CAIRNS CITY COUNCIL

ORDINARY MEETING

Thursday, 27th May 2004

Commencing at 5.30pm

PRESENT:
Cr M Gill – Acting Mayor
Cr P Gregory
Cr F Lindsay
Cr J Pezzutti
Cr P Freebody
Cr K Plath
Cr A Blake
Cr M Cochrane
Cr S Bonneau

APOLOGY: His Worship the Mayor, Cr K Byrne
Cr T James
Cr D Ford
Cr A Sheppard

OFFICERS:

J Hawkes A/Chief Executive Officer
J Scarini General Manager Corporate Services
S Devlin A/General Manager Cairns Water
L Kirchner Manager Legal & Administration Services
N Huddy Manager City Assessment
L Phipps Manager Environmental Assessment
T Duffy Manager Precincts & Facilities
D Johnson Planning Officer
C Cresswell Secretary
APOLOGY

Council Notes the apology of Councillors Byrne, James, Ford and Sheppard and in accordance with Section 252 (1) (b) of the Local Government Act, Council grants leave of absence.

CONFIRMATION OF MINUTES OF ORDINARY MEETING 29/04/04

BLAKE / BONNEAU

That the Minutes of the Ordinary Meeting held on Thursday, 29th April 2004 be confirmed.

carried

CONFIRMATION OF MINUTES OF THE SPECIAL MEETING – CAIRNS PLAN – 13/05/04

BLAKE / COCHRANE

That the Minutes of the Special Meeting – Cairns Plan held on Thursday, 13th May 2004 be adopted, with the exception of:

“1. Recommendation No. 63

That for Lot 2 RP739952 the current Residential 1 zone be carried over to the Cairns Plan and that the balance of the site be included in the Conservation Planning Area.”

And

“2. Recommendation No. 77

1. That Council include Lot 8 SP114491 and Lot 7 SP114491 in the Commercial Planning Area.
2. That Council advise the applicant that it may consider a Material Change of Use application being lodged on Lot 2 RP713136 and Lot 1 RP736335 for inclusion in the Commercial Planning Area subject to the application addressing relevant issues including:-

- The need for additional Commercial land at Holloways Beach;
- The buffering of the residential land to the west and north;
- The allocation of land for drainage and park purposes;
- Addressing the requirements of the ANEF, Flooding and other constranits.
3. Lot 2 RP713136 and Lot 1 RP736335 Holloways Beach be included in the Rural Planning Area.”

It is noted that these two Recommendations will be taken to a future meeting.

carried

CONFIRMATION OF THE REPORT OF THE SPORTS, ARTS, CULTURE & COMMUNITY SERVICES COMMITTEE MEETING – 13/05/04

COCHRANE / BONNEAU

That the Minutes of the Sports, Arts, Culture and Community Services Meeting held on Thursday, 13th May 2004 be confirmed.

carried

CONFIRMATION OF THE REPORT OF THE PLANNING & ENVIRONMENT COMMITTEE MEETING – 13/05/04

BLAKE / COCHRANE

That the Minutes of the Planning and Environment Meeting held on Thursday, 13th May 2004, with the exception of Clause 15, be confirmed.

carried

15. RECONFIGURATION OF A LOT (1 LOT INTO 17 LOTS) – 45 – 49 OLEANDER STREET, HOLLOWAYS BEACH – DIVISION 10..........141
Neil Beck: 8/13/583-01 : #769737

COCHRANE / BLAKE

A. That Council approve the application to reconfigure land described as Lot 2 on RP729505, Parish of Smithfield, located at 45 – 49 Oleander Street, Holloways Beach into 17 lots, subject to the following conditions:-
Assessment Manager Conditions

1. The proposal plans as submitted with the application being Plan No. 03022-01, Revision A, dated 19 March 2003 prepared by Edmiston & Taylor is approved subject to the alterations:-

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

   b. To ensure that the reconfiguration complies in all respects with the requirements of Council’s 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 approval and dating of the Plan of Survey, 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.

   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 $31,829.77 (16.5 EDC’s) for water and $18,597.80 (16 EDC’s) for sewerage.

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

Water Supply And Sewerage Works

4. 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 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 the plan of survey.

Traffic Contributions

5. The applicant/owner must contribute towards Council's Traffic Management/Road Upgrading Program in accordance with Cairns City Council Traffic Management Plans.

The contribution rate is that which is current at the time of payment. The current rate of contribution for lots is $27,101.87 (16 ERA’s). Payment is required prior to approval and dating the Plan of Survey.

Stormwater Quality Contributions

6. The applicant/owner must contribute towards the improvement of stormwater quality in accordance with the Draft Trunk Infrastructure Contribution Policy.

The contribution rate is that which is current at the time of payment. On the present method of calculation the contribution is $5,495.85 ($2,950/HA) Payment is required prior to the approval and dating of the Plan of Survey.

Park Contribution In Lieu Of Land

7. The applicant/owner is to make a monetary contribution for the additional lots towards the provision of or upgrading of parks and reserves in accordance with the provisions of Council's planning scheme and Section 5.6 of the Local Government (Planning and Environment) Act 1990. The contribution must be paid prior to approval and dating the Plans of Survey.

The contribution must be paid at 10% of the unimproved capital value of the subject land applicable at the time of payment. On the present method of calculation, the estimated total parkland contribution is $15,000. This contribution shall be allocated to capital improvements to Raintree Park, Holloways Beach.

Minimum Fill And Habitable Floor Levels

8. All habitable floor levels in all new buildings must be located 300mm above the Q100 flood immunity level of 4.25 metres AHD plus any hydraulic grade effect (whichever is the greater). The site is to be filled to 4.1 metres AHD in a zone 10 metres in from the front and rear boundaries of the proposed lots with a table drain along the rear boundary of each lot, at the natural level and discharging to Oleander...
Street. Such works must be in accordance with Council’s Development Manual and Planning Scheme requirements, in particular, a 20m x 20m house area and the fill tapered to the site boundaries and the roads.

9. All filling and excavation works on the lots shall be carried out in such a manner as to ensure that all lots fall towards their respective road frontages.

Plan of Drainage Works

10. 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.

Lawful Point Of Discharge

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

Drainage Study of Site

12. The applicant/owner must undertake a local drainage study on the subject land to determine the drainage effects on downstream properties and the mitigation measures required to minimise such
effects. In particular, the post-development discharge of stormwater from the subject land must not exceed pre-development levels. The study must be submitted at time of application for operational works and must be endorsed by the Chief Executive Officer prior to the Development Permit for Operational Works.

Roadworks

13. The applicant/owner shall construct the new road to an Access Place Standard and cul-de-sac to a minimum kerb radius of 9m in accordance with the Development Manual.

Vegetation Clearing

14. An environmental assessment by a botanist or other suitably qualified person to clarify the areas identified by the Draft Cairns Plan of Moderate Conservation Values and the identification of significant vegetation.

A plan nominating the location of the significant vegetation must be lodged to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Building Setback Plans

15. The applicant/owner must lodge formal building setback plans for all allotments deemed to contain significant vegetation as determined by Condition 10 above. Such plans must be lodged and approved by Chief Executive Officer prior to the issue of a Development Permit for Building Work. The building setback plans must comply with the following requirements:

a. No building setback is to be closer than 3 metres to a significant tree/s.

The applicant/owner must also ensure that the endorsed building setback plans are made known to all prospective purchasers of the house and land packages.

16. Any existing vegetation on the subject land must be retained in all areas except those affected by the construction of roadworks and the installation of services in association with the findings of the assessment as required by Condition 10 above. The extent of any clearing other than that required to provide for roadworks or the installation of services or which is to be carried out on proposed lots must be consented to by the Chief Executive Officer before clearing commences in these areas.
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.

Landscaping

18. The applicant/owner must landscape the subject land 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 a Development Permit for Operational Work. In particular, the plan must show:

   a. The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs;

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

   c. Compliance with Council's Marlin Coast Landscape Masterplan to the satisfaction of the Chief Executive Officer.

Existing native and significant vegetation must be retained on the street frontage and only be removed with the written consent of the Chief Executive Officer. Any clearing of remnant vegetation may require a permit from Department of Natural Resources, Mines and Energy.

Acoustic and Construction Requirements

19. The applicant/owner is required to construct all dwellings on the 17 lots within the subdivision to ensure compliance in full with Australian Standard AS 2021-2000, in order to reduce aircraft noise intrusion. No lots are permitted to be sold as vacant residential lots.

Prior to the construction of any dwelling, a comprehensive acoustic report detailing noise mitigation measures must be submitted and endorsed by the Chief Executive Officer. Construction of the dwellings must be completed in accordance with the approved acoustic report. The Certificate of Classification for the dwelling must be issued prior to the approval and dating of the Plan of Survey/s.

External Works

20. The applicant/owner must at its own cost undertake the following works external to the subject land:
a. Construct a 2.0 metre wide concrete pathway to the Oleander Street frontage of Lot 17 and existing Lot 1 on RP729505 in accordance with Standard Drawing S1010 and S1035.

b. Replace damaged sections of existing kerb and channel;

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

Acid Sulphate Soils

21. The applicant/owner 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.

Advice Agency Conditions (Queensland Department of Transport)

Protection of Operational Airspace

22. The applicant/owner shall refer proposed development above 7.9 metres in height to Airservices Australia to ensure that the functioning of aviation facilities is not impaired.

23. The applicant/landowner shall protect development from noise levels that may cause harm or undue interference by undertaking an assessment of noise impact in terms of spectral components of aircraft noise in accordance with the requirements of AS 2021 and incorporating acoustic shielding elements in the development that meet those requirements, to the satisfaction of the Chief Executive Officer.

Public Transport

24. The developer/applicant shall remove and re-erect the bus shelter and associated signage on the northern side of Oleander Street to a safe and convenient location to the requirements of the Chief Executive Officer.

25. The developer/applicant shall re-establish the zebra pedestrian crossing and lights of Oleander Street to a safe location convenient for
users of the bus stop to the requirements of the Chief Executive Officer.

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 Priority Infrastructure Plan (PIP) are adopted.


B. “The dwelling and ancillary buildings are sited within the building setback plan, as detailed on plans held by Council. Any additional building works must be contained within the approved building setback plan unless otherwise approved by the Chief Executive Officer. A copy of the building setback plan is available from Council.

carried

CONFIRMATION OF MINUTES OF SPECIAL MEETING – 13/05/04

BLAKE / PLATH

That the Minutes of the Special Meeting held on Thursday, 13th May 2004 be confirmed.

carried

CONFIRMATION OF MINUTES OF SPECIAL MEETING – CORPORATE PLAN - 17/05/04

BLAKE / FREEBODY

That the Minutes of the Special Meeting – Corporate Plan, held on Monday, 17th May 2004 be confirmed

carried
CONSIDERATION OF REPORTS & RECOMMENDATIONS CONTAINED IN MINUTES OF FINANCE & ADMINISTRATION COMMITTEE MEETING – 17/05/04

BLAKE / COCHRANE

That the reports and recommendations contained in the Minutes of the Finance and Administration Committee held on Monday, 17th May 2004 be adopted.

carried

CONSIDERATION OF REPORTS & RECOMMENDATIONS CONTAINED IN MINUTES OF WORKS & SERVICES COMMITTEE – 18/05/04

BLAKE / GREGORY

That the reports and recommendations contained in the Minutes of the Works and Services Committee held on Tuesday, 18th May 2004, with a slight change to Clause 2, being the re-naming of the Local Disaster Management Committee to Cairns Local Disaster Management Group and with the exception of Clause 5, be adopted.

carried

5. NAMING OF A PARK – PORTION OF CENTENARY PARK, TRINITY BEACH……………………………………………………………………………..25

Murray Langdale: 19/3/2-26: #784950

LINDSAY / BONNEAU

That the portion of Centenary Park, Lot 2 RP902180 Trinity Beach Road, Trinity Beach that is leased to Cairns Australian Football League Limited be named Crathern Oval.

carried
CONSIDERATION OF REPORTS & RECOMMENDATIONS CONTAINED IN MINUTES OF CAIRNS WATER COMMITTEE – 18/05/04

GREGORY / LINDSAY

That the reports and recommendations contained in the Minutes of the Cairns Water Committee held on Tuesday, 18th May 2004 be adopted.

carried

OTHER AGENDA ITEMS

1. GENERAL POLICY - REMUNERATION, PROVISION OF SUPPORT & PAYMENT TO ELECTED REPRESENTATIVES ............. 1
   Jo-Anne Scarini : 1/58/15-01: #777149 v1

GREGORY / BLAKE

As Council has complied with section 465 of the Local Government Act, it adopts the attached General Policy on Remuneration, Provision of Support & Payments to Elected Representatives.

carried
CAIRNS CITY COUNCIL

NO. 1/02:04

General Policy

REMUNERATION, PROVISION OF SUPPORT & PAYMENTS TO ELECTED REPRESENTATIVES

Intent  To clarify the extent of remuneration expense reimbursement, and support provided to elected representatives of Cairns City Council.

Scope  This policy applies to all duly elected representatives of Cairns City Council.

PROVISIONS

Pursuant to Section 237 of the Local Government Act 1993 (as amended). Council adopts the following basis for remuneration for the Mayor, Deputy Mayor and Councillors to commence from the first pay period after the adoption of the policy and to be effective for no longer than six (6) months following the 2008 general Council election.

Section A – Remuneration to be paid

1. Remuneration shall be paid to Cairns City Council Elected Members for their service as Elected Representatives, members of Council’s Standing and Special Committees, and office bearers of the Local Government. Such remuneration shall be benchmarked to the remuneration paid to Members of the Queensland Legislative Assembly as follows:

<table>
<thead>
<tr>
<th>Office</th>
<th>Percentage of MLA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor</td>
<td>100%</td>
</tr>
<tr>
<td>Deputy Mayor</td>
<td>60%</td>
</tr>
<tr>
<td>Chairperson</td>
<td>55%</td>
</tr>
<tr>
<td>Councillor</td>
<td>50%</td>
</tr>
</tbody>
</table>

The salary rate for a Member of the Legislative Assembly of Queensland was $102,260 as at 1 July 2003.

2. In addition to the remuneration as fixed, and in recognition of the additional time spent in completing statutory requirements of office, attendance at various community functions and meetings and the like, and in recognition on the office holder in respect of out of pocket expenses, additional benefits be made available to Councillors on the following basis:

Mayor: Fully maintained Class 3 vehicle for full and unrestricted use or an allowance of a value equivalent to 13% of base salary of a Member of the Legislative Assembly of Queensland per annum as consideration for using their private vehicle in carrying out the duties.

An allowance of a value equivalent to 10% of base salary of a Member of the Legislative Assembly of Queensland per annum to fulfil the additional responsibilities of office and the costs of serving the Council.

A fully maintained mobile phone will be provided.

50% payment of private home telephone expenses.

Deputy Mayor: Fully maintained Class 2 vehicle for full and unrestricted use or an allowance of a value equivalent to 8% of base salary of a Member of the Legislative Assembly of Queensland per annum as consideration for using their private vehicle in carrying out the duties.
An allowance of a value equivalent to 5% of base salary of a Member of the Legislative Assembly of Queensland per annum to fulfil the additional responsibilities of Office and the costs of serving the electorate.

Committee Chairperson:

An allowance of a value equivalent to 3% of base salary of a Member of the Legislative Assembly of Queensland per annum to fulfil the additional responsibilities of Office and the costs of serving the electorate.

Councillors: (Other than Mayor, Deputy Mayor and Committee Chairpersons).

An electoral allowance of a value equivalent to 2% of base salary of a Member of the Legislative Assembly of Queensland per annum to fulfil the extra responsibilities of Office and the costs of serving the electorate.

An amount of a value equivalent to 1.5% of base salary of a Member of the Legislative Assembly of Queensland per annum be provided to all Councillors (other than the Mayor) to cover part of the cost of personal mobile phone/fax/emails and associated telephone connections.

A transport allowance be provided to Councillors based on the size of the Division and distance from the Council Chambers as follows:

<table>
<thead>
<tr>
<th>Division</th>
<th>% of annual MLA salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division 1</td>
<td>6%</td>
</tr>
<tr>
<td>Division 2</td>
<td>2%</td>
</tr>
<tr>
<td>Division 3</td>
<td>2%</td>
</tr>
<tr>
<td>Division 4</td>
<td>1.5%</td>
</tr>
<tr>
<td>Division 5</td>
<td>1.5%</td>
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<tr>
<td>Division 6</td>
<td>1.5%</td>
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<tr>
<td>Division 7</td>
<td>1.5%</td>
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<tr>
<td>Division 8</td>
<td>1.5%</td>
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<tr>
<td>Division 9</td>
<td>2%</td>
</tr>
<tr>
<td>Division 10</td>
<td>2%</td>
</tr>
<tr>
<td>Division 11</td>
<td>2%</td>
</tr>
<tr>
<td>Division 12</td>
<td>2%</td>
</tr>
</tbody>
</table>

The exception will be the Division represented by the Deputy Mayor, which is dealt with separately in Section A Clause 2.

Note:  
Class 3 vehicle – Ford Fairlane or equivalent  
Class 2 vehicle – Ford Fairmont or equivalent

3. The remuneration fixed above will be all inclusive and no additional remuneration will be payable for sick leave, annual leave, or any other benefits otherwise applicable to employees other than superannuation as provided for in Clause 5 hereunder.

4. The remuneration fixed above will be effective from the first pay period after the adoption of the policy and will be payable in 26 equal fortnightly instalments, subject to the provisions of Clause 6 hereunder.

5. Elected Members will be entitled to superannuation benefits on the same terms as Cairns City Council employees, subject to the provisions of the Local Government Act 1993.

6. Where Councillors absent themselves from three consecutive duly convened Ordinary Meetings of the Council without obtaining the prior leave of the Council they will be required to show cause to the Council as to why their remuneration should not be suspended for the period of the absences. The Council will have power to suspend payment of a Councillor’s remuneration where in its opinion insufficient cause is deemed to have been shown.
Section B - Principles for remuneration

That the reasons for adopting the above principles are:

1. Cairns City Council Elected Members are called upon by the demands of their office to attend civic duties requiring a commitment on their time equivalent, or average, to at least standard working hours.

2. The Council considers that the calling of local government councillors requires, by its very nature, extensive evening and weekend work to service the community’s requirements.

3. Cairns City Council Elected Members are called upon by the demands of their office to attend to civic duties on up to a full-time basis.

4. The Council considers that the calling of a Cairns City Councillor is related to that of a Member of Legislative Assembly of Queensland and assesses that relationship to be equivalent to 50%, with the calling of the Mayor equivalent to 100% of that of a Member of the Queensland Legislative Assembly.

5. The Council considers that the calling of the Cairns City Deputy Mayor is also related to that of a Member of the Queensland Legislative Assembly and assesses that relationship to be equivalent to 60%.

6. The Council considers that the role of the Committee Chairperson should be acknowledged as more demanding than an ordinary member and thus assesses the calling to be equivalent to 55% of that of a Member of the Queensland Legislative Assembly.

Section C - Payment of expenses incurred when travelling on Council business

Purpose

This is to ensure that all reasonable expenses incurred by Councillors whilst travelling on Council business are paid for by Council.

Principle

Council will normally arrange direct payment of airfare, accommodation and breakfast. Other expenses incurred in conducting Council business supported by tax invoice up to a limit will be paid.

An incidentals allowance consistent with the reasonable travel allowances determined by the Australian Taxation Office from time to time (and communicated via tax rulings) will be paid to recognise costs incurred that may not be able to be supported by tax invoice.

Amount

“Non supported” expenses relating to overseas and domestic travel situations for Elected Representatives travelling on Council business shall be reimbursed in accordance with the current reasonable travel allowance amounts (under TR2003/7):

1. **Incidental Allowance**: currently @ $13.85 per day (Domestic travel), to cover newspapers, magazines, snacks, tea and coffee, private phone calls, and personal items necessary for travel;

2. **Daily Personal Allowance**: currently @ $A40.00 per day (Overseas travel), to cover newspapers, magazines, snacks, tea and coffee, private phone calls, and personal items necessary for travel;

The general limit for payment of expenses supported by tax invoice or receipt will be $175 per day.
Administration

Expenses supported by receipt or tax invoice below $175 per day will be paid, those claims above this limit will be referred to Council for its consideration.

Section D - Other support for elected representatives

In addition to the above remuneration benefits, support will be provided to all elected representatives as follows:

1. Mayor: - Separate office accommodation which includes ablution facilities and private meeting room equipped with TV/Video facilities.
   - Secretarial support retained on contract for the term of the Council.
   - Executive Assistant (if required) on a contractual basis for the term of office.
   - Transport within the FNQROC area for the Mayor and Mayoress to attend official business (if required).
   - Payment of entertainment expenses in accordance with Council policy and within budgetary limits.

2. Deputy Mayor: - Separate office accommodation.
   - Secretarial/administrative support in accordance with the established staff structure.*

3. Committee Chairpersons: - Separate office accommodation.
   - Secretarial/administrative support in accordance with the established staff structure.*

   - Secretarial/administrative support in accordance with the established staff structure.*

Note *

The staff establishment allows for the employ of the equivalent of two (2) full time staff with the necessary skills to provide high level support and whom report to the Manager Legal & Administration Services.

Elected representatives apart from the Mayor are provided with fully maintained and serviced meeting/committee rooms, kitchen amenities and ablution facilities, which includes the supply and laundering of bath linen. Meeting/committee room usage is on a Councillor priority basis.

Each Councillor has the choice of either a laptop computer and a combined printer/scaner/fax unit or two desktop computers and a combined printer/scaner/fax unit. The computers will be loaded with the Microsoft Office Suite, internet access and email functionality. These devices will be provided and managed under Council's Information Security Policy.

Council's Information Services Branch will only provide the necessary support for the computing hardware/software provided. Similarly support is not provided for the use of an external internet provider/e-mail address.

Where required, training in the use of the equipment/software that has been provided by Council will be available.

Council will provide to each elected representative the necessary stationery and personalised letterhead, including postage costs, for the undertaking of duties directly associated with their position.

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Policy Requirements:

That this policy remains in force for a period of no longer than six (6) months after the next quadrennial election.

General Manager Responsible for Review: General Manager Corporate Services
2. **PROPOSED PERMANENT ROAD CLOSURE OVER PART (ABT. 1440M²) OF HESP STREET, YORKEYS KNOB SEPARATING LOT 67 ON RP706366 FROM LOT 68 ON RP706366 AND LOT 236 ON RP706856 – APPLICANT: RP KENNEDY & VC MADSEN – DIV. 10... 8**

Allan Simpson : 15/7/1-05: #787455

**COCHRANE / BLAKE**

That Council advise Natural Resources, Mines and Energy that it strongly objects to the proposed permanent road closure over part (abt. 1440m²) of Hesp Street, Yorkeys Knob separating Lot 67 on RP706366 from Lot 68 on RP706366 and Lot 236 on RP706856 by R.P. Kennedy and V.C. Madsen, as Hesp Street is designated as an access road and may be required to be constructed in the future.

Furthermore, Natural Resources, Mines and Energy be advised that should the application be approved that Council will require a 3 metre wide easement for access and maintenance purposes to the existing sewer main located therein, and the proposed connection of the existing water mains in Varley and Cunningham Street, at no cost to Council.

*carried*


Allan Simpson : 15/16/1-04: #787435

**BONNEAU / COCHRANE**

That Council advise Natural Resources, Mines and Energy that in this instance it objects to the temporary closure over part of Guide Street, Clifton Beach, adjoining Lot 10 on RP736712, by F.M. & A.E. Grant, as the area should be retained for its intended purpose of road.

*carried*
4. APPLICATION FOR PERMIT TO OCCUPY – R.J. SMITH
AREAS OF ESPLANADE ADJOINING LOT 56 ON NR2045 – EAST
TRINITY – DIV. 2............................................................................ 18
Allan Simpson : 19/3/3-52: #787955

LINDSAY / PEZZUTTI

That Council advise Natural Resources, Mines and Energy that it supports the
issue of a Permit to Occupy over Lots A, B & C on drawing no. CNS99/335 subject
to:

- Council not being responsible for any maintenance or rehabilitation costs
  associated with the use; and

- Comments being obtained from the Environmental Protection Agency and
  the Department of Primary Industries and Fisheries regarding their
  requirements and subsequent permit approvals, in particular the
  environmental impacts associated with Trinity Inlet.

Furthermore, Council advise Natural Resources, Mines and Energy that the use
should have nil or minimal impact on pedestrian access over the esplanade area.

carried

5. PROPOSED PERMANENT ROAD CLOSURE OVER PART
(1720M²) OF ESPLANADE AND ROAD (VOHLAND ROAD) ADJACENT
TO LOT 55 ON SP154021 – VOHLAND ROAD, ALOOMBA –
APPLICANT: V. ROSSI – DIV. 1...................................................... 22
Allan Simpson : 15/7/1-05: #787442

GREGORY / FREEBODY

That Council advise Natural Resources, Mines and Energy that it has no objection
to the proposed permanent road closure over part (1720m²) of road (Vohland
Road) and esplanade adjacent to Lot 55 on SP154021, Vohland Road, Aloomba by
V. Rossi, to formalise existing encroachments as per Plan No. 6541ROS-03,
subject to any new road boundary not impeding Council’s ability to maintain
roadside table drains.

Furthermore, Charles O’Neill Surveyors Pty Ltd on behalf of V. Rossi is advised of
Council’s decision in this regard.

carried
6. CONVERSION OF SPECIAL LEASE NO. 48948 OVER LOT 1 ON NR808524 (MOLLER ROAD, ALOOMBA) TO FREEHOLD – LESSEE: MOLLER & MILANOVIC – DIV. 1 .............................................................. 29
Allan Simpson : 19/3/3-52: #788020

GREGORY / FREEBODY

That Council advise E.J., A.C., C.W. & I.L. Moller and K.E. Milanovic that it objects to the conversion of Special Lease No. 48948 over Lot 1 on NR808524 (Moller Road, Aloomba) to freehold as the land is below the minimum area requirements for a freehold subdivision in the Rural zone under the current Planning Scheme and proposed CairnsPlan.

Furthermore, Council advise Natural Resources, Mines and Energy of its decision in this regard.

carried

7. VEGETATION PROTECTION (AMENDMENT) LOCAL LAW (NO. 1) 2004. ................................................................................................................................. 33
Linda Kirchner : 1/11/2-11: #787084

BONNEAU / GREGORY

Council resolves to propose to make Vegetation Protection (Amendment) Local Law (No. 1) 2004 which amends Local Law No. 24 (Vegetation Protection).

carried with Councillor Pezzutti requesting that his vote against the motion be recorded

8. FEES & CHARGES SCHEDULE 2004/2005................................. 86
Christopher Teitzel : 17/49/9-03 #788380v1

BONNEAU / BLAKE


3. That Council publicise the changes to key customer groups to ensure they are aware of the changes in the fees and their implications.
4. That the Chief Executive Officer be delegated the authority to negotiate fees and charges where circumstances warrant.

carried

9. EMERGENT WORKS FUNDING – DIVISION 10 – ACCESS TO HOLLOWAYS BEACH COMMUNITY CENTRE................................. 88
Terry Armit:sjr: 26/6/2-02: # 787964

BONNEAU / BLAKE

That Council approve the expenditure of $1,000 from the Division 10 Emergent Works Budget for the construction of an additional kerb crossing to the Holloways Beach Community Centre in Oleander Street, Holloways Beach.

carried

10. REQUEST TO PURCHASE PART OF COUNCIL’S FREEHOLD LOT 24 ON RP854442 HARDY ROAD, EDMONTON TO LEGALISE AN EXISTING ENCROACHMENT – APPLICANT: E.W.F & M.J WARNER – DIV. 3 ...................................................... 90
Allan Simpson : 19/1/1-01: #787426

PEZZUTTI / LINDSAY

That:-

1. Council advise John Mac Isaac and Associates Pty Ltd on behalf of E.W.F & M.J. Warner that it approves the sale of part (abt. 112m²) of Council’s freehold Lot 24 on RP854442, Hardy Road, Edmonton, subject to conditions, (e.g. Ministerial exemption being obtained, purchaser being responsible for all associated costs, sale price being determined by Registered Valuer and amalgamation).

2. Authority be delegated to the Chief Executive Officer to formalise the conditions attached to the sale.

carried
11. PROPOSED PERMANENT ROAD CLOSURE OVER PART (ABT. 620M²) OF ROAD (LANE) SEPARATING LOT 1 AND 2 ON RP712101 FROM LOT 409 ON NR7286 AND LOT 2 ON NR7444 – SHERIDAN & CHARLES STREETS, CAIRNS NORTH – APPLICANT: N. SOFTA – DIV. 6...................................... 95
Allan Simpson : 15/7/1-05: #787464

APPLICATION WITHDRAWN BY OFFICERS TO BE PRESENTED TO THE PLANNING AND ENVIRONMENT MEETING ON 17TH JUNE 2004

12. RESPONSE TO DEPARTMENT OF TOURISM, FAIR TRADING AND WINE INDUSTRY DEVELOPMENT – LIQUOR LICENSING DIVISION – NEW APPLICATIONS..................................................100
Rohan Lee: 8/20/6-03: #787826

BONNEAU / BLAKE

That the applicant and the Liquor Licensing Division be advised of the following comments:

1. Harbourview Chinese Restaurant, Pier Point Road, Cairns

   Council has no objections to the proposed On Premises (Meals) Licence for Harbourview Chinese Restaurant, located at Pier Point Road, Cairns, described as Lot 13 on SP146897, Parish of Cairns.

2. Husk Restaurant, 123-127 Williams Esplanade, Palm Cove

   Council has no objections to the proposed On Premises (Meals) Licence for Husk Restaurant, located at 123-127 Williams Esplanade, Palm Cove, described as Lot 0 on BUP132050, Parish of Smithfield.

3. Cairns Basketball Incorporated, 289 Aumuller Street, Manunda

   Council objects to the proposed On Premises (Other Activity) Licence for Cairns Basketball Incorporated, located at 289 Aumuller Street, Manunda, described as Lot 272 on SP101805, Parish of Cairns.

   Council does not support the proposal for an On Premises (Other Activity) Liquor Licence on the grounds that ‘the amenity, quiet or order of the locality concerned would be lessened in some way’. The facts, evidence or reasons for objections are as follows:
a. Council’s Public Health Unit has previously received complaints regarding noise from the premises. Two complaints on Council’s RRS system have been located by Council Officers (BLW01129 and BLW01792) relating to noise from people leaving the premises late at night. The complaints were both received by Council last year and further complaints may also have been received by the Environmental Protection Agency or by the Police.

Although these complaints are referred to the Environmental Protection Agency and Police, consideration needs to be given to the impact that this approval will have on neighbouring residents with respect to the amenity of the area.

b. Council and Police have been working with residents in Rose Blank Close (across the road from the subject site) addressing issues regarding underage drinking, chroming, vandalism and break and enter offences. The proposed On Premises (Other Activity) Liquor Licence has the potential to exacerbate these issues already encountered in the immediate area. If an application were granted, Council would require information on current members/user groups and plans for the facility in the future.

carried

13. RESPONSE TO QUEENSLAND OFFICE OF GAMING REGULATION – APPLICATION FOR EXTENSION TO GAMING HOURS FOR BAR EMBASSY HOTEL, 38-40 ABBOTT STREET, CAIRNS.........................................................................................113

Rohan Lee: 8/20/6-03: #787617

BLAKE / COCHRANE

That the applicant and the Queensland Gaming Commission be advised of the following comments:

1. Bar Embassy Hotel, 38-40 Abbott Street, Cairns

   Council objects to the proposed Extension of Gaming Hours for Bar Embassy Hotel, located at 38-40 Abbott Street, Cairns and described as Lot 101 on BUP118926, Parish of Cairns.

2. Council does not support the proposal for an Extended Hours Permit on the following grounds:
a. Council does not support the Extended Gaming Hours Application for Bar Embassy Hotel located at 38-40 Abbott Street, Cairns. If the applicant wishes to pursue Extended Gaming Hours permit, an appropriate Liquor Licence which will enable the Hotel to trade as Nightclub should first be sought.

b. Council currently does not have a Gaming Policy to guide a decision on this application. However, from a Safety Officer perspective, an extension of Gaming Hours for this hotel would not be favourable. Council are currently quantifying links between antisocial or unlawful acts and gaming activities at the Bar Embassy Hotel and in the immediate vicinity.

carried


Kym Watton: 8/20/1-90 : #787281

BLAKE / PLATH

A. That Council resolve to approve the application for a relaxation, as shown on Plan No. SHA001 Sheet Numbers SP01-SP05 dated 4 May 2004 and prepared by EDR Building Designs, of the setback requirements to allow a minimum setback of 5 metres on the Grafton Street frontage, a 2.4 metre setback to the Grafton Street frontage for four of the on-site car parking spaces (spaces 1, 25, 26 and 35) and a 1.1 metre setback for the staircases to the side boundary (common boundary with adjoining allotment, Lot 2 on RP706487) for the establishment of 27 Accommodation Units (Medium Density) on land described as Lot 1 and 2 on RP701405, Lot 1 and 2 on RP706933 and lot 3 and 4 on RP706487, Parish of Cairns, located at 242-248 Grafton Street and 16 Gatton Street, Cairns North.

B. That Council resolve to approve the application for a relaxation, as shown on Plan No. SHA001 Sheet Numbers SP01-SP05 dated 4 May 2004 and prepared by EDR Building Designs, of the site coverage to allow a maximum site coverage of 41% for the establishment of 27 Accommodation Units on land described as Lot 1 and 2 on RP701405, Lot 1 and 2 on RP706933 and Lot 3 and 4 on RP706487, Parish of Cairns, located at 242-248 Grafton Street and 16 Gatton Street, Cairns North.

carried
15. DISPENSATION OF A PLANNING SCHEME PROVISION – CAR PARKING – 20 SCOTT STREET, PARRAMATTA PARK – DIVISION 6

Kym Watton: 8/20/1-90 : #785743

BLAKE / COCHRANE

That Council accept the provision of four (4) on-site car parking spaces for land situated at 20 Scott Street, described as Lot 7 on RP701334 in accordance with Plan Number 040202-A01 Rev A prepared by N Jones Drafting submitted on 22 April 2004, subject to the following:-

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 generally in accordance with the submitted site layout plan (Appendix 1).

2. The owner/applicant must at all times provide a minimum of four car parking spaces on site.

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

General External Works

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

    a. Construct full width bitumen widening to the Scott Street frontage;

    b. Provision of a concrete crossover(s) and apron(s); and

    c. Linemark car parking spaces to the Scott Street and Terminus Street frontage to provide a minimum of five (5) on-street car parking spaces.

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

carried
16. MATERIAL CHANGE OF USE (CODE ASSESSMENT) & PLANNING
SCHEME DISPENSATION - CONCRETE BATCHING PLANT -
MAC PEAK CRESCENT, SMITHFIELD – DIVISION 10.................137
Neil Beck: 8/7/131-01 : #764105

COCHRANE / FREEBODY

A. That Council grant a relaxation of the setback for the Industrial Zone (10
metres) to allow the demountable office for the proposed Concrete Batching
Plant, to be located 6m from the alignment of Mac Peak Crescent.

B. That the Council approve the application for a Material Change of Use (Code
Assessment) for the development of a Concrete Batching Plant on land
described as Lot 3 on RP835484, located at Mac Peak Crescent, Smithfield
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 or structures thereon and conduct the approved use generally
in accordance with:

   a. the approved Plan No. 040224-1 submitted with the application on
      March 2004 attached as Appendix 1;

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

   c. the provisions of Council’s Development Manual.

   Except where modified by these conditions of approval.

Timing of Effect

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

Water Saving

3. All toilet devices in the premise must be fitted with dual flush cisterns
and showers, hand basins and kitchen facilities must be fitted with flow
control valves or similar water control devices to generally restrict flow
to 9 litres of water per minute.
Landscaping Requirements

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

a. The planting of trees and shrubs;

b. Planting of footpath with trees or shrubs, depending on any overhead powerline constraints; and

c. Landscaping of required setback areas, being a minimum 6 metre wide buffer to the front boundary. This area will be required to be planted and maintained with dense planting sufficient to provide a definite and effective visual barrier.

Lawful Point of Discharge

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

Building Height

6. The height of any building for the development must not exceed the height limit specified in Council's Planning Scheme, which is 10 metres.

Car Parking

7. The car parking must be constructed in accordance with the approved plan and with Council's Development Manual specifications, prior to the 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 manoeuvring areas must be imperviously sealed, drained and line marked.

Waste Water

8. The area around the aggregate storage bays to be drained so as to recycle waste water. Silt trap facilities to be provided and the overflow of wastes is to be prevented.
Environmental Management Plan

9. An Environment Management Plan to be prepared and submitted to and endorsed by the Chief Executive officer prior to the issue of a development permit for carrying out building work. The plan to include water sprays for the storage bins, dust screens and water sprays at the batcher and dust filters to the sites.

Solid Waste

10. Solids from the washout pit and the silt trap to be disposed of off site. Cementitious slurry to be collected and disposed of as provided for in the Environmental Management Plan.

Car Parking and Access

11. The carparking layout must be designed in accordance with Australian Standard AS2890-1993 Parking Facilities – off street parking, except as varied with the consent of the Chief Executive Officer.

The applicant/owner must, at its own cost, undertake the following works external to the subject land;

a. provision of a concrete crossover and apron at the entrance to the site; and

b. make good the kerb and footpath, if required.

Such work must be constructed in accordance with an endorsed plan of works and to the satisfaction of the Chief Executive officer prior to the commencement of the use.

Concurrence Agency Conditions

Environmental Protection Unit

1. A copy of this Development Approval must be kept in a location readily accessible to personnel carrying out the activity.

2. Any persons responsible for the carrying out of the environmentally relevant activity must be familiar with the conditions of this Approval as they relate to the person’s responsibilities.

3. Any record or document required to be kept by a condition of this Approval must be kept at the workplace for a period of at least five (5) years and be available for examination by an authorised person.

4. No change, replacement or operation of any plant or equipment, or change in the method of treatment or disposal of waste is permitted if the change, replacement or operation of the plant, equipment, treatment
or disposal increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this Approval.

An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant to be released into the environment.

5. The Development Approval holder must ensure that:
   a. vehicular access points to the site and roadways on site are sealed; and
   b. the floor of the aggregate storage bays is fully paved.

6. The Approval holder must:
   a. ensure that areas surrounding the aggregate storage bays are constructed, maintained and drained to silt trap facilities; and
   b. maintain such silt trap facilities to prevent overflow of wastes out of the unit and ensure optimum stormwater treatment.

7. The authorised must not discharge stormwater to the sewerage system.

8. The Approval holder must ensure that:
   a. the first 20mm of stormwater run-off (“first flush”), from cementitious contaminated areas of the authorised place are directed to settling pond/s of equivalent volume, to allow for settlement of suspended sediment; and
   b. other uncontaminated stormwater run-off is diverted around the settling pond to a stormwater drain.

9. The Approval holder must store any concrete additives, new or waste oil, diesel and acids:
   a. within a bunded area with a sealed floor, with the volume of the bunded area at least 110% of the largest chemical storage unit; and
   b. in a manner that prevents leakage of stored materials, contamination of stormwater run-off and land contamination.

10. The Approval holder must recycle as much of the cementitious wastewater as is reasonable and practicable in conducting the activity.

11. The Approval holder must ensure that any spillage of potential contaminants is:
   a. cleaned up promptly; and
   b. cleaned up using an absorbent material; and
   c. that the used absorbent material is isolated before disposal in a waste bin.

12. The Approval holder must at all times have a supply of absorbent material in an accessible location in a sufficient quantity to contain all of the largest container of liquid not stored within a bunded area, in the event of a spillage at the authorised place.
13. The Approval holder must ensure that wash down water from vehicle washing and any other contaminated wastewater does not escape from the authorised place into the roadside stormwater system.

14. The Approval holder must ensure that all stormwater drains on site are maintained for effective flow of stormwater, and prevent build up of sediment or ponding of waters.

15. The Approval holder must ensure that sealed traffic areas are maintained in order to prevent environmental nuisance and that any spills of aggregate, cementitious materials or concrete are cleaned up promptly.

16. The Approval holder must not carry out incineration or open burning at the authorised place.

17. The Approval holder must store thinners, kerosene and other solvents in sealed containers to prevent discharge of volatile organic compounds to the atmosphere.

18. For wastes other than solid waste from agitator wash out pits and sediment from settling ponds, the licensee must:
   a. where a recycling collection service is available to the licensed activity, recycle solid wastes, which are suitable for recycling; or
   b. where a recycling collection service is not available to the activity:
      i. ensure that all solid waste is removed to an approved waste disposal facility; or
      ii. dispose of solid wastes in another manner approved in writing by the Administering Authority.

19. Disused drums must be drained, sealed and stored in a covered area on a sealed surface prior to being:
   a. sent to a licensed metal recycling agent; or
   b. returned to the drum supplier; or
   c. disposed of at a waste disposal facility whose operator is licensed to accept such wastes for disposal.

20. The Approval holder must ensure that aggregate storage bays are fitted with water sprays such that:
   a. the sprays are directed over the aggregate storage bays only; and
   b. the sprays effectively dampen stored materials to limit dust generation.

21. The Approval holder must ensure that stockpiles of sand and aggregate kept at the authorised place are kept at least 0.5 metres below the height of storage bays and at least 0.5 metres back from the front edge of the storage bay.

22. The Approval holder must ensure that the ground area around the aggregate storage bays is cleaned daily to prevent a build up of sand, aggregate and other material causing a dust nuisance.
23. The Approval holder must ensure that aggregate storage bays have walls, which are sufficiently robust to withstand the loads placed upon them during the carrying out of the activity.

24. The Approval holder must not wash sand or aggregate at the authorised place.

25. The Approval holder must ensure that:
   a. aggregate weigh hoppers are roofed and shrouded on three sides to minimise dust and noise emissions; and
   b. ramps to aggregate weigh hoppers are paved.

26. The Approval holder must ensure that the inclined conveyors are roofed and enclosed on at least one side of the conveyor to minimise wind generated dust emissions.

27. The Approval holder must ensure that the drop height between conveyors is minimised to limit dust emissions.

28. The Approval holder must ensure that cement and fly ash are delivered in sealed vehicles equipped with the means for pneumatic transfer and that cement and fly ash are transferred pneumatically.

29. The Approval holder must ensure that cement and fly ash are stored in dust tight storage silos and that where hatches are fitted, that they have dust tight seals.

30. The cement and fly ash silos must have a filtration system suitable to vent the silos to the atmosphere, and prevent any visible dust emissions. The Approval holder must ensure that the system is:
    a. designed to remove airborne particulates generated from cement and fly ash storage; and
    b. designed for maximum discharge rates from cement and fly ash delivery vehicles, and prevents any dust emissions; and
    c. of reverse pulse type or equivalent.

31. The Approval holder must ensure that the capacity of the filtration system given on the manufacturer’s specifications is not exceeded during filling of the silos. If more than one silo is vented through the single filtration system, the Approval holder must ensure that only one silo is filled at any one time.

32. The Approval holder must maintain filters in accordance with the manufacturer’s specifications and ensure that at least one spare filter is available at the authorised place at all times.

33. The Approval holder must implement a schedule for filter maintenance, with maintenance checks undertaken not more than 7 days apart, or in accordance with manufacturer’s specifications, whichever is more frequent.
34. The Approval holder must use automatic level sensors and alarms to prevent overfilling of silos.

35. The Approval holder must maintain test circuits for operation of the high level alarm and shut off valve, and ensure that they are operational prior to filling silos.

36. The Approval holder must ensure that a seal between silo discharge points and the weigh hoppers is maintained, to limit dust discharge.

37. The Approval holder must ensure that duct-work associated with the silos, the weigh hoppers and the gob hopper is dust tight.

38. The Approval holder must ensure that any dust filters are housed in order to protect the filter elements from the weather.

39. The Approval holder must provide a roofed, three walled enclosure around loading bays, with shrouding on the open face of the enclosure, to limit escape of dust.

40. The Approval holder must ensure that:
   a. in the vicinity of gob hoppers and the open side of loading bays, water sprays or a dust filter extraction system which operates automatically during agitator loading is used; and
   b. such sprays or filter systems are operated in accordance with the manufacturer’s specifications.

41. The Approval holder must ensure that any residual concrete in the vehicle loading chute is removed before the vehicle leaves the authorised place.

42. The Approval holder must ensure that:
   a. the gob hopper outlet is fitted with a sleeve long enough to enter the hatch on any concrete mixing vehicle; and
   b. that the sleeve is made of fabric capable of withstanding continuous exposure to concrete ingredients.

43. The Approval holder must ensure that the cleaning of agitators does not cause contamination of stormwater run-off.

44. The Approval holder must ensure that:
   a. an agitator wash out pit is used at the authorised place;
   b. agitator wash out wastes are directed into the wash out pit/s; and
   c. concrete waste in wash out pit/s is regularly removed so that at all times a wash out pit is available for effective use.

45. The Approval holder must ensure that waste water sourced from agitator bowls generated during cleaning of vehicles is directed into agitator wash out pits or the settling pond.
46. The Approval holder must ensure that agitator wash out pits and their immediate vicinity are drained to a settling pond.

47. The Approval holder must ensure that solid waste from agitator wash out pits is:
   a. dried and reused as clean fill, or as a substitute for other raw materials in other industries; and/or
   b. reused in the authorised activity; and/or
   c. disposed of in another manner approved in writing by the Administering Authority.

48. The Approval holder must ensure that concrete slurry is not released in any water run-off from the licensed place.

49. The Approval holder must ensure that the level of sediment in the settling pond does not exceed one third of the settling pond volume.

50. The Approval holder must ensure that sediment in the settling pond is:
   a. dried and reused as clean fill; and/or
   b. reused in the licensed activity; and/or
   c. disposed of in another manner approved in writing by the Administering Authority.

51. In the event of a complaint made to the Administering Authority (which is neither frivolous or vexatious) about noise generated in carrying out the environmentally relevant activity, and the noise is considered by the Administering Authority to be an unreasonable noise, the holder of this environmental authority must take stated measures to ensure that it is no longer an unreasonable noise.

52. Not more than 14 days following the initial notification by the Approval holder to the Council under section 320 of the Act (duty to notify environmental harm), the licensee must provide the Council with the following additional information:
   a. actions taken and proposed to be taken by the Approval holder and/or the personnel to prevent a recurrence of the event or minimise the consequences of the event; and
   b. outcomes of any actions taken by the Approval holder and/or the personnel; and
   c. the results of any environmental monitoring performed since the event.

53. All complaints received by the Approval holder relating to releases of contaminants from the licensed activity must be recorded and kept with the following details:
   a. time, date and nature of complaint;
   b. type of communication (telephone, letter, personal etc.);
c. name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then “Not identified” is to be recorded);
d. response and investigation undertaken as a result of the complaint;
e. name of person responsible for investigating complaint; and
f. action taken as a result of the complaint investigation and signature of responsible person.

54. For the purposes of the Development Approval, any term not otherwise defined in condition (56) of this approval has the meaning conferred to that term in the Act or in the absence of a meaning in the Act, has the meaning conferred to that term in its common use.

55. In the event of any inconsistency arising between the meaning of any term provided in condition (56) of this Development Approval and the meaning in the Act or any common usage of that term, the meaning conferred in condition (56) will apply.

56. For the purposes of this Development Approval the following definitions apply:

“Act” means the Environmental Protection Act 1994.

“activity” means the environmentally relevant activity to which this licence relates.

“aggregate storage bay” means a structure designed for the storage of sand and aggregate.

“aggregate weigh hopper” means a structure designed to receive, weigh and discharge sand and aggregate used in concrete batching.

“agitator” means a vessel normally mounted on the back of a vehicle used for mixing raw materials used in batching concrete.

“agitator wash out pit” means a structure designed to receive wastes generated from washing excess concrete from agitators.

“application” means the application for a Development Approval (including environmental authority) in relation to the licensed activity received and dated 11 March 2004 (including any amendments to the application initialled by the Council and the applicant) and all plans specifications and information submitted with the application or provided to the Council in response to a request from the Council for additional information.

“authorised person” means a person appointed under the Act by the Chief Executive Officer of the Council.

“cementitious” means pertaining to cement.
“Council” means Cairns City Council and its successors.

“Approval Holder” means Readymix Holdings Pty Ltd.

“Development Approval conditions” means the conditions set out in the Development Approval.

“authorised place” means Lot 3 Mac Peak Crescent, Smithfield QLD 4878, Lot 3 on RP835484.

“personnel” means those persons or entities used by the Approval holder in carrying out the authorised activity, either directly or indirectly and includes without limitation employees, agents, contractors and sub-contractors.

“raw material” means all materials used in batching concrete, including sand, aggregate cement, fly ash, concrete additives, and water both recycled and previously unused.

“settling pond” means a structure designed to receive and contain waste water from agitator wash out pits, stormwater run-off from cementitious areas, and stormwater from other contaminated areas, with sufficient residence time to allow settlement of suspended solids.

“water spray” means a device used for distributing water in a diffused stream or mist opposed to a continuous stream, which does not cause significant amounts of aggregate or sand displacement when used for dust suppression.

ADVICE

1. This approval shall cease four (4) years from the date of issue unless the use has been substantially commenced to the satisfaction of the Chief Executive Officer.

2. The applicant must ensure that the development complies in all respects with all Council’s Local Laws, Policies and Planning Instruments pertaining thereof.

3. All construction work, maintenance, repair, and other such activities must be in accordance with a licence issued under the Environmental Protection Act 1994 and Environmental Protection Regulation 1998.

4. Noise from 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). End loaders are to be fitted with residential mufflers.
5. 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).


Carried

17. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - MEDICAL CENTRE (ONE MEDICAL PRACTITIONER) – 199 THE ESPLANADE, CAIRNS NORTH – DIVISION 6 .................................................................153

Peter Boyd : 8/8/557-01 : #745466

BLAKE / COCHRANE

That Council approve the development application for a Material Change of Use (Impact Assessment) over land described as Lot 8 on RP701248, Parish of Cairns for the establishment of a Medical Centre (one practitioner) located 199 the Esplanade, Cairns subject to the following conditions:-

Assessment Manager Conditions

1. The applicant/owner must at all times during the development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:

   a. Plan 31055/001 prepared by Brazier Motti, dated 12 January 2004 attached as 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.

Parking

3. A minimum of four (4) on site parking spaces must be provided.

The parking spaces must be designed in accordance with Australian Standard AS2890.1 1993 Parking Facilities - off street car parking, except as varied with the consent of the Chief Executive Officer and in particular manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear.

Parking Design

4. The parking layout must be designed in accordance with Australian Standard AS2890.1 1993 Parking Facilities - off street car parking. In particular:

a. Parking spaces adjacent columns and walls must have a minimum unobstructed clear width of 2.8 metres unless determined otherwise by AS2890.1;

b. The driveway serving the 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.

5. Security lighting is to be installed in the parking area to enable surveillance after hours.

Protection of Landscaped Areas From Parking

6. The landscaped areas adjoining the parking area must be protected from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction and must be submitted and approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Bollard Lighting To Indicate Parking Access

7. The applicant must provide bollard lighting at the property boundary to indicate access to the parking area to the satisfaction of the Chief Executive Officer. Details of the bollard design and location/s must be submitted and approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.
Parking Construction

8. The 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 parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Landscaping Plan

9. 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 submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit. In particular, the plan must show:

a. The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs;

b. Planting of the footpath with trees, using appropriate species with regard to any overhead powerline constraints; and

c. The provision of shade trees, especially in parks, and to shade western walls.

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

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.

Screen Fence

10. The applicant/owner must provide a screen fence (minimum height of 1.8 metres and maximum gap of 10mm) to the side and rear boundaries of the subject land, to the satisfaction of the Chief Executive Officer. The required fencing must be consistent in terms of design and materials with other similar fences in the locality. Details of the screen fence must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.
Building Design

11. The redevelopment of the existing dwelling must incorporate appropriate vernacular architecture similar to the existing buildings within the locality to ensure that the building compliments the existing built form within the immediate area. Specifically, the design must incorporate a number of the following architectural features:-

   a. Treatment of gables similar to adjacent character buildings;
   b. Lattice look or fretwork design to balcony rails;
   c. Timber finials on top of gables;
   d. Window hoods over bedroom windows;
   e. 1.2 metre high timber paling fence to the frontage of the subject land;
   f. Metal sheet roofing;
   g. Appropriate entry doors;
   h. Casement windows; and
   i. Timber paling or other similar tilt-a-doors.

Details of the proposed colour scheme for the external walls, features and roof must be submitted at the time of lodgement of a Development Application for Building Work and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

General External Works

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

   a. Construct a 2.0 metre wide concrete footpath to the Charles Street frontage of the site;
   b. Construct full width bitumen widening to Charles Street;
   c. Construct a bitumen turnout in front of the proposed access;
   d. Provision of a concrete crossover(s) and apron(s);
   e. Construct landscaped concrete verge islands around the existing trees in the Road Reserve; and
f. Linemark parking spaces within the Charles Street road reserve in front of the subject land.

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 works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to commencement of use.

Advertising Signage

13. 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.

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 Priority Infrastructure Plan (PIP) are adopted.


4. All night lighting is to be designed and constructed to ensure that light emitted from the subject land does not create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).

carried

18. NEGOTIATED DECISION - RECONFIGURING A LOT (2 LOTS INTO 3 LOTS) – AND AN EASEMENT – ABBOTT, APLIN, LAKE AND FLORENCE STREETS – CAIRNS CITY - DIVISION 6.........................164
Neil Beck: 8/13/767-01 : #784451

WITHDRAWN AT THE APPLICANT’S REQUEST
19. EXTENSION OF CURRENCY PERIOD FOR DEVELOPMENT APPROVAL  8/13/224 – HARLEY STREET / BRINSMEAD-KAMERUNGA ROAD, REDLYNCH – DIVISION 12  ................................................169  
Llew Beaton : 8/13/224-03 : #784525

BONNEAU / COCHRANE

That Council approve the extension of the currency period for Development Approval 8/13/224 over land described as Lot 139 on SP133784 Parish of Cairns, situated at Harley Street, Redlynch, for a further four (4) years up to and including 13 June 2008 subject to the inclusion of the following conditions:

Assessment Manager Conditions

Drainage Contributions

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

   The contribution rate is that which is current at the time of payment. The current rate of contribution is $15,771.43 ($262.86 / Lot). Payment is required prior to the approval and dating of the Plan of Survey.

Stormwater Quality Contributions

2. The applicant/owner must contribute towards the improvement of stormwater quality in accordance with the Draft Trunk Infrastructure Contribution Policy.

   The contribution rate is that which is current at the time of payment. The current rate of contribution is $21688.40 ($2,950.00 / Ha). Payment is required prior to approval and dating of the Plan of Survey.

Plan of Drainage Works

3. 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. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event.

4. All other conditions of Development Permit 8/13/224 dated 19 June, 2000 remain unchanged and renumbered accordingly to reflect the inclusion of the above conditions.

carried

20. RECONFIGURING A LOT (3 LOTS INTO 3 LOTS) (BOUNDARY REALIGNMENT) – ROBERTS ROAD & MCLAUGHLIN ROAD, WHITE ROCK – DIVISION 3 ...............................................174

Neil Beck: 8/13/769-01 : #786508

PEZZUTTI / LINDSAY

A. That Council approve the application to reconfigure land described Lots 7 & 608 on RP800908 and Lot 2 on RP704069, Parish of Cairns, located at Roberts Road & McLaughlin Road, White Rock, into 3 lots, subject to the following conditions:-

Assessment Manager Conditions

1. The proposed plan 0604-LR1 submitted to Council on 18 March 2004, 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 Plan of Survey, 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 both lots is directed to a lawful point of discharge being Roberts Road & McLaughlin Road or the drainage easement, 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.

CONCURRENCE AGENCY CONDITIONS

Department of Main Roads

For the purposes of these conditions, the Bruce Highway shall hereafter be referred to as ‘SCR’.

1. Permitted Road Access Location
   i. Access between the Bruce Highway and proposed Lot 2/608 shall be via Borrowdale Close.
   ii. Access between the Bruce Highway and proposed Lot 7 shall be via McLaughlin Road to the satisfaction of the Cairns City Council.
   iii. No direct vehicular access between the ‘SCR’ and proposed Lot 2/608 is permitted.

2. Advertising

   No advertising device for the proposed development is permitted within the ‘SCR’.

3. Road Traffic Noise & Visual Treatments

   For the purposes of this condition:
   • ‘SCR boundary’ shall be defined as the Bruce Highway boundary; and
• DMR Plan PD85 C Rev. B (dated 03/2004) shall hereafter be referred to as the ‘DNR Buffer Plan’.

(a) Creation of Buffer Strip

The applicant/landowner shall create a ten metre wide buffer strip, located adjacent to and generally east of the SCR boundary. The buffer strip shall extend along the full SCR frontage of the subject land. This buffer shall be provided at no cost to Council or the State of Queensland.

The buffer strip shall be created via:

• a six metre wide freehold strip located adjacent to the SCR boundary; and

• and a four metre wide registered covenant located adjacent to and generally east of the above freehold strip generally in accordance with the ‘DMR Buffer Plan’.

The registered covenant shall:

• allow representatives of Council and the Department of Main Roads and public utility authorities to construct/maintain/upgrade/remove noise attenuation treatments, landscaping and public utilities within the registered covenant;

• prevent (unless approved by Council and the Department of Main Roads) landowners from altering, damaging or destroying any noise ameliorative treatments, landscaping, or public utilities located within the registered covenant, and

• prohibit the construction of any structures within the registered covenant except where approved/required otherwise by Council and the Department of Main Roads.

The freehold section of the buffer strip shall be created and transferred to Council ownership. The registered covenant section of the buffer strip shall be created, and the covenant agreement shall be registered in the Titles Office of the Department of Natural Resources. All three aforementioned requirements shall be completed prior to the applicant/landowner:

• seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land, or

• lodging a plan of survey of residential allotments on any part of the subject land to Cairns City Council for signing and dating,
whichever occurs first.

(b) Visual Amenity Works

The applicant/landowner shall provide landscaping in and along the full width and length of the buffer strip and along a 10 metre wide strip along the full frontage of Borrowdale Close to the Bruce Highway such that existing and future Bruce Highway infrastructure, noise ameliorative works within the buffer, and on site buildings and facilities, are screened as much as practicable from each other.

The species of plants used in the landscaping works shall be in accordance with Council’s standards. If Council doesn’t have standards, then the only requirement is that they are native, low maintenance species which are effective at providing the necessary screening specified above. All works within the buffer strip are to comply with the requirements specified in the ‘DMR Buffer Plan’.

All landscaping of the buffer shall be completed prior to the applicant/owner:

• seeking Council (or private certifier) approval for a development permit for carrying out buildings works on any part of the subject land within 100 metres of the Bruce Highway, or

• lodging a plan of survey of residential allotments on any part of the subject land within 100 metres of the Bruce Highway to Cairns City Council for signing and dating,

whichever occurs first.

(c) Road Traffic Noise Ameliorative Works

(i) Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development, and the applicant/landowner shall have regard to the design criteria specified within AS3671.

(ii) Maximum Noise Levels and Time Horizons

The following maximum road traffic noise level (free field) shall not be exceeded within 10 years of completion of the full development.
• External noise levels shall not exceed 63dB(A) 18h, west of the subject land’s boundary with Bruce highway.

• Internal noise levels (i.e. within buildings above the ground floor level only) shall not exceed the maximum noise levels specified in AS2107-2000.

(iii) Noise Testing

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

• External noise levels shall be those predicted to occur on the subject land in areas likely to be frequently occupied by people for significant periods.

• For residential/accommodation development, internal noise levels shall be determined in accordance with AS2107-2000.

• Noise monitoring shall be carried out in accordance with AS2702-1984.

• Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTN88) United Kingdom Department of Transport.

(iv) Road Traffic Noise Report

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

• predict the road traffic noise levels;

• identify the ameliorative works required within the buffer strip, the rest of the subject land, and the relevant buildings, and

• contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner:
• seeking Council (or private certifier) approval for a
development permit for carrying out building works on
any part of the subject land within 100 metres of the
Bruce highway, or

• lodging a plan of survey of residential allotments on any
part of the subject land within 100 metres of the Bruce
Highway to Cairns City Council for signing and dating,
whichever occurs first.

(v) Incorporation of Works into the Development

Noise ameliorative works within the buffer shall conform to
the requirements of the ‘DMR Buffer Plan’ unless altered in
writing by the Director-General of the Department of Main
Roads (e.g to suit alternative noise amelioration works).

All noise ameliorative works required in the buffer including
along the Borrowdale Close frontage shall be completed prior
to the applicant/landowner:

• seeking Council (or private certifier) approval for a
development permit for carrying out building works on
any part of the subject land within 100 metres of the
Bruce Highway, or

• lodging a plan of survey of residential allotments on any
part of the subject land within 100 metres of the Bruce
Highway to Cairns City Council for signing and dating,
whichever occurs first.

(vi) Building Covenant

When a covenant is required by the Road Traffic Noise
(acoustical) Report then the following requirements shall be
met:

• The covenants shall be included on the same Plan of
Survey which creates the lots which are subjected to the
covenant and lodge concurrently the Plan of Survey and
validly executed Covenant Form 31 referred to in the
above conditions.

• Acknowledges to Main Roads that an acoustic covenant
will be annexed to the REIQ contract for the relevant lots
prior to execution of the Covenants Forms 31.
• Submit to Main Roads for approval a Noise Covenant Plan which shows:
  • the final layout plan with finished contour levels and highlighting lots effected by a covenant,
  • summary of noise amelioration works and covenant conditions, and
  • a table showing, pad levels in Australia Height Datum (AHD) and the type of covenant;

prior to execution of the Covenants Forms 31.

• Submit to Main Roads, certification (RPEQ) from the civil engineer that the pad levels in (AHD) used on the Covenant Plan comply with the acoustical report, prior to the execution of the Covenant Form 31. If the building pad levels have risen by more than 200mm, a new acoustical assessment must be submitted. Any new works or covenants to be registered or amended as detailed in the new acoustical assessment must be completed within the above relevant timeframes.

• Submit to Main Roads a properly executed Covenant Form 31 pursuant to Land Title Act 1994, and in terms approved by the District Director covering all lots where it has not been demonstrated that condition (c)(ii) above would be met, prior to the submission of the Plan of Survey to Council for approval and dating.

• Submit to Main Roads a copy of the receipt of the Registration Confirmation Statements for the Covenants within 14 days of the receipt being forwarded to the applicant or their agents.

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.


B. The applicant be advised of the Conditions 1, 2 & 3 of the Department of Main Roads.
C. Conditions 1, 2 & 3 of the Department of Main Roads be reflected in the Council Rates Record.

carried

21. RECONFIGURING A LOT (BOUNDARY REALIGNMENT) – PINE CREEK ROAD, EAST TRINITY – DIVISION 2.................................185

Neil Beck: 8/13/730-01 : #788235

LINDSAY / PEZZUTTI

A. That Council approve the application to reconfigure land (boundary realignment) described as Lots 3 & 4 on SP 134778, Parish of Trinity, located at Pine Creek Road, Trinity East, subject to the following conditions:-

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No HEN-02 dated 2/2/04 and prepared by ‘Unknown’ 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.

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.

Easement Over Other Property

3. The applicant/owner must, at their own cost, enter into an agreement with the land owner of Proposed Lot 41 for the creation of a reciprocal access easement to allow vehicle access and on-site manoeuvring for both properties, including access for rural machinery operations, to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of the Council's solicitors at the expense of the owner.

The easement documents must be lodged and registered in the Department of Natural Resources, Mines & Energy immediately following approval and dating of the Plan of Survey.
Access to Hatchet or Battleaxe Lots

4. The applicant/owner must construct a 3 metre wide gravel formed driveway to proposed battleaxe Lot 8 extending the full length of the access leg of allotment and such driveway shall commence at the edge of the existing driveway located on the unconstructed unnamed road reserve, and be located within the proposed access easement detailed in Condition 3 above.

Such works must be completed prior to approval and dating of the Plan of Survey.

Existing Services

5. The applicant is to provide written confirmation of the location of the existing 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 allotment.

Electricity and Telecommunications

6. 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.

Removal of Existing Dwelling

7. The applicant/owner must remove the existing dwelling on proposed Lot 41 within one month of issue of a Certificate of Classification for a dwelling on proposed Lot 8.

Building Encroachment

8. That the applicant relocate the existing dwelling, or remove the part of the dwelling encroaching on the proposed property boundary prior to the endorsement of the Plan of Survey, or alternatively the applicant shall amend the property boundary in this location, to ensure that there is no encroachment of the resulting allotment.
It should be noted that if the Survey Plan is endorsed with the amended boundary to maintain the existing dwelling until demolition in accordance with condition 7 above, and that the applicant wishes to subsequently amend the boundary at this location, a new application for reconfiguration of a lot is required.

CONCURRENCE AGENCY CONDITIONS

Department of Main Roads

1. Permitted Road Access Location

   (i) Vehicular access between the State-controlled road (i.e. Yarrabah Road) and the subject land shall be via the unnamed road located about 0.5km north of Pine Creek, to the satisfaction of Cairns City Council.

   (ii) No direct access between the State-controlled road (i.e. Yarrabah Road) and the subject land is permitted.

2. Building Alignment Setback

   A building alignment setback of 40 metres from Yarrabah Road reserve would also apply to all new structures intended to be located on the proposed allotments.

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.


B. That the following notation be placed on Council's future rates record in respect of the proposed new lots 41 and 8:-

   a. ‘There is a development permit on this property which includes conditions from the Council and the Department of Main Roads. These conditions must be adhered to, if the development permit is activated. For further information contact Council's City Assessment Branch’.

   b. Council holds a geotechnical assessment on proposed lot 8 dated April 2004, prepared by Ganza Consulting Services (document number 780631). The owner(s) of this property will be required to adopt the recommendations for on-site effluent disposal contained in this report.
c. Council requires the removal of existing dwelling on current lot 3, proposed lot 41, within one month of the issue of Certificate of Classification for the proposed new dwelling on proposed lot 8.

C. That the Council dispense with the minimum lot size of 40 hectares on this instance, in accordance with Part E Section 2.1.1 of the Planning Scheme for the Balance of the City of Cairns.

carried

22. RECONFIGURING A LOT (1 LOT INTO 2 LOTS) – LOT 14 PANGUNA STREET, TRINITY BEACH– DIVISION 12..........................192
Kym Watton: 8/13/778 : #786469

APPLICATION WITHDRAWN AT APPLICANT’S REQUEST

23. RECONFIGURING A LOT (1 LOT INTO 2 LOTS) – 17 POSSUM STREET, TRINITY BEACH – DIVISION 11..........................202
Kym Watton: 8/13/780 : #786883

BONNEAU / COCHRANE

That Council approve the application to reconfigure land described as Lot 13 on RP718746, Parish of Smithfield, located at 17 Possum Street, Trinity Beach into two (2) lots subject to the following conditions:

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No. SubDiv2-446 Dated November 2003 and prepared by Gabriel and Elizabeth Poole Design Company and Drawing No. CO3060-1-5-E Dated March 2004 and prepared Cochrane MRP Hydraulic and Fire Services Consultants, is approved subject to any alterations:

   a. Found necessary by the Council at the time of examination of the Engineering Plan or during the construction of the development because of particular engineering requirements;

   b. To ensure the development complies in all respects with the requirements of the 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 Plan of Survey, except where specified otherwise in these conditions of approval.

Water Supply Contributions

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

   The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are $1,385.47 (0.40 EDCs) for water.

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

Drainage Contributions

4. The applicant/owner must contribute towards the improvement of stormwater quality in accordance with the Draft Trunk Infrastructure Contributions Policy.

   The contributions rate is that which is current at the time of payment. The current rate of contributions is $578.20 (0.1960 ECA x $2,950.00/Equivalent Hectare) for Water Quality. Payment is required prior to the approval and dating of the Plan of Survey.

Water Supply and Sewerage Works

5. The proposed Lots 1 and 2 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 endorsed by the Chief Executive Officer. 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

6. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge, nominally being Possum Street such that it does not adversely affect surrounding properties, all to the requirements and satisfaction of the Chief Executive Officer.
Electricity and Telecommunications

7. The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunication 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.

Existing Services

8. The applicant is to provide written confirmation of the location of the existing 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.

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 Priority Infrastructure Plan (PIP) are adopted.


24. RECONFIGURING A LOT – LEASE BY AGREEMENT FOR A PERIOD EXCEEDING 10 YEARS AT BOULDERS ROAD, BABINDA – DIVISION 1 ...................................................................................210

Carried

GREGORY / LINDSAY

That Council approve the application to reconfigure land by agreement for a term exceeding ten (10) years on land described as Lot 4 on CP845167, Parish of Bellenden Ker, located at Boulders Road, Babinda, subject to the following conditions: -
Assessment Manager Conditions

1. The Plan of Reconfiguration being lease by agreement for a period exceeding (10) years, is approved subject to any alterations:

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

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

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.

lineEdit

25. RECONFIGURATION OF A LOT (BOUNDARY REALIGNMENT) - GRAY ROAD, GREEN HILL - DIVISION 2

LINDSAY / PEZZUTTI

A. That Council approve the application for the reconfiguration of land (boundary realignment) described as Lot 11 on RP748099 and Lot 10 on RP713953, Parish of Trinity, located at Gray Road, Green Hill, subject to the following conditions:

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No. 8262-1 dated 25 March 2004 prepared by C & B Group, Cairns, 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 the Council’s Planning Scheme, Development Manual and good engineering practice.
Easement

2. The applicant/owner must, at their own cost, create an easement over proposed Lot 4 in favour of proposed Lot 3 as depicted on Plan of Development Drawing No. 8262-1, to allow access to the cane siding contained within proposed Lot 4. The easement documents must be registered with the Department of Natural Resources Mines, and Energy immediately following the signing and sealing of the Plan of Survey.

Cane Railway

3. No additional crossings will be constructed or used and existing crossings will remain in place and be used for access over the Cane Railway easement at all times.

4. The applicant/owner must request permission from Mulgrave Central Mill to relocate crossings at their own cost.

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.

B. That the Council dispense with the minimum lot size of 40 hectares in this instance, in accordance with Part E Section 2.1.1 of the Planning Scheme for the Balance of the City of Cairns.

carried

26. RECONFIGURATION OF A LOT (BOUNDARY REALIGNMENT) - 343-345 SHERIDAN STREET, CAIRNS NORTH – DIVISION 6........219
Darren Johnson: 8/13/792-01 : #787445

BLAKE / PLATH

That Council approve the application to reconfigure land (Boundary Realignment), on land described as Lots 3 & 4 on RP701179, Parish of Cairns, located at 343-345 Sheridan Street, Cairns, subject to the following conditions:

Assessment Manager Conditions

1. The proposed Survey Plan number SP165891 and prepared by Brazier Motti Pty Ltd, is approved subject to any alterations:
a. Found necessary by the Chief Executive Officer at the time of examination of the Engineering Plans or during construction of the development because of particular engineering requirements;

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

c. To ensure compliance with the conditions of approval.

Existing Services

2. The applicant is to provide written confirmation of the location of the existing 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 new allotments.

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.

carried

27. RECONFIGURING A LOT (1 LOT INTO 2 LOTS) – STAGE 46B - 14 BRUCE HIGHWAY, MOUNT SHERIDAN – DIVISION 3 ..........223

Darren Johnson: 8/13/795-01 : #784984

PEZZUTTI / FREEBODY

A. That Council approve the application to reconfigure land (1 Lot into 2 Lots) described as Lot 14 on SP160336, Parish of Grafton, situated at Lot 14 Bruce Highway, Mount Sheridan, subject to the following conditions: -

Assessment Manager Conditions

1. The proposed Plans of Development Drawing No 5818-143 dated 21 April 2004 and prepared by C & B consultants Pty Ltd 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;

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.

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 $5,464.16 (2.0 EDCs) for water, $4,635.40 (2.0 EDCs) for sewerage, and $377.60 for drainage. Payment is required prior to the approval and dating of the Survey Plan.

Water Supply and Sewerage Works

4. 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 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.
Landscaping Plan

5. 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 submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. In particular, the plan must show:

a. The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs;

b. Planting of the footpath with trees, using appropriate species with regard to any overhead powerline constraints; and

c. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant’s Landscape Architect/Designer.

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

Areas to be landscaped must be established prior to the approval and dating of the Plan of Survey and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

Prohibition of Vehicular Access

6. Vehicular access to/from proposed Lots 1083 and 1084 is not permitted at their respective boundaries with Monsoon Terrace or Forest Gardens Boulevard. The applicant/owner must erect a structure along the boundary of the abovementioned lots, similar to existing structures and to the requirements and satisfaction of the Chief Executive Officer to prevent vehicles accessing the above allotments. Access points must be from Woodrose Drive to ensure appropriate and safe vehicular access. Specifically, for Lot 1083 this is suggested to be at a point nearest access point for Lot 1084.

Such structures must be established prior to the approval and dating of the Plan of Survey and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

Access to Hatchet or Battleaxe Lots

7. The applicant/owner must construct a concrete driveway to battleaxe Lot 1084 extending the full length of the access leg of allotment and such driveway shall commence at the adjacent kerb and channel with a standard crossover in accordance with Council Standard Drawing
S1015. The construction of the concrete driveway shall be in accordance with Council Standard Drawing S1110.

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 Sawpit Gully 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.

Building Setback Plans

9. The applicant/owner must lodge formal building setback plans for all proposed lots with Council prior to the approval and dating of the Plan of Survey. The building setback plans must comply with the following requirements:

   a. No building setback shall be closer than 1.5 metres to a completed sewer main; and

   b. No building envelope shall extend into an existing or proposed easement.

   c. The minimum setbacks as outlined in Section 3.3.3 of the Cannon Farm Part A – Development Standards.

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

Provision of Services

10. The applicant/owner must provide service conduits to Lot 1084 adjacent to the driveway together with associated access pits if necessary, to extend from the front alignment to the further end of the access driveway. These conduits must to be constructed at the operational works stage as later excavations or trenching will not be approved.

   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 the Chief Executive Officer prior to the approval and dating of the Plan of Survey.
Electricity and Telecommunications

11. The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunications authorities that services will be provided to the development and within the conduits required by condition (10). Such evidence must be provided prior to the approval and dating of the Plan of Survey.

Miscellaneous

12. Prior to the commencement of any works on site, the applicant shall ensure that any African Tulip trees Spathodea companulata contained on the site are removed.

All African Tulips above 10cm in diameter shall be chain sawed. The stump shall be ground down, grubbed and painted with a strong systemic herbicide, and any regrowth of the stump monitored. If any regrowth persists or suckers begin to grow, the stump should be stem injected with a systemic herbicide. Small trees of 10cm or less can be directly poisoned or by drilling a stem injection of systemic herbicide. A follow up and monitoring protocol of 3 monthly intervals will be needed to determine the success of the original application, and follow up herbicide applied in either of the above methods repeated.

CONCURRENCE AGENCY CONDITIONS

DEPARTMENT OF MAIN ROADS

Pedestrian/Cyclist Contributions

1. The applicant shall make monetary contribution towards pedestrian and cyclist infrastructure in accordance with the Queensland Department of Main Roads report Mulgrave Shire, Bruce Highway – Edmonton to White Rock Bikeway Headworks Charges, November 1994.

The contribution is $93.00 as at November 1994 for each Equivalent Residential Allotment that is appropriately re-calculated at the time of payment to reflect changes in Department of Main Roads road works Input Cost Index (RICI).

The contribution shall be paid to the Department of Main Roads prior to the applicant requesting Council to date and approve any plan of survey for the subject land.

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 Priority Infrastructure Plan (PIP) 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.


B. There is a development permit on this property which includes conditions from the Council and the Department of Main Roads. These conditions must be adhered to, if the development permit is activated. For further information contact Council’s City Assessment Branch.

carried

28. MINOR AMENDMENTS TO THE LOCALITY BOUNDARIES BY THE DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY ........................................................................................................................................232 Clayton Oostergo/cgo : 8/20/1-90: #786149

GREGORY / BLAKE

That Council agrees to the Locality Boundary Amendments as requested by the Department of Natural Resources, Mines and Energy.

carried


WITHDRAWN AT COUNCILLOR’S REQUEST TO BE PRESENTED TO PLANNING & ENVIRONMENT MEETING ON 17TH JUNE 2004
30. DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (11 LOTS INTO 49 LOTS PLUS PARK) AND PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE TO FACILITATE INDUSTRIAL DEVELOPMENT – RAY JONE DRIVE, WOREE ...........................................251

Jenny Elphinstone: 8/30/30: #788628

PLATH / FREEBODY

A. That Council issue a Preliminary Approval in accordance with Section 3.1.6 of the Integrated Planning Act 1997 for a Material Change of Use to facilitate Industrial Development on land described as Lot 4 on NR 843440, Lots 7 and 8 on N 157108, Lots 9 and 10 on N 747311, Lot 11 on N 747312, Lot 727 on N 747312, Lot 728 on N 157347, Parish of Cairns and located Ray Jones Drive, Woree, subject to the following conditions:

Assessment Manager Conditions

1. Table of Development

<table>
<thead>
<tr>
<th>Self Assessable Uses</th>
<th>Code Assessable Uses</th>
<th>Impact Assessable Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Park</td>
<td>Bulk Landscaping and Garden Supplies</td>
<td>Any other development other than that referred to elsewhere in this table.</td>
</tr>
<tr>
<td>Commercial Laundry</td>
<td>Caretaker's Residence</td>
<td></td>
</tr>
<tr>
<td>Freight Depot</td>
<td>Concrete Batching Plant</td>
<td></td>
</tr>
<tr>
<td>Heavy Vehicle Parking</td>
<td>General Industry</td>
<td></td>
</tr>
<tr>
<td>Local Utilities</td>
<td>Minor Building Work in respect to any development specified in column 3 where that development exists on the site and has been lawfully established.</td>
<td></td>
</tr>
<tr>
<td>Park</td>
<td>Outdoor Sales Premises</td>
<td></td>
</tr>
<tr>
<td>Plant Nursery</td>
<td>Service Station</td>
<td></td>
</tr>
<tr>
<td>Produce Store</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Purpose</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transport &amp; Equipment Depot</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Hire Premises</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Repair Station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

All uses listed in the above table are as defined in the Planning Scheme for the Balance of the City of Cairns.

2. 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 uses generally in accordance with:

a. The approved Plan being Option A Development Plan Drawing 4211277-03 Revision 3 dated 24 October 2002, SK01(b) Landscape Concept Plan dated 27 February 2003, and SK02 Entry Concept Plan dated 16 July 2002 and attached as Schedule A;

b. The plans, specifications, facts and circumstances as set out in the application submitted to Council; and
c. The provisions of Council’s Development Manual

except where modified by these conditions of approval.

3. The applicant/owner is to 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 and sewerage headworks.

The contributions must be paid at the rates applicable at the time of payment. Payment is required prior to the issuing of a Development Permit for Building Works and/or prior to the issuing of a Development Permit for Reconfiguring a Lot and/or as per conditions of a further Development Permit for a Material Change of Use (Code or Impact Assessment).

4. The proposed development is to comply with all of the provisions of the Transitional Planning Scheme for the Balance of the City of Cairns except for those that conflict with the provisions of the Preliminary Approval, have been granted dispensation by Council or are exempt though conditions of the Development Permit.

5. Setback of Land Use

All development (including exempt development, self assessable, code assessable and impact assessable land uses and all buildings and works) must be setback a minimum distance of 20m measured from the top of bank and/or edge of any marine vegetation, whichever is the greater distance, to form an environmental buffer from Gordon and Chinaman Creeks. This buffer must not include the Levy Bank. The buffer must be vegetated to the satisfaction of the Chief Executive Officer prior to the commencement of any land use.

6. Any dredging and/or works proposed within and/or in the vicinity of Gordon Creek, for any self assessable, code assessable or impact assessable land uses, must be undertaken outside of the wet season to minimise turbidity impacts and disruption of fish migrations.

Cultural Heritage

7. Prior to the commencement of any land use or the undertaking of any operational works a Cultural Management Plan must be developed in conjunction with representatives from the relevant traditional owner groups, as identified in the submission of detail lodged with application for this approval, to ensure that any surface or sub-surface archaeological evidence still existing in this area is adequately identified to the satisfaction of the Chief Executive Officer. In the event of archaeological evidence being discovered the relevant approval from the Cultural Heritage Branch of the Environmental Protection Agency will be required.
Samples of soils excavated from the site, particularly from the relatively undisturbed areas, are to be examined by a representative from relevant traditional owner groups to ascertain whether any sub-surface archaeological material is present. The applicant/owner is to notify the findings of any archaeological evidence to the Cultural Heritage Branch of the Environmental Protection Agency and any necessary approvals gained.

Public Facilities

8. Any public infrastructure/facilities established on the land shall be approved by the Chief Executive Officer and be appropriately designed and constructed to Council’s requirements.

Minimum Fill and Habitable Floor Levels

9. All habitable floor levels in all buildings must be located 150mm above the Q100 flood immunity level, in accordance with Development Manual and Planning Scheme requirements.

Storage of Machinery Etc

10. 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.

Currency Subject To Other Approvals

11. The development authorised by this development permit may not start until the conditions and requirements of the Reconfiguration of a Lot approval for development on the subject land have been fulfilled to the satisfaction of the Chief Executive Officer.

Street Layout and Design

12. Provision is to be made for a future road link to the Gordon Creek Drainage Reserve adjoining development located to the north of the subject site generally in the vicinity of proposed Lot 36 to the satisfaction of the Chief Executive Officer, in particular:

a. A stub road is to extend through to the northern boundary of the subject site and the existing lot layout redesigned to accommodate this road.

b. The alignment of the stub road is to be located such that a future connection can cross Gordon Creek at an angle, which is perpendicular to the Gordon Creek alignment resulting from dredging and Creek realignment works associated with this approval.
c. The design of the stub road and amended lot layout is to be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

d. The end of the sealed formation of the stub road to the northern boundary of the subject site must be landscaped, to the satisfaction of the Chief Executive Officer as an interim measure.

e. The stub road must have the same minimum road reserve width as the internal road network proposed for the development.

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

13. Existing Creek and Drainage Systems

Prior to the commencement of any works in or adjacent to the existing creek systems and drainage areas a plan must be submitted to Council detailing the works and the final end form of the Gordon and Chinaman Creek and bank alignments to the satisfaction and approval of the Chief Executive Officer.

The applicant/owner must obtain any necessary approvals from the Department of Natural Resources, Mines and Energy for carrying out works in a watercourse.

14. Site Rehabilitation

All disturbed ground is to be rehabilitated to eliminate erosion potential. Timing of site rehabilitation must be in accordance with Council's Development Manual guidelines, but within a maximum of thirty (30) days following completion of earthworks.

All disturbed areas within subdivisions are to be revegetated to achieve a grass cover of at least 80% prior to acceptance off-maintenance by Council.

CONCURRENCE AGENCY

Environmental Protection Agency Conditions

The aforementioned description of the environmentally relevant activity (ERA) for which this development approval is issued is simply a restatement of the activity as prescribed in the legislation at the time of issuing this development approval. Where there is any conflict between the above description of the ERA for which this development approval is issued and
the conditions as specified in this development approval as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

This development approval authorises the ERA. It does not authorise environmental harm unless a concurrence agency condition within this development approval explicitly authorises that harm. Where there is no condition or the development approval is silent on a matter, the lack of a condition or silence shall no be construed as authorising harm.

Schedule A - Activity
Schedule B - Air
Schedule C - Water
Schedule D - Noise
Schedule E - Waste
Schedule F - Land
Schedule G - Community
Schedule H - Definitions
Schedule I - Maps / Plans

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.

Site based management plan

(A3-1) From commencement of the activity, a Site Based Management Plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all Environmentally Relevant Activities that are carried out.
The site based management plan must address the following matters:

- Environmental commitments - a commitment by senior management to achieve environmental goals.
- Identification of environmental issues and potential impacts.
- Control measures for routine operations to minimise likelihood of environmental harm.
- Contingency plans and emergency procedures for non-routine situations.
- Organisational structure and responsibility.
- Effective communication.
- Monitoring of the contaminant releases.
- Conducting environmental impact assessments.
- Staff training.
- Record keeping.
- Periodic review of environmental performance and continual improvement.

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.

Dredging

(A6-1) The only form of dredging to be carried out is for the works outlined in the site based management plan lodged with the application on 7 April 2003.

(A6-2) The dredging activity and any disturbance to flora and fauna (both aquatic and terrestrial), rock bars or riffle areas that create natural pools or sand, gravel and clay in the bed of the waters must only be carried out in the site marked in Schedule I of this document.

(A6-3) The only areas permitted to be dredged under this approval are those shown on the site plan in Schedule I.

Acid sulphate soils (ASS)

(A7-1) You must comply with the latest edition of the Queensland Environmental Protection Agency's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001, produced by the Queensland Environmental Protection Agency in consultation with the Department of Natural Resources and Mines and the Department of Primary Industries.

(A7-2) Acid sulfate soils must be managed such that contaminants are not be directly or indirectly released, as a result of the activity, to any waters or the bed and banks of any waters.
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) Exceedence 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

Monitoring

(C1-1) Monitoring must be undertaken and records kept of contaminant
releases to waters from the discharge location for the parameters
and not less frequently than specified in Schedule C Table 1. All
determinations of the quality of contaminants released must be:

- made in accordance with methods prescribed in the latest
edition of the Environment Protection Agency Water Quality
Sampling Manual; and
- carried out on samples that are representative of the
discharge.

Schedule C - Table 1 (Release limits)

<table>
<thead>
<tr>
<th>Release/ Monitoring Point</th>
<th>Quality Characteristic</th>
<th>Min</th>
<th>50&lt;sup&gt;th&lt;/sup&gt; Percentile</th>
<th>80&lt;sup&gt;th&lt;/sup&gt; Percentile</th>
<th>Max</th>
<th>Monitoring Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background (B) - 50 metres upstream of works</td>
<td>Turbidity, pH</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Daily, if creek is flowing and works are conducted in the creek or water is released into the creek</td>
</tr>
<tr>
<td>Impacted site - 50 metres downstream of works</td>
<td>Turbidity</td>
<td>B + 10%</td>
<td>B + 30%</td>
<td></td>
<td></td>
<td>Daily, if creek is flowing and works are conducted in the creek or water is released into the creek</td>
</tr>
<tr>
<td>Impacted site - 50 metres downstream of works</td>
<td>pH</td>
<td>Background minus 0.5 pH unit</td>
<td></td>
<td>Background plus 0.5 pH unit</td>
<td></td>
<td>Daily, if creek is flowing and works are conducted in the creek or water is released into the creek</td>
</tr>
</tbody>
</table>
(C2-2) Prevent the release of sediment to waters or a build up of sediment in any stormwater drain.

(C2-3) Water velocities through temporary watercourse diversions around works area must be maintained similar to pre-work velocities during such diversions, and must be re-instated once dredging works are completed.

Release to waters

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

(C3-2) Contaminants must only be released to waters from the discharge location and in compliance with the release limits listed in Schedule C Table 1.

Discharge Location - namely release of sediment from dredging activities to Gordon Creek at location identified on site plan.

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.

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)

<table>
<thead>
<tr>
<th>Noise level dB(A) measured as</th>
<th>Monday to Saturday</th>
<th>Sundays and public holidays</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7am - 6pm</td>
<td>6pm - 10pm</td>
</tr>
<tr>
<td>LA10, adj, 10 mins</td>
<td>60</td>
<td>55</td>
</tr>
<tr>
<td>LA1, adj, 10 mins</td>
<td>65</td>
<td>60</td>
</tr>
</tbody>
</table>
Noise measured at a 'Commercial place'

<table>
<thead>
<tr>
<th></th>
<th>65</th>
<th>60</th>
<th>50</th>
<th>65</th>
<th>60</th>
<th>50</th>
</tr>
</thead>
<tbody>
<tr>
<td>$L_{A10}$, adj, 10 mins</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$L_{A1}$, adj, 10 mins</td>
<td>70</td>
<td>65</td>
<td>55</td>
<td>70</td>
<td>65</td>
<td>55</td>
</tr>
</tbody>
</table>

**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:

- $L_{A10}$, adj, 10 mins
- $L_{A1}$, 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**

No conditions in this schedule.

END OF CONDITIONS FOR SCHEDULE E

**Schedule F - Land**

Land rehabilitation

(F1-1) The authorised place must be rehabilitated (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) in a manner such that:

- suitable native species of vegetation are planted and established;
- potential for erosion of the site is minimised;
- the quality of stormwater, water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;
- the likelihood of environmental nuisance being caused by release of dust is minimised;
-
the water quality of any residual water bodies meets criteria for subsequent uses and does not have potential to cause environmental harm;
- the final landform is stable and not subject to slumping; and
- any actual and potential acid sulfate soils in or on the site are either not disturbed; or, submerged, or treated so as to not be likely to cause environmental harm.

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.

(G1-2) In consultation with the administering authority, cooperate with and participate in any community environmental liaison committee established in respect of either the site specifically, or the industrial estate where the site is located.

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.

"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, adj, 10 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, adj, 10 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, 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-ther eof.

"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.

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

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

"mg/L" means milligrams per litre.

"NTU" means nephelometric turbidity units.

"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
Department of Main Roads Conditions

1. Permitted Road Access Location

   i. Access between the State-controlled road (i.e. Portsmith Road) and the subject land shall be via the partly developed fourth leg of the existing intersection of Kate Street and Portsmith Road only, to the satisfaction of the Director-General of the Department of Main Roads.

   ii. Access between Kate Street extension and the proposed Lots 10 and 11 shall be a minimum of 120 metres from the Portsmith Road edge line.

   iii. No additional direct access between the State-controlled road reserve (i.e. Portsmith Road) and the subject land is permitted.
2. Provision of a connecting road to Lot 1 on RP 910036

   i. The applicant/landowner shall dedicate a road reserve from the
      frontage of Lot 1 on RP 910036 to the unnamed road to the north,
      linked to the permitted road access location, generally as shown
      on GHD Drawing No. 4211277-03 dated 24-10-02. This road link
      shall be an industrial road to Cairns City Council requirements.

      The above required road reserve shall be dedicated prior to:

      . or in conjunction with, the first registration of the plan of
        survey of the subject land, or

      . an application for a development permit for building works on
        the subject land,

      whichever comes first.

   ii. The applicant/landowner shall provide road infrastructure within
       the above road reserve to Cairns City Council’s requirements.

3. Land Requirement for Future Road Purposes

   i. DMR/ Maunsell Plan Nos. PD179, PD180 and PD181 dated 4 June
      2003, identifies the portions of the subject land required to
      accommodate a future 6 lane layout of Portsmith Road. This area
      is hereafter referred to as the ‘Exclusion Area’.

   ii. The applicant/ landowner shall not construct any structure/s nor
       commence any development under, on or over the ‘Exclusion
       Area’ unless the Department of Main Roads agrees to the
       proposed structures/ works.

   iii. Should the State of Queensland not have acquired the ‘Exclusion
        Area’ within twelve (12) months of:

       . the dating and approving of the plan of survey by Council in
         respect of the Reconfiguration of a Lot application and
       . the applicant/ landowner formally requesting, in writing, the
         District Director of the Cairns Office of DMR, or its successor
         or assign, to acquire/ resume the land,

       then parts (i) and (ii) above shall cease to have effect.

4. Intersection Works

   i. The landowner/ applicant shall upgrade the existing intersection of
      Kate Street and Portsmith Road, and the proposed access road for
      the subject land in accordance with:
the Department of Main Roads Road Planning and Design Manual, and

current Department of Main Roads standards.

A recent site inspection indicates the intersection shall be designed and constructed:

- generally as shown in the attached DMR/ Maunsell Plan No. PD178 dated 4 June 2003,
- with all new trafficable areas to be laid with asphaltic concrete surface to match the existing surface,
- with the existing reinforced concrete box culvert near the permitted road access location to be cleaned and the downstream channel cleared to enable the culvert to drain,
- with the installation/ amendment of traffic signals at the intersection to suit the new intersection layout and DMR traffic network management, and
- with the area of land shown as land dedication on DMR/ Maunsell Plan Nos. PD180, PD181 and PD182 dated 4 June 2003 to be dedicated as road.

ii. The landowner/ applicant shall submit intersection design drawings prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) for approval of the Cairns office of the Department of Main Roads prior to commencing works within the State-controlled road reserve (i.e. Portsmith Road).

iii. All required intersection works and land dedication shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the landowner/ applicant requesting Council to approve and date the first plan of survey containing any lots on the subject site.

5. Hydraulic Considerations

To protect the existing flood immunity of the State-controlled road (i.e. Portsmith Road), the applicant/ landowner shall seek the approval of the Director-General of the Department of Main Roads prior to any works commencing on the subject land which may result in stormwater flowing into the existing open drain or the Portsmith Road reserve. The existing open drain located within the subject site must not be relocated without written approval of the Director-General of the Department of Main Roads. A drainage easement must be located over any part of the drain located within the proposed lots. All of the requirements in this section shall be complied with prior to or concurrent with Council approving and dating the first plan of survey.
6. Advertising

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

7. Parking

When calculating carparking requirements associated with the proposed development, no allowance shall be made for parking within the State-controlled road reserve (i.e. Portsmith Road).

8. Visual Amenity Treatments

The applicant/landowner shall provide a 5 metre wide landscaped strip along the full frontage of the subject land to Portsmith Road and Bruce Highway. The landscaping shall be designed and planted such that when the landscaping matures, it provides a minimum 1m high screening and complementary screen trees approximately 6m tall at 7m spacings.

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

All landscaping works shall be completed prior to:

- or in conjunction with, the first registration of the plan of survey of the subject land, or
- an application for a development permit for building works on the subject land,

whichever comes first, to the satisfaction of the Director-General of the Department of Main Roads and the Cairns City Council.

9. Physical Barrier

The applicant/landowner shall provide and maintain at all times, a barrier fence, similar to a pool fence, along the full frontage of proposed Lots 10, 11 and 49 to Portsmith Road. The barrier fence shall be constructed to prevent vehicles and pedestrians moving directly between Portsmith Road and the subject land.

The barrier fence shall be erected prior to:

- or in conjunction with, the first registration of the plan of survey of the subject land, or
an application for a development permit for building works on the subject land,

whichever comes first, to the satisfaction of the Director-General of the Department of Main Roads and the Cairns City Council.
B. That Council approve the application for a Development Permit to Reconfigure land described as Lot 4 on NR 843440, Lots 7 and 8 on N 157108, Lots 9 and 10 on N 747311, Lot 11 on N 747312, Lot 727 on N 747312, Lot 728 on N 157347, Parish of Cairns and located at Ray Jones Drive, Woree into 49 lots plus park 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 uses generally in accordance with:

   a. the approved Plan being Drawing 4211277-03 Revision 3 dated 24 October 2003 and attached as Schedule A;
   b. the plans, specifications, facts and circumstances as set out in the application submitted to Council; and
   c. the provisions of Council’s Development Manual except where modified by these conditions of approval.

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.

Water Supply and Sewerage

3. 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.
Existing Sewerage Rising Main Alignment

4. The existing sewerage rising main traversing the site is to be located within the verge of the proposed new road. The existing sewerage rising mains is to have a minimum lateral clearance of 1.0m to all other services. Where necessary the verge width is to be widened to accommodate the service alignments.

Drainage Study of Site

5. The applicant / owner must undertake a drainage study on the subject land and adjoining creek system to determine the drainage effects on surrounding properties upstream and downstream. All works within the existing creek including channel alterations must not adversely impact on the surrounding properties and must have zero afflux upstream of the subject land.

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

Lawful Point of Discharge

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 nominally Gordon Creek / Chinaman Creek such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

7. Drainage easements shall be provided to allotments as required to cater for overland flowpaths and underground stormwater drainage infrastructure. The width of such easements shall be the minimum width required for either 100 year ARI flows or section 2.5.15 Easements whichever is the greater.

Gordon Creek shall be re-profiled to establish a 15 metre base width channel with 2H:1V bank slopes from upstream of the River Station (RS) 943 to RS 235 approximately 810 metres, and a flood protection levee along the right bank of Gordon Creek for the entire length of the subject site. The bed slope of the existing creek is to be retained in this area.

8. Prior to a Development Permit for Operational Works the works in Condition 7 (above) shall have a approved permit obtained from the Department of Natural Resources, Mining and Energy for such watercourse works.
Existing Creek and Drainage Systems

9. Prior to the commencement of any works in or adjacent to the existing creek systems and drainage areas a plan must be submitted to Council detailing the works and the final end form of the Gordon and Chinaman Creek and bank alignments to the satisfaction and approval of the Chief Executive Officer.

The applicant/owner must obtain any necessary approvals from the Department of Natural Resources, Mines and Energy for carrying out works in a watercourse.

Drainage Easements / Reserves Over Creeks and Streams

10. The applicant / owner must arrange for the transfer (registration of a drainage reserve) to Council over the sections of creek which are located within the subject property. The width of land to be transferred (reserve) shall contain all land below the top of the high bank (including channel widening) and a ten (10) metre minimum wide strip adjacent the top of bank of the gully / creek / watercourse, or the limit of ARI 100 year storm inundation, whichever is the greater. The land (reserve) shall be transferred (registered) in conjunction with the registration of the Plan of Survey.

Notwithstanding the above, the reserve shall have sufficient width to accommodate a 3.0m maintenance access along the southern bank of Gordon Creek and a formed mowable maintenance access traversable in 2WD vehicle is to be constructed along the creek bank from Lot 15 through to Lot 43.

Plan of Drainage Works

11. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,

a. The drainage system discharging 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. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event.

Soil and Water Management Strategy

12. A Soil and water management strategy, in accordance with Council's Development Manual must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Acid Sulphate Soil - Investigation

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

Ongoing sampling must continue through construction phase, in particular during and post filling of the site to monitor the impact of filling on Acid Sulphate Soils. Monitoring of ground water for any changes in depth and quality relating to the disturbance of acid sulphate soils must be undertaken.

Electricity and Telecommunications

14. 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.

Internal Roadworks

15. Internal roadways shall be constructed to an Industrial Access Street standard in accordance with Council Standard Drawing S1009. The cul-de-sac shall be constructed in accordance with Development Manual Part 2 Engineering Section 2.3.8 Cul-de-sac Turning Areas.

16. Prior to the lodgement of the application for Operational Works approval a design plan must be submitted for approval to the Chief Executive Officer detailing:

   a. All street furniture setback from the kerb to allow for semi-trailer vehicular traffic turning movements that on internal street network;

   b. The nomination of vehicle crossings to the individual lots with location respective to the neighbouring sites so that maximum on-street car parking can be achieved. (i.e. shared driveways at common property boundaries)

Minimum Fill and Habitable Floor Levels

17. All habitable floor levels in all buildings must be located 150mm above the Q100 flood immunity level, in accordance with Development Manual and Planning Scheme requirements.

18. Prior to the lodgement of an application for Operational Works the applicant must lodge an IDAS application with and gain approval from the State Environment Protection Agency for a Reconfiguration of a Lot within a Coastal Management District (CMD).

Any land required to be surrendered to the Crown or Council as Trustee in regards to the Coastal Management District must not to included as part of the provision of Park as required by the Local Government (Planning and Environment) Act for the Transitional Planning Scheme.
Water Supply and Sewerage Contributions

19. 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. Payment of contributions is required on the basis of one EDC per lot being payable prior to the approval and dating of the survey plan with the “balance” of contributions payable prior to the issue of a Development permit for Building Work. The “balance” of contributions being dependant on the demand created by the final form of development.

On the present method of calculation, the estimated headworks contributions initially due at the time of the signing and dating of the plan of survey are $127,619.93 (49.0 EDCs) for water and $134,617.52 (49.9 EDCs) for sewerage.

Parkland Contribution

20. a. The applicant/owner must transfer to the Crown five (5) percent of the gross area of the subject site for Public Use Land –Park in accordance with the requirements of Council's planning scheme and Section 5.6 of the *Local Government (Planning and Environment) Act 1990*.

This area is to be a fair average of the type of land to be reconfigured and shall be filled, graded, and drained, and all declared pest plants to be destroyed and left in a mowable condition to the requirements and satisfaction of the Chief Executive Officer.

The land included as Park must not included:

i. Any land required as Drainage Reserve;
ii. Any land contained within an Electricity easement;
iii. Any land less than 10 metres wide; or
iv. Any land to be surrendered as a requirement of the approval to be gained for a reconfiguration of a lot under the Coastal Management Act.

The park areas shall be transferred to the Crown at the same time as registering the survey plans with the Department of Natural Resources and Mines.

Or
b. The combination of the provision of land for the purpose of Park, where the type of land provided is in accordance with the requirements of Condition 20 (a) above, and the provision of facilities and/or monetary contribution towards the provision of or upgrading of parks and reserves in accordance with the provisions of Council's planning scheme and Section 5.6 of the *Local Government (Planning and Environment) Act 1990*, where the value of the land, facilities and monetary contribution amounts to 5% percent of the gross area of the subject site.

Any provision of facilities or monetary contribution must be paid prior to approval and dating the Plans of Survey.

Any monetary contribution must be based on the unimproved capital value, as held by Council, of the subject land applicable at the time of payment.

**Landscaping Plan**

22. 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 submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit. In particular, the plan must show:

a. The location and species of all existing trees, with an indication as to whether each tree is to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree;

b. The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs;

c. Planting of the footpath with trees;

d. Landscaping of required setback areas, being a minimum of 20 metres from the top of bank from the Gordon and Chinaman Creeks, and/or 20m from any marine vegetation whichever is the greater distance.

e. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant’s Landscape Architect/Designer.

f. The location of any existing declared weeds on the site. The Landscape plan must detail the proposed plan for eradication of these weeds.

g. Public access walkways to the Gordon and Chinaman Creeks from the internal street system through the proposed Park.
Existing native and mature vegetation must be retained and only be removed with the written consent of the Chief Executive Officer. Council’s City Assessment Branch is to be notified of the proposed date of commencement of any approved tree clearing.

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

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

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.

Site Rehabilitation

23. All disturbed ground is to be rehabilitated to eliminate erosion potential. Timing of site rehabilitation must be in accordance with Council’s Development Manual guidelines, but within a maximum of thirty (30) days following completion of earthworks.

All disturbed areas within subdivisions are to be revegetated to achieve a grass cover of at least 80% prior to acceptance off-maintenance by Council.

Street Layout and Design

24. Provision is to be made for a future road link to the Gordon Creek Drainage Reserve adjoining development located to the north of the subject site generally in the vicinity of proposed Lot 36 to the satisfaction of the Chief Executive Officer, in particular:
   a. A stub road is to extend through to the northern boundary of the subject site and the existing lot layout redesigned to accommodate this road.
   b. The alignment of the stub road is to be located such that a future connection can cross Gordon Creek at an angle, which is perpendicular to the Gordon Creek alignment resulting from dredging and Creek realignment works associated with this approval.
   c. The design of the stub road and amended lot layout is to be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.
   d. The end of the sealed formation of the stub road to the northern boundary of the subject site must be landscaped, to the satisfaction of the Chief Executive Officer as an interim measure.
   e. The stub road must have the same minimum road reserve width as the internal road network proposed for the development.
Three (3) copies of a plan of the works must be submitted to and endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational 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 the Plan of Survey.

CONCURRENCE AGENCY

Environmental Protection Agency Conditions

The aforementioned description of the environmentally relevant activity (ERA) for which this development approval is issued is simply a restatement of the activity as prescribed in the legislation at the time of issuing this development approval. Where there is any conflict between the above description of the ERA for which this development approval is issued and the conditions as specified in this development approval as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

This development approval authorises the ERA. It does not authorise environmental harm unless a concurrence agency condition within this development approval explicitly authorises that harm. Where there is no condition or the development approval is silent on a matter, the lack of a condition or silence shall no be construed as authorising harm.

Schedule A - Activity
Schedule B - Air
Schedule C - Water
Schedule D - Noise
Schedule E - Waste
Schedule F - Land
Schedule G - Community
Schedule H - Definitions
Schedule I - Maps / Plans

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.

Site based management plan

(A3-1) From commencement of the activity, a Site Based Management Plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all Environmentally Relevant Activities that are carried out.

The site based management plan must address the following matters:

- Environmental commitments - a commitment by senior management to achieve environmental goals.
- Identification of environmental issues and potential impacts.
- Control measures for routine operations to minimise likelihood of environmental harm.
- Contingency plans and emergency procedures for non-routine situations.
- Organisational structure and responsibility.
- Effective communication.
- Monitoring of the contaminant releases.
- Conducting environmental impact assessments.
- Staff training.
- Record keeping.
- Periodic review of environmental performance and continual improvement.

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.

Dredging

(A6-1) The only form of dredging to be carried out is for the works outlined in the site based management plan lodged with the application on 7 April 2003.
(A6-2) The dredging activity and any disturbance to flora and fauna (both aquatic and terrestrial), rock bars or riffle areas that create natural pools or sand, gravel and clay in the bed of the waters must only be carried out in the site marked in Schedule I of this document.

(A6-3) The only areas permitted to be dredged under this approval are those shown on the site plan in Schedule I.

Acid sulphate soils (ASS)

(A7-1) You must comply with the latest edition of the Queensland Environmental Protection Agency's INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001, produced by the Queensland Environmental Protection Agency in consultation with the Department of Natural Resources and Mines and the Department of Primary Industries.

(A7-2) Acid sulfate soils must be managed such that contaminants are not be directly or indirectly released, as a result of the activity, to any waters or the bed and banks of any waters.

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) Exceedence 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

Monitoring

(C1-1) Monitoring must be undertaken and records kept of contaminant releases to waters from the discharge location for the parameters and not less frequently than specified in Schedule C Table 1. All determinations of the quality of contaminants released must be:

- made in accordance with methods prescribed in the latest edition of the Environment Protection Agency Water Quality Sampling Manual; and

- carried out on samples that are representative of the discharge.
## Schedule C - Table 1 (Release limits)

<table>
<thead>
<tr>
<th>Release/Monitoring Point</th>
<th>Quality Characteristics</th>
<th>Min</th>
<th>50th Percentile</th>
<th>80th Percentile</th>
<th>Max</th>
<th>Monitoring Frequency</th>
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<tr>
<td>Background (B) - 50 metres upstream of works</td>
<td>Turbidity, pH</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>Daily, if creek is flowing and works are conducted in the creek or water is released into the creek</td>
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<td>Turbidity</td>
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<td>B + 30%</td>
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<td></td>
<td>Daily, if creek is flowing and works are conducted in the creek or water is released into the creek</td>
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<td>pH</td>
<td>Background minus 0.5 pH unit</td>
<td>Background plus 0.5 pH unit</td>
<td></td>
<td></td>
<td>Daily, if creek is flowing and works are conducted in the creek or water is released into the creek</td>
</tr>
</tbody>
</table>

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

(C2-3) Water velocities through temporary watercourse diversions around works area must be maintained similar to pre-work velocities during such diversions, and must be re-instated once dredging works are completed.

**Release to waters**

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

(C3-2) Contaminants must only be released to waters from the discharge location and in compliance with the release limits listed in Schedule C Table 1.
Discharge Location - namely release of sediment from dredging activities to Gordon Creek at location identified on site plan.

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.

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)

<table>
<thead>
<tr>
<th>Noise level dB(A) measured as</th>
<th>Monday to Saturday</th>
<th>Sundays and public holidays</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7am - 6pm</td>
<td>6pm - 10pm</td>
</tr>
<tr>
<td>LA10, adj, 10 mins</td>
<td>60</td>
<td>55</td>
</tr>
<tr>
<td>LA1, adj, 10 mins</td>
<td>65</td>
<td>60</td>
</tr>
<tr>
<td>Noise measured at a 'Noisy sensitive place'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LA10, adj, 10 mins</td>
<td>65</td>
<td>60</td>
</tr>
<tr>
<td>LA1, adj, 10 mins</td>
<td>70</td>
<td>65</td>
</tr>
<tr>
<td>Noise measured at a 'Commercial place'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

- \( L_{A10} \), adj, 10 mins
- \( L_{A1} \), 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

No conditions in this schedule.

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Land

Land rehabilitation

(F1-1) The authorised place must be rehabilitated (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) in a manner such that:

- suitable native species of vegetation are planted and established;
- potential for erosion of the site is minimised;
- the quality of stormwater, water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm;
- the likelihood of environmental nuisance being caused by release of dust is minimised;
- the water quality of any residual water bodies meets criteria for subsequent uses and does not have potential to cause environmental harm;
- the final landform is stable and not subject to slumping; and
- any actual and potential acid sulfate soils in or on the site are either not disturbed; or, submerged, or treated so as to not be likely to cause environmental harm.

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.
(G1-2) In consultation with the administering authority, cooperate with and participate in any community environmental liaison committee established in respect of either the site specifically, or the industrial estate where the site is located.

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.
"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.

"LA_{10, \text{adj, 10 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.

"LA_{1, \text{adj, 10 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.

"LA, 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.

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

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

"mg/L" means milligrams per litre.

"NTU" means nephelometric turbidity units.

"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

(I1) Gordon Creek Dredging Location

END OF CONDITIONS FOR SCHEDULE I

END OF CONCURRENCE AGENCY RESPONSE
Department of Main Roads Conditions

1. Permitted Road Access Location
   
i. Access between the State-controlled road (i.e. Portsmith Road) and the subject land shall be via the partly developed fourth leg of the existing intersection of Kate Street and Portsmith Road only, to the satisfaction of the Director-General of the Department of Main Roads.

   ii. Access between Kate Street extension and the proposed Lots 10 and 11 shall be a minimum of 120 metres from the Portsmith Road edge line.

   iii. No additional direct access between the State-controlled road reserve (i.e. Portsmith Road) and the subject land is permitted.

2. Provision of a connecting road to Lot 1 on RP 910036
   
i. The applicant/landowner shall dedicate a road reserve from the frontage of Lot 1 on RP 910036 to the unnamed road to the north, linked to the permitted road access location, generally as shown on GHD Drawing No. 4211277-03 dated 24-10-02. This road link shall be an industrial road to Cairns City Council requirements.

      The above required road reserve shall be dedicated prior to:

      . or in conjunction with, the first registration of the plan of survey of the subject land, or

      . an application for a development permit for building works on the subject land,

      whichever comes first.

   ii. The applicant/landowner shall provide road infrastructure within the above road reserve to Cairns City Council’s requirements.

3. Land Requirement for Future Road Purposes
   
i. DMR/ Maunsell Plan Nos. PD179, PD180 and PD181 dated 4 June 2003, identifies the portions of the subject land required to accommodate a future 6 lane layout of Portsmith Road. This area is hereafter referred to as the ‘Exclusion Area’.

   ii. The applicant/landowner shall not construct any structure/s nor commence any development under, on or over the ‘Exclusion Area’ unless the Department of Main Roads agrees to the proposed structures/works.
iii. Should the State of Queensland not have acquired the ‘Exclusion Area’ within twelve (12) months of:

. the dating and approving of the plan of survey by Council in respect of the Reconfiguration of a Lot application and
. the applicant/landowner formally requesting, in writing, the District Director of the Cairns Office of DMR, or its successor or assign, to acquire/resume the land,

then parts (i) and (ii) above shall cease to have effect.

4. Intersection Works

i. The landowner/applicant shall upgrade the existing intersection of Kate Street and Portsmith Road, and the proposed access road for the subject land in accordance with:

. the Department of Main Roads Road Planning and Design Manual, and
. current Department of Main Roads standards.

A recent site inspection indicates the intersection shall be designed and constructed:

. generally as shown in the attached DMR/Maunsell Plan No. PD178 dated 4 June 2003,
. with all new trafficable areas to be laid with asphaltic concrete surface to match the existing surface,
. with the existing reinforced concrete box culvert near the permitted road access location to be cleaned and the downstream channel cleared to enable the culvert to drain,
. with the installation/amendment of traffic signals at the intersection to suit the new intersection layout and DMR traffic network management, and
. with the area of land shown as land dedication on DMR/Maunsell Plan Nos. PD180, PD181 and PD182 dated 4 June 2003 to be dedicated as road.

ii. The landowner/applicant shall submit intersection design drawings prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) for approval of the Cairns office of the Department of Main Roads prior to commencing works within the State-controlled road reserve (i.e. Portsmith Road).

iii. All required intersection works and land dedication shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the landowner/applicant requesting Council to approve and date the first plan of survey containing any lots on the subject site.
5. Hydraulic Considerations

To protect the existing flood immunity of the State-controlled road (i.e. Portsmith Road), the applicant/landowner shall seek the approval of the Director-General of the Department of Main Roads prior to any works commencing on the subject land which may result in stormwater flowing into the existing open drain or the Portsmith Road reserve. The existing open drain located within the subject site must not be relocated without written approval of the Director-General of the Department of Main Roads. A drainage easement must be located over any part of the drain located within the proposed lots. All of the requirements in this section shall be complied with prior to or concurrent with Council approving and dating the first plan of survey.

6. Advertising

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

7. Parking

When calculating carparking requirements associated with the proposed development, no allowance shall be made for parking within the State-controlled road reserve (i.e. Portsmith Road).

8. Visual Amenity Treatments

The applicant/landowner shall provide a 5 metre wide landscaped strip along the full frontage of the subject land to Portsmith Road and Bruce Highway. The landscaping shall be designed and planted such that when the landscaping matures, it provides a minimum 1m high screening and complementary screen trees approximately 6m tall at 7m spacings.

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

All landscaping works shall be completed prior to:

- or in conjunction with, the first registration of the plan of survey of the subject land, or
- an application for a development permit for building works on the subject land,

whichever comes first, to the satisfaction of the Director-General of the Department of Main Roads and the Cairns City Council.
9. **Physical Barrier**

The applicant/landowner shall provide and maintain at all times, a barrier fence, similar to a pool fence, along the full frontage of proposed Lots 10, 11 and 49 to Portsmith Road. The barrier fence shall be constructed to prevent vehicles and pedestrians moving directly between Portsmith Road and the subject land.

The barrier fence shall be erected prior to:

- or in conjunction with, the first registration of the plan of survey of the subject land, or
- an application for a development permit for building works on the subject land,

whichever comes first, to the satisfaction of the Director-General of the Department of Main Roads and the Cairns City Council.
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 contributions may change when elements of the Cairns City Council Infrastructure Charges Plan (ICP) are adopted.

3. The owner(s) of this property will be required to pay further water supply and sewerage headworks over and above one (1) equivalent domestic connection prior to the issue of a Development Permit for Building Work;

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

5. 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.

6. 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 Geocentric Datum Australia (GDA) MGA 94 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.


carried
31. ESPLANADE MARKETS ................................................................324
Malcolm Robertson: 1/58/10-02:#767858

FREEBODY / PEZZUTTI

That:-

1. This matter be deferred to allow for further information to be provided to Council, with a report being presented to the Ordinary Meeting scheduled for the 1st July 2004.

2. Council continue with the trial Saturday Markets until the report is available.

3. Views be obtained from a portion of the Central Business District Traders and the Esplanade Traders on the impact to them of the Markets being held on Saturdays.

carried

Julie Carney;JSC: 10/7/1-51 : 782823

COCHRANE / LINDSAY

That Council endorse the recommendations of the Sport and Recreation Reference Group by approving funding under the Sport and Recreation Financial Assistance Program, Community Projects and Activities Scheme as follows:-

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Grant Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern Suburbs Junior Rugby League</td>
<td>$1277</td>
</tr>
<tr>
<td>Amputees &amp; Families Support Group</td>
<td>$876</td>
</tr>
<tr>
<td>Edge Hill Junior Soccer</td>
<td>$2917</td>
</tr>
<tr>
<td>Stratford Bowls</td>
<td>$3540</td>
</tr>
<tr>
<td>Babinda Pony Club</td>
<td>$1,303.18</td>
</tr>
<tr>
<td>Cairns Baseball</td>
<td>3,202</td>
</tr>
<tr>
<td>Cairns Surf Lifesaving</td>
<td>$4961.67</td>
</tr>
<tr>
<td>Mulgrave Combined Cricket Association</td>
<td>$4950</td>
</tr>
<tr>
<td>Gordonvale Turf Club</td>
<td>$5,000</td>
</tr>
<tr>
<td>St Vincent De Paul Society</td>
<td>$2,249</td>
</tr>
</tbody>
</table>

carried
CR FREEBODY LEFT THE MEETING AT 6.45PM AS HE HAD TO ATTEND ANOTHER MEETING

33. SPORT AND RECREATION STRATEGIC PLAN AND GORDONVALE SPORT AND RECREATION FACILITY NEEDS STUDY

Blaine Patterson: 10/23/6-01: #759018 v2

WITHDRAWN AT OFFICERS’ REQUEST

34. REQUEST FOR CANCELLATION OF PART OF COUNCIL’S FREEHOLD LOT 125 ON RP802261 (ACCESS RESTRICTION) FRONTING LOT 118 ON RP802261, MESTREZ STREET, MOOROOBOOL – MOOROOBOOL URBAN RENEWAL PROJECT – DIV. 7

Allan Simpson : 19/3/3-52: #787983

BLAKE / PLATH

That Council advise Project Services on behalf of the Department of Housing that it consents to the cancellation of part of Lot 125 on RP802261 (Mestrez Street, Mooroobool) between Mestrez Street and Lot 118 on RP802261 (Craig Street, Mooroobool), subject to all matters relating to the cancellation being done at no cost to Council.

carried

35. CORPORATE AND OPERATIONAL PLAN REVIEW – THIRD QUARTER 2003/04

Ian Lowth : 8/14/2-01: #779063

BLAKE / PEZZUTTI

That Council accept the report, and in particular:

1. Endorse the January, February and March 2004 Divisional Monthly Reports to Council as meeting the statutory requirements for reporting on the status of implementation of the Operational Plan 2003/04 for this period;

2. Approve the amendments to the Operational Plan 2003/04, as set out in Attachment A in agenda; and
3. Note the contribution of activities undertaken during the period January to March 2004, as set out in Attachment B in agenda, towards the implementation of the Corporate Plan 2000/05.

carried

GENERAL BUSINESS

PETITION FROM RESIDENTS – DOWNING & HENLEY STREETS, EARLVILLE – EXCESSIVE SPEEDING & REQUEST FOR IMPROVED LIGHTING

Councillor Plath presented a Petition from residents of Downing and Henley Streets in Earlville, who are concerned about the excessive speeding of traffic and the poor street lighting in their streets, to the Acting Chief Executive Officer.

CLOSED SESSION

BLAKE / COCHRANE

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

BLAKE / BONNEAU

COUNCIL RESOLVE TO MOVE OUT OF CLOSED SESSION

carried

RESOLUTIONS ARISING FROM THE MATTERS DISCUSSED IN CLOSED SESSION
1. **PREJUDICIAL MATTER - FEE LEVELS FOR OFF-STREET PARKING AREAS**

Keith Williams : 23/17/1-02: #786060

COCHRANE / BLAKE

That:-

1. Council approve a standardised fee of 50 cents per hour, to be charged across all Council operated paid off-street car parks for casual parking and amend the schedule of prescribed fees under Regulated Parking Local Law 2003 and Regulated Parking Subordinate Local Law 2003 accordingly.

2. That the schedule of prescribed fees under Regulated Parking, Local Law 2003 and Regulated Parking Subordinate Local Law 2003 be amended to reflect the increase in the on-street parking fees adopted in the Fees and Charges schedule 2004-05.

*carried*

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2. **CONTRACTUAL MATTER – CONTRACT NO 55117 MULTI-BAY PARKING METER SUPPLY AND INSTALLATION – EXTENSION OF EXISTING STANDING OFFER ARRANGEMENT**

Michael Kahler: #783853

BONNEAU / GREGORY

That Council approves the 12 month extension of the existing standing offer arrangement under Contract No 55117 with Reino International Pty Ltd at the revised rate identified in the report.

*carried*

Adam Peut : ALP : 10/26/3-01: #786994

**COCHRANE / BONNEAU**

That:-

1. Council resolve to award Contract PF04/2004 to the Young Men’s Christian Association of Cairns Incorporated (YMCA of Cairns Inc), in accordance with its tender but subject to the following special condition:

   That Council will reserve the right to renegotiate any management fee payable to the successful tenderer in the event that Council undertakes, or contributes to, any major improvement of the facility that will result in the successful tenderer being in a commercially advantageous position.

2. Council delegate authority to the Chief Executive Officer to negotiate the finalisation of a Licence Agreement, in the form prescribed within the relevant tender documentation and as outlined within the body of this report.

*carried*

4. **CONTRACTUAL MATTER – CONTRACT NO. 1789 ANNUAL SUPPLY OF STORMWATER PIPES, BOX CULVERTS AND PRECAST CONCRETE PRODUCTS**

Eddie Perez:GS:15/23/96-01: #781211

**GREGORY / PEZZUTTI**

That Contract 1789 – Standing Offer Arrangement for the Annual Supply of Stormwater Pipes, Box Culverts & Precast Concrete Products for all Districts be awarded as follows for the period 1 July 2004 to 30 June 2005 with an option for a one-year extension at Council’s discretion and a further one year extension in consultation with suppliers.

<table>
<thead>
<tr>
<th>Item</th>
<th>Detail</th>
<th>1st Preference</th>
<th>2nd Preference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Box Culverts</td>
<td>Normal &amp; Saltwater</td>
<td>Rocla Concrete Products</td>
<td>N/A</td>
</tr>
<tr>
<td>RCP Interlocking Joints</td>
<td>Normal &amp; Saltwater</td>
<td>Reinforced Concrete Pipes (RCP)</td>
<td>Rocla Concrete Products and</td>
</tr>
</tbody>
</table>
5. CONTRACTUAL MATTER - STANDING OFFER ARRANGEMENT NO. 1778 – SUPPLY & DELIVERY OF READY MIXED CONCRETE 

GREGORY / COCHRANE

That:

1. Contract 1778 – Standing Offer Arrangement for the Supply & Delivery of Ready Mixed Concrete be awarded in accordance with the supplier preferences shown in the agenda document, for the period 1 July 2004 to 30 June 2005 with an option for a one-year extension at Council’s discretion and a further one year extension in consultation with the suppliers.

2. A copy of the tabulation coded to reflect preferential order be made available to the public at the time of publishing the minutes of the Ordinary Meeting.

carried
6. CONTRACTUAL MATTER - LICENCE AGREEMENT FOR BANNER MANAGER – LATE AGENDA ITEM

Malcolm Robertson : 1/58/10-02: #786890

COCHRANE / BLAKE

That:-

1. Council accept that the Pole Hire rate for Echo Media Communications be reduced from $10 per week to $10 per month, to be applied retrospectively to the current Licence Agreement for Banner Manager.

2. Council confirm the extension of the current Licence Agreement for Banner Manager with Echo Media Communications until June 30th 2006 and to direct Council Officers to review Council's Banner/Pole Policy and the Licence Agreement for Banner Manager, with renewal of the Licence Agreement for Banner Manager from June 30th 2006 to be by public tender.

3. Additional banner types be added for short term rental:-
   - Length of 3.00 metres
   - Width of .90 metres
   - Fixed at top
   - Fixed at bottom inside corner
   - Floating bottom outside corner

   Banners to be made of polyester fabric.

4. Other locations within the Cairns City Council area to be available, subject to the approval of Council.

5. Provision be made in the review of the Licence Agreement/Banner Policy that the ongoing contracts of pole hire customers be honoured regardless of who the successful tenderer is in 2006.

6. The Chief Executive Officer be delegated authority to determine a depreciation formula to apply to the brackets and fittings and that the depreciated cost of any still in use at the end of the contract be reimbursed to Echo Media Communication, should they still hold commercial value.

   carried

THE MEETING CLOSED AT 7.30PM
CONFIRMED THIS                             DAY OF 2004


MAYOR                                         CHIEF EXECUTIVE OFFICER