLI PTY LTD

Allan Simpson:vk : 15/16/1-03: #340937

LINDSAY / FORD

That Council advise the Department of Natural Resources and Mines that it has no objection to the application by E L Meoli Pty Ltd for the temporary closure of part of the road abutting the eastern boundaries of Lot 1 on RP 706216 and Lot 2 on NR 6080 in the vicinity of Wrights Creek, as shown on Drawing No. CNS 01/096, subject to the following:

- The western boundary of the area proposed to be closed is a minimum distance of six (6) metres from the existing riparian vegetation;
- The buffer between the natural riparian vegetation and the cane farming/cattle grazing activities be maintained weed and pest free; and
- Should cattle grazing be undertaken, the subject area is to be fenced to ensure that there is no detrimental impact on the creek bank (eg. erosion) by stock.

carried

2. ROAD LICENCES 8621 AND 8622

Allan Simpson:vk : 15/16/1-03: #341907

GREGORY / PEZZUTTI

That this matter is deferred pending discussions between all parties concerned, these discussions to be arranged as soon as possible.

carried

3. APPLICATION FOR PURCHASE OF DRAINAGE RESERVATION IN TITLE WITHIN LOT 11 ON NR 7225 – LANG AND FULWOOD.

Allan Simpson:vk : 19/3/3-31: #342743

GREGORY / SHEPPARD

That Council advise the Department of Natural Resources and Mines that it has no objection to the allocation into freehold of the existing drainage reservation on title, within Lot 11 on Nr 7225, by MS, NS, MJ Lang and RG and RD Fulwood.

carried

4. LOCATION OF A SAND TRAP ON PART OF KRUCKOW ROAD

Allan Simpson :TL : 19/3/3-31: #343246

GREGORY / LINDSAY
That Council advise Mr George Karasz that it has no objection to the placement of a sand trap on part of the road reserve (Kruckow Road), through which Meringulah creek flows, subject to the following:

- Approval being obtained from the Department of Natural Resources (Water Resources);
- That prior to commencement, construction details and the location of the proposed sand trap are to the satisfaction of Council’s General Manager Works & Services;
- The construction of the facility and on-going maintenance including continual sand removal is the responsibility of the applicant (Mr George Karasz) and at no cost to Council;
- The location of the sand trap is to in no way impact on the efficiency of the road or create a potential hazard to users of the road, nor interfere with normal road maintenance requirements; and
- The land is to be reinstated to its present condition should Council be required to undertake realignment works in this area, at no cost to Council.

*carried*

5. **LEASES – SAINTS HOCKEY CLUB INC.**
   - **1. PART LOT 636 ON NR 6622/81-97 WINDARRA STREET, WOREE.**
   - **2. PART LOT 1 ON RP 737188/61-79 WINDARRA STREET, WOREE**
   - Allan Simpson : 19/3/3-31:  #340573

**FREEBODY / PEZZUTTI**

That Council approve the surrender of the existing lease to Saints Hockey Club Inc. over part of Lot 636 on NR 6622 (81-97 Windarra Street, Woree) and a new lease be approved for part of Lot 636 on NR 6622 and part of Lot 1 on RP 737188 (61-79 Windarra Street, Woree), subject but, not limited to the following terms and conditions:

- For a term of ten (10) years from the date of surrender of the existing lease;
- Rental to be in accordance with Council’s Schedule of Fees and Charges, presently $590.00 (exclusive of GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index;
- The Lessee being responsible for any “Goods & Services Tax (GST)” or other form of consumption tax assessed in respect of rental payments due;
- The Lessee being responsible for rates and charges, including costs of water usage on the demised premises;
- The Lessee being responsible for all reasonable costs associated with the surrender of the existing lease and the preparation of a new lease;
- That the Lessee in consultation with the Lessor will continue to develop the use as a multi-use facility;
- That the subject area is not fenced or enclosed thereby restricting public access; and
‘in-principle’ approval being obtained from the Minister for Natural Resources for the lease over part of Lot 636 on NR 6622, being Reserve 1678, Reserve for Recreation.

carried

6. LOT 777 ON NR 7576 – RESERVE FOR PIPELINE - STONEY CREEK ROAD, Kamungera
    Allan Simpson :vk : 19/3/3-31: #340201

SHEPPARD / GILL

That Council advise the Queensland Parks & Wildlife Service (QPWS) that it has no objection to relinquishing trusteeship over Lot 777 on NR 7576 being Reserve for Pipeline – R881, to QPWS and that such advice will be forwarded to the Department of Natural Resources and Mines for the appropriate action.

carried

7. FURTHER DEALING WITH LOT 493 ON NR 4910 BEING SPECIAL LEASE NO. 48579 – AXGOLD PTY LTD
    Allan Simpson:vk : 19/3/3-31: #340098

COCHRANE / FORD

That Council advise the Department of Natural Resources and Mines that Lot 493 on NR 4910 should be designated as ‘esplanade’ or as a Reserve for Scenic Purposes upon surrender of the existing lease, and the existing derelict house be removed from the land by the Department of Natural Resources and Mines or the lessee, with the area being revegetated with appropriate riverine species, and rezoned to Open Space.

carried

8. LEASES – CAIRNS HOCKEY ASSOCIATION PART LOT 317 ON NR 7749 – RUTHERFORD STREET, NORTH CAIRNS
    Allan Simpson:vk : 19/3/3-31: #339774

GILL / FORD

That Council approve the surrender of the existing two (2) leases to the Cairns Hockey Association being (1) Clubhouse and synthetic field and (2) two (2) playing fields, and a new lease be approved for the whole of the surrendered area, from the date of surrender, subject but, not limited to the following terms and conditions:

• For a term of ten (10) years;
• Rental to be in accordance with Council’s Schedule of Fees and Charges, presently $590.00 (exclusive of GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index;
• The lessee being responsible for any “Goods & Services Tax (GST)” or other form of consumption tax assessed in respect of rental payments due;
• The lessee being responsible for rates and charges, including costs of water usage for the demised premises;
• The lessee being responsible for all reasonable costs associated with the surrender of the existing leases and the preparation of a new lease;
• ‘in-principle’ approval being obtained from the Minister for Natural Resources and Mines; and
• That the current lease fees ($1141.95) for period 1/7/2001 – 30/6/2002 be placed on hold until the matter has been finalised, which then can be used for payment of legal costs and the new lease rental by the Association.

carried

9. TRANSFER OF HALF SHARE OF EDGE HILL UNITED SOCCER CLUB INC. CLUB LEASE TO EDGE HILL SAINTS SOCCER CLUB INC. BEING PART OF LOT 545 ON NR 6086 – RESERVE FOR RECREATION 267

Allan Simpson:vk : 19/3/3-31: #332250

FORD / GILL

That Council approve the transfer of a half share of the existing lease to Edge Hill United Soccer Club Inc. to Edge Hill Saints Soccer Club Inc., over part of Lot 545 on NR 6086 (Russell Street, Manunda) at no cost to Council, and subject to approval being obtained from the Minister for Natural Resources and Mines.

carried

10. ENVIRONMENTAL RESERVE – LOT 139 ON NR 3818 AND LOT 105 ON AP7001 (USL 9612)

Allan Simpson:vk : 19/3/3-31: #340807

COCHRANE / FORD

That Council advise the Department of Natural Resources and Mines that prior to any further consideration of the matter of amalgamation of Lot 139 on NR 3818 and Lot 105 on AP 7001 (USL 9612) the Department provide Council a detailed condition report as follows:

• Location and status (declared, undesirable) of existing weed species; and
• Other relevant information relating to general pest management matters, fire management issues, impact of neighbouring properties, access and dumping of refuse (including green waste and non-putrescible items) and former usage (if any) which will impact on the subject parcels.

carried
11. CAIRNS CAMPUS STUDENT LODGE FIBRE OPTIC CABLE AND EASEMENTS

Allan Simpson: vk : 19/3/3-31: #340248

COCHRANE / BONNEAU

That Council advise Quinn & Box Solicitors & Attorneys on behalf of Law Mortgages Queensland Pty Ltd the mortgagee of Lot 100 on SP 116869, 10-24 Faculty Close, Smithfield, (Cairns Campus Student Lodge) that it has no objection to an easement over Council’s freehold Lot 2 on RP 894528, Lot 4 on RP 894528 and Lot 4 on RP 881069, for the existing fibre optic cable, subject to:

- Complete information being provided on location and depth of cable.
- Council being indemnified against any and all claims of liability relating to damage to the cable from natural occurrences, routine operational maintenance or the installation of new infrastructure;
- The Grantee to bear any and all costs should Council decide to install infrastructure which requires the relocation of the fibre optic cable;
- The Grantee being responsible for any damage to Council infrastructure and the restoration to their original condition of any of the lots subject of the easement, damaged during repairs or maintenance operations on the cable; and
- At no cost to Council.

carried

12. LOCAL AREA OPEN SPACE CONTRIBUTIONS

L.Kirchner : 8/24/7-02: 339148

GILL / JAMES

That Council allow a 50% reduction in open space contributions for commercial and industrial subdivisions as from 11 September 2001.

carried

13. DRAFT OF CAIRNSPLAN FOR STATE INTEREST CHECK BY STATE AGENCIES

B.Hedley : 8/26/5-04: #337552

JAMES / GREGORY

A. Council endorse the following chapters of the Draft CairnsPlan (to be amended to incorporate the changes to matters of detail identified by Councillors during the Workshops on the draft document) for the purpose of a State Interest Check by State Agencies.

1. Chapter 1 Introduction
2. Chapter 2 Desired Environmental Outcomes
3. Chapter 3 Planning for Districts
4. Chapter 5 Definitions

B. Council note that Chapter 4, Codes, and Chapter 6, Infrastructure Mechanisms, will be submitted to the Ordinary Meeting to be held on 27 September, 2001 for endorsement for the purpose of a State Interest Check.

C. Council note that a final Draft of CairnsPlan will be submitted to Council for adoption for the purpose of public advertising once the State Interest Check has been completed.

carried

14. STRATEGIC PLANNING MONTHLY REPORT – AUGUST 2001

Mark Dillon : 1/58/1-03: 330209 v3

SHEPPARD / LINDSAY

That the Report of the Strategic Planning section for the month of August be received and noted.

carried

15. RECONFIGURING A LOT – (1 LOT INTO 2 LOTS) – ZANZOO CLOSE, REDLYNCH

Neil Blamey: 8/13/413-01 :342066

SHEPPARD / LINDSAY

That Council approve the application to reconfigure land described as Lot 10 on RP744005, Parish of Cairns at Zanzoo Close, Redlynch into two (2) lots, subject to the following conditions:-

Assessment Manager Conditions

1. The proposed Plan of Reconfiguration, Robert Bass Drawing No. 601-POP1 Rev B, dated June 2001 is approved subject to any alterations:

   a. Found necessary by the Chief Executive Officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;

   b. To ensure that the reconfiguration complies in all respects with the requirements of Council’s Development Manual and good engineering practice; and

   c. To ensure compliance with the following conditions of approval.
Access Requirements

2. The applicant must construct a minimum 2.4 metre wide concrete or bitumen driveway within the battleaxe access to Lot 102. The driveway shall be constructed to connect to the existing bitumen roadway to the requirements and satisfaction of the Chief Executive Officer prior to the submission of the Plan of Survey to Council for approval and dating.

Water Supply Contributions

3. 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 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 $3,753.00 (1.3 EDC’s).

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

Drainage Contributions

4. The applicant/owner must contribute towards the augmentation of stormwater drainage services and associated services in accordance with the Freshwater Creek Drainage Management Plan.

The contribution rate is that which is current at the time of payment. The current rate of contribution is $151.80. Payment is required prior to the approval and dating of the Plan of Survey.

Existing Creek And Drainage Systems

5. All existing drainage areas must be left in their current state with no removal of vegetation unless consented to in writing by the Chief Executive Officer.

Lawful Point Of Discharge

6. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge being Freshwater Creek 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.
Drainage Easement/Reserves

7. The applicant/owner shall register in favour of Council an easement for drainage purposes with a minimum width of three (3) metres through Lot 102 in favour of Lot 101 in the location shown on the approved plan no. 601-POP1 dated June 2001. The easement documents shall be prepared by Council’s solicitors at the expense of the applicant/owner and must be lodged and registered with the Department of Natural Resources & Mines in conjunction with the Plans of Survey.

8. The applicant/owner must register in favour of Council an easement over the sections of creek that are located within the subject property. The width of land to be included within the easement shall contain all land below the top of the high bank and a ten (10) metre minimum wide strip adjacent to the top of bank or the limit of Q100 flooding, whichever is the greater. The easement documents shall be prepared by Council’s solicitors at the expense of the applicant/owner and must be lodged and registered in the Department of Natural Resources and Mines in conjunction with the Plans of Survey.

9. On-site wastewater treatment and effluent disposal for this development shall be carried out in accordance with the Interim Code of Practice For On-Site Sewerage Facilities. A hydraulics report carried out by a qualified engineer in addition to the proposed design of such facilities must be submitted to and endorsed by Council’s Chief Executive Officer prior to the submission of the Plan of Survey to Council for approval and dating.

Certify Existing Septic Tank & Trenches

10. The applicant’s surveyor is to certify that the existing septic tank and trenches associated with the existing dwelling are fully contained within the new lot containing the dwelling and that the location complies with Council’s minimum setback criteria. Should the applicant’s surveyor be unable to certify this condition then the tank and trenches are to be relocated and the area filled and compacted in accordance with the relevant Australian Standard.

Certify Existing Water Meter

11. The applicant’s surveyor is to certify that the existing water meter and associated service is located within the boundary of the new lot containing the existing dwelling. Should the applicant’s surveyor be unable to certify this condition then the applicant is to contact Cairns Water and arrange for the meter to be relocated at the applicant’s expense. Relocation of the internal plumbing is to be undertaken by the applicant’s plumber.

Vegetation Clearing

12. Existing vegetation on the subject land must be retained in all areas within the freshwater creek drainage easement or below the Q100 flood line.
13. At all times, the applicant is to ensure dust suppression measures are undertaken for the site to ensure that all materials are appropriately stored and any unsealed areas do not create a dust nuisance to surrounding areas to the satisfaction of the Chief Executive Officer.

14. The applicant/owner must ensure that all structures that extend over the boundary are demolished and/or removed so that they are located a minimum of 1.5 metres from the boundary. This must be completed prior to the approval and dating of the Plan of Survey.

ADVICE

1. This approval, granted under the provision of the Integrated Planning act, shall cease and determine two (2) years from the date of this decision if these conditions and the Council’s Local Laws and regulations have not been fully complied with and a survey plan submitted for Council endorsement.

2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Infrastructure Charges Plan (ICP) are adopted.

carried

COUNCILLOR FREEBODY DECLARED AN INTEREST IN THE FOLLOWING ITEM AND LEFT THE MEETING AND DID NOT PARTAKE IN DISCUSSIONS OR VOTING

16. RECONFIGURING A LOT (BOUNDARY REALIGNMENT AND THE CREATION OF A COVENANT AND ACCESS EASEMENT) – 60 AND 62 KOPPEN TERRACE, MOOROOBOOL 85
Belinda Jackson: 8/13/427 : 343277

JAMES / COCHRANE

A. That in accordance with the provisions of clause 4.6.1(b) of the Planning Scheme for Part of the City of Cairns, approve the proposed residential development, being a detached dwelling on land comprising more than one allotment, given that the proposed detached dwelling should not have an adverse impact on the existing environment where two buildings are currently located and which are proposed to be connected.

B. That Council approve the application to reconfigure land (boundary realignment) on land described as Lot 23 and Lot 24 on RP736100, Parish of Cairns, situated at 60 and 62 Koppen Terrace, Mooroobool in accordance with the following conditions:
Assessment Manager Conditions

1. The proposed Plan of Reconfiguration No. 140909 dated 2 July 2001 is approved subject to any alterations:
   a. found necessary by the Chief Executive Officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements.
   b. to ensure that the reconfiguration complies in all respects with the requirements of Council’s Development Manual and good engineering practice.
   c. to ensure compliance with the following conditions of approval.

Fencing

2. The applicant/owner must provide a screen fence (minimum height of 1.8 metres and maximum gap of 10mm) along the eastern side boundary of Lot 24, 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 carrying out building work.

Drainage

3. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge being Koppen Terrace 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.

Fire Wall

4. The applicant/owner must construct a fire wall between proposed Lot 23 and Lot 24 as required by the Building Code of Australia should each lot become separately owned. The fire wall must be constructed prior to a contract of sale being entered into. A notation will be included on the rates record reflecting this condition.

C. That the Covenant and Easement as shown on the proposal plan be refused.

*carried with Councillors Pezzutti and Lindsay requesting that they be recorded as voting against the motion*

**COUNCILLOR FREEBODY RETURNED TO THE MEETING**
GILL / FORD

A. That Council in accordance with Section 4.3.3(l) of the Planning Scheme for Part of the City of Cairns dispense with the requirement to provide eight (8) on-site car parking spaces associated with the proposed Nightclub (Karaoke Bar).

B. That Council approve the Material Change of Use application for a Nightclub (Karaoke Bar) & Shop on land described as Lot 1 on RP715691 and Lot 2 on RP744972 Parish of Cairns, located at 32 – 34 & 36 Abbott Street, Cairns subject to the following conditions:

**Assessment Manager Conditions**

1. The applicant/owner must at all times during the 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:
   
   i. the plans, specifications, facts and circumstances as set out in the application submitted to Council;
   
   ii. the provisions of Council’s Development Manual;

   except where modified by these conditions of approval and any consent or endorsement issued thereunder; and any consent or endorsement issued pursuant to these conditions of approval.

**Water and Sewer**

2. 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 and sewerage headworks.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are $11,537.57 (3.56EDC’s) for water and $7,496.22 (3.56EDC’s) for sewerage.

Payment is required prior to the commencement of use.
3. The applicant must, at their own cost create an access easement over Lot 2 in favour of Lot 1 to allow for the provision of vehicle and pedestrian access to Lot 1 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 the Council's solicitors at the expense of the owner. The easement documents must be lodged and registered in the Department of Natural Resources and Mines prior to the commencement of use.

Health

4. Staff facilities must be provided in accordance with Workplace Health and Safety Act and relevant Code(s) of Practice to the satisfaction of the Chief Executive Officer.

5. An area of a suitable size is to be provided to store the number of refuse bins required to service the site. Brochures on these requirements - 'Requirements for Refuse Storage – Commercial Premises' are available from Council's Environmental Assessment Branch.

6. The location and access of the refuse storage area must be approved by the Chief Executive Officer. Refuse storage, removal and collection methods must be in accordance with Council’s ‘Refuse Management Regulations 1983’, Council Policies and to the satisfaction of the Chief Executive Officer. The refuse area must also provide for the storage of recycling containers for the recycling of specific recyclable wastes. Currently these are:-

   a. Glass bottles and containers;
   b. Aluminium cans; and
   c. Plastic soft drink bottles.

7. At all times liquid wastes must be disposed of to the satisfaction of Cairns Water in accordance with the Environmental Management Plan for Trade Waste.

8. Areas of the premises proposed for the storage, preparation, handling or packing of foodstuffs must comply with the requirements of the Food Hygiene Regulations 1989. Such premises require the following additional plans:

   a. Two copies of plans at a scale no smaller than 1:100 showing finishes to floors, walls and ceiling and position of appliances and equipment must be submitted for approval by the Manager Environmental Assessment prior to issue of a Development permit for Building Works.

ADVICE

1. The approval shall lapse four (4) years from the date of issue of the Development Permit unless the use is substantially commenced and all conditions complied with to the satisfaction of the Chief Executive Officer.
2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Infrastructure Charges Plan (ICP) are adopted.

3. The provisions of the Integrated Planning Act, the Liquor Act, the Building Act, the Fire Safety Act, the Health Act, the Food Act 1981, the Disability Discrimination Act (Commonwealth) and the Anti Discrimination Act and all other relevant Acts and Regulations and the Local Laws of the Council from time to time must at all times be observed and performed in relation to the land, the building and the use and occupation thereof.

carried

18. INFORMATION REQUEST FROM THE DEPARTMENT OF TOURISM, RACING AND FAIR TRADING - LIQUOR LICENSING DIVISION - EXPIRY OF EXTENDED HOURS PERMITS FOR TRADE BEYOND 3:00AM-VARIOUS ESTABLISHMENTS.

Clayton Oostergo: 18/46/1-85 : 340340

GILL / JAMES

That Council advise the Department of Tourism, Racing and Fair Trading, Liquor Licensing Division that Council has no objection to the continuation of the various establishments outlined below from trading beyond 3:00 am, subject to the following conditions:

<table>
<thead>
<tr>
<th>Premises</th>
<th>Licensee</th>
<th>Trading Hours</th>
<th>No Objection</th>
<th>Objectio n</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Foxy Firken Wine Bar &amp; Bistro, 1st Floor, Central Court Cnr Lake &amp; Spence Streets, Cairns 4870</td>
<td>Meritminster Pty Ltd Nom : Cameron Leonard Marwood Elliott</td>
<td>10am-5am, Mon-Sun</td>
<td>10am-5am, Mon-Sun</td>
<td></td>
</tr>
<tr>
<td>Johnos Bar 76-78 Abbott Street, Cairns 4870</td>
<td>Freemont Blues Pty Ltd Nom : Richard James Montgomery</td>
<td>10am-5am, Mon-Sun</td>
<td>10am-5am, Mon-Sun</td>
<td></td>
</tr>
<tr>
<td>Club @ 59 Pty Ltd 59 The Esplanade, Cairns 4870</td>
<td>Club @ 59 Pty ltd Nom : Simon Nicholas Mercier</td>
<td>10am-5am, Mon-Sun</td>
<td>10am-5am, Mon-Sun</td>
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</tr>
<tr>
<td>Nu Trix, 53 Spence Street, Cairns 4870</td>
<td>Morgan Enterprises (Cairns) Pty Ltd Nom : Blake Kevin Dawes</td>
<td>10am-5am, Mon-Sun</td>
<td>10am-5am, Mon-Sun</td>
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<tr>
<td>Playpen International, Cnr Lake &amp; Hartley Streets, Cairns 4870</td>
<td>Koppens Investments Pty Ltd Nom : Shane Robert Jurgens</td>
<td>10am-5am, Mon-Sun</td>
<td>10am-5am, Mon-Sun</td>
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<tr>
<td>Cairns Club International Nite Club, Palm Court Centre, 40 Lake Street, Cairns 4870</td>
<td>Rhino Explorations Pty Ltd Nom : Kevin Alfred De Roma</td>
<td>5pm-5am, Mon-Sun</td>
<td>5pm-5am, Mon-Sun</td>
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<tr>
<td>Sports Bar Nightclub &amp; Café, 33 Spence Street, Cairns 4870</td>
<td>Ammafied Pty Ltd Nom : Michael Frank Muller</td>
<td>10am-5am, Mon-Sun</td>
<td>10am-5am, Mon-Sun</td>
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<tr>
<td>Tropo’s Non Stop Rock, 1st Floor, Central Hotel, Cnr Lake &amp; Spence Streets, Cairns 4870</td>
<td>Renbar Explorations Pty ltd Nom : Reno Mario Nicastro</td>
<td>10am-5am, Mon-Sun</td>
<td>10am-5am, Mon-Sun</td>
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<tr>
<td>The Woolshed Car Grill &amp; Saloon Bar, 22-24 Shields Street, Cairns 4870</td>
<td>Woolshed Holdings Pty Ltd Nom : Stephen Robert Strudwich</td>
<td>10am-5am, Mon-Sun</td>
<td>10am-5am, Mon-Sun</td>
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</tbody>
</table>
1. That all premises are to maintain full compliance with the Food hygiene Regulations, 1989

2. That the Department of Tourism, Racing and Fair Trading, Liquor Licensing Division ensure that all premises operate in accordance with responsible hospitality practices and comply in full with the requirements of the Liquor Act.

carried

19. INFORMATION REQUEST FROM THE DEPARTMENT OF TOURISM, RACING AND FAIR TRADING – LIQUOR LICENSING DIVISION – APPLICATION FOR A LIMITED LICENCE FOR YOKOHAMA OKADAYA AUSTRALIA PTY LTD AT 21 SPENCE STREET, CAIRNS.

Clayton Oostergo: 18/46/1-86 : 340678

GILL / FORD

That Council advise the Department of Tourism, Racing and Fair Trading, Liquor Licensing Division, that Council does not object to a Limited Licence for Yokohama Okadaya Australia Pty Ltd located at 21 Spence Street, Cairns, subject to the following conditions: -

1. The premises is to be operated in accordance with the Food Hygiene Regulations 1989.

2. The Department of Tourism, Racing and Fair Trading ensure that the Limited Licence is operated in accordance with responsible hospitality practices and complies with the requirements of the Liquor Act.

carried with Councillor O’Brien requesting that he be recorded as voting against the motion

20. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) – SHOPS, COMMERCIAL PREMISES AND RESTAURANT – 84-86 VEIVERS ROAD & 93-97 CEDAR ROAD, PALM COVE

Brendan Nelson: 8/8/265-02 : #335879

BONNEAU / LINDSAY

A. That Council issue a Development Permit for a Material Change of Use (Impact Assessment) for Shops and Commercial Premises on land described as lot 1 and 2 on RP725472, Parish of Smithfield, located at 95-97 Cedar Road, Palm Cove subject to the following conditions:-
Assessment Manager Conditions

1. The applicant/owner must at all times during the 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:

   i. The approved plans, drawing no’s. 5734 SP05, by Power Graham and Dempsey Pty Ltd attached as Schedule A;
   ii. the plans, specifications, facts and circumstances as set out in the application submitted to Council; and
   iii. the provisions of Council’s Development Manual;

   except where modified by these conditions of approval and any consent or endorsement issued thereunder.

Timing of Effect

2. The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.

Number of Tenancies

3. The number of tenancies shall not exceed 3 in accordance with Plan of Development no. 5734 SP05, by Power Graham and Dempsey Pty Ltd.

Council’s Parking Requirements

4. A minimum of 21 car parking spaces must be provided on site, generally in accordance with the approved plan.

5. The on site car parking must be designed in accordance with Australian Standard AS2890.1, 1993 Parking Facilities - off street car parking, except as varied with the consent of the Chief Executive Officer. In particular, the driveway servicing the car parking area must include a physical means of speed control at each exit point. Details of the speed control device must be submitted and approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Works.

6. Service Vehicles associated with the property are to enter and exit the site via Veivers Road (until this road is closed by the Department of Main Roads). After the construction of the roundabout by the Department of Main Roads, service vehicles are to enter and exit the property from the future Cedar Road/Terebra Street access/egress.
Parking Construction

7. The car parking must be constructed in accordance with Council's Development Manual specifications prior to commencement of the use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all car parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

8. The staff car parking area must be set back a minimum of 3 metres from the side and rear boundaries of the site.

Landscaping

9. The applicant/owner must landscape the subject land in accordance with Development Manual, Part 4 - Landscaping and the Town Planning Scheme. The landscape plan must be submitted and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for carrying out Building Work. In particular, the plan must show:

i. the retention of as many existing trees and shrubs as possible and further planting of trees and shrubs;

ii. planting of the footpath with trees or shrubs, depending on any overhead power line constraints;

iii. the provision of shade trees, especially in car parks, and to shade western walls;

iv. landscaping of required setback areas; and

v. a densely landscaped buffer strip with a minimum width of 3 metres adjacent to all property boundaries.

Areas to be landscaped must be established prior to the commencement of the use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

10. The applicant must provide a screen fence (minimum height of 1.8 metres and maximum gap of 10mm) to the side and rear boundaries of the subject land adjacent to Lot 2 and 3 on RP716160 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 endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

11. The applicant must provide an acoustic screen fence (minimum height of 1.8 metres) to the side boundary of the subject land adjacent to Lot 4 on RP725472 to the satisfaction of the Chief Executive Officer. Details of the fence must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.
Water Saving

12. All toilets in the development must be fitted with dual flush cisterns and water flow regulators must be fitted to all shower recesses, bathrooms and kitchen facilities where applicable to generally restrict water flow to 9 litres of water per minute, all to the satisfaction of the Chief Executive Officer.

Water and Sewer

13. 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 and sewerage headworks.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are $3,837.39 (1.09 EDC’s) for water and $3,741.92 (1.09 EDC’s) for sewerage.

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

Drainage

14. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge being Cedar Road 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.

External Works

15. The applicant/owner must at its own cost undertake the following works external to the subject land:

   i. construct a minimum 2 metre wide concrete footpath along the Cedar Road street frontage (in accordance with the approved plan);
   ii. provision of a concrete crossover(s) and apron(s);
   iii. make good the kerb(s) at redundant crossover(s);
   iv. linemark parking spaces in Cedar Road in accordance with the approved plan;

Three (3) copies of a plan of the works must be submitted and endorsed by the Chief Executive Officer prior to the issue of a development permit for carrying out building work. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to the issue of the Certificate of Classification.
16. In accordance with the requirements of the Department of Main Roads, the access onto Cedar Road is temporary only. Prior to the Cedar Road driveway being closed and relocated to Terebra Street, the applicant is to obtain a Development Permit for a Material Change of Use for Lot 3 on RP725472. The appropriate treatment of the Terebra Street intersection will be determined at this time. To assist in the determination of the appropriate treatment design, a detailed traffic report from a suitably qualified consultant is to be submitted which outlines appropriate methods for limiting commercial traffic from entering Terebra Street and for providing and maintaining safe and efficient access to the shopping centre.

The applicant shall be responsible for all of the costs associated with relocating the access and implementing the agreed works in Terebra Street to the satisfaction of the Chief Executive Officer.

Health

17. The applicant/owner must ensure that on completion of any on-site construction works, the subject land is maintained in a clean and tidy condition at all times to the satisfaction of the Chief Executive Officer.

18. Staff facilities must be provided in accordance with Workplace Health and Safety Act and relevant Code(s) of Practice to the satisfaction of the Chief Executive Officer.

19. An area of a suitable size is to be provided to store the number of refuse bins required to service the site. Brochures on these requirements - 'Requirements for Refuse Storage – Commercial Premises' are available from Council's Environmental Assessment Branch.

20. The location and access of the refuse storage area must be approved by the Chief Executive Officer. Refuse storage, removal and collection methods must be in accordance with Council’s ‘Refuse Management Regulations 1983’, Council Policies and to the satisfaction of the Chief Executive Officer. The refuse area must also provide for the storage of recycling containers for the recycling of specific recyclable wastes. Currently these are:-

i. Glass bottles and containers;
ii. Aluminium cans; and
iii. Plastic soft drink bottles.

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

22. All night lighting must be designed and constructed to the satisfaction of the Chief Executive Officer so as to ensure that light emitted from the subject land does not, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).

External Lighting

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

Amalgamation Required

24. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lot 1 on NR6349 and Lot 1, 2 and 3 on RP725472 into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines at the applicant's/owner's cost prior to the commencement of use.

Concurrence Agency Conditions

This approval refers to the proposed development as shown on Power Graham Dempsey’s drawing SP05 for project 5734 dated February 2001.

1. Permitted Road Access Location

   i. Vehicular access to the subject land shall be via Veivers Road and Terebra Street only, to the satisfaction of the Department of Main Roads and Council. However the Veivers Road access shall be located adjacent to the eastern boundary of Lot 1 on NR6349.

   ii. No direct vehicular access shall be permitted between;
       - the subject land and the Captain Cook Highway; or
       - the subject land and Cedar Road

   iii. An internal two lane, two way driveway shall be provided, generally as shown on Power Graham Dempsey’s drawing SP02(A) (for project 5734 dated February 2001), between the Veivers Road and Terebra Street accesses specified in part (i) above, to the satisfaction of the Department of Main Roads and Council, such that vehicles can physically travel between these two roads/streets in both directions.
iv. Despite the requirements of parts (i), (ii), (iii) above, one temporary access point between the subject land and Cedar Road shall be permitted as shown on Power Graham Dempsey’s drawing SP05 (for project 5734 dated February 2001), provided the following conditions are met:

- This access point is closed by the landowner prior to construction of future road infrastructure (at the intersection of Cedar Road and the Captain Cook Highway) which enables traffic to travel directly between Cedar Road and the Highway.
- All buildings/structures constructed on the subject land are located and designed to the satisfaction of the Department of Main Roads and Council such that the buildings don’t conflict with the future provision of the internal driveway specified in part (iii) above.
- Prior to the closure of the Cedar Road access as specified by part (a) above, the landowner shall have constructed both the internal driveway and the access on to Terebra Street, as specified in parts (i) and (iii) above.

v. The applicant/landowner shall note that the proposed long term transport planning for the area includes closing Veivers Road and Warren Street at the Highway, and opening Cedar Road on to the Highway.

2. Physical Barrier

The applicant/landowner shall provide and maintain a suitable fence at all times along the subject land’s:-
- Captain Cook Highway frontage;
- Cedar Road frontage, except for a single pedestrian access point not exceeding 2.0 metres in width; and
- Veivers Road frontage within 16 metres of the Highway road reserve boundary.

3. Lighting Effects

The site lighting shall be designed, installed and maintained to ensure that all on-site lighting does not cause a nuisance to passing motorists on the Captain Cook Highway. All headlight glare from vehicles manoeuvring within the site shall be screened from spilling onto the Captain Cook Highway.

The applicant/landowner shall submit lighting design drawings prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) for approval to the Cairns office of the Department of Main Roads, and if necessary, shall amend the drawings until the Department of Main Roads considers that the proposal reflects the requirements of this condition. Any lighting mitigation measures identified shall be installed prior to the commencement of the proposed use on the subject land and maintained while the site is used for this proposed use.
4. Advertising

No advertising device for the proposed development is permitted within the State-controlled road reserve (ie. Captain Cook Highway).

5. Parking

Sufficient car parking spaces shall be provided on the subject land such that any car parking areas provided in Cedar Road are over and above the development’s car parking requirement.

Prior to the intersection of Cedar Road and the Captain Cook Highway being upgraded and opened to traffic, roadside car parking in Cedar Road is permitted. However after the opening of this intersection to traffic, no roadside car parking shall be permitted in Cedar Road.

No roadside car parking is permitted in the Captain Cook Highway in the short or long term.

The applicant/landowner shall install a “No Parking” zone along the frontage of Veivers Road. The zone shall be signed to the requirements and satisfaction of the Chief Executive Officer, Cairns City Council prior to the commencement of use of any of the proposed buildings.

6. Amalgamation of Lots

To help ensure all shops have access to both Terebra Street and Veivers Road, the existing 4 lots forming the subject land shall be amalgamated into one lot. The Plan of Survey amalgamating the lots shall be registered with the Titles Office of the Department of Natural Resources and Mines prior to the commencement of the proposed use.

7. Transport Related Visual Amenity Treatments

For the purpose of this condition, ‘DMR Plan No. PD85B (dated 24/4/01)’ shall hereafter be referred to as the ‘DMR Buffer Plan’.

i. Creation of Buffer Strip

The applicant/landowner shall create a five metre wide buffer strip within the subject land along the subject land’s entire Captain Cook Highway frontage.

The buffer strip shall be created via a five metre wide registered covenant located within the full extent of the buffer strip generally in accordance with the DMR Buffer Plan.
The registered covenant shall:

- allow representatives of Council and the Department of Main Roads and public utility authorities to construct/maintain/upgrade/remove landscaping and public utilities within the registered covenant;
- prevent (unless approved by Council and the Department of Main Roads) landowners from altering, damaging or destroying and landscaping or public utilities located within the registered covenant; and
- prohibit the construction of any structures within the registered covenant except where approved/required otherwise by Council and the Department of Main Roads.

The registered covenant shall be created, and the covenant agreement shall be registered in the Titles Office of the Department of Natural Resources. The aforementioned requirements shall be completed prior to the landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the subject land.

ii. Visual Amenity Works

The applicant/landowner shall provide landscaping in and along the full width and length of the buffer strip. The landscaping shall be designed such that when it is mature it provides a minimum of 1 metre high screening and complementary trees approximately 3 metres tall at 7.5 metres spacings.

The species of plants used in the landscaping works shall be in accordance with Council’s standards.

All landscaping of the buffer shall be completed prior to commencement of the proposed use.

All of the above landscaping shall be maintained to comply with the intent of condition.

ADVICE

1. Note that this approval granted under the provision of the Integrated Planning Act, must cease and determine four (4) years from the date of issue of the Development Permit unless the use is substantially commenced and all conditions complied with to the satisfaction of the Chief Executive Officer.

2. Current requirements and estimates of development and headwork contributions may change when elements of the Cairns City Council Infrastructure Charges Plan (ICP) are adopted.
3. The provisions of the Integrated Planning, the Building Act, the Fire Safety Act, the Health Act, the Food Act 1981, the Disability Discrimination Act (Commonwealth) and the Anti Discrimination Act and all other relevant Acts and Regulations and the Local Laws of the Council from time to time must at all times be observed and performed in relation to the land, the building and the use and occupation thereof.

4. Suitable access and facilities to cater for disabled persons must be provided within the approved development to ensure the development does not conflict with the provisions of the Disability Discrimination Act (Commonwealth) and the Anti Discrimination Act.

5. 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. All signage in respect of the approved development must obtain the necessary approvals pursuant to Local Law 28. Council's Environmental Assessment Branch has administrative responsibility for this matter.

6. Arrangements are to be made with the Palm Cove Promotions Association regarding the design, placement and ongoing long term maintenance of an entry statement feature at the Highway frontage of the property. The Palm Cove Promotions Association are to be consulted in the design of the entry statement.

B. That Council issue a Preliminary Approval for a Material Change of Use (Impact Assessment) for Shops and Commercial Premises on land described as Lot 3 on RP725472, Parish of Smithfield, located at 93 Cedar Road, Palm Cove subject to the following conditions:-

Assessment Manager Conditions

1. The applicant/owner must at all times during the 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:

   i. the approved plans, drawing no’s. 5734 SP02, by Power Graham and Dempsey Pty Ltd attached as Schedule A;
   ii. the plans, specifications, facts and circumstances as set out in the application submitted to Council; and
   iii. the provisions of Council’s Development Manual;

   except where modified by these conditions of approval and any consent or endorsement issued thereunder.

Timing of Effect

2. Prior to the commencement of the use, the applicant/owner is to obtain a Development Permit for a Material Change of Use in accordance with the following table:
<table>
<thead>
<tr>
<th>Code Assessment</th>
<th>Impact Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application is submitted after 11 September 2016, or any time after the Department of Main Roads begins construction of the new roundabout at the intersection of Cedar Road and Captain Cook Highway, whichever occurs first.</td>
<td>Application submitted at any other time.</td>
</tr>
</tbody>
</table>

Water and Sewer

3. 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 and sewerage headworks.

The contributions will be determined at the time of the application for a Development Permit and must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are $4,154.24 (1.18 EDC’s) for water and $4,050.88 (1.18 EDC’s) for sewerage.

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

External Works

4. In accordance with the requirements of the Department of Main Roads, the access onto Cedar Road is temporary only. The applicant/owner is to submit a detailed traffic report from a suitably qualified consultant at the time of lodging the application for a Development Permit for a Material Change of Use on the subject land. The study is to outline appropriate methods for limiting commercial traffic from entering Terebra Street and for providing and maintaining safe and efficient access to the shopping centre.

The applicant shall be responsible for all of the costs associated with relocating the access and implementing the agreed works in Terebra Street to the satisfaction of the Chief Executive Officer.

Concurrence Agency Conditions

This approval refers to the proposed development Power Graham Dempsey’s drawing SP02(A) for project 5734 dated February 2001.
1. Permitted Road Access Location

i. Vehicular access to the subject land shall be via Veivers Road and Terebra Street only, to the satisfaction of the Department of Main Roads and Council. However the Veivers Road access shall be located adjacent to the eastern boundary of Lot 1 on NR6349.

ii. No direct vehicular access shall be permitted between:
- the subject land and the Captain Cook Highway; or
- the subject land and Cedar Road

iii. An internal two lane, two way driveway shall be provided, generally as shown on Power Graham Dempsey’s drawing SP02(A) (for project 5734 dated February 2001), between the Veivers Road and Terebra Street accesses specified in part (i) above, to the satisfaction of the Department of Main Roads and Council, such that vehicles can physically travel between these two roads/streets in both directions.

iv. The applicant/landowner shall note that the proposed long term transport planning for the area includes closing Veivers Road and Warren Street at the Highway, and opening Cedar Road on to the Highway.

2. Physical Barrier

The applicant/landowner shall provide and maintain a suitable fence at all times along the subject land’s:-
- Captain Cook Highway frontage;
- Cedar Road frontage, except for a single pedestrian access point not exceeding 2.0 metres in width; and
- Veivers Road frontage within 16 metres of the Highway road reserve boundary.

The fence shall be constructed to prevent vehicles and pedestrians moving directly between the above roads and the subject site except at the approved access locations.

The fence shall be erected prior to the commencement of the proposed use, to the satisfaction of the Director General of the Department of Main Roads and Chief Executive Officer, Cairns City Council.

3. Lighting Effects

The site lighting shall be designed, installed and maintained to ensure that all on-site lighting does not cause a nuisance to passing motorists on the Captain Cook Highway. All headlight glare from vehicles manoeuvring within the site shall be screened from spilling onto the Highway.
The applicant/landowner shall submit lighting design drawings prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) for approval to the Cairns office of the Department of Main Roads, and if necessary, shall amend the drawings until the Department of Main Roads considers that the proposal reflects the requirements of this condition. Any lighting mitigation measures identified shall be installed prior to the commencement of the proposed use on the subject land and maintained while the site is used for this proposed use.

4. Advertising

No advertising device for the proposed development is permitted within the State-controlled road reserve (ie. Captain Cook Highway).

5. Parking

Sufficient car parking spaces shall be provided on the subject land such that any car parking areas provided in Cedar Road are over and above the development’s car parking requirement.

Prior to the intersection of Cedar Road and the Captain Cook Highway being upgraded and opened to traffic, roadside car parking in Cedar Road is permitted. However after the opening of this intersection to traffic, no roadside car parking shall be permitted in Cedar Road.

No roadside car parking is permitted in the Captain Cook Highway and Veivers Road in the short or long term.

The applicant/landowner shall install a “No Parking” zone along the frontage of Veivers Road. The zone shall be signed to the requirements and satisfaction of the Chief Executive Officer, Cairns City Council prior to the commencement of use of any of the proposed buildings.

6. Amalgamation of Lots

To help ensure all shops have access to both Terebra Street and Veivers Road, the existing 4 lots forming the subject land shall be amalgamated into one lot. The Plan of Survey amalgamating the lots shall be registered with the Titles Office of the Department of Natural Resources prior to the commencement of the proposed use.

7. Transport Related Visual Amenity Treatments

For the purpose of this condition, ‘DMR Plan No. PD85B (dated 24/4/01)’ shall hereafter be referred to as the ‘DMR Buffer Plan’.
i. Creation of Buffer Strip

The applicant/landowner shall create a five metre wide buffer strip within the subject land along the subject land’s entire Captain Cook Highway frontage.

The buffer strip shall be created via a five metre wide registered covenant located within the full extent of the buffer strip generally in accordance with the DMR Buffer Plan.

The registered covenant shall:

- allow representatives of Council and the Department of Main Roads and public utility authorities to construct/maintain/upgrade/remove landscaping and public utilities within the registered covenant;
- prevent (unless approved by Council and the Department of Main Roads) landowners from altering, damaging or destroying and landscaping or public utilities located within the registered covenant; and
- prohibit the construction of any structures within the registered covenant except where approved/required otherwise by Council and the Department of Main Roads.

The registered covenant shall be created, and the covenant agreement shall be registered in the Titles Office of the Department of Natural Resources. The aforementioned requirements shall be completed prior to the landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the subject land.

ii. Visual Amenity Works

The applicant/landowner shall provide landscaping in and along the full width and length of the buffer strip. The landscaping shall be designed such that when it is mature it provides a minimum of 1 metre high screening and complementary trees approximately 3 metres tall at 7.5 metres spacings.

The species of plants used in the landscaping works shall be in accordance with Council’s standards.

All landscaping of the buffer shall be completed prior to commencement of the proposed use.

All of the above landscaping shall be maintained to comply with the intent of condition.
ADVICE

1. Current requirements and estimates of development and headwork contributions may change when elements of the Cairns City Council Infrastructure Charges Plan (ICP) are adopted.

2. The provisions of the Integrated Planning, the Building Act, the Fire Safety Act, the Health Act, the Food Act 1981, the Disability Discrimination Act (Commonwealth) and the Anti Discrimination Act and all other relevant Acts and Regulations and the Local Laws of the Council from time to time must at all times be observed and performed in relation to the land, the building and the use and occupation thereof.

3. Suitable access and facilities to cater for disabled persons must be provided within the approved development to ensure the development does not conflict with the provisions of the Disability Discrimination Act (Commonwealth) and the Anti Discrimination Act.

4. 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. All signage in respect of the approved development must obtain the necessary approvals pursuant to Local Law 28. Council’s Environmental Assessment Branch has administrative responsibility for this matter.

5. The subject land is to be landscaped to a design approved by the Chief Executive Officer with playground equipment provided as shown on Plan 5734 SP 05 by Power Graham & Dempsey Pty Ltd.

C. That Council issue a Development Permit for a Material Change of Use (Code Assessment) application for a Restaurant on land described as lot 1 on NR6349, Parish of Smithfield, located at 84-86 Veivers Road, Palm Cove subject to the following conditions:

Assessment Manager Conditions

1. The applicant/owner must at all times during the 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:

   i. The approved plans, drawing no’s. 01-122 S2/1 – S2/13, by JB Design Pty Ltd attached as Schedule A;
   
   ii. the plans, specifications, facts and circumstances as set out in the application submitted to Council; and
   
   iii. the provisions of Council’s Development Manual;

except where modified by these conditions of approval and any consent or endorsement issued thereunder.
Timing of Effect

2. The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.

Council’s Parking Requirements

3. The amount of vehicle car parking must be in accordance condition A.4 of this approval. In particular, a minimum of 21 car parking spaces must be provided on site, generally in accordance with the approved plan.

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

5. Service Vehicles associated with the property are to enter and exit the site via Veivers Road (until this road is closed by the Department of Main Roads). After the construction of the roundabout by the Department of Main Roads, service vehicles are to enter and exit the property from the future Cedar Road/Terebra Street access/egress.

Parking Construction

6. The car parking must be constructed in accordance with Council’s Development Manual specifications prior to commencement of the use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all car parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Landscaping

7. The applicant/owner must landscape the subject land in accordance with Development Manual, Part 4 - Landscaping and the Town Planning Scheme. The landscape plan must be submitted and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for carrying out Building Work. In particular, the plan must show:

i. the retention of as many existing trees and shrubs as possible and further planting of trees and shrubs;

ii. planting of the footpath with trees or shrubs, depending on any overhead power line constraints;

iii. the provision of shade trees, especially in car parks, and to shade western walls; and

iv. landscaping of required setback areas.

v. a densely landscaped buffer strip with a minimum width of 3 metres adjacent to all property boundaries.
8. The applicant must provide a screen fence (minimum height of 1.8 metres and maximum gap of 10mm) to the side boundary of the subject land adjacent to Lot 2 on RP716160 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 endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

9. Areas to be landscaped must be established prior to the commencement of the use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

Water Saving

10. All toilets in the Restaurant must be fitted with dual flush cisterns and water flow regulators must be fitted to all shower recesses, bathrooms and kitchen facilities where applicable to generally restrict water flow to 9 litres of water per minute, all to the satisfaction of the Chief Executive Officer.

Drainage

11. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge being Veivers Road 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.

External Works

12. The applicant/owner must at its own cost undertake the following works external to the subject land:

   i. construct a minimum 2 metre wide concrete footpath along all street frontages (in accordance with the approved plan);
   ii. provision of a concrete crossover(s) and apron(s);
   iii. make good the kerb(s) at redundant crossover(s);
   iv. erect “no standing” signs along the frontage of the property to Veivers Road.

Three (3) copies of a plan of the works must be submitted and endorsed by the Chief Executive Officer prior to the issue of a development permit for carrying out building work. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to the issue of the Certificate of Classification.

Health

13. The applicant/owner must ensure that on completion of any on-site construction works, the subject land is maintained in a clean and tidy condition at all times to the satisfaction of the Chief Executive Officer.
14. Staff facilities must be provided in accordance with Workplace Health and Safety Act and relevant Code(s) of Practice to the satisfaction of the Chief Executive Officer.

15. An area of a suitable size is to be provided to store the number of refuse bins required to service the site. Brochures on these requirements - ‘Requirements for Refuse Storage – Commercial Premises’ are available from Council’s Environmental Assessment Branch.

16. The location and access of the refuse storage area must be approved by the Chief Executive Officer. Refuse storage, removal and collection methods must be in accordance with Council’s ‘Refuse Management Regulations 1983’, Council Policies and to the satisfaction of the Chief Executive Officer. The refuse area must also provide for the storage of recycling containers for the recycling of specific recyclable wastes. Currently these are:-

   i. Glass bottles and containers;
   ii. Aluminium cans; and
   iii. Plastic soft drink bottles.

17. At all times liquid wastes must be disposed of to the satisfaction of Cairns Water in accordance with the Environmental Management Plan for Trade Waste.

18. Areas of the premises proposed for the storage, preparation, handling or packing of foodstuffs must comply with the requirements of the Food Hygiene Regulations 1989. Such premises require the following additional plans:

   a. Two copies of plans at a scale no smaller than 1:100 showing finishes to floors, walls and ceiling and position of appliances and equipment must be submitted for approval by the Manager Environmental Assessment prior to issue of a Development permit for Building Works.

Noise

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

20. All night lighting must be designed and constructed to the satisfaction of the Chief Executive Officer so as to ensure that light emitted from the subject land does not, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).

External Lighting

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

ADVICE

1. Note that this approval granted under the provision of the Integrated Planning Act, must cease and determine four (4) years from the date of issue of the Development Permit unless the use is substantially commenced and all conditions complied with to the satisfaction of the Chief Executive Officer.

2. Current requirements and estimates of development and headwork contributions may change when elements of the Cairns City Council Infrastructure Charges Plan (ICP) are adopted.

3. The provisions of the Integrated Planning, the Building Act, the Fire Safety Act, the Health Act, the Food Act 1981, the Disability Discrimination Act (Commonwealth) and the Anti Discrimination Act and all other relevant Acts and Regulations and the Local Laws of the Council from time to time must at all times be observed and performed in relation to the land, the building and the use and occupation thereof.

4. Suitable access and facilities to cater for disabled persons must be provided within the approved development to ensure the development does not conflict with the provisions of the Disability Discrimination Act (Commonwealth) and the Anti Discrimination Act.

5. The kitchen facilities are to comply with the Food Hygiene Regulations 1989. Application for registration and licensing must be made to Council’s Environmental Assessment Branch.
6. 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. All signage in respect of the approved development must obtain the necessary approvals pursuant to Local Law 28. Council’s Environmental Assessment Branch has administrative responsibility for this matter.

D. That Council undertake a consequential amendment to the Planning Scheme for the Balance of the City of Cairns pursuant to Section 6.1.34 of the Integrated Planning Act to notate the zone to reflect the Development Permit for Shops and Commercial Premises in accordance with Development Permit 8/8/265 on land described as Lots 1 and 2 on RP725472.

E. That Council undertake a consequential amendment to the Planning Scheme for the Balance of the City of Cairns pursuant to Section 6.1.34 of the Integrated Planning Act to notate the zone to reflect the Preliminary Approval for Shops and Commercial Premises in accordance with Development Permit 8/8/265 on land described as Lots 3 on RP725472.

carried with Councillor O’Brien requesting that he be recorded as voting against the motion

21. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) – MULTIPLE DWELLING (14 UNITS) – 13 COLONEL CUMMINGS DRIVE, BUCHAN POINT

Belinda Jackson: 8/8/296-01 : 342404

BONNEAU / JAMES

That Council approve the Material Change of Use application for Multiple Dwellings at 9-11 Colonel Cummings Drive, Buchan Point and described as Lot 31 on NR 7550, Parish of Dulanban subject to the following conditions:

Assessment Manager Conditions

1. The applicant/owner must at all times during the development of the subject land carry out the development and conduct the approved use generally in accordance with:

a. The approved Drawing No. TP1.01 – TP 1.08 (inclusive), Drawing No. TP3.01 and Drawing No. TP4.01 by Pacific Projects Group all dated 13 June 2001 and attached as Schedule A;

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

c. The provisions of Councils Development Manual;

d. The submitted landscape plan identified as drawing No. LP01 by Pawsey Browse dated 24 September 2001; and

2. The development authorised by this development permit may not start until the conditions contained in development permit 8/13/425 have been complied with.

Car parking and Access Requirements

3. The amount of vehicle car parking must be as specified in Council's Planning Scheme which is a minimum of twenty-three (23) spaces. The car parking layout must be designed in accordance with the Australian Standard AS2890.1 1993 Parking Facilities – off street car parking, except as varied with the consent of the Chief Executive Officer.

4. The car parking must be constructed in accordance with Council’s Development Manual specifications prior to commencement of the use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all car parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

5. The applicant/owner must erect a sign to the satisfaction of the Chief Executive Officer, advising of the location of the off-street car parking area and access thereto. Details of the sign must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The sign must be erected prior to the issue of the certificate of classification for building work.

Lighting

6. All external lighting installed upon the premises including car parking areas shall be certified by Ergon Energy or such other suitably qualified person. The lighting shall conform with the Planning Scheme whereby vertical illumination at a distance of 1.5 metres outside the boundary of the site shall not exceed eight (8) lux measured at any level upwards from ground level to the requirements and satisfaction of the Chief Executive Officer.

Design

7. The applicant/owner is to redesign the roof line so as to reduce the visual bulk of the building. A report detailing the amended roofline is to be submitted and approved by the Chief Executive Officer prior to the issue of the Development Permit for carrying out Building Work.

Landscaping

8. The applicant/owner must landscape the subject land and street frontage in accordance with Development Manual, Part 4 – Landscaping and in accordance with an amended landscape plan. An amended landscape plan must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a development permit for carrying out Building Work. The amended plan must show landscaping that more effectively screens the lower three (3) levels when viewed from the south.
9. Areas to be landscaped must be established prior to the commencement of the use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

10. Existing vegetation on the subject land must be retained in all areas except those affected by the construction. The extent of any clearing which is required for the development must be consented to by the Chief Executive Officer before clearing commences in these areas.

Geotechnical Report

11. A geotechnical assessment must be carried out by a qualified and experienced geotechnical consultant for Lot 1 and Lot 2 (formally Lot 31 on NR7550) to determine the suitability of each lot for the proposed multiple dwelling development. A copy of the geotechnical assessment, must be submitted and approved by Council prior to the issue of a Development Permit for carrying out Building Work.

Water Saving

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

Health

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

14. An area of a suitable size is to be provided to store the number of refuse bins required to service the site. Brochures on these requirements – ‘Requirements for Flats and Multiple Dwellings’ are available from Council’s Environmental Assessment Branch.

Soil and Water Management Plans

15. Soil and water (erosion control) plans in accordance with Council's Development Manual must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for carrying out Building Work.
Construction

16. At all times, the applicant is to ensure dust suppression measures are undertaken for the site to ensure that all materials are appropriately stored and any unsealed areas do not create a dust nuisance to surrounding areas to the satisfaction of the Chief Executive Officer.

17. The applicant shall ensure that on completion of any on-site construction works the subject land will be maintained in a clean and tidy condition at all times to the satisfaction of the Chief Executive Officer.

Water Supply and Sewerage Contributions

18. 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 and sewerage headworks.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions for Lot 1 are $54,689.30 (8.4 EDC) for water and $31,780.05 (9.6 EDC) for sewerage. The total headworks contributions for Lot 2 are $7,812.75 (1.2 EDC) for water and $4,634.56 (1.4 EDC) for sewerage.

Payment is required prior to the issue of a Development Permit to carry out building work. It should be noted that a credit will be given if contributions associated with application 8/13/415-01 have been paid.

19. The applicant/owner must carry out water supply and sewerage works external to the development to connect the subject land to Council’s existing water supply and sewerage headworks at a point determined by the Chief Executive Officer.

In particular, each allotment must be provided with a single internal water connection and a single internal sewer connection in accordance with the Development Manual, including, but not limited to, Council Standard Drawing No.S3005.

Three (3) copies of a plan of the works must be submitted and endorsed by the Chief Executive Officer prior to the issue of a development permit for carrying out building work. Such work must be carried out in accordance with the approved plans, to the requirements and satisfaction of Cairns Water and the Chief Executive Officer prior to the commencement of the use.

Drainage

20. The applicant/owner must ensure that the flow of all stormwater from the property is directed to a lawful point of discharge being Colonel Cummings Drive 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.
21. A stormwater drainage plan, prepared by a suitably qualified consultant, shall be submitted to and shall be approved by the Chief Executive Officer prior to the issue of a Development Permit for carrying out building work. In particular, the plan shall detail all site drainage works, site levels and levels on adjoining properties and works required to minimise the impact of the development on the drainage of adjoining properties.

Traffic

22. The applicant/owner must contribute towards Council’s traffic management/road upgrading program for the multiple dwelling in accordance with the Cairns City Council Traffic Management Plan.

   a. the contribution is that which is current at the time of payment. The current rate of contribution is for Lot 1 is $15,156.00 (12 ERA) for Lot 1 and $2,147.10 (1.75 ERA) for Lot 2.

   b. Payment is required prior to the issue of a Development Permit to carry out building work.

It should be noted that a credit will be given if contributions associated with application 8/13/415-01 have been paid.

External Works

23. The applicant/owner must at its own cost provide a concrete crossover and apron.

   Three (3) copies of a plan of the works must be submitted to Council and endorsed by the Chief Executive Officer prior to these works being constructed. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to the commencement of the use.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act, shall cease and determine four (4) years from the date of this decision if these conditions and Council’s Local Laws and regulations have not been fully complied with.

2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Infrastructure Charges Plan (ICP) are adopted.

*carried*
22. RECONFIGURING A LOT (ONE LOT INTO FORTY LOTS) – REDLYNCH HEIGHTS ESTATE (STAGE 3) – ZEBRINA STREET AND GIAUCA STREET, REDLYNCH

Belinda Jackson: 8/13/433-01 : 339980

SHEPPARD / BONNEAU

That Council approve the application to reconfigure land described as Lot 501 on SP106973, parish of Cairns, situated at Zebrina Street and Giauca Street Redlynch into forty (40) allotments subject to the following conditions:-

Assessment Manager Conditions

Plan of Survey

1. The proposed Plan of Survey No. 5368RED-13 dated 6 August 2001 is approved subject to any alterations:
   a. Found necessary by the Chief Executive Officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;
   b. To ensure that the reconfiguration complies in all respects with the requirements of Council's Development Manual and good engineering practice; and
   c. To ensure compliance with the following conditions of approval.

Landscape Plan

2. The applicant/owner must landscape the subject land and street frontage in accordance with Development Manual, Part 4 - Landscaping and in accordance with a landscape plan endorsed by the Chief Executive Officer. The landscape plan must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a development permit for carrying out operational works. 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; and
   b. Planting of the footpath with trees or shrubs, depending on any overhead powerline constraints.

Water Supply and Sewerage Contributions

3. 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 and sewerage headworks.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are $140,625.60 (40.0 EDC’s) for water and $115,277.60 (40.0 EDC’s) for sewerage.
Payment is required prior to approval and dating of the Plan of Survey.

Water Supply and Sewerage Works External

4. The applicant/owner must carry out water supply and sewerage works external to the development to connect the subject land to Council’s existing water supply and sewerage headworks at a point determined by the Chief Executive Officer.

In particular, each allotment must be provided with a single internal sewer connection in accordance with the Development Manual, including, but not limited to, Council Standard Drawing No. S3005.

Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for carrying out Operational Works.

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

Existing Creek and Drainage Systems

5. 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

6. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge being the tributary to Freshwater Creek 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.

Drainage Reserve

7. The applicant/owner must arrange to transfer to Council a drainage reserve over the sections of creek which are located within the subject property. The width of land to be transferred (reserve) shall contain all land below the top of the high bank and a ten (10) metre minimum wide strip adjacent the top of bank or the limit of Q100 flooding, whichever is the greater. The land (reserve) shall be transferred (registered) in conjunction with the registration of the Plan of Survey.
Limit of Discharge to Pre-development Conditions

8. The applicant/owner shall be required to implement stormwater detention measures to ensure that peak flows leaving the site from all stormwater events of average recurrence interval (ARI) from 1 to 100 years are limited to flows emanating from the property prior to development.

General External Works

9. The applicant/owner must at its own cost construct a 1.5 metre wide concrete footpath along the eastern side of Giauca Street.

Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer prior to issue of a Development Permit for carrying out Operational Work. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to the approval and dating of the Plan of Survey.

Protection of Rail Corridor

10. Lots developed adjacent to the Cairns to Mareeba Rail Corridor are to comply with the “Draft Development Requirement in Rail Corridor Environs” published by Queensland Transport. In particular, the applicant/owner must provide a screen fence (consistent with the existing screen fence) to the rear of those allotments that adjoin the Cairns Railway 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 carrying out Operational Work.

Street Lighting

11. Street lighting must be provided in accordance with the requirements of Council’s Development Manual. In this regard, street lighting is to be consistent with previous stages.

Drainage Contributions

12. The applicant/owner must contribute towards the augmentation of stormwater drainage services and associated services in accordance with Freshwater Creek Drainage Management Plan.

The contribution rate is that which is current at the time of payment. The current rate of contribution is $6,072.00 (40 lots @ $151.80). Payment is required prior to approval and dating of the Plan of Survey.
Parkland contributions

13. The applicant is to contribute towards the provision of or upgrading of parks and reserves in accordance with the provisions of Council's Planning Scheme and Section 5.6 of the Local Government (Planning and Environment) Act 1990. The amount payable is 10% of the unimproved capital value of the site minus the percentage of park previously surrendered in stage 1 in addition to the value of any parkland works carried out in Stage 1 of Redlynch Heights. The contribution must be paid prior to approval and dating the Plan of Survey.

Construction

14. Dust resulting from construction work on Lot 501 on SP106973 is to be suppressed at all times by the addition of water or other suitable means to prevent a dust nuisance to neighbouring areas.

Vegetation

15. Existing rainforest on the subject site as indicated on submitted plan No.5368RED-13 must be retained in all areas except those affected by the construction of roadworks and the installation of services. The extent of any clearing which is required to provide for roadworks or the installation of services or which is to be carried out on the proposed lots must be consented to by the Chief Executive Officer before clearing commences in these areas.

Access

16. Internal access roads must be designed to the satisfaction of the Chief Executive Officer so as to provide adequate access for refuse, including at least one turning circle for such vehicles and must be constructed so as to be capable of supporting the mass of the vehicles.

17. The applicant/owner must arrange for the transfer of a 20m wide road reserve from the new road to the southern boundary of the subject land in the general vicinity of Lot 129 so as to facilitate the development of a future road connection with Chirio Drive. As a result of this, the developer may wish to reduce the length of Giauca Street that extends along the eastern boundary of the subject site. The Road Reserve shall be transferred to Council at the same time as registering the survey plans with the Department of Natural Resources and Mines.

Soil And Water Management Plans

18. Soil and water management (including erosion control) plans in accordance with Council's Development Manual must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for carrying out Operational Work. The soil and water management plans must have regard to the requirements of the Freshwater Creek Management Plan. In particular;

a. No clearing of vegetation or habitat shall occur within 50m of the top of bank of the stream/creek/tributary passing through the subject land; and
b. Wetland systems, gross pollutant traps, trash racks, detention basins and/or alternatives must be incorporated in the soil and water management plans.

Installation of SWM Devices

19. The soil and water management devices endorsed by the Chief Executive Officer must be installed 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).

20. The applicant is to provide indented bus bays at each side of Giauca Street/new road for future public transport stops at safe locations. The exact location of the bays is to be determined at the time of Operational Works.

ADVICE

1. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Infrastructure Charges Plan (ICP) are adopted.

2. The approval for Reconfiguring a Lot, granted under the provisions of the Integrated Planning Act, must cease and determine two (2) years from the date of this decision if no Operational Works are required or four (4) years from the date of this decision if Operational Works are required if these conditions and the Council’s Local Law and Regulations have not been fully complied with and a Plan of Survey submitted for Council approval and dating.

*carried*

23. **RECONFIGURING A LOT – 1 LOT INTO 34 RESIDENTIAL LOTS – COTTESLOE DRIVE, KEWARRA BEACH**

*Neil Beck: KRP : 8/13/428-01 : #334722*

**BONNEAU / COCHRANE**

*The matter be deferred for discussion in Closed Session.*

*carried with Councillors Gill, Freebody and O’Brien requesting that they be recorded as voting against the motion*

24. **COMPENSATION CLAIMS & PLANNING APPEALS**

*Sue Shearer: 1/59/2-01 : 199233*

**FORD / GREGORY**

That the report be noted.

*carried*
GENERAL BUSINESS

1. Delegation to Riga, Capital of Latvia Sister City of Cairns

Councillor Gill tabled her report for information of the Councillors, Staff and the General Public.

carried

CLOSED SESSION

COCHRANE / JAMES

COUNCIL RESOLVE INTO CLOSED SESSION TO DISCUSS CERTAIN MATTERS FOR THE REASONS LISTED IN THE AGENDA AND NOTED ON THE RESOLUTIONS SUBSEQUENTLY RECORDED.

carried

OUT OF CLOSED SESSION

COUNCIL RESOLVE TO MOVE OUT OF CLOSED SESSION

COCHRANE / JAMES

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION.

1. CONTRACTUAL MATTER - BULK EARTHWORKS FOR REGIONAL WASTE FACILITY

   O'BRIEN / COCHRANE

   A. Council advise the Cairns Waste Management Group that it is prepared to offer ‘in principle’ agreement to the inclusion of bulk earthworks for which Council has responsibility in its current design and construct contract for the Regional Waste Facility.

   B. Officers continue to negotiate an anticipated final cost for this arrangement and delegate the authority to the Mayor and Chief Executive Officer to approve the formalisation of this arrangement with Cairns Waste Management Group if considered satisfactory. This formalisation would be in accordance with the Local Government Act Section 486.(2B)
C. A report come back to Council advising of the outcome of this matter.

carried

2. PREJUDICIAL MATTER - PROPOSED NEW MEMBERS FOR THE ARTS AND CULTURAL REFERENCE GROUP

Elizabeth V. Brown:EB : 10/25/1-03: 340223

GREGORY / GILL

A. That Council endorse the following applicants as members of the Arts and Cultural Reference Group for 2001 / 2002:

* Paul Brinkman
* Virginia Whittle and;
* Danielle Carrol

B. That any Councillors wishing to be on the Reference Group submit their interest to Manager Community Development who will report back to Council for endorsement.

carried

3. PREJUDICIAL MATTER - FURTHER CLARIFICATION – PRELODgement ENquiry –RECONFIGURING A LOT (ONE INTO THIRTY-ONE LOTS) AND MATERIAL CHANGE OF USE – DOUGLAS TRACK ROAD,

KAMERUNGA

Brendan Nelson: 8/20/1-63 : #344139

SHEPPARD / BONNEAU

That a further report be presented to Council detailing the outcome of discussions with the applicants.

carried
CLAUSE 23 DEFERRED FROM THE OPEN SESSION

4. RECONFIGURING A LOT – 1 LOT INTO 34 RESIDENTIAL LOTS –
COTTESLOE DRIVE, KEWARRA BEACH 176

Neil Beck:KRP : 8/13/428-01 : #334722

BONNEAU / LINDSAY

A. That Council approve the application to reconfigure land described as part of Lot 700 on SP103368, Parish of Smithfield, situated at Cottesloe Drive, Kewarra Beach into 34 residential allotments subject to the following conditions:-

Assessment Manager Conditions

1. The Plan of Reconfiguration being Drawing No. 30805/002 dated 13 July, 2001 and attached as Schedule A is approved subject to any alterations:-

   a. Found necessary by the Chief Executive Officer at the time of examination of the Engineering Plans or during construction of the estate because of particular engineering requirements;

   b. To ensure that the reconfiguration complies in all respects with the requirements of Council's Development Manual and good engineering practice; and

   c. To ensure compliance with the conditions of approval.

Water Supply And Sewerage Contributions

2. 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 and sewerage headworks.

   The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are $119,698.12 (34 EDC's) - $75,034.35 (34 EDC's) for water and $113,161.21 (34 EDC’s) $61,757.06 (34 EDC's) for sewerage.

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

   The basis of the reduction in headworks is as follows:

   • The applicant is within their legal entitlements to proceed with high density residential development which will result in a significant increase in the demand placed on Council's infrastructure without having to pay any monetary contributions for the provision of and maintenance of such infrastructure;
• The proposed development in its current format provides Council with a mechanism to apply traffic contributions and open space contributions which would not otherwise be generated should Residential 3 development proceed; and

• The proposed development is consistent with the surrounding built form consisting predominantly of single detached dwellings on single residential allotments. As a consequence, the proposed development compliments the immediate neighbourhood character of this area of Kewarra Beach in terms of achieving building continuity and facilitating residential development of a similar scale and intensity.

• The contribution determined by Council is based on the combination of the rates for the proposed works together with the equivalent percentage of the Residential 3 demand.

Water Supply And Sewerage Works External

3. The applicant/owner must carry out water supply and sewerage works external to the development to connect the subject land to Council’s existing water supply and sewerage headworks at a point determined by the Chief Executive Officer.

Each allotment must also be provided with a single internal sewer connection in accordance with the Development Manual, including, but not limited to, Council Standard Drawing No. S3005.

Three (3) copies of a plan of the works must be submitted and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for carrying out Operational Works.

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

Minimum Fill And Habitable Floor Levels

4. All residential allotments must be located above the Q100 flood immunity level, in accordance with Development Manual Guidelines and Planning Scheme requirements.

Lawful Point Of Discharge

5. 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.
Three (3) copies of a plan of the drainage works must be submitted and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for carrying out Operational Works. 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 the approval and dating of the Plan of Survey.

Park Contribution

6. The applicant is to transfer to the Crown, areas for park as illustrated on Drawing No. 30805/002 dated 13 July, 2001. This area is to be a fair average of the type of land to be subdivided and shall be filled, graded, drained and regulated with all declared noxious weeds and plants to be destroyed and left in a mowable condition to the requirements and satisfaction of the Chief Executive Officer.

7. The applicant is to contribute $17,511.00 (39 persons @ $449/person) for the additional lots towards the provision of or upgrading of parks and reserves in accordance with the Northern Beaches LAOSMP, the provisions of Council's Planning Scheme and Section 5.6 of the Local Government (Planning and Environment) Act 1990. The contribution rate is that which is current at the time of payment. The contribution must be paid prior to approval and dating the Plans of Survey.

Traffic Management Contributions

8. The applicant/owner must contribute towards Council's Traffic Management/ Road Upgrading Program in accordance with:

   a. Cairns City Council TMP (Jan 2001)

   The contribution rate is that which is current at the time of payment. The current rate of contribution is $68,272.00 (34.0 ERA’s). The contribution must be paid prior to approval and dating the Plan of Survey.

General External Works

9. The applicant/owner must at its own cost undertake the following works external to the subject land:

   a. construct a 2.0m wide paved footpath from Cottesloe Drive adjacent the southern side of the main access into the residential estate to connect to the park in accordance with the requirements of the Cairns City Council Development Manual;

   b. provision of new kerb and channel and required road pavement widening in accordance with Cairns City Council Development Manual;

   c. provision of concrete crossover(s) and apron(s); and

   d. make good the kerb(s) at redundant crossover(s).
Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer prior to issue of a Development Permit for carrying out building work. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to issue of a Certificate of Classification / commencement of use.

Soil And Water Management Plans

10. Soil and water management (erosion control) plans in accordance with Council's Development Manual must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for carrying out Operational Work.

Landscape Plan

11. The applicant/owner must landscape the subject land and street frontage in accordance with Development Manual, Part 4 - Landscaping and in accordance with a landscape plan endorsed by the Chief Executive Officer. The landscape plan must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for carrying out Operational Work. In particular, the plan must show:

a. Planting of the footpath with trees or shrubs, depending on any overhead powerline constraints.

Concurrence Agency Conditions

Department of Main Roads

1. Permitted Road Access Location

Vehicular access to the subject site shall be via Cottesloe Drive to the satisfaction of the Chief Executive Officer, Cairns City Council.

No direct vehicular access (including motor bikes) between the Captain Cook Highway and Lots 31 to 36 inclusive is permitted.

2. Access to Adjoining Properties

The landowner shall provide a road stub to the southern boundary of Lot 5 RP711115, Parish of Smithfield, generally as shown on Brazier Motti drawing No 30805/002A dated 13 July 2001 in order to provide future access between the above referred to allotment and Cottesloe Drive. The road stub shall be provided prior to or in conjunction with Council approving and dating the plan of survey creating stage 2A.
3. Road Traffic Noise & Visual Treatments

For the purposes of this condition; Parts (a), (b) and (c) below shall apply to accommodation buildings or residential lots are proposed to be located within 100 metres of the SCR boundary.

- the Captain Cook Highway shall hereafter be referred to as ‘SCR’; and
- ‘DMR Plan No. PD85C (dated 3/2001)’ shall hereafter be referred to as the ‘DMR Buffer Plan’.

a. Buffer Strip

For the purposes of this condition the buffer strip shall include:
- the six metre wide freehold strip (existing Lot 998 on SP103367) located adjacent to lot 999 on SP103367; and
- the four metre wide registered easement (existing easement D in Lot 700 on SP103368) located adjacent to and east of the above freehold strip.

b. Visual Amenity Works

The applicant/landowner shall provide landscaping along the frontage of the SCR. The landscaping shall be designed installed and maintained such that existing and future SCR infrastructure, any noise ameliorative works if applicable, and on site buildings and facilities, are screened as much as practicable from each other. The landscaping shall be installed within the buffer strip.

The species of plants used in the landscaping works shall be in accordance with Council’s standards. If Council doesn’t have standards, then the only requirement is that they are native, low maintenance species which are effective at providing the necessary screening specified above and do not create a safety risk (i.e. no thorns or poisonous fruits or berries).

All landscaping of the buffer strip shall be completed prior to the applicant/landowner requesting Council to approve and date the first plan of survey for the subject land within 100 metres of the SCR boundary.

c. Road Traffic Noise Ameliorative Works

i. Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development, including the buffer strip, and the applicant/landowner shall have regard to the design criteria specified within AS3671. Any noise barrier within the buffer shall be designed and constructed in accordance with the DMR Buffer Plan.
ii. Maximum Noise Levels and Time Horizons

The following maximum road traffic noise levels are not to be exceeded before 10 years after the time of completion of the full development:

- External noise levels shall not exceed 63dB(A) 18h.
- Internal noise levels (ie, within buildings above the ground floor level only) shall not exceed the maximum noise levels specified in AS2107-1987.

iii. Noise Testing

The following parameters shall be used to determine the required noise amelioration works:

- External noise levels shall be those predicted to occur on the subject land in areas likely to be frequently occupied by people for significant periods.
- Internal noise levels shall be determined in accordance with AS2107-1987.
- Noise monitoring shall be carried out in accordance with AS2702-1984.
- Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTN88) United Kingdom Department of Transport.

iv. Road Traffic Noise Report

The applicant/landowner shall prepare a road traffic noise report, which demonstrates how the development is to be designed to conform to the above requirements. The report shall;

- predict the road traffic noise levels;
- identify the ameliorative works required within the buffer strip, the rest of the subject land, and the relevant buildings; and
- contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner requesting Council to approve and date the first plan of survey for the subject land within 100 metres of the SCR boundary.
v. Incorporation of Works into the Development

Noise ameliorative works within the buffer shall conform to the requirements of the approved noise report and DMR Buffer Plan.

All noise ameliorative works required within the Buffer Strip shall be completed prior to the applicant/landowner requesting Council to approve and date the first plan of survey which creates residential lots on the subject land within 100 metres of the SCR boundary.

All noise ameliorative works required within the relevant building(s) shall be;

- incorporated into the building design(s) prior to the applicant/landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the subject land; and
- incorporated into the building(s) prior to commencement of use of the building.

B. That Council resolve to apply the proposed rate for Water Supply and Sewerage Headworks contribution to the seven (7) residential allotments fronting Cottesloe Drive approved at Council’s Planning and Development Committee Meeting held on 13 June, 2000.

B. That Council advise the applicant that full Water Supply and Sewerage Headworks apply to the seven (7) residential allotments fronting Cottesloe Drive approved at Council’s Planning & Development Committee Meeting held on 13 June, 2000.

C. That the applicant undertake a Material Change of Use to include the land to the Residential 1 zone prior to the signing and dating of survey plans.

ADVICE

1. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Infrastructure Charges Plan (ICP) are adopted.

2. This approval, granted under the provision of the Integrated Planning Act, must cease and determine four (4) years from the date of this decision if these conditions and the Council’s Local Law and regulations have not been fully complied with and a Plan of Survey submitted for Council approval and dating.

carried with Councillors O’Brien, James and Ford requesting that they be recorded as voting against the motion
THE MEETING CLOSED AT 6.50 pm.

CONFIRMED THIS ___________________________ DAY OF ___________________________ 2001

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MAYOR                                                                               CHIEF EXECUTIVE OFFICER