

CAIRNS CITY COUNCIL

ORDINARY MEETING

Thursday, 27th March 2003

Commencing at 5.30pm

PRESENT: His Worship the Mayor, Cr K Byrne
Cr M Gill
Cr P Gregory
Cr F Lindsay
Cr J Pezzutti
Cr P Freebody
Cr J O'Brien
Cr T James
Cr D Ford
Cr M Cochrane
Cr S Bonneau
Cr A Sheppard

APOLOGY: Cr A Blake

OFFICERS:

D Farmer	Chief Executive Officer
J Scarini	General Manager Corporate Services
J Hawkes	General Manager City Works & Services
P Tabulo	General Manager City Development
L Kirchner	Manager Legal & Administration Services
N Huddy	A/Manager City Assessment
L Phipps	Manager Environmental Assessment
T Duffy	Manager Precincts & Facilities
G Schofield	Manager Media & Public Relations
D Quick	Executive Assistant to Mayor
N Beck	Planning Officer
C Cresswell	Secretary

APOLOGY

Council notes the apology of Councillor Alan Blake and in accordance with Section 252 (1) (b) of the Local Government Act, Council grants leave of absence.

CONFIRMATION OF MINUTES OF ORDINARY MEETING 27.02.03

FORD / COCHRANE

That the Minutes of the Ordinary Meeting held on Thursday, 27th February 2003 be confirmed, taking into account that Clause 21 should read as follows:-

**"21. ESPLANADE LOCAL LAW 2003.....198
Graham Busby:vk : 1/11/3-03: #594882**

GILL / BLAKE

Council hereby resolves to:

- 1. Agree to satisfy the conditions imposed on proposal Interim Esplanade Local Law 2003 by the Minister for Local Government and Planning as detailed on advice dated 25 February 2003.**
- 2. Make Interim Esplanade Local Law 2003.**
- 3. Remove the Esplanade from the Parks and Reserves Register under Local Law No. 26 (Parks & Reserves).**

carried"

carried

CONFIRMATION OF THE REPORT OF THE PLANNING, DEVELOPMENT & COMMUNITY SERVICES COMMITTEE MEETING – 13.03.03

JAMES / BONNEAU

That the Minutes of the Planning, Development and Community Services Meeting held on Thursday, 13th March 2003 be confirmed.

carried

CONSIDERATION OF REPORTS & RECOMMENDATIONS CONTAINED IN
MINUTES OF FINANCE & ADMINISTRATION COMMITTEE MEETING –
17.03.03

COCHRANE / GREGORY

That the reports and recommendations contained in the Minutes of the Finance and Administration Committee held on Monday, 17th March 2003 be adopted.

carried

CONSIDERATION OF REPORTS & RECOMMENDATIONS CONTAINED IN
MINUTES OF CAIRNS WORKS COMMITTEE – 18.03.03

JAMES / FORD

That the reports and recommendations contained in the Minutes of the Cairns Works Committee held on Tuesday, 18th March 2003 be adopted.

carried

CONSIDERATION OF REPORTS & RECOMMENDATIONS CONTAINED IN
MINUTES OF CAIRNS WATER COMMITTEE – 18.03.03

JAMES / FORD

That the reports and recommendations contained in the Minutes of the Cairns Water Committee held on Tuesday, 18th March 2003 be adopted.

carried

OTHER AGENDA ITEMS

FORD / COCHRANE

That Clause 17 be dealt with first.

carried

COUNCILLOR O'BRIEN DECLARED A CONFLICT OF INTEREST DUE TO THE FACT HIS FATHER WAS A SUBMITTER. HE DID NOT LEAVE THE MEETING AS HE BELIEVED HE WAS ABLE TO RESOLVE HIS CONFLICT IN THE PUBLIC INTEREST.

17. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) BOUTIQUE MOTEL (MAX. 6 ROOMS) MANAGER'S RESIDENCE & ANCILLARY FACILITIES - 34 KEWARRA STREET, KEWARRA BEACH 133
Neil Beck : 8/8/432-02 #602247

BONNEAU / LINDSAY

That Council refuse the application for a Boutique Motel (Max. 6 Rooms), Manager's Residence and Ancillary facilities on land described as Lot 1 on RP720825, Parish of Smithfield located at 34 Kewarra Street, Kewarra Beach on the basis that:

1. *The application is in conflict with the Strategic Plan in that the subject land is not contained within a Tourism Development Area.*
2. *The proposed development conflicts with the intent of the Residential 1 zone as it envisages that the establishment of tourism accommodation, apart from Bed and Breakfast accommodation (limited to two bedrooms) will not be approved.*

PEZZUTTI / GREGORY MOVED AN AMENDMENT

That the application be deferred at this point and that Council take senior legal advice on what grounds Council has if this application is refused.

The amendment became the motion and was carried with Councillors Bonneau, Ford, Lindsay and Gill requesting that they be recorded as voting against the motion

1. USE OF COUNCIL'S FREEHOLD LOT 10 ON RP 894290 - BEING 115-117 GORDON STREET, GORDONVALE - BY CICITY PTY LTD. - DIV. 1.....1
Allan Simpson:vk : 19/3/3-44: #608737

GREGORY / LINDSAY

That Council advise CiCity Pty Ltd registered proprietor of Lot 11 on RP 894290 (41-49 George Street, Gordonvale) that it approves the extension of the term of the use of Council's Lot 10 on RP 894290 (115-117 Gordon Street, Gordonvale) to 26th May 2023, subject to the terms of the proposed Licence Agreement.

carried

2. APPLICATION TO PURCHASE PART (ABT. 39M²) OF LOT 788 ON SP101074 (YELLOWFIN CLOSE, KANIMBLA) – DIV. 9 – BEING RESERVE FOR PARK – APPLICANT: B. & T. STARR-THOMAS5
Allan Simpson : 19/3/3-44: #607140

FORD / COCHRANE

That Council advise the Department of Natural Resources and Mines that it has no objection to the excision of an area of about 39m² from Lot 788 on SP101074 (Yellowfin Close, Kanimbla) for purchase by B. & T. Starr-Thomas owners of adjoining Lot 105, to legalise an existing encroachment, subject to the applicants amalgamating the subject area with their own property, at no cost to Council.

carried

3. APPROVAL TO ESTABLISH A "PRO-SHOP" – CAIRNS HOCKEY ASSOCIATION INC. – PART OF LOT 317 ON NR7749 – RUTHERFORD STREET, CAIRNS NORTH – DIV. 6.13
Allan Simpson : 19/3/3-44: #608102

GILL / FORD

That Council advise the Cairns Hockey Association Inc. that it has no objection to the establishment of a pro-shop as part of the existing Clubhouse on part of Lot 317 on NR7749 (23-33 Rutherford Street, Cairns North).

Furthermore, Council advise the Minister for Natural Resources and Mines delegate of its decision in this regard.

carried

- 4. RENEWAL OF SPECIAL LEASE NO. 09/441533 OVER LOT 212 ON NR6070 – PEEVER ROAD, BABINDA, (DIV. 1) – BUNDABERG SUGAR LTD17
Allan Simpson : 19/3/3-44: #607076

GREGORY / GILL

That Council advise the Department of Natural Resources and Mines that it has no objection to the renewal of Special Lease No. 09/441533, over Lot 212 on NR6070 (Peever Road, Babinda) to Bundaberg Sugar Ltd, for a further term of thirty (30) years, subject to the lessee’s maintaining the land free of declared and environmental weed species and undertaking any necessary erosion control works on Babinda Creek.

carried

- 5. PROPOSED PERMANENT ROAD CLOSURE OVER PART OF THE ROAD (PANDANUS STREET, HOLLOWAYS BEACH) – DIV. 10 - ABUTTING PART OF LOT 12 ON RP709285 – APPLICANT: P WALLACE & S DAVIES25
Allan Simpson : 19/3/3-44: #606064

COCHRANE / BONNEAU

That Council advise the Department of Natural Resources and Mines that it does not object to the application for the proposed permanent road closure of part of Pandanus Street, Holloways Beach, by Paula Wallace and Steven Davies.

carried

- 6. RENEWAL OF SPECIAL LEASE NO. 200843 OVER LOT 191 ON NR4377 – GREER ROAD, MIRIWINNI (DIV. 1) – N O & R J WEBSTER32
Allan Simpson : 19/3/3-44: #606126

GREGORY / PEZZUTTI

That Council advise the Department of Natural Resources and Mines that it has no objection to the renewal of Special Lease No. 200843, over Lot 191 on NR4377 (Greer Road, Miriwinni) to N. O. & R. J. Webster for a further term of ten (10) years, subject to the lessees’ maintaining the land free of declared and environmental weed species.

carried

- 7. RENEWAL OR CONVERSION (FREEHOLD) OF SPECIAL LEASE NO. 200842 OVER LOT 190 ON NR4377 – GREER ROAD, MIRIWINNI (DIV. 1) – N O & R J WEBSTER40
Allan Simpson : 19/3/3-44: #607060

GREGORY / PEZZUTTI

That Council advise the Department of Natural Resources and Mines that it has no objection to the renewal of Special Lease No. 200842, over Lot 190 on NR4377 (Greer Road, Miriwinni) to N. O. & R. J. Webster for a further term of ten (10) years, subject to the lessees’ maintaining the land free of declared and environmental weed species, or the conversion to freehold.

carried

8. RENEWAL OF SPECIAL LEASE NO. SL200639 OVER LOT 137 ON N157110 – DOWNING ROAD, GOLDSBOROUGH, (DIV. 1) – J P, J M & J F DOCKERY49
Allan Simpson : 19/3/3-44: #607100

GREGORY / LINDSAY

That Council advise the Department of Natural Resources and Mines that it has no objection to the renewal of Special Lease No. SL200639, over Lot 137 on N157110 (Downing Road, Goldsborough) to J. P., J. M. & J. F. Dockery, for a further term of ten (10) years, subject to the lessees' undertaking maintenance works on the access road to minimise erosion.

carried

9. RENEWAL OF LEASE TO TRINITY BEACH COMMUNITY KINDERGARTEN ASSOCIATION INC. OVER PART (1600M²) OF LOT 363 ON RP729082 (TRINITY BEACH ROAD, TRINITY BEACH) – DIV. 11.60
Allan Simpson : 19/3/3-44: #607288

BONNEAU / JAMES

That Council offer the Trinity Beach Community Kindergarten Association Inc. (Lessee) a further lease over part (1600m²) of Lot 363 on RP729082 (Trinity Beach Road, Trinity Beach) for a further term of ten (10) years, subject, but not limited to the following terms and conditions:

- **Rental to be in accordance with Council's Schedule of Fees and Charges at the time (presently \$669.00 per annum inclusive 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; and**

The Lessee being responsible for all reasonable costs associated with the preparation of the new lease including legal, registration etc.

carried

10. RENEWAL OF LEASE TO THE EDMONTON AMATEUR FISHING CLUB OVER PART (4.5 HA) OF LOT 143 ON SP110847 (THOMSON ROAD, EDMONTON) – DIV.3.64
Allan Simpson : 19/3/3-44: #607798

PEZZUTTI / FREEBODY

That Council offer the Edmonton Amateur Fishing Club (Lessee) a further lease over part (4.5 ha) of Lot 143 on SP110847 (Thomson Road, Edmonton) for a further term of twenty (20) years, subject, but not limited to the following terms and conditions:

- **Rental to be in accordance with Council’s Schedule of Fees and Charges at the time (presently \$669.00 per annum inclusive 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;**
- **‘In-principle’ approval being obtained from the Minister for Natural Resources and Mines; and**
- **The Lessee being responsible for all reasonable costs associated with the preparation of the new lease including legal, registration etc.**

carried

11. RENEWAL OF LEASE TO PYRAMID POLOCROSSE CLUB OVER THE WHOLE OF LOT 186 ON NR6955 (REDBANK ROAD, KAMMA) – DIV.2.69
Allan Simpson : 19/3/3-44: #607975

LINDSAY / PEZZUTTI

That Council offer the Pyramid Polocrosse Club (Lessee) a further lease over Lot 186 on NR6955 (Redbank Road, Kamma) for a further term of twenty (20) years, subject, but not limited to the following terms and conditions:

- Rental to be in accordance with Council’s Schedule of Fees and Charges at the time (presently \$669.00 per annum inclusive 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;
- ‘In-principle’ approval being obtained from the Minister for Natural Resources and Mines; and
- The Lessee being responsible for all reasonable costs associated with the preparation of the new lease including legal, registration etc.

carried

12. PROPOSED LOCAL LAW: CONTROL OF POSSESSION AND CONSUMPTION OF INTOXICATING LIQUOR IN PUBLIC PLACES.
74
 Linda Kirchner: 1/11/3-03 #603353.

GILL / JAMES

That Council resolves to agree to satisfy the conditions imposed under proposed Local Law Control of Possession and Consumption of Intoxicating Liquor in Public Places 2003 by the Minister of Local Government and Planning as detailed in her letter dated 28 November 2002.

carried

13. CAIRNS REGIONAL GALLERY101
 Linda Kirchner: 10/13/4-6: #604410

GILL / FORD

That Council receive the Cairns Regional Gallery Limited six monthly budget report June to December 2002, that has been circulated under separate cover.

carried

- 14. DIVISION 10 EMERGENT CAPITAL WORKS - DRAINAGE AT SMITHFIELD POOL SITE104
Michael Kahler:KG : 1/3/81-05: #597674

COCHRANE / BONNEAU

That Council approve the allocation of \$3,360.00 from the Division 10 Emergent Works Fund to undertake drainage works around the 25 metre pool at Smithfield.

carried

- 15. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - BULK LANDSCAPING SUPPLIES AND GENERAL INDUSTRY (RECYCLED MATERIAL PROCESSING PLANT) - JACKSON STREET, WOREE.106
Allisen Wright : 8/8/426-01 : #598818

O'BRIEN / PEZZUTTI

- A. **That Council approve the application for Material Change of Use (Impact Assessment) for development of Bulk Landscaping Supplies and General Industry (Recycled Material Processing Plant) on Part of Lot 53 on C 19830, located at Jackson Street, Woree 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 generally in accordance with:**
 - a. **The approved Site Plan No 30939/1, dated 2/12/02, and prepared by Brazier & Motti, attached to agenda;**
 - b. **The plans, specifications, facts and circumstances as set out in the application submitted to Council; and**
 - c. **The provisions of Council's Planning Scheme, Development Manual and good engineering practice;**

except where modified by these conditions of approval. In particular, the site layout is required to be modified to provide for the following:

- a 6 metre landscape buffer to the site frontage;
- landscaping to 10% of the site;
- building setback of 10 metres to the site frontage;
- screening of vehicle parking, machinery or material storage areas.

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.

Car parking

Council's Parking Requirements

3. The amount of vehicle car parking must be as specified in Council's Planning Scheme which is 2 spaces and 1 delivery space capable of accommodating a truck.

Parking Construction

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.

Parking Setbacks

5. The car parking area must be set back a minimum of 6 metres from the front property boundary and a minimum of 3 metres from the side and rear property boundaries.

Landscaping and Screening Requirements

Landscaping Plan

6. 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 commencement of the use. In particular, the plan must show:
 - a. Planting of the footpath with trees or shrubs, depending on any overhead powerlines constraints;

- b. Landscaping of required setback areas, being a minimum 6 metre wide buffer to the front boundary. Such buffer must be planted and maintained with dense planting sufficient to provide a definite and effective visual barrier.**

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.

Storage Of Machinery Etc

- 7. The storage of any machinery, material and vehicles must be appropriately screened so as not to be directly visible from any road to which the subject land has frontage, to the satisfaction of the Chief Executive Officer.**

On-Site Sewerage Disposal

Water Supply And Sewerage Contributions

- 8a. 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 \$4,983.95 (2.0 EDCs) for water and \$5,257.22 (2.0 EDCs) for sewerage.

Payment is required prior to the commencement of the use if on-site sewerage disposal and water supply are proven unachievable.

AND

Water Supply And Sewerage Works

- 8b. The applicant/owner must carry out water supply and sewerage works 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, the 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 must 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.

Lawful Point Of Discharge

- 9. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge being Jackson 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.**

General External Works

- 10. The applicant/owner must at its own cost undertake the following works external to the subject land:**
 - a. Construct a low density residential culvert crossover to the proposed new allotment in accordance with Council Standard Drawing S1105;**

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

Signs

Advertising Signage

- 11. 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.**

Details Of Development Signage

- 12. Details of any signage proposed in association with the development must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. In particular, the development must provide clear and legible signage incorporating the street numbers for the benefit of the motoring public.**

Environmental Aspects

Night Lighting

- 13. Any 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).**
- 14. That Council delegate to the CEO the authority to determine an appropriate monetary contribution for this development based on the proposed use of the site, taking into account that the site is within the area covered by the East Woree Development Strategy.**

Concurrence Agency Conditions (Environmental Protection Agency)

Schedule A - Activity

Prevent and /or minimise likelihood of environmental harm

(A1-1) In carrying out the environmentally relevant activities, you must take all reasonable and practicable measures to prevent and / or to minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, or negligently, may cause environmental harm, in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this approval.

NOTE: This approval authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition contained within this approval explicitly authorises that harm. Where there is no condition or the approval is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

Records

(A5-1) Record, compile and keep all monitoring results required by this document and present this information to the administering authority when requested, in a specified format.

Maintenance of measures, plant and equipment

(A6-1) The holder must:

- install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and
- maintain such measures, plant and equipment in a proper and efficient condition; and
- operate such measures, plant and equipment in a proper and efficient manner.

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Nuisance

(B1-2) The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any odour sensitive place.

Dust nuisance

(B2-1) The release of dust and/or particulate matter resulting from the activity must not cause an environmental nuisance at any dust sensitive place.

(B2-2) Excedence of any of the following levels when measured at any dust sensitive place is an environmental nuisance for the purposes of condition B2-1.

Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10 of 1991; OR

A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a dust sensitive place downwind of the site, when monitored in accordance with:

Australian Standard AS 3580.9.6 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method'; or

any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

(B2-3) When requested by the Administering Authority, dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include:

for a complaint alleging dust nuisance, dust deposition; and

for a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (μm) (PM10) suspended in the atmosphere over a 24hr averaging time.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Erosion protection measures and sediment controls

(C2-2) Prevent the release of sediment to waters or a build up of sediment in any stormwater drain.

Release to waters

(C3-1) Contaminants must not be released from the site to any waters or the bed and banks of any waters.

Stormwater management

(C5-1) There must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain.

Groundwater

(C6-1) The holder of this environmental authority must develop and implement a Groundwater Monitoring Program¹, which must be able to determine the impacts of the licensed activity on the groundwater quality in the underlying aquifer and on existing groundwater bores in adjacent areas.

(C6-2) Groundwater must be monitored at the locations and frequencies defined in Schedule C - Table 1 and Schedule I – Site Plan 1 and Site Plan 2.

Schedule C - Table 1 (Groundwater monitoring locations and frequency)

Monitoring points ¹	Latitude	Longitude	Surface RL (m)	Monitoring frequency
Ground Water Monitoring Program to be provided by the applicant by 30 June 2003	GPS co-ordinates to be provided by the applicant by 30 June 2003	GPS co-ordinates to be provided by the applicant by 30 June 2003	Ground Water Monitoring Program to be provided by the applicant by 30 June 2003	Quarterly

The Ground Water Monitoring Program must:
be developed by 30 June 2003; and

include but not be limited to a sufficient number of bores installed at locations and depths which yield representative ground water samples from at least the uppermost aquifer so as to:
establish the quality of ground water that has not been affected by any seepage of contaminants to ground water from the licensed place; and
detect any seepage of contaminants to ground water from the licensed place.

Schedule C - Table 2 (Groundwater Contaminant Trigger Levels)

Parameter	Units	Contaminant trigger levels (minimum)	Contaminant trigger levels (maximum)
pH	pH units	Background ¹ -0.5 pH units or 7.0 whichever is the lower	Background ¹ +0.5 pH units or 8.5 whichever is the higher
EC	µS/cm	20	250
Turbidity	NTU	N/A ²	5
Colours	Hazen Units	N/A ²	15
Nitrate	µg/L	N/A ²	30

¹ Background is defined as waters from (monitoring site to be provided by applicant).

²“N/A” means not applicable.

(C1-3) Subject to Condition (C6-2), groundwater contaminant levels must not exceed the contaminant trigger levels defined in Schedule C -Table 2.

(C6-3) Subject to Condition (C6-2), if the groundwater contaminant trigger levels defined in Schedule C - Table 2 are exceeded, then the environmental authority holder must notify the administering authority of the exceedance within 48 hours of receiving the result, and complete an investigation into the potential for environmental harm. The results of the investigation must be notified to the administering authority within 3 months of the exceedance.

(C6-4) Subject to Condition (C6-2), groundwater levels must be monitored and groundwater draw down fluctuations in excess of 2m per year, not resulting from the pumping of licensed bores, must be notified within 14 days to the administering authority following completion of monitoring.

(C6-5) The method of sampling of ground water must comply with that set out in the latest edition of the Environmental Protection Agency’s Water Quality Sampling Manual.

END OF CONDITIONS FOR SCHEDULE C

Schedule D - Noise and vibration

Noise nuisance

(D1-1) Noise from activities must not cause an environmental nuisance at any noise affected premises.

(D1-2) All noise from activities must not exceed the levels specified in Schedule D - Table 1 at any noise affected premises.

Schedule D - Table 1 (Noise limits)

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
	Noise measured at a 'Noise sensitive place'					
L_{A10}, adj, 10 mins	55	50	40	55	50	40
L_{A1}, adj, 10 mins	60	55	45	60	55	45
	Noise measured at a 'Commercial place'					
L_{A10}, adj, 10 mins	60	55	45	60	55	45
L_{A1}, adj, 10 mins	65	60	55	65	60	50

Noise monitoring

(D2-1) When requested by the Administering Authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:

L_A 10, adj, 10 mins

L_A 1, adj, 10 mins

**the level and frequency of occurrence of impulsive or tonal noise;
atmospheric conditions including wind speed and direction;
effects due to extraneous factors such as traffic noise; and
location, date and time of recording.**

(D2-2) The method of measurement and reporting of noise levels must comply with the latest edition of the Environmental Protection Agency's Noise Measurement Manual.

END OF CONDITIONS FOR SCHEDULE D

Schedule E - Waste

There are no conditions prescribed for this Schedule.

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Land

There are no conditions prescribed for this Schedule.

END OF CONDITIONS FOR SCHEDULE F

Schedule G - Community

Complaint response

(G1-1) All complaints received must be recorded including investigations undertaken, conclusions formed and action taken. This information must be made available to the administering authority on request.

END OF CONDITIONS FOR SCHEDULE G

Schedule H - Definitions

Words and phrases used throughout this licence or development approval are defined below:

Where a definition for a term used in this approval is sought and the term is not defined within this approval the definitions provided in the *Environmental Protection Act 1994*, its regulations, and Environmental Protection Policies shall be used.

Word Definitions

"Administering authority," means the Environmental Protection Agency or its successor.

"you" means the holder of this Environmental Authority or owner / occupier of the land which is the subject of this Development Approval.

"site" means the place to which this environmental authority relates or the premises to which this development approval relates.

"authorised place" means the place authorised under this environmental authority/development approval for the carrying out of the specified environmentally relevant activities.

"this authority" means this environmental authority/development approval.

"authority" means level 1 licence (without development approval), or level 1 approval (without development approval), or level 2 approval (without development approval) under the *Environmental Protection Act 1994*.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*

"dust sensitive place" means -

- a dwelling, mobile home or caravan park, residential marina or other residential place;
- a motel, hotel or hostel;
- a kindergarten, school, university or other educational institution;
- a medical centre or hospital;
- a protected area;
- a park or gardens; or
- a place used as an office or for business or commercial purposes. and includes the curtilage of any such place.

"odour sensitive place" has the same meaning as a "dust sensitive place"

"dwelling" means any of the following structures or vehicles that is principally used as a residence-

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

"noxious" means harmful or injurious to health or physical well being.

"offensive" means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

"nuisance sensitive place" includes -

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes. and includes a place within the curtilage of such a place reasonably used by persons at that place.

" $L_{A, 10, \text{adj}, 10 \text{ mins}}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

" $L_{A, 1, \text{adj}, 10 \text{ mins}}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response

" $L_{A, \text{max adj}, T}$ " means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

"noise affected premises" means a "noise sensitive place" or a "commercial place"

"noise sensitive place" means -

- a dwelling, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or

- a medical centre or hospital; or
- a protected area; or
- a park or gardens.

and includes the curtilage of such place.

"commercial place" means a place used as an office or for business or commercial purposes.

"intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration -

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.

In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 - 1997 Acoustics - Description and Measurement of Environmental Noise Part 2 - Application to Specific Situations.

"protected area" means -

- a protected area under the Nature Conservation Act 1992; or
- a marine park under the Marine Parks Act 1992; or
- a World Heritage Area.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

"50th percentile" means not more than three (3) of the measured values of the quality characteristic are to exceed the stated release limit for any six (6) consecutive samples for a release/monitoring point at any time during the environmental activity(ies) works.

"80th percentile" means not more than one (1) of the measured values of the quality characteristic is to exceed the stated release limit for any five (5) consecutive samples for a sampling point at any time during the environmental activity(ies) works

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"mg/L" means milligrams per litre.

"regulated waste" means non-domestic waste mentioned in Schedule 7 of the Environmental Protection Regulation 1998 (whether or not it has been treated or immobilised), and includes:

- for an element - any chemical compound containing the element; and
- anything that has contained the waste.

"licensed vehicle" means a vehicle authorised to be used under the licence to transport regulated waste.

"registered vehicle" means "licensed vehicle"

"annual return" means the return required by the annual notice (under section 316 of the Environment Protection Act, 1994) for the section 86(2) licence that applies to the development approval.

END OF DEFINITIONS FOR SCHEDULE H

Schedule I - Maps / Plans

END OF CONDITIONS FOR SCHEDULE I

ADVICE

- 1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.**
 - 2. 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. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au . To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au .**
- B. That Council make a notation on the Planning Scheme to reflect the approval for a Material Change Of Use For Bulk Landscaping Supplies And General Industry (Recycled Material Processing Plant) for part of Lot 53 on C19830 as indicated on the submitted site layout plan (Appendix 1).**

COUNCILLOR FORD LEFT THE MEETING AT 6.25PM

carried

- 16. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) – PUBLIC PURPOSE (COMMUNITY FACILITY) – 2 LONG STREET, MOOROOBOOL126**
Anna Cronin: 8/8/405-01: #607277

JAMES / GILL

That Council approve the application for a Material Change of Use – Public Purpose (Community Facility) on land described as Lot 74 on RP802264 located at 2 Long Street, Mooroolool, 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:**

- a. The approved plan elevations and floor plan submitted to Council on 25 September 2002, and attached at Appendix 1;
- b. The plans, specifications, facts and circumstances as set out in the application submitted to Council; and
- c. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice.

Except where modified by these conditions of approval.

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.

Car parking

3. The applicant/owner is to provide two (2) car parking spaces for the Community Facility, which may be in tandem. The car parking area must be clearly identifiable and consistent with the Australian Standards.

Bicycle Storage

4. Bike racks must be provided in an appropriate location within the subject site. A minimum of two (2) spaces must be provided in accordance with Table 10-1 of AUSTRROADS Guide to Traffic Engineering Practice Part 14 - Bicycles.

Water Saving

5. All new toilets to be used in conjunction with the Community Facility must be fitted with dual flush cisterns. Water flow regulators must be fitted to all shower recesses, bathrooms and kitchen facilities used in conjunction with the Early Childhood Support facility to generally restrict water flow to 9 litres of water per minute, all to the satisfaction of the Chief Executive Officer.

Health

6. 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)*.

7. All kitchen, bathroom and toilet facilities must be maintained in a satisfactory state at all times to the requirements and satisfaction of the Chief Executive Officer.

Lawful Point Of Discharge

8. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge being Long Street or Shang Street, 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.

Lighting

9. 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).

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.
2. Suitable access and facilities to cater for disabled persons should be provided within the approved development to ensure the development does not conflict with the provisions of the Disability Discrimination Act.
3. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au . To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

carried

COUNCILLOR FORD RETURNED TO THE MEETING AT 6.30PM

17. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) BOUTIQUE MOTEL (MAX. 6 ROOMS) MANAGER'S RESIDENCE & ANCILLARY FACILITIES – 34 KEWARRA STREET, KEWARRA BEACH 133
Neil Beck : 8/8/432-02 #602247

THIS MATTER WAS DEALT WITH PRIOR TO CLAUSE 1.

18. REQUEST FOR 'CONSIDERATION IN PRINCIPLE' - MATERIAL CHANGE OF USE - IMPACT ASSESSMENT - OUTDOOR ENTERTAINMENT - CAPTAIN COOK HIGHWAY & KENNEDY HIGHWAY151
Allisen Wright: 8/8/423-01 : #604065

COUNCILLOR FREEBODY LEFT THE MEETING AT 6.31PM AND RETURNED AT 6.32PM

SHEPPARD / PEZZUTTI

- A. That Council advise the applicant that it is willing to favourably consider the development application subject to:**
 - The application being re-advertised in its amended form (Cable Water Ski Park only and approved ancillary activities).
 - The applicant giving an undertaking to secure the necessary amendments to the Court Order to facilitate the development proposal.
 - The applicant satisfying all of Council's concerns and all items in the Information Request dated 13 January 2003.
 - Satisfactory findings of all of the required reports and studies as outlined in the Information Request dated 13 January 2003.
 - The applicant adequately addressing all relevant grounds of submission upon the application being re-advertised.
- B. That the applicant further be advised that this information is offered in the context of providing open and frank without prejudice comment in relation to the 'consideration in principle' request. The matter is also subject to the deliberation of the full Council, following public notification, and consideration of any submissions received.**

carried

19. RECONFIGURATION OF A LOT (1 LOT INTO 2 LOTS) – FIG TREE DRIVE AND BRINSMEAD-KAMERUNGA ROAD, CARAVONICA 165
Jenny Elphinstone: 8/13/551: #604212

SHEPPARD / FORD

- A. That Council issue a Preliminary Approval under Section 3.1.5 of the Integrated Planning Act 1997 to reconfigure land described as Lot 1 SP121914, Parish of Smithfield, located at the corner of Fig Tree Drive and Brinsmead-Kamerunga Road, Caravonica, subject to the following conditions: -

Previous Development Approvals

1. The conditions of Court Orders dated 21 November 1995 in respect to Planning & Environment Court Appeals 9 of 1995 and 10 of 1995, including any subsequent amendments to the said Orders, for the rezoning and reconfiguration of the land must be complied with.

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 as per the requirements of the respective Court Order approval and any subsequent amendment to that Order as approved by Council.

Traffic Management Contributions

3. The applicant/owner must contribute towards Council's Traffic Management/Road Upgrading Program in accordance with Cairns City Council Traffic Management Plans in regards to the land affected by the Planning & Environment Court Appeal 9 of 1995.

Drainage Contributions

4. The applicant/owner must contribute towards the augmentation of stormwater drainage services and associated services in accordance with Smithfield Drainage Management Plan in regards to the land affected by the Planning & Environment Court Appeal 9 of 1995.

Park / Drainage Reserve

5. The applicant/owner must arrange for the transfer (registration of a Park/ Drainage Reserve) to Council over the sections of proposed Park / Drainage Reserve, as shown in Drawing No. 3096-80 Issue E dated 19/3/99 and prepared by C & B Consulting Group Pty Ltd. 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 on both sides of the proposed watercourse, or the limit of Q100 flooding, whichever is the greater. The land shall be transferred in conjunction with the registration of the Plan of Survey in respect to the further reconfiguration of the residential development in regards to the Planning & Environment Court Order for Appeal 9 of 1995.

Possible Acid Sulphate Soils (PASS)

6. The applicant must undertake further investigations to determine the extent (if any) of acid sulphate soils present on the subject land, to the satisfaction of the Chief Executive Officer. Such investigations must be carried out in accordance with the latest version of Guidelines for Sampling and Analysis of Lowland Acid Sulphate Soils (ASS) in Queensland with an accompany report detailing management and treatment of acid sulphate soils prior to the issue of the Development Permit for Operational Works.

Concurrence Agency Conditions – Department of Main Roads

1. Permitted Road Access Location

- i. Vehicular access between the State-controlled road (i.e. Brinsmead-Kamerunga Road) and the subject land shall be via Fig Tree Drive, and a 20 metres wide easement located about 75 metres from the centreline of Yurongi Street, to the satisfaction of Cairns City Council.
- ii. No direct vehicular access between the State-controlled road (i.e. Brinsmead-Kamerunga Road) and the subject land is permitted.

2. Transport Related Visual Amenity Treatments

The applicant / landowner shall provide landscaping within the full area of the 10 metres wide buffer indicated on C & B Group Drawing No.3096-

119 Issue A dated 31/10/02. The landscaping shall be designed such that when it matures, it provides a minimum of 1 metre high screening and complementary trees approximately 3 metres tall at 7 metres spacing. 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 Council approval and dating of the Plan of Survey.

All landscaping shall be maintained to comply with the intention of the condition, unless otherwise directed by the Director-General of the Department of Main Roads.

3. Parking

No parking associated with the proposed development is permitted within the State-controlled road reserve (i.e. Brinsmead-Kamerunga Road).

4. Advertising

No advertising device for the proposed development is permitted within the State-controlled road reserve (i.e. Brinsmead-Kamerunga Road).

ADVICE

- 1. A Preliminary Approval issued under Section 3.1.5 of the Integrated Planning Act 1997 approves the assessable development but does not authorise the assessable development to occur.**
- 2. The following notations will be placed on Council's future rates record in respect of the Lots 1 and 2 on Plan of Survey No. 3096-119 Issue A dated 31/10/02 prepared by C & B Consulting Group Pty Ltd:**
 - a. The owner(s) of proposed Lot 2, affected by the Planning & Environment Court Order for Appeal 9 of 1995 (the Residential 2 zoned land) will be required to pay a water supply headworks contribution in accordance with the said Court Order and Council's policy prior to any future application for a water service;**
 - b. The owner(s) of proposed Lot 1 and any future reconfiguration of the proposed Lot 2 that is affected by the Planning & Environment Court Order for Appeal 10 of 1995 (the Commercial zoned land) will be required to pay further water supply and sewerage headworks (in accordance with the Planning & Environment Court Order for Appeal 10 of 1995 and Council's policy) over and above one (1) equivalent domestic connection prior to the issue of a Development Permit for Building Work;**

- c. The requirements of the Concurrence Agency Department of Main Roads Conditions 1 and 3.
3. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Infrastructure Charges Plan (ICP) are adopted.

Currency Period

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

Electronic Information

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

- B. That Council approve the application to reconfigure land described as Lot 1 SP121914, Parish of Smithfield, located at the corner of Fig Tree Drive and Brinsmead-Kamerunga Road, Caravonica, into two (2) lots, subject to the following conditions: -

Assessment Manager Conditions

Previous Development Approvals

1. The conditions of Preliminary Approval in respect to Application 8/13/551 must be complied with.
2. The proposed Plan of Development Drawing No 3096-119 Issue A dated 31/10/02 and prepared by C & B Consulting Group Pty Ltd is approved subject to any alterations:
 - a. Found necessary by the Council at the time of examination of the Engineering Plans or during the construction of the development because of particular engineering requirements;
 - b. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice; and
 - c. To ensure compliance with the following conditions of approval.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the development permit must be effected prior to the approval and dating of the survey plan, except where specified otherwise in these conditions of approval.

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.
 - a. For Proposed Lot 1 a contribution of one (1) equivalent domestic connection (EDC) shall be paid prior to the signing and dating of the Plan of Survey with the balance of the contribution (if applicable) is to be paid prior to the issue of a Development Permit for Building Work. 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 \$2,901.89 (1.0 EDC) for water and \$2,242.22 (1.0 EDC) for sewerage.
 - b. For any subsequent reconfiguration of Proposed Lot 2 contributions must be paid in accordance with the requirements of the respective Court Orders referred to in the Preliminary Approval.

Traffic Contributions

4. The applicant/owner must contribute towards Council's Traffic Management/Road Upgrading Program in accordance with Cairns City Council Traffic Management Plans.
 - a. For Proposed Lot 1 the contribution is nil.
 - b. For any subsequent reconfiguration of Proposed Lot 2 contributions must be paid in accordance with the requirements of the respective Court Orders referred to in the Preliminary Approval.

Drainage Contributions

5. The applicant/owner must contribute towards the augmentation of stormwater drainage services and associated services in accordance with Smithfield Drainage Management Plan.
 - a. For Proposed Lot 1 the contribution is nil.
 - b. For any subsequent reconfiguration of Proposed Lot 2 contributions must be paid in accordance with the requirements of the respective Court Orders referred to in the Preliminary Approval.

On-Site Works

6. **The Applicant/owner must construct a channelised intersection at the point of access to Fig Tree Drive including right-hand turn land, acceleration and deceleration lanes, and associated traffic islands. The intersection must be designed to the satisfaction of the Chief Executive Officer prior to the issue of an Operational Works Approval. The works must be constructed to the satisfaction of the Chief Executive Officer prior to the signing and dating of the Plan of Survey.**

Bicycle/Pedestrian Pathway

7. **The Applicant/owner must construct a 2 metre wide concrete bicycle/pedestrian pathway along the Brinsmead-Kamerunga Road and Fig Tree Drive frontages of the site. The pathway must be designed in accordance with Council's Development Manual requirements, specifically Section 2.3.13 and Standard drawing S1035 to the satisfaction of the Chief Executive Officer prior to the issue of an Operational Works Approval. The works must be constructed to the satisfaction of the Chief Executive Officer prior to the signing and dating of the Plan of Survey.**

Parking Design

8. **The car parking layout for Proposed Lot 2 must be designed in accordance with Australian Standard AS2890.1 1993 Parking Facilities - off street car parking. In particular:**
 - a. **Provision must be made for loading/unloading of vehicles;**
 - b. **Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear (including refuse and service/delivery vehicles);**
 - c. **Parking spaces adjacent columns and walls must have a minimum unobstructed clear width of 2.8 metres unless determined otherwise by AS2890.1;**
 - d. **Where pedestrian access is located between a parking space and an obstruction, a minimum clear trafficable width of three (3) metres must be provided;**
 - e. **Bollard lighting must be provided at the property boundary to indicate access to the car parking area;**
 - f. **The driveway serving the car parking area must include a physical means of speed control at the exit point.**

Such plans must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work for Proposed Lot 1.

Parking Construction

9. 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.

Access Road Design

10. Internal access roads, including the access road within Easement A, must be designed to the satisfaction of the Chief Executive Officer so as to provide adequate access for service vehicles, including at least one turning circle for such vehicles and must be so constructed as to be capable of supporting the mass of the vehicle.

Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for 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 approval and dating of the survey plan.

Construction Access

11. Vehicular access to the site for construction and demolition purposes must be provided from Fig Tree Drive only, unless authorised by the Chief Executive Officer.

Landscaping Plan

12. The applicant/owner must landscape the Proposed Lot 1 and street frontage in accordance with Development Manual, Part 4 - Landscaping and in accordance with a landscape plan submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. In particular, the plan must show:
 - a. The provision of shade trees, especially in car parks, and to shade western walls of future developments; and
 - b. Planting of the footpath with trees or shrubs, depending on any overhead powerlines constraints;

Landscaping of Proposed Lot 1 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. Landscaping to the street frontage must be established prior to the signing and dating of the Plan of Survey and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

Water Supply and Sewerage Works

13. The applicant/owner must carry out water supply and sewerage works 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 and water 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 endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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

FLOODING AND DRAINAGE

14. **Minimum Fill and Habitable Floor Levels**

All habitable floor levels in all buildings must be located 150mm above the Q100 flood immunity level as identified in the Connell Wagner Fig Tree Drive Hydraulic Study.

Lawful Point of Discharge

15. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge being the proposed Park/Drainage Reserve, as shown in Drawing No. 3096-80 Issue E dated 19/3/99 and prepared by C & B Consulting Group Pty Ltd, 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.

Plan of Drainage Works

- 16. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,**
- a. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:**
 - i. End-of line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.**
 - ii. SQIDs shall remove at least 95% of all foreign matter with a minimum dimension of 3mm and shall be configured to prevent re-injection of captured contaminants. The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the 3 month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.**
 - iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.**
 - b. The Proposed Lot 1 must have immunity from flooding associated with an ARI 100 year rainfall event prior to the signing and dating of the Plan of Survey.**

Electricity and Telecommunications

- 17. The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunications authorities that services will be provided to the development. Such evidence to be provided prior to the approval and dating of the Plan of Survey.**

Earthworks

- 18. The applicant/owner must obtain a Development Permit to carry out Operational Works prior to commencement of the earthworks operation on the subject land.**

Concurrence Agency Conditions – Department of Main Roads

1. Permitted Road Access Location

- i. Vehicular access between the State-controlled road (i.e. Brinsmead-Kamerunga Road) and the subject land shall be via Fig Tree Drive, and a 20 metres wide easement located about 75 metres from the centreline of Yurongi Street, to the satisfaction of Cairns City Council.
- ii. No direct vehicular access between the State-controlled road (i.e. Brinsmead-Kamerunga Road) and the subject land is permitted.

2. Transport Related Visual Amenity Treatments

The applicant / landowner shall provide landscaping within the full area of the 10 metres wide buffer indicated on C & B Group Drawing No.3096-119 Issue A dated 31/10/02. The landscaping shall be designed such that when it matures, it provides a minimum of 1 metre high screening and complementary trees approximately 3 metres tall at 7 metres spacing. 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 Council approval and dating of the Plan of Survey.

All landscaping shall be maintained to comply with the intention of the condition, unless otherwise directed by the Director-General of the Department of Main Roads.

3. Parking

No parking associated with the proposed development is permitted within the State-controlled road reserve (i.e. Brinsmead-Kamerunga Road).

4. Advertising

No advertising device for the proposed development is permitted within the State-controlled road reserve (i.e. Brinsmead-Kamerunga Road).

19. Should investigations, required as Condition 6 of the Preliminary Approval, identify that acid sulphate soils are present on the subject land, then the acid sulphate soils must be managed such that contaminants are not directly or indirectly released, as a result of the activity, to any waters or the bed and banks of any waters.

ADVICE

- 1. The following notations will be placed on Council's future rates record in respect of the Lots 1 and 2 on Plan of Survey No. 3096-119 Issue A dated 31/10/02 prepared by C & B Consulting Group Pty Ltd:**
 - a. The owner(s) of proposed Lot 2, affected by the Planning & Environment Court Order for Appeal 9 of 1995 (the Residential 2 zoned land) will be required to pay a water supply and sewerage headworks contribution in accordance with the said Court Order and Council's policy prior to any future application for a water service;**
 - b. The owner(s) of proposed Lot 1 and any future reconfiguration of the proposed Lot 2 that is affected by the Planning & Environment Court Order for Appeal 10 of 1995 (the Commercial zoned land) will be required to pay further water supply and sewerage headworks (in accordance with the Planning & Environment Court Order for Appeal 10 of 1995 and Council's policy) over and above one (1) equivalent domestic connection prior to the issue of a Development Permit for Building Work;**
 - c. The requirements of the Concurrence Agency Department of Main Roads Conditions 1 and 3.**
- 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. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning is received and that the relevant emergency telephone contacts are provided to Council Officers, prior to the commencement of works.**
- 4. At the time of submitting the survey plans for signing and dating, the applicant is to submit digital cadastral information in an Autocad dwg, Dxf or MapInfo mid/mif format. Media format for acceptance of digital information is preferably CD or disk. The applicant is to supply the data in Australian Map Grid (AMG) AGD 85 Zone 55. Where this is unavailable, the files should contain the surrounding/adjacent existing parcels or bounds of the subject parcel to enable identification/location of the data.**

Currency Period

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

Electronic Information

6. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.
- C. That Council place notations on the Council rates file in regards to the Assessment Manager's Condition 3 and the Concurrence Agency Department of Main Roads Conditions 1 & 3.

carried

20. RECONFIGURING A LOT – 1 LOT INTO 2 LOTS WITH COMMON PROPERTY- 55 CLARKE STREET, MANUNDA183
Kym Watton: 8/13/571-01 : #599734

GILL / FORD

That Council approve the application to reconfigure land described as Lot 48 on C198228, Parish of Cairns located at 55 Clarke Street, Manunda into two allotments and common property, subject to the following conditions:-

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No. 30481/003 dated 14 February 2003 and prepared by Brazier Motti is approved subject to any alterations:
 - a. Found necessary by the Council at the time of examination of the Engineering Plans or during the construction of the development because of particular engineering requirements;
 - b. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice; and
 - c. To ensure compliance with the following conditions of approval.

Except where modified by these conditions of approval.

Timing Of Effect

2. The conditions of the development permit must be effected prior to the approval and dating of the survey plan, except where specified otherwise in these conditions of approval.

Existing Services

3. The applicant is to provide written confirmation of the location of the existing water, sewer, telecommunications and electricity services within each allotment. In any instance where the existing services are contained within another lot, then the applicant shall either:
 - a. Relocate the services to comply with this requirement; or
 - b. Arrange the registration of the necessary easements over the services which are located within another lot prior to or in conjunction with the submission of the plan of Survey creating the Lot.

Lawful Point Of Discharge

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

Outstanding Developer Contributions

5. Outstanding Development Contributions for Development Permit No. 8/8/94 issued by Council on the 9 August 1999 for a Material Change of Use – Dual Occupancy at 55 Clarke Street, Manunda must be paid prior to the signing and sealing of the survey plan.

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 \$682.97 (0.2 EDCs) for water, \$1,042.04 (0.4 EDCs) for sewerage, and \$2,503.57 (1.0 ERAs) for Traffic.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.

2. At the time of submitting the survey plans for signing and dating, the applicant is to submit digital cadastral information in an Autocad dwg, Dxf or MapInfo mid/mif format. Media format for acceptance of digital information is preferably CD or disk. The applicant is to supply the data in Australian Map Grid (AMG) AGD 85 Zone 55. Where this is unavailable, the files should contain the surrounding/adjacent existing parcels or bounds of the subject parcel to enable identification/location of the data.
3. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au . To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au .

carried

21. RECONFIGURING A LOT – (ONE LOT INTO TWO LOTS) JAMES COOK DRIVE – KEWARRA BEACH189
Kym Watton: 8/13/576-01 : #605236

BONNEAU / SHEPPARD

That Council approve the application to reconfigure land described as Lot 59 on RP746009 located at James Cook Drive, Kewarra Beach into two lots subject to the following conditions:-

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No 1770-01 dated 19 February 2003 and prepared by John Mac Isaac and Associates is approved subject to any alterations:
 - a. Found necessary by the Council at the time of examination of the Engineering Plans or during the construction of the development because of particular engineering requirements;
 - b. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice; and
 - c. To ensure compliance with the following conditions of approval.

Except where modified by these conditions of approval.

Timing Of Effect

2. **The conditions of the development permit must be effected prior to the approval and dating of the survey plan, except where specified otherwise in these conditions of approval.**

Water Supply Works External

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

In particular, each allotment must be provided with a single internal water connection in accordance with the Development Manual.

Three (3) copies of a plan of the works must be submitted to and must be endorsed by the Chief Executive Officer prior to the application for a Development Permit for 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 commencement of use.

Access to Allotment

4. **Proposed Lot 592 must be provided with a 2.5 metre minimum width concrete driveway extending the full length of the access leg. The construction of the concrete driveway must be in accordance with Council Standard Drawing S1110.**

An access slab shall also be constructed at the frontage of the proposed Lot 592 in accordance with Council Standard Drawing S1105.

On-Site Sewerage Disposal

5. **The applicant/owner must amend the submitted report and identify On-Site Sewerage Disposal 'Envelopes' for proposed Lot 592 which comply with the Code of Practice for On-site Sewerage Disposal and Australian Standard 1547:2000. The amended report and plan must also demonstrate how proposed Lot 591 complies with the Code of Practice for On-Site Sewerage Disposal.**

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 James Cook 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.

Existing Services

7. The applicant is to provide written confirmation of the location of the telecommunications, electricity and water supply services for the subject land. In any instance where the existing services are contained within another lot, then the applicant shall either:
 - a. Relocate the services to comply with this requirement; or
 - b. Arrange the registration of the necessary easements over the services, which are located within another lot prior to or in conjunction with the submission of the Plan of Survey.

The written confirmation must be submitted to the Chief Executive Officer prior to approval and dating the Plan of Survey.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.
2. At the time of submitting the survey plans for signing and dating, the applicant is to submit digital cadastral information in an Autocad dwg, Dxf or MapInfo mid/mif format. Media format for acceptance of digital information is preferably CD or disk. The applicant is to supply the data in Australian Map Grid (AMG) AGD 85 Zone 55. Where this is unavailable, the files should contain the surrounding/adjacent existing parcels or bounds of the subject parcel to enable identification/location of the data.
3. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au . To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au .

carried

22. RECONFIGURING A LOT – CREATION OF AN ACCESS EASEMENT –
 KEEM STREET, TRINITY BEACH196
 Neil Beck: 8/13/565-01 : #602234

BONNEAU / PEZZUTTI

That Council approve the application to create an access easement over land described Lot 4 on RP887072, Lot 41 on SP106703 and Lot 45 on SP106704, Parish of Smithfield in favour of Lots 3, 5, 9 & 10 on SP106704, Parish of Smithfield, located at Keem Street, Trinity Beach, subject to the following conditions: -

Assessment Manager Conditions

1. The proposed plan submitted with the application and attached 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 access easement 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 Easement

2. The applicant/owner must, at no cost to Council, prepare legal documents to provide for an access easement in accordance with the approved plan, over Lot 4 on RP887072, Lot 41 on SP106703 and Lot 45 on SP106704, Parish of Smithfield in favour of Lots 3, 5, 9 & 10 on SP106704. A copy of the easement documents must be submitted to Council for approval. The easement documents must be lodged and registered in the Department of Natural Resources & Mines within two (2) years from the date of this Decision Notice.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.

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

carried

23. RECONFIGURING A LOT (BOUNDARY REALIGNMENT) – VOHLAND ROAD, ALOOMBA201
Anna Cronin: 8/13/572-01:#606981

GREGORY / LINDSAY

- A. That Council approve the application to reconfigure the common boundary of land described as Lot 555 on NR2979 and Lot 556 on N157160, Parish of Sophia, located at Vohland Road, Aloomba, subject to the following conditions: -

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No 6541ROS-01 dated 26 February 2003 and prepared by Charles O'Neill Pty Ltd Consulting Surveyors, is approved subject to any alterations:
 - a. Found necessary by the Council at the time of examination of the Engineering Plans or during the construction of the development because of particular engineering requirements;
 - b. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice; and
 - c. To ensure compliance with the following conditions of approval.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the development permit must be effected prior to the approval and dating of the survey plan, except where specified otherwise in these conditions of approval.

Lawful Point of Discharge

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 the Mulgrave River and Vohland 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.**

Water Supply Works External

4. **The applicant/owner must carry out water supply works external to the development to connect the each allotment to Council's existing water supply headworks at a point determined by the Chief Executive Officer.**

In particular, each allotment must be provided with a single internal water connection in accordance with the Development Manual.

Three (3) copies of a plan of the works must be submitted to and must be endorsed by the Chief Executive Officer prior to the application for a Development Permit to carry 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 commencement of use.

On-site Sewerage Disposal

5. **The owner(s) of this property will be required to adopt the recommendations for on-site effluent disposal as detailed within the hydraulics report prepared by Ganza Consulting Services received by Council on 27 February 2003 (Doc #603701) or an alternatively approved report.**

Provision of Services

6. **The applicant is to provide written confirmation of the location of the telecommunications and electricity services for the subject land. In any instance where the existing services are contained within another lot, then the applicant shall either:**
 - a. **Relocate the services to comply with this requirement; or**

- b. Arrange the registration of the necessary easements over the services, which are located within another lot prior to or in conjunction with the submission of the plan of Survey creating the Lot.

The written confirmation shall be submitted to the Chief Executive Officer prior to approval and dating the plan of survey.

Road Reservation Licence

7. The applicant/owner must provide written evidence of approval from the Department of Natural Resources and Mines to surrender the road licence along the esplanade, from the north eastern corner of proposed lot 56, west to the intersection with the unnamed road, so that legal road frontage will be provided to proposed Lot 56.

Flooding

8. All habitable floor levels in all buildings must be located 150mm above the Q100 flood immunity level or the minimum fill level of 3.40 metres AHD (whichever is the greater), in accordance with Development Manual and Planning Scheme requirements

External Works

9. The applicant/owner must at its own cost undertake the following works external to the subject land:
 - a. Extend the existing sealed access road, with a minimum width of 2.4 metres, within the Esplanade for the length of frontage required to provide access to proposed Lot 56.

Three (3) copies of a plan of the works must be submitted to and endorsed by the Chief Executive Officer prior to the approval and dating of the survey plan. 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 survey plan.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.
2. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

3. At the time of submitting the survey plans for signing and dating, the applicant is to submit digital cadastral information in an Autocad dwg, Dxf or MapInfo mid/mif format. Media format for acceptance of digital information is preferably CD or disk. The applicant is to supply the data in Australian Map Grid (AMG) AGD 85 Zone 55. Where this is unavailable, the files should contain the surrounding/adjacent existing parcels or bounds of the subject parcel to enable identification/location of the data.
- B. That a notation be placed on Council's future rates record for proposed Lot 56 in respect of Condition 5 above.

carried

24. RECONFIGURING A LOT – BOUNDARY REALIGNMENT – 11 SLATE CLOSE & 11 CHRISTIE DRIVE, BRINSMEAD210
Kym Watton: 8/13/575-01 : #605256

COCHRANE / FORD

- A. That Council approve the application to reconfigure land (boundary realignment) described as Lot 50 on RP726810 and Lot 3 on RP729994, located at 11 Slate Close, and 11 Christie Drive, Brinsmead respectively, subject to the following conditions:-

Assessment Manager Conditions

1. The proposed Amended Plan of Development Drawing No. 6155RAY-01 dated 30 June 2000 and prepared by Charles O'Neil Pty Ltd is approved subject to any alterations:
 - a. Found necessary by the Council at the time of examination of the Engineering Plans or during the construction of the development because of particular engineering requirements;
 - b. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice; and
 - c. to ensure compliance with the following conditions of approval.

Except where modified by these conditions of approval.

Timing Of Effect

2. **The conditions of the development permit must be effected prior to the commencement of the approval and dating of the survey plan, except where specified otherwise in these conditions of approval.**

Lawful Point of Discharge

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 Slate Close 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.**

EASEMENT

4. **Existing easements are to be retained and modified where necessary to reflect the reconfiguration of lot (boundary realignment).**

Existing Services

5. **The applicant is to provide written confirmation of the location of the existing water, sewer, telecommunications and electricity services within each allotment. In any instance where the existing services are contained within another lot, then the applicant shall either:**
 - a. **Relocate the services to comply with this requirement; or**
 - b. **Arrange the registration of the necessary easements over the services which are located within another lot prior to or in conjunction with the submission of the plan of Survey creating the Lot.**

ADVICE

1. **This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.**
2. **At the time of submitting the survey plans for signing and dating, the applicant is to submit digital cadastral information in an Autocad dwg, Dxf or MapInfo mid/mif format. Media format for acceptance of digital information is preferably CD or disk. The applicant is to supply the data in Australian Map Grid (AMG) AGD 85 Zone 55. Where this is unavailable, the files should contain the surrounding/adjacent existing parcels or bounds of the subject parcel to enable identification/location of the data.**

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

- B. That Council resolve to make a notation on the Planning Scheme for the Balance of the City of Cairns pursuant to Section 3.5.27 of the *Integrated Planning Act 1997* to reflect use rights in accordance with the Table of Development for the Residential 1 zone for the portion of the proposed new lot (as shown on submitted layout plan Appendix 1) currently included in the Rural zone.

carried

- 25. RECONFIGURING A LOT - (BOUNDARY REALIGNMENT) - RUSHWORTH ROAD, GORDONVALE217
Kym Watton: 8/13/574-01 : #605275

GREGORY / LINDSAY

That Council approve the application to reconfigure land (boundary realignment) described as Lot 1 on RP709107 and Lot 2 on RP712649, Parish of Grafton, located at Rushworth Road, Gordonvale, subject to the following conditions:-

Assessment Manager Conditions

- 1. The proposed Plan of Development Drawing No. 30270/003 dated 24 January 2003 and prepared by Brazier Motti is approved subject to any alterations:
 - a. Found necessary by the Council at the time of examination of the Engineering Plans or during the construction of the development because of particular engineering requirements;
 - b. To ensure that the development complies in all respects with the requirements of Council's Planning Scheme, Development Manual and good engineering practice; and
 - c. To ensure compliance with the following conditions of approval.

Except where modified by these conditions of approval.

Timing Of Effect

- 2. The conditions of the development permit must be effected prior to the commencement of the signing and sealing of the survey plan, except where specified otherwise in these conditions of approval.

Lawful Point Of Discharge

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 Rushworth Road 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.

Existing Services

4. The applicant is to provide written confirmation of the location of the existing water, sewer, telecommunications and electricity services within each allotment. In any instance where the existing services are contained within another lot, then the applicant shall either:
 - a. Relocate the services to comply with this requirement; or
 - b. Arrange the registration of the necessary easements over the services which are located within another lot prior to or in conjunction with the submission of the plan of Survey creating the Lot.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.
2. At the time of submitting the survey plans for signing and dating, the applicant is to submit digital cadastral information in an Autocad dwg, Dxf or MapInfo mid/mif format. Media format for acceptance of digital information is preferably CD or disk. The applicant is to supply the data in Australian Map Grid (AMG) AGD 85 Zone 55. Where this is unavailable, the files should contain the surrounding/adjacent existing parcels or bounds of the subject parcel to enable identification/location of the data.
3. For information relating to the Integrated Planning Act 1997 log on to www.ipa.qld.gov.au . To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au .

carried

26. IMPLEMENTATION REPORT: KEEPING, CONTROL AND IMPOUNDING OF ANIMALS LOCAL LAW 2003223
Linda Kirchner: 1/11/2-10: #604020

GREGORY / LINDSAY

1. That Council resolves to agree to satisfy the conditions imposed on the proposed Keeping, Control and Impounding of Animals Local Law 2003 by the Minister for Local Government and Planning as detailed in her letter of 5 February 2003.
2. That Council resolves to make Keeping, Control and Impounding of Animals Local Law 2003 which has been amended in accordance with the amendment detailed in a report tabled before Council on 29 August 2002.
3. Under section 38 (1) of Keeping, Control and Impounding of Animals Local Law 2003, Council resolves to designate the following land owned by Council or under Council's control as dog exercise areas:
 - **AEROGLEN:** Portion of parkland along the western side of Aeroglen Drive, north from the entrance to the quarry walking track for a distance of 200 metres and back to the base of the hill.
 - **BABINDA:** Carl Mellick Park at the western end of Harwood Drive, Babinda.
 - **BAYVIEW HEIGHTS:** Part of Parkland at Forno Park, Bayview Heights, being at the eastern end near the Vista Street entrance to the park and behind houses in Vista Street, Viesta Close, and Flamenco Close.
 - **BRAMSTON BEACH:** The area of beach commencing 100 metres south of the stinger net and extending to the southern end of the beach.
 - **BRAMSTON BEACH:** The area of beach commencing at the northern end of the caravan park and extending northward.
 - **BRINSMEAD:** Section 3 of Goomboora Park, Shale Street, Brinsmead, being the section at the northern end of the park bounded by the creek and posts dividing sections two and three (section one and two are 'dog prohibited' areas).
 - **BUCHANS POINT:** From the car park entrance to the beach for a distance of 100 metres to the north.
 - **BUNGALOW:** being Lot 20 on RP 706600.
 - **CARAVONICA:** Portion of parkland off Impey Street, Caravonica, being the raised section at the northern end.

- **CLIFTON BEACH:** Part of parkland in Eddy Street, Clifton Beach between Eddy Street and the rear of houses in Escape Close for a distance of 50 metres from houses in Eddy Street and east towards Saxon Street.
- **CLIFTON BEACH:** The area of beach from the northern end of Upolu Esplanade north towards Palm Cove and finishing 200 metres south of Vievers Road, Palm Cove.
- **CLIFTON BEACH:** The southern end of Clifton Beach between the southern end of Arlington Esplanade and the creek dividing Kewarra Beach.
- **EARLVILLE:** Part of Lions Park at Henley Street, Earlville from the dividing posts on the western side to the toilet block, west to the dividing posts at the tennis club end.
- **EDMONTON:** McKinnon Creek Detention Basin at Isabella Estate.
- **EDMONTON:** Portion of Carne Park, Trojan Street, Edmonton being on the eastern side of the Trojan Street entrance to the edge of the creek bed.
- **EDMONTON:** Fuller Park – to be signed ‘Not to be used when sporting fields are in use.’
- **ELLIS BEACH:** From rocks at the southern end of the beach for a distance of 120 metres to the north.
- **GORDONVALE:** Portion of parkland at the end of Klarwein Close, Gordonvale being on the western side of the Klarwein Street entrance and behind houses in Highleigh Road and bounded by the drain at the rear.
- **HOLLOWAYS BEACH:** Beach at the northern end of Holloways Beach fronting Casuarina Street and North of Luke Street.
- **HOLLOWAYS BEACH:** The southern end of Holloways Beach between Tamarind Street and Cassia Street.
- **KEWARRA BEACH:** The area of beach commencing 100 metres south of the stinger net and continuing to the rocks at Taylors Point.
- **MACHANS BEACH:** Southern end of Machans Beach south of Cinderella Street to the Barron River.
- **MANUNDA:** Parkland situated in Card Avenue, Manunda between houses in Card Avenue and behind houses in Barlow Street.
- **MANUNDA:** Lennon Street Park, Lot 1 RP889325 being the area between McCormack Street and the drain.
- **MOOROOBOOL:** (Irene Street Flood Plain B) – North of Langlan Street, East of Irene Street, West of Carnation Drive and South of Marigold Close.
- **MT SHERIDAN:** Trafalgar Detention Basin at Trafalgar Drive.
- **MT SHERIDAN:** Sawpit Gully Detention Basin at Forest Gardens.
- **NORTH CAIRNS:** Parkland at the northern end of the Esplanade, North Cairns between Smith and Rutherford Streets, and bounded by Lake Street and the Esplanade on the western side, the Mangroves, and on the southern end, the pipe fence.
- **PALM COVE:** The area of beach between the Palm Cove jetty and the rocks on the northern side.

- **PALM COVE:** The southern end of Palm Cove beach commencing 200 metres south of Vievers Road and extending to the northern end of Upolu Esplanade, Clifton Beach.
 - **REDLYNCH:** Portion of parkland off Harvey Road, Redlynch being at the railway line end of the parkland and behind houses in Ficus Close.
 - **SMITHFIELD:** Portion of the parkland in Cumberland Avenue, Smithfield and at the northern end of the park behind houses in Survey Street.
 - **TAMARIND GARDENS:** Part of the drainage reserve off Trafalgar Road, Tamarind Gardens being the south western end of the park bounded by the creek and houses in Balmoral Close.
 - **TRINITY BEACH:** The beach from the northern end of Vasey Esplanade north to the rocks.
 - **TRINITY BEACH:** The beach at the southern end of Trinity Beach to the south of Peacock Street.
 - **TRINITY PARK:** Half Moon Bay beach, Trinity Park to the south of the car park entrance.
 - **WESTCOURT:** Closed Road Reserve Mann Street between Lyons and Brown Streets.
 - **WHITE ROCK:** White Rock Dump.
 - **WHITE ROCK:** Portion of parkland at Tiffany Street, White Rock, on the eastern side of the park, north of Phoenix Close and west to the palm-trees at the rear.
 - **WHITE ROCK:** Hollywood Boulevard Reserve at the southern end of Hollywood Boulevard.
 - **WHITFIELD:** Parkland on the corner of Bott and McManus Streets, Whitfield behind houses in Prescott Street, Bott Street, McKinlay Close and Neeve Close.
 - **WHITFIELD:** Parkland on the northern side of the drainage easement and creek at the corner of McManus and Bolton Streets, Whitfield and behind houses in McManus Street and Murchinson Street.
 - **WOREE:** Portion of parkland off Loretta Close, Woree being the eastern end of the park adjacent to Loretta Street and behind houses in Karen Close and Carmel Close.
 - **YORKEYS KNOB:** The southern end of Yorkeys Knob beach south of the corner of Sims Esplanade and Kempton Street.
4. Under section 35 (1) of Keeping, Control and Impounding of Animals Local Law 2003, Council resolves to designate the following land owned by Council or under Council's control as dog prohibition areas:
- **BABINDA - CEMETERY RESERVE:** Corner of Bruce Highway and Nelson Road, Babinda.
 - **GORDONVALE - CEMETERY RESERVE:** Reserve between Alley Street, Highleigh Road and Blackwell Street.
 - **MANUNDA - CEMETERY RESERVE:** Martyn Street cemetery bounded by James, Martyn, Anderson and Lily Streets, Manunda.

- **PARRAMATTA PARK - CEMETERY RESERVE**– McLeod Street Pioneer Cemetery bounded by McLeod Street and Grove Street and the railway line.
 - **MT SHERIDAN - CEMETERY RESERVE:** Fosters Road, Edmonton at corner Hardy Road
 - **SWIMMING POOL ENCLOSURES:** All Stinger net enclosures and swimming areas as defined by signs and/or patrol flags set by lifeguards.
 - **BABINDA - PARKLAND RESERVE:** Boulders swimming area, L 187 Boulders Road, Babinda at end of Boulders Road.
 - **BRINSMEAD - PARKLAND RESERVE:** Glenoma Park, Lot 7 Brinsmead Road, Brinsmead.
 - **BRINSMEAD - PARKLAND RESERVE:** Sections 1 and 2 of Goomboora Park, Shale Street, Brinsmead being the section on the southern end of the park and the middle section where the pergolas are erected.
 - **CAIRNS CITY - PARKLAND RESERVE:** The whole of the Cairns Central Business district bounded by Aplin Street from the Esplanade to McLeod Street, McLeod Street from Aplin Street to Spence Street, Spence Street from McLeod Street to Sheridan Street, Sheridan Street from Spence Street to Wharf Street, Wharf Street from Sheridan Street to the Esplanade and the Esplanade from Wharf Street to Aplin Street.
 - **EDGE HILL - PARKLAND RESERVE:** Centenary Lakes 13-79 Collins Avenue, Edge Hill being the areas known as Saltwater Lakes and Freshwater Lakes bounded by Lily Creek, Collins Avenue and Greenslopes Street.
 - **EDGE HILL - PARKLAND RESERVE:** Flecker Botanical Gardens. The Botanical Reserve bounded by Collins Avenue, McCormack Street, Goodwin Street and McDonnell Street, Edge Hill.
 - **EDMONTON - PARKLAND RESERVE:** Sugarworld Gardens, L 502, 504 and 505 Hambleton Drive, Edmonton.
 - **REDLYNCH - PARKLAND RESERVE:** Crystal Cascades swimming area situated at the end of Redlynch Intake Road.
 - **REDLYNCH - PARKLAND RESERVE:** The Rocks swimming and picnic area, at the end of the Rocks Road, Redlynch.
 - **TRINITY BEACH - PARKLAND RESERVE:** Coastwatchers Park Lot 363 Trinity Beach Road, Trinity Beach at the rear of the shopping centre on the corner of Rabaul Road and bounded at the rear by properties in Lae Street.
5. That Council resolves, subject to no objection from Air Services, that Lot 2 on RP857330, MACHANS BEACH, (being Air Services land on Marshall Streets, Machans Beach) is designated as a dog exercise area and that the Chief Executive Officer be delegated the authority to negotiate with Air Services.

- 6. That Council resolves to make Keeping, Control and Impounding of Animals Subordinate Local Law 2003, which has been amended following consideration of public submissions as detailed in the report.

carried

- 27. REGIONAL CENTRES PROGRAM (RCP)295
M Castle: 26/8/3-01: #604459

FORD / FREEBODY

That Council endorse the lodgement of applications for the Regional Centres Program for:

- 1. Marlin Coast Landscape Master Plan (MCLMP) (Stage 3) Capital Works and Expression of Interest to develop MCLMP Sub-Plan (Palm Cove Caravan Park/Car Park) in 2003/04;
- 2. Botanic Gardens/Tanks Precinct Development for Expressions of Interest to conduct a feasibility study and master plan in 2003/04, with Capital Works in 2003/04 and 2004/05;
- 3. Regional Playground (Stage 2) Capital Works combined with Foreshore Promenade extension Capital Works. This project will be acknowledged as alternative to the above-mentioned projects.

carried

- 28. ESPLANADE MANAGEMENT POLICY - FEES & CHARGES SCHEDULE300
Julianne Miller: JM: 10/1/5-03: #608278

GILL / COCHRANE

That:-

- 1. Council resolve to adopt the Esplanade Management Policy and the Fees and Charges in relation to Commercial Use Category A and this be known as Commercial Use in the Policy.

2. A Workshop be held to discuss any other charges that might apply to any other groups.

carried

29. ESPLANADE INTERIM LOCAL LAW313
Vaughan Davies: 8/24/6-33:#608543

GILL / COCHRANE

That Council resolve to:

1. Fix Opening Hours for the Esplanade Lagoon

Under section 9(1) of the Esplanade Interim Local Law 2003, Council resolves to fix the opening hours for the area described as the Esplanade Lagoon in the Esplanade Interim Local Law 2003 as:

- (a) 6.00 am to 10.00 pm Monday to Sunday including public holidays during the months October to March inclusive; and
- (b) 7.00 am to 9.00 pm Monday to Sunday including public holidays during the months April to September inclusive.

2. Grant Permission for Officers to Enter or Remain in the Esplanade Lagoon outside Opening Hours

Under section 9(3) of the Esplanade Interim Local Law 2003, Council resolves to grant permission to:-

- (a) all Council employees, contractors or agents (including authorised persons); and
- (b) all State Government agency officers or employees, who are bona fide carrying out the duties assigned to that officer, employee, contractor or agent, to enter or remain in the area described as the Esplanade Lagoon in the Esplanade Interim Local Law 2003 outside the opening hours.

3. Permit Dogs, Under Effective Control, in the Esplanade

Under section 10(2) of the Esplanade Interim Local Law 2003, Council resolves to permit dogs, that are under effective control, to be brought into that part of the Esplanade between Aplin Street to the south and Rutherford Street to the north.

4. Fixing prescribed fee for Applications for Approved Vehicle Labels

Under section 13(k) of the Esplanade Interim Local Law 2003, Council resolves to fix the prescribed fee for an application for the issue of an approved vehicle label as per Council's fees and charges.

5. Prohibition of Glass being brought into the Esplanade

Under section 22(1) of the Esplanade Interim Local Law 2003, Council resolves to prohibit the bringing of any glass and any item made from glass into the Esplanade, other than a part of the Esplanade covered by a licence granted under sections 28(1) or 28(3) of the Esplanade Interim Local Law 2003 which permits glass, or any item made from glass, to be brought into that part of the Esplanade.

6. Conditions of Use for the Esplanade Lagoon

Under section 24(1) of the Esplanade Interim Local Law 2003, Council resolves to specify the following conditions for the use of the Council facility described as the Esplanade Lagoon in the Esplanade Interim Local Law 2003:-

- (a) no food or drink;
- (b) no diving or jumping;
- (c) no running;
- (d) all children must be supervised by an adult at all times;
- (e) no throwing of sand;
- (f) no alcohol;
- (g) no inflatable objects (other than a device that is used, or intended to be used, as a swimming aid and that complies with the relevant Australian standard;
- (h) no ball games;
- (i) all users must shower before entering the waters of the Esplanade Lagoon;
- (j) bathing attire must be worn at all times;
- (k) no smoking; and
- (l) swimming is prohibited outside the Esplanade Lagoon's operating hours (operating hours refers to the Esplanade Lagoon's opening hours).

7. Declaration that the Riding and Using of Bicycles, Wheeled Recreational Devices and Wheeled Toys is a Restricted Activity

Under section 26(1) of the Esplanade Interim Local Law 2003, Council resolves to:-

- (a) declare that the riding or use of bicycles, wheeled recreational devices or wheeled toys is a restricted activity in the Esplanade; and

- (b) restrict the riding or use of bicycles, wheeled recreational devices or wheeled toys in the Esplanade to the dedicated bike path and skate park shown in “Plan A” in the report.

8. Fixing prescribed fee for Applications for Licences

Under section 29(g) of the Esplanade Interim Local Law 2003, Council resolves to fix the prescribed fee for an application for a licence as per Council’s fees and charges.

9. Fixing Prescribed Release Fee for all Classes of Seized Property

Under section 48(2) of the Esplanade Interim Local Law 2003, Council resolves to fix the prescribed release fee for all classes of seized property as per Council’s fees and charges.

10. Adopting Contents of the Opening Hours Official Sign

Council resolves to adopt the contents of “Sign A” in agenda as an official sign for the purposes of sections 9 and 37 of the Esplanade Interim Local Law 2003.

11. Adopting Contents of the Exclusion of Animals in Esplanade Official Sign

Council resolves to adopt the contents of “Sign B” in the agenda as an official sign for the purposes of sections 10 and 37 of the Esplanade Interim Local Law 2003.

12. Adopting Contents of the Esplanade Lagoon Official Sign C

Council resolves to adopt the contents of “Sign C” in the agenda as an official sign for the purposes of sections 22, 24, 25 and 37 of the Esplanade Interim Local Law 2003.

13. Adopting Contents of the Esplanade Lagoon Official Sign D

Council resolves to adopt the contents of “Sign D” in the agenda as an official sign for the purposes of sections 9, 22, 24, 25 and 37 of the Esplanade Interim Local Law 2003.

14. Adopting Contents of the Prohibited Activities Official Sign

Council resolves to adopt the contents of “Sign E” in the agenda as an official sign for the purposes of sections 22, 25 and 37 of the Esplanade Interim Local Law 2003.

15. Adopting Contents of the Restricted Activity Official Sign

Council resolves to adopt the contents of “Sign F” in the agenda as an official sign for the purposes of sections 26 and 37 of the Esplanade Interim Local Law 2003.

16. Under Section 15 of Local Law No. 1 (Administration) Cairns City Council resolves to appoint Mr David Farmer, the Chief Executive Officer as an authorised person to exercise the powers contained in Schedule 1 of the Instrument of Appointment.

17. Under Section 472 of the Local Government Act 1993, Cairns City Council resolves to delegate the exercise of powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution to the Chief Executive Officer.

carried

GENERAL BUSINESS

1 REVIEW – CHARGING METHODS – CLUBS & COMMUNITY ORGANISATIONS USING COUNCIL OWNED FACILITIES
Linda Kirchner.

GREGORY / PEZZUTTI

- 1. That Council resolve to review the method of charging clubs and community organisations that use Council owned or controlled facilities.**
- 2. Any changes to the present system be ratified when the 2003/2004 budget is adopted.**
- 3. Those bodies who have entered arrangements with Council under the existing system be notified and renew their arrangements, if it is to their benefit.**

carried

2. FUNDING FOR BABINDA TASKFORCE
Garry Schofield.

GREGORY / PEZZUTTI

That Council resolve to provide \$5,000 per annum for three years to the Babinda Taskforce and that this funding be identified in the 9 month budget review; and the 2003/2004 and 2004/2005 budget respectively, should the funding be approved by the Rural Transaction Centre.

carried

CLOSED SESSION

FREEBODY / GREGORY

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

FREEBODY / GREGORY

COUNCIL RESOLVE TO MOVE OUT OF CLOSED SESSION

carried

RESOLUTIONS ARISING FROM THE MATTERS DISCUSSED IN CLOSED SESSION

- 1. CONTRACTUAL MATTER - BOTANIC GARDENS RESTAURANT LEASE - COLLINS AVENUE, EDGE HILL (DIV. 8) - NAMEKAW PTY LTD1
Allan Simpson:vk : 19/3/3-44: #607211

FORD / COCHRANE

That Council extend the current lease term for the Botanic Gardens Restaurant (Lessee Namekaw Pty Ltd) from the 31st December 2003 to 30th December 2005, on similar terms and conditions, subject to:

- Ministerial exemption being sought and obtained from the tendering provisions in accordance with Section 492(1)(c) of the Local Government Act 1993;
- 'In-principle' approval being obtained from the Minister for Natural Resources and Mines for the extended lease term;
- The rental to be \$720.00 per calendar month from the 31st December 2003 and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index;
- The lease area to be amended (approx. 10.5m²) to include an area for an additional table and chairs in consultation with Council's Manager Precincts and Facilities or delegate; and
- Council being responsible for all costs associated with the extension of the lease term.

carried

THE MEETING CLOSED AT 7.32PM

CONFIRMED THIS DAY OF 2003

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MAYOR

CHIEF EXECUTIVE OFFICER