

CASSOWARY COAST REGIONAL COUNCIL

MINUTES OF THE LOCAL GOVERNMENT MEETING HELD IN THE CIVIC CENTRE BOARD ROOM ON 24 FEBRUARY 2009 COMMENCING AT 9.00AM.

PRESENT:

Crs M Nolan (Acting Mayor), J Downs, I Rule, B Horsford, C Silvestro and Cr R Sorbello and Messrs P Stark (Acting Chief Executive Officer) and J W Pettigrew (Director, Planning & Environmental Services) and Ms J Sorensen and Ms J Cooksley (Minutes Clerk).

APOLOGIES:

Cr B Shannon (Mayor) and Mr T Brennan (Chief Executive Officer)

Item Number 1.1

CONFIRMATION OF MINUTES OF THE LOCAL GOVERNMENT MEETING HELD ON 12 FEBRUARY 2009

Recommendation:

"That the Minutes of the Local Government Meeting held on 12 February 2009 be confirmed as a true and correct record".

Moved Cr J Downs

Seconded Cr I Rule

Resolution Number 0416

"That the Recommendation be **adopted**".

CARRIED

Item Number 2

BUSINESS ARISING FROM PREVIOUS MEETING - Nil

Item Number 3.1

CCRC-034/09 – DONATION – VICTORIAN BUSH FIRE APPEAL AND INGHAM FLOOD RELIEF APPEAL

Executive Summary:

In light of the appalling loss of life and devastation of entire districts as a result of bush fires in Victoria recently and severe flooding in the aftermath of tropical cyclone Ellie which inundated the Ingham region causing widespread damage to many homes and businesses, Council give consideration to making a donation towards the respective Appeals.

Officer's Recommendation:

"That Council donate \$1,000 respectively towards the Victorian Bush Fire Appeal and the Ingham Flood Relief Appeal and that funds be allocated from budget vote 0200-2209-0000 – Donations – Sundries."

Moved Cr I Rule

Seconded Cr J Downs

Resolution Number 0417

"That the Officer's Recommendation be **adopted**."

CARRIED

9.10am Mr G Wilson (Manager, Environmental Services) entered the meeting.

Item Number: 3.2

CCRC-022/09 – ESTABLISHMENT OF A COMMUNITY RATING REVIEW GROUP

Executive Summary:

The Financial Action Plan adopted by Council recommended the establishment of a Community Rating Reference Group. The recommended approach is generally based on the one adopted by another local government in Queensland and on feedback received and proposes that the Rating Reference Group consist of a combination of selected invitees as well as community representatives appointed by Council as a result of publicly calling of Expressions of Interest in order to have a balanced view and membership of the Group. The report also recommends (as detailed in the draft Charter) that the Group in making its recommendations to Council on the preferred rating structure, may include reference to minimum general rates, differential rating categories, banding within categories, new special rates and charges and separate rates and charges but should not focus on the tools available to local governments such as averaging and capping; comments/ recommendations on a preferred Pensioner Remission Policy has also been included.

Officer's Recommendation:

"That Council;

- 1. adopt the approach of directly appointing the number of community/ interest groups representatives that Council deems sufficient to ensure it will achieve a reasonably representative view of ratepayers and residents across the Council Area and publicly call for Expressions of Interest for the remaining number of positions on the Group as decided by Council;**

Moved Cr B Horsford

Resolution Number 0418

Seconded Cr R Sorbello

"That the Officer's Report dated 2 February 2009 be **received**. Further, to ensure balanced membership on the Rating Reference Group, Council appoint representatives from the following organisations/Interest groups from across the Council Area:

Organisation/Group	Membership
Agriculture	3
Tourism	1
Pensioner Groups	1
Chamber of Commerce	2
Rental Property Management	1

With the balance of membership (4) to be appointed by way of publicly called "Expressions of Interest."

THE MOTION WAS CARRIED – 5 votes to 1 with Crs M Nolan, J Downs, R Sorbello, C Silvestro and B Horsford voting FOR the Motion and Cr I Rule voting AGAINST the Motion.

Item Number: 3.2

CCRC-022/09 – ESTABLISHMENT OF A COMMUNITY RATING REVIEW GROUP (Cont'd...)

"That Council;

- 2. write to the community/interest groups identified by Council as being desirable to achieve a balanced membership inviting them to nominate a representative to the Rating Reference Group;**

Moved Cr B Horsford	Seconded Cr J Downs
Resolution Number 0419	"That the Officer's Recommendation be adopted."
	CARRIED

"That Council;

- 3. adopt 'in principle' the 'draft' Rating Reference Group Charter to be formally adopted by Council once community/interest groups have responded to Council's invitation to nominate their representative to the Rating Reference Group and Council has resolved to accept those nominations;**

Moved Cr I Rule	Seconded Cr J Downs
Resolution Number 0420	"That the Officer's Recommendation be adopted."
	CARRIED

"That Council;

- 4. publicly call for Expressions of Interest for the balance of the membership;**

Moved Cr R Sorbello	Seconded Cr C Silvestro
Resolution Number 0421	"That the Officer's Recommendation be adopted."
	CARRIED

Item Number: 3.2

CCRC-022/09 – ESTABLISHMENT OF A COMMUNITY RATING REVIEW GROUP (Cont'd...)

"That Council;

- 5. seek the services of a person with the requisite skills and experience to lead and facilitate the Rating Reference Group."**

Moved Cr C Silvestro	Seconded Cr I Rule
Resolution Number 0422	"That the Officer's recommendation be received . Further, that Mr P Kromoloff be invited to lead and facilitate the Rating Reference Group."
	CARRIED

'TABLED' REPORT CCRC-044/09 – QUEENSLAND COUNTRY & REGIONAL LIVING EXPO (FORMERLY QUEENSLAND COUNTRY WEEK EXPO)

Executive Summary:

The Cassowary Coast Country Week Promotions Committee Inc is well advanced in planning for the 2009 Queensland Country & Regional Living Expo (formerly the Country Week Expo). The Committee seeks Council's assistance in applying for grant funding from Blueprint for the Bush. This funding is specifically provided to assist with attending the Expo and is only available to Local Government authorities.

Officer's Recommendation:

"That Council submit a funding application for \$7,000 to Blueprint for the Bush to assist with the production of a publication to promote the Cassowary Coast Region at the 2009 Queensland Country & Regional Living Expo

Moved Cr C Silvestro	Seconded Cr R Sorbello
Resolution Number 0423	"That the Officer's recommendation be adopted ."
	CARRIED

9.45am

Mrs S Hughes (Manager of Finance) entered the meeting.

Item Number: 4.1

CCRC-041/09 – FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 JANUARY 2009

Executive Summary:

The financial reports provide indicative financial results for Council for the period to 31 January 2009.

Officer's Recommendation:

That the Interim Statements with Notes for the period to 31 January 2009, incorporating the following be received:-

- **Income Statement**
- **Balance Sheet**
- **Cash Flow Statement**
- **Statement of Appropriations**
- **Statement of Changes in Equity**
- **Capital Funding Statement**
- **Actual to Budget Report 2008/2009**
- **Notes to and Forming Part of the Financial Report**
 - Note 1 – Cash Assets and Cash Equivalents**
 - Note 2 – Trade and Other Receivables**
 - Note 3 – Non-current Assets**
 - Note 4 – Borrowings**
 - Note 5 – Recurrent Revenue and Expenditure."**

Moved Cr J Downs	Seconded Cr R Sorbello
Resolution Number 0424	"That the Officer's Recommendation be adopted."
	CARRIED

It was agreed that a workshop would be convened in the near future to provide Councillors with a better understanding of the intricacies of the Financial Statements.

Cr Nolan thanked Mrs Hughes, her staff and the Director of Corporate Services for the proficient compilation and format of the Financial Statements.

10.00am – 10.30am The meeting adjourned for morning tea. It was noted when the meeting reconvened that Mr John Rainbird, Senior Regional Liaison Officer, Far Northern Region Regional Engagement and Planning, Great Barrier Reef Marine Park Authority was in attendance.

PRESENTATION ON THE 'DRAFT' FNQ SUSTAINABLE REGIONS INITIATIVE

Cr M Nolan welcomed Mr Rainbird to the meeting and invited him to address Council on the 'Draft' FNQ Sustainable Regions Initiative.

Mr Rainbird thanked Council for the opportunity to address members and staff and gave a brief overview of the project:

PRESENTATION ON THE 'DRAFT' FNQ SUSTAINABLE REGIONS INITIATIVE (Cont'd...)

Key industry and community leaders in the TNQ region are determined to work with governments and the broader community to deliver regionally on Australia's aspirations to be a leading green and sustainable nation. As a first-world tropical region boasting internationally-significant natural assets, well developed infrastructure and a strong science, knowledge and innovation base, TNQ is well positioned to deliver on this aspiration.

In an historic alignment of effort, elected representatives of the three tiers of government have joined with industry, business, environment and community interests to develop the TNQ Sustainable Region Initiative. The initiative aims to establish a locally-driven process and framework for engaging community, government and industry in the development of a long-term regional vision and action plan to 2025 which:

- Provides the region with a sustainable economic competitive advantage by diversifying the economy based on clean, green and smart principles;
- Reduces impact on the environment and protects natural assets;
- Improves social equality and quality of life;
- Obtains better efficiencies from government spending in the region; and
- Identifies, aligns and connects sustainability initiatives in the region, with reference to and in support of government planning already undertaken.

Ultimately, the TNQ Sustainable Region initiative is about the region – its people, communities, service providers, businesses and industries – taking ownership of its future. It will deliver a regionally-focussed mechanism for driving engagement and connection between governments, industry and the community around the development and coordination of projects and initiatives which contribute to sustainability in economic, social and environmental terms. The initiative will build capacity and develop knowledge and skills across systems and sectors.

To secure a prosperous future, TNQ must seize emerging opportunities and capitalise on its natural assets and the competitive advantages they provide. The TNQ Sustainable Region Initiative will position the region for the future by driving new projects, showcasing best practice with triple bottom line outcomes and building on planning and achievements to date.

On behalf of Council, Cr Nolan thanked Mr Rainbird for his presentation at which time he left the meeting.

11.00am Mr D Horton (Manager, Planning Services) and Miss N Moore (Planning Officer, South) and Miss J Rackley (Planning Officer, North) entered the meeting.

Item Number: 5.1

CCRC-036/09 – GOONDI BEND SPORTS FIELDS AND OTHER SITES – FINDINGS OF THE LANDFILL REMEDIATION ASSESSMENT PROGRAM - ROUND 9

Executive Summary:

As part of the State-funded Landfill Remediation Assessment Program - Round 9, Council has been approved to carry out three projects to determine whether the closed landfills within the northern region of the region pose any health or environmental threat. Two of the three projects have now been completed and this report outlines the findings of these investigations:

- Component 3 – Landfill cap assessment of the Goondi Bend sports fields
- Component 1 – Groundwater monitoring of six closed landfills

Item Number: 5.1

**CCRC-036/09 – GOONDI BEND SPORTS FIELDS AND OTHER SITES – FINDINGS OF THE
LANDFILL REMEDIATION ASSESSMENT PROGRAM - ROUND 9 (Cont'd...)**

Officer's Recommendation:

"That;

1. Council resolve to make the findings of the report by Golden Associates into the landfill cap underlying the Goondi Bend Sports Fields, available to the general public, particularly the Innisfail Sporting Association;
2. Council resolve to conduct routine inspections of the Goondi Bend Sports Fields for subsidence, protruding objects, pooled water and signs of excessive infiltration through the landfill cap;
3. Council resolve to accept the consultant's recommendation and undertake groundwater sampling at Cowley, Flying Fish Point, Kurrimine and Mourilyan Harbour landfills, two months after the 2008/09 wet season (approximately June 2009)."

Moved Cr B Horsford

Resolution Number 0425

Seconded Cr I Rule

"That the Officer's Recommendations be
adopted."

CARRIED

Item Number: 5.5

CCRC-038/09 – PARTICIPATION IN EARTH HOUR 2009

Executive Summary:

Cassowary Coast Regional Council is participating in Earth Hour 2009; a global event to raise community awareness of climate change issues, and lead by example within the community. Earth Hour 2009 is on the 28 March from 8.30 – 9.30pm.

Officer's Recommendation:

"That participation in Earth Hour 2009 being held on 28 March 2009 be endorsed by Council."

Moved Cr C Silvestro

Resolution Number 0426

Seconded Cr R Sorbello

"That the Officer's Recommendation be
adopted. Further, that a review of Council's existing levels of operational lighting be undertaken and that Council contact Ergon Energy with a view to holding a discussion on the levels of lighting provided under their policies."

CARRIED

DOG REGISTRATION RENEWAL NOTICES

Mr Wilson advised Council that outstanding Dog Renewal notices will be issued over the next couple of weeks for the entire financial year, ie. from 1st July (former Cardwell Shire) and from 1st October (former Johnstone Shire). Cr Nolan suggested it would be prudent to issue a Press Release concerning this issue.

Item Number: 5.2

CCRC-035/09 – PLANNING SERVICES APPROVALS ISSUED FOR THE PERIOD 01/12/08 TO 31/01/09 (UNDER AUTHORITY DELEGATED TO THE CHIEF EXECUTIVE OFFICER)

Executive Summary:

During the period 1 December 2008 to 31 January 2009, a total of 49 Planning Development Approvals and 89 Building Development Approvals were issued under Delegated Authority.

Since the formation of the Cassowary Coast Regional Council on 17 March 2008, an accumulated total of 275 Planning Development Approvals and 577 Building Development Approvals have been issued under Delegated Authority to 31 January 2009.

Officer's Recommendation:

"That the report be received".

Moved Cr R Sorbello	Seconded Cr I Rule
Resolution Number 0427	"That the Officer's Recommendation be adopted."
	CARRIED

Item Number: 5.3

CCRC-037/09 – PRELIMINARY APPROVAL TO OVERRIDE THE PLANNING SCHEME FOR MATERIAL CHANGE OF USE (TO FACILITATE DEVELOPMENT IN ACCORDANCE WITH THE PLAN OF DEVELOPMENT – LEVELS OF ASSESSMENT FOR PROPOSED USES) AND FORTY TWO (42) LOTS + BOUNDARY REALIGNMENT (REALIGNMENT OF LOT 1 ON RP739559) AND DEVELOPMENT PERMIT FOR RECONFIGURATION OF LOT (STAGE 1 – ONE (1) LOT INTO THIRTEEN (13) LOTS (PROPOSED LOTS 8-17 AND 39-41))

Executive Summary:

Council is in receipt of an application for a Preliminary Approval to override the Planning Scheme for Material Change of Use (to facilitate development in accordance with the Plan of Development – levels of assessment for proposed uses) and forty two (42) lots + boundary realignment (realignment of lot 1 on RP739559) and Development Permit for Reconfiguration of Lot (Stage 1 – one (1) lot into thirteen (13) lots (proposed lots 8 -17 & 39-41), on land located along the Bruce Highway & Maple Street, Goondi Bend and described as Lot 1 on RP739559 and Lot 2 on SP164484.

The application was Impact Assessable, and therefore Public Notification was required to be completed as per the IDAS process. Seven (7) properly made submissions were received by Council prior to 2 February 2009.

The application was referred to the Department of Main Roads as a Concurrence Agency as the proposed development abuts the Bruce Highway and the Department of Infrastructure and Planning as an Advice Agency for the Preliminary Approval (s.3.1.6) aspect.

Item Number: 5.3

CCRC-037/09 – PRELIMINARY APPROVAL TO OVERRIDE THE PLANNING SCHEME FOR MATERIAL CHANGE OF USE (TO FACILITATE DEVELOPMENT IN ACCORDANCE WITH THE PLAN OF DEVELOPMENT – LEVELS OF ASSESSMENT FOR PROPOSED USES) AND FORTY TWO (42) LOTS + BOUNDARY REALIGNMENT (REALIGNMENT OF LOT 1 ON RP739559) AND DEVELOPMENT PERMIT FOR RECONFIGURATION OF LOT (STAGE 1 – ONE (1) LOT INTO THIRTEEN (13) LOTS (PROPOSED LOTS 8-17 AND 39-41)) (Cont'd...)

The proposed development is in conflict with the planning outcomes sought in the Johnstone Shire Council Planning Scheme 2005, and is therefore recommended for refusal.

Officer's Recommendation:

"That the application for a Preliminary Approval to override the Planning Scheme for Material Change of Use (to facilitate development in accordance with the Plan of Development – levels of assessment for proposed uses) and forty two (42) lots + boundary realignment (realignment of lot 1 on RP739559) and Development Permit for Reconfiguration of Lot (Stage 1 – one (1) lot into thirteen (13) lots (proposed lots 8 -17 & 39-41), on land located along the Bruce Highway & Maple Street, Goondi Bend and described as Lot 1 on RP739559 and Lot 2 on SP164484, be refused on the following grounds:

The proposed development has not adequately demonstrated:

- 1. the proposal will not compromise the DEOs (especially s.3.1.1 Ecological and natural systems No. 1, s3.1.2 Economic Development No. 5 - Dot Point 1 & No. 6, s3.1.3 Maintenance of community well being No. 8 & 9 and the Rural Zone of the Planning Scheme;**
- 2. the proposal is not contrary to orderly development and the efficient provisions of infrastructure to the shire;**
- 3. that there is an overriding community need for industrial use of the land having regard to the loss of GQAL that will result;**
- 4. the applicant has not provided or demonstrated that there is an overriding need or substantial planning grounds to grant approval of the application despite the conflict;**
- 5. the applicant has not provided or demonstrated that proposed filling for the site to achieve suitable flood immunity will not effect the surrounding land uses (residential dwellings and Goondi State School and other uses).**
- 6. the need to covert land from rural uses to industrial uses; and**
- 7. the proposal will not adversely impact on the balance of land uses intended within the area under the planning scheme.**

Item Number: 5.3

CCRC-037/09 – PRELIMINARY APPROVAL TO OVERRIDE THE PLANNING SCHEME FOR MATERIAL CHANGE OF USE (TO FACILITATE DEVELOPMENT IN ACCORDANCE WITH THE PLAN OF DEVELOPMENT – LEVELS OF ASSESSMENT FOR PROPOSED USES) AND FORTY TWO (42) LOTS + BOUNDARY REALIGNMENT (REALIGNMENT OF LOT 1 ON RP739559) AND DEVELOPMENT PERMIT FOR RECONFIGURATION OF LOT (STAGE 1 – ONE (1) LOT INTO THIRTEEN (13) LOTS (PROPOSED LOTS 8-17 AND 39-41)) (Cont'd...)

Concurrence Agency Recommendation (Department of Main Roads):

Council as Assessment Manager, at Direction of the Department of Main Roads, refuse the proposed development on the following grounds:

1. The proposed development creates 2 new major intersections along the Bruce Highway that are likely to create major conflict points within the State-controlled road network. It is estimated the 2 intersections generate over 4,000 turning vehicle movements per day with a high proportion of heavy industrial vehicles, with the full development proposal. Each intersection is within 250m of the existing Clifford Road intersection for the developing Goondi Industrial Estate on the opposite side of the Highway, which in combination would create unsafe traffic flows along the Bruce Highway.
2. The proposed eastern intersection along the Bruce Highway involves Lot 14 on I28167, which is excluded from the application subject land.
3. The proposed development represents out-of-sequence development of industrial land at a locality where the existing zoned and serviced Goondi Industrial Estate is estimated to be presently only about 20% capacity.
4. The proposed development contributes to ribbon development along the Bruce Highway at edge of Innisfail township.
5. Ribbon development is inefficient to service.
6. The proposed site may be subject to flooding and on-site earthworks could create adverse affects on the Bruce Highway.
7. The proposed development sets a bad precedent for the locality”.

Moved Cr I Rule	Seconded Cr B Horsford
Resolution Number 0428	“That the Officer’s Recommendation be adopted. ”
	CARRIED

Item Number: 5.4

D/A 158/08J – CCRC-039/09 – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – VETERINARY SURGERY – 12 PALMERSTON DRIVE (BRUCE HIGHWAY) GOONDI BEND

Executive Summary:

Council is in receipt of an application for a Material Change of Use for a Veterinary Surgery. The application was submitted by Doug and Karen Phillips for the establishment of a veterinary surgery within the Business Frame Precinct of the Innisfail Zone at 12 Palmerston Drive (Bruce Highway), Goondi Bend, and described as Lot 12 on RP707398.

The proposed development triggered referral to the Department of Main Roads as a Concurrence Agency. The Department of Main Roads has conditioned the proposed development with reasonable and relevant conditions.

The application was impact assessable and therefore public notification was required. No submissions were received by Council.

The subject site is located within the urban footprint as indicated within the Far North Queensland Regional Plan (FNQRP) 2009-2031 and therefore was not required to be referred to the Department of Infrastructure and Planning as part of the IDAS process.

The application is consistent with the intent of the zoning and strategic designation of the subject site, and adequately meets the provisions of the Johnstone Shire Council Planning Scheme, 2005, and therefore the proposed application for Material Change of Use for a Veterinary Surgery is recommended for approval subject to reasonable and relevant conditions.

Officer's Recommendation:

"That a Development Permit be issued for a Material Change of Use for a Veterinary Surgery, situated at 12 Palmerston Drive (Bruce Highway), Goondi Bend on land described as Lot 12 on RP707398, Parish of Johnstone, subject to the following conditions:

Assessment Manager's Conditions:

- 1) **Proposal:** The proposed documents and plans for the development set out in the following table and submitted to Council on the 13 November 2008 and 11 February 2009, and subsequently, are approved, subject to:

Plan/ Document Number	Plan/ Document Name	Date
Applicant Planning Report	Re: Development Application – Lot 12 RP707398	13 November 2008
Hamilton veterinary design	Site Plan	25 January 2008
Hamilton veterinary design	Floor Plan	25 January 2008

- (a) **The plans, specifications, facts and circumstances as set out in the application submitted to Council;**

Item Number: 5.4

D/A 158/08J – CCRC-039/09 – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – VETERINARY SURGERY – 12 PALMERSTON DRIVE (BRUCE HIGHWAY) GOONDI BEND (Cont'd...)

- (b) Ensuring that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual; and
- (c) Any alterations found necessary by the Chief Executive Officer or his delegate at the time of examination of the Engineering Plans or during construction of the development because of a particular requirement;

except where modified by these conditions of approval.

- 2) **Amended Plans:** An amended set of plans incorporating any of the changes required by these conditions shall be provided to Council to be endorsed by the Director of Planning and Environmental Services.
- 3) **Development Approval – Operational Works:** If as a result of this approval filling of the land and retaining of such fill is required which are not associated with the building application approval, the works will require an operational works application and approval which will run concurrently with this approval, and any future building application approvals that may be granted.
- 4) **Advertising Device:** The applicant/owner is to ensure that the advertising device proposed as part of this development application is to the size and location indicated on the approved Site Plan, dated 25 January 2008. The sign will require building approval, and can be lodged as part of the building application for the development.
- 5) **Elevation Plans:** The applicant/owner is to provide Council with a set of elevation plans of the building for the Veterinary Surgery with all measurements, to be endorsed by the Director of Planning and Environmental Services, prior to the issue of the Development Permit for Building Works.
- 6) **Timing of Effect:** The conditions of the Development permit must be complied with prior to commencement of use, except where specified otherwise in these conditions of approval.
- 7) **Commencement of Use:** The applicant/owner must return to Council the attached Notification of Intention to Commence Use after acceptance of and compliance with these or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
- 8) **Scenic Amenity Code:** The applicant/owner must ensure that the development complies with the provisions of 5.5.1 Scenic Amenity Code of the Johnstone Shire Planning Scheme 2005.

Item Number: 5.4

D/A 158/08J – CCRC-039/09 – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – VETERINARY SURGERY – 12 PALMERSTON DRIVE (BRUCE HIGHWAY) GOONDI BEND (Cont'd...)

- 9) **Lot Access:** Access to the proposed development must be constructed in accordance with the FNQROC Development Manual, Department of Main Roads conditions, and Council's standard engineering specifications for a commercial/industrial type crossover to the satisfaction of the Director of Planning and Environmental Services and at no cost to Council. Future maintenance of the access is the responsibility of the landowner.

Vehicular access to the development is to be via Palmerston Drive (Bruce Highway) at the DMR approved point only and as indicated on the approved proposal plan. All construction requirements are to be to the satisfaction of the Department of Main Roads and the Director of Planning and Environmental Services.

- 10) **Landscaping:** Landscaping shall be provided in accordance with specific outcomes/probable solutions of the Innisfail Business Frame Precinct Code 4.6.6 and the Landscape Code 6.4.3 of the Johnstone Shire Council Planning Scheme 2005 and/or as varied by the condition of this development. The landscaping shall be established before commencement of the use.

A detailed landscaping plan undertaken by a suitably qualified person shall be submitted for approval by Council prior to any work commencing on the site.

- 11) **Off-Street Car Parking:** Provision must be made for off street parking at the minimum rate of three (3) spaces per practitioner, and as indicated on the Site Plan dated 25 January 2008. The car parking spaces and access to the spaces are to be paved and must comply with the acceptable/probable solutions in the Vehicle Access, Parking and Loading Code 6.4.6 of the Johnstone Shire Planning Scheme 2005 and the Australian Standard AS 2890, to the satisfaction of the Director of Planning and Environmental Services.

- 12) **Water Supply Infrastructure Contributions:** In accordance with Council's Planning Scheme Policy 6 – Trunk Infrastructure Contributions and External Works, a Water Supply Contribution is payable by the Applicant/Owner to Council in respect of this development/subdivision. The Contribution must be paid prior to commencement of use, and must be calculated at the contribution rate applicable at the time of payment.

The applicable contribution rate is the Innisfail Water Supply Scheme Infrastructure Charge. The Service Demand Increase (SDI) is calculated at 0.2 ET's. The current Water Supply Contribution Rate is \$5,585/ET.

Item Number: 5.4

D/A 158/08J – CCRC-039/09 – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – VETERINARY SURGERY – 12 PALMERSTON DRIVE (BRUCE HIGHWAY) GOONDI BEND (Cont'd...)

- 13) **Water Service:** The existing water service shall be reviewed with the requirement to service this development to be based on a water supply needs analysis; this includes any requirements for fire fighting purposes. Any alterations required to the existing water service and meter must be constructed in approved material at no cost to Council. The meter must be a Council approved integrated unit including backflow prevention device and stopcock. The current fee/charge for each water service installed by Council is as per Council's Register of Regulatory Fees and must be paid prior to the works being undertaken. The fee/charge payable shall be at the rate applicable at the time it is actually paid. Water and telecommunications/electricity services must be provided at opposing corners of each lot.
- 14) **Works - Internal:** The Applicant/Owner must, at no cost to Council, provide the following works external to the subject land:

Internal Parking and Traffic Circulation Area

- Internal road widths, parking bays, and traffic circulation widths are to be as per AS2890.2. All associated drainage is to be directed to a legal point of discharge.
- All internal traffic areas are to be constructed and paved; this includes areas for the staff parking and manoeuvring areas.
- Signage and line marking is to be installed so as to complement the submitted approved plan design and the conditions of development for ingress and egress.

All works must be constructed in accordance with the Development Permit, the FNQROC Development Manual, or as per AS2890.2 to the requirements and satisfaction of the Director Planning Services prior to commencement of use.

- 15) **Erosion and Sediment Control Site Works:** Effective erosion and sediment control must be maintained at all times during and after construction work until there is adequate vegetation cover, paved or other controls to prevent any silt run-off from the site.

The Applicant/Owner must submit an Erosion and Sediment Control Strategy (ESCS) with the building works application. The Consulting Engineer shall ensure that the Contractor implements the approved erosion and sediment control strategy necessary to maintain compliance with the FNQROC Development Manual requirements (in accordance with Section CP1.13) and the Institution of Engineers Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy during the construction period. The Developer shall be held responsible for rectification works required to clean up pollutants and sediments that may leave the site as a result of construction activities. All works must comply with Section D5 (Stormwater Quality Management) of the FNQROC Development Manual.

Item Number: 5.4

D/A 158/08J – CCRC-039/09 – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – VETERINARY SURGERY – 12 PALMERSTON DRIVE (BRUCE HIGHWAY) GOONDI BEND (Cont'd...)

- 16) **Sewerage Infrastructure Contributions:** In accordance with Council's Planning Scheme Policy 6 – Trunk Infrastructure Contributions and External Works, a Sewerage Contribution is payable by the Applicant/Owner to Council in respect of this development/subdivision. The Contribution must be paid prior to signing and dating by Council of any Plan of Survey, and must be calculated at the contribution rate applicable prior to commencement of use.

The applicable contribution rate is the Innisfail Sewerage Scheme Infrastructure Charge. The Service Demand Increase (SDI) is calculated at 0.2 ET's. The current Sewerage Contribution Rate is \$5,420/ET.

- 17) **Sewerage Connection/Main Impacts:** If as a result of this approval any of the proposed works "impinge" on the area of influence of the existing sewer mains that services this property and the two neighbouring properties, the applicant will be responsible for the design and construction being such that the sewer main is not built over, and/or no loads are placed on the sewer mains as a result of building works, and/or retaining walls. The applicant is to locate the existing sewer main and ensure any works are in accordance with Cassowary Cost Regional Council Guidelines for Building Over or Adjacent to Council Sewers as approved by the Manager of Water and Sewerage.
- 18) **Stormwater:** The applicant/owner is to ensure that adequate precautions are taken to avoid the discharge of stormwater onto adjoining allotments, to the requirements and satisfaction of the Director of Planning and Environmental Services.
- 19) **Waste Bins and Storage areas:** The waste bin and storage areas must be screened from view of adjoining properties and roads, to the satisfaction of the Director of Planning and Environmental Services.

12) Concurrence Agency Conditions – Department of Main Roads
**Conditions of Development
and
Statement of Reasons**

 Department of **Main Roads**
Council Ref:
State-controlled Road: Bruce Highway (Palmerston Drive)
Date: 17 December 2008
Proposal: Veterinary Hospital
Property description: 12RP707398
Site locality: 12 Palmerston Drive, Innisfail
Applicant: Douglas Phillips

Conditions of Development	Reasons	Condition Basis
<p>Layout</p> <p>1. Unless otherwise approved in writing by Main Roads the development site layout must generally comply with Hamilton Veterinary Design "Proposed Material Change of Use Lot 12 on RP770398, 12 Palmerston Drive, Innisfail", Concept C site plan dated 25/01/2008.</p> <p>Permitted Road Access Location</p> <p>2. Vehicular access between the state-controlled road (Palmerston Drive) and the Subject Land shall be via the existing access located near the southern side boundary of the Subject Land only.</p> <p>Note: The existing access may be restricted to left-in and left-out movements only in the future.</p> <p>3. No additional vehicular access between the state-controlled road (Palmerston Drive) and the Subject Land is permitted.</p>	<p>To ensure the development proceeds in accordance with the proposal</p> <p>Main Roads must ensure that access between the subject land and the state-controlled road does not adversely impact the safe and efficient operation of the road.</p>	<p><i>s. 62 Transport Infrastructure Act 1994 (Qld)</i></p>
<p>Road Access Works</p> <p>4. Road access works at the permitted road access location, pursuant to Condition 2, are required and</p>	<p>Access works at the permitted access</p>	<p><i>s. 33 Transport</i></p>

<p>shall be constructed in accordance with:</p> <ol style="list-style-type: none"> 1. Main Roads <i>Road Planning and Design Manual</i>, and 2. Current Main Roads standards <p>5. A recent site inspection indicates the access works require the provision of the following within the state-controlled road reserve (Palmerston Drive):</p> <ol style="list-style-type: none"> 1. concrete industrial crossover about 6m wide from the culvert to the property frontage 2. bitumen seal turnout with 10m radius from the edge of bitumen to the culvert, and 3. reinforced concrete pipe culvert with sloping endwalls aligned with the tabledrain. <p>6. The applicant/landowner shall obtain the written approval of Main Roads for road access works prior to works commencing within the state-controlled road reserve (Palmerston Drive).</p> <p>7. All required road access works must be completed to the written approval of Main Roads prior to the commencement of the approved use.</p>	<p>location are required to mitigate the impacts of development generated traffic onto the state-controlled road.</p>	<p><i>Infrastructure Act 1994 (Qld)</i> <i>Main Roads' Road Planning and Design Manual</i></p> <p>s. 50 <i>Transport Infrastructure Act 1994 (Qld)</i></p>
--	---	---

Item Number: 5.4

D/A 158/08J – CCRC-039/09 – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – VETERINARY SURGERY – 12 PALMERSTON DRIVE (BRUCE HIGHWAY) GOONDI BEND (Cont'd...)

Advice to Applicant:

- a) **Relevant Period:** The *relevant period* for the development approval (material change of use) shall be four (4) years starting the day the approval is granted or takes effect. In accordance with Section 3.5.21(1) of IPA, the development approval for material change of use lapses if the first change of use under the approval does not happen within the abovementioned *relevant period*. However, if there are one or more *related approvals* for the development approval for material change of use, the *relevant period* is taken to have started on the day the latest related approval takes effect. (Please refer to Section 3.5.21(7) of IPA for the meaning of *related approval*).

An applicant may request Council to extend the *relevant period* provided that such request is made in accordance with Section 3.5.22 of IPA and before the development approval lapses under Section 3.5.21 of IPA.

- b) **Council Indemnity:** The Council must be indemnified against any claims arising from works carried out by the Applicant/Owner on Council property.
- c) **Other Approvals:** A development approval for Building and Plumbing/Drainage Works is required, with a permit for these works issued prior to any works commencing.
- d) **Filling of Land - General:** Any filling of land required as a result of this approval shall be designed and undertaken in accordance with the FNQROC Development Manual - CP1 "Construction Procedures", DP1 "Development Principals", D2 "Site Regrading" and D4 "Stormwater Drainage" and S1 "Earthworks Specification" and the acceptable/probable solutions for the Specific Outcomes of 6.3.2 Filling and Excavation Code of the Johnstone Shire Planning Scheme.

Unless otherwise approved within this Development Permit a separate operational works approval will be required if filling of the land occurs, fill material shall not be placed on road/verge/footpath or other area, which is or will be under Council control, without specific approval from Director of Planning and Environmental Services.

- e) **Building Footings/Walls/Retaining Walls:** If as a result of filling the land, prior to the commencement of work and the issue of a Building Development Permit, the Applicant/Owner shall lodge a geotechnical report and engineering certification of the retaining walls design, with all such structures complying with the following requirements:
- (a) Retaining Structures shall not exceed one (1) metre in height, unless otherwise approved by Council.
- (b) Retaining walls shall not encroach within the proposed dedicated road reserve or open public space. The retaining structures shall be within the proposed development boundaries, unless otherwise approved by Council and/or other development approvals other than the Building Development Permit.

Item Number: 5.4

D/A 158/08J – CCRC-039/09 – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – VETERINARY SURGERY – 12 PALMERSTON DRIVE (BRUCE HIGHWAY) GOONDI BEND (Cont'd...)

- (c) Building Footings/Walls/Retaining Structure footings shall be constructed clear of underground services such as sewer pipes, stormwater drainage pipes and water reticulation pipes. The minimum horizontal clearance between any adjacent sewer line, stormwater line and the outermost edge of the retaining structures shall be 800mm (refer D2.13 Retaining Walls of FNQROC Development Manual). The retaining structures and footings shall be designed and located to ensure that no imposed loads are applied on existing and/or future underground utilities and services within the property, road area or public open space, (i.e. the structure should be designed such that its "zone of influence" does not impact on adjacent existing and/or future services and underground utilities).
- (d) The detailed drawings shall indicate the inclusion of sub soil drains if required and the point of discharge for surface and sub soil drainage behind the structure.
- (e) The construction of retaining structures over one (1) metre high must comply with Council's Planning Scheme in particular the requirements of the Standard Building Regulations.
- (f) Retaining structures shall be made of durable materials not subject to rot and insect attack and shall have a minimum design life of 60 years.
- (g) Retaining structures that interact with noise attenuation barriers or approved fencing shall be structurally designed in conjunction with the noise attenuation barrier or approved fencing. All retaining walls shall be designed in accordance with AS4678, additional reference may need to be made to either AS3600 or AS3700. The detailed drawings and design calculations for the retaining structures shall include the superimposed wind loading from the noise attenuation fence or approved fencing.
- (h) The development work must ensure a long-term factor of safety greater than or equal to 1.5 for all retaining structures.
- (i) The retaining wall will be required to be fenced and will need to be in accordance with Australian Standards the Building Code of Australia.

All works must be constructed in accordance with the Building Development Permit or approved Operational Works, the approved plan and the FNQROC Development Manual to the requirements and satisfaction of the Director Works & Services.

- e) **Aboriginal Cultural Heritage:** The Applicant/Owner is to ensure compliance with the requirements of the Aboriginal Cultural Heritage Act and in particular 'the duty of care' that it imposes all landowners, developers and the like.
- f) **Compliance with Laws:** This approval does not negate the requirement for compliance with all other relevant local laws and other statutory requirements.
- g) **Environmental Harm and Nuisance:** The Environmental Protection Act 1994 states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.

Item Number: 5.4

D/A 158/08J – CCRC-039/09 – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE – VETERINARY SURGERY – 12 PALMERSTON DRIVE (BRUCE HIGHWAY) GOONDI BEND (Cont'd...)

Environmental harm is defined by the Act as any adverse affect, or potential adverse affect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.

Moved Cr C Silvestro	Seconded Cr R Sorbello
Resolution Number 0429	"That the Officer's Recommendation be adopted."
	CARRIED

Item Number: 5.6

D/A 024/08C – CCRC-040/09 – PRELIMINARY APPROVAL TO OVERRIDE THE PLANNING SCHEME FOR MATERIAL CHANGE OF USE FOR USE RIGHTS CONSISTENT WITH THE ELLERBECK CODE AND DEVELOPMENT PERMIT FOR RECONFIGURATION OF LOT (CODE ASSESSABLE) – THREE (3) LOTS INTO NINETY-EIGHT (98) LOTS

Executive Summary:

Council is in receipt of an application for a Preliminary Approval to override the Planning Scheme for use rights consistent with the Ellerbeck Code and Development Permit for Reconfiguration of Lot (Code Assessable) – Three (3) Lots into Ninety-Eight (98) Lots, on land located at Ellerbeck Road, Ellerbeck and described as Lots 1 & 2 on SP140420 and Lot 55 on CWL1953; Parish of Ellerbeck.

The application was Impact Assessable, and therefore Public Notification was required to be completed as per the IDAS process. Seven (7) properly made submissions were received by Council prior to 19 August 2009 and One (1) submission was received on 25 August 2008.

The application was referred to the Department of Main Roads and the Department of Natural Resources & Water as Concurrence Agencies. Referral was also required to the Department of Infrastructure and Planning, Environmental Protection Agency and the Department of Natural Resources & Water as Advice Agencies.

The proposed development is in conflict with the planning outcomes sought in the Cardwell Shire Council Planning Scheme (July 2007), and is therefore recommended for refusal.

Item Number: 5.6

D/A 024/08C – CCRC-040/09 – PRELIMINARY APPROVAL TO OVERRIDE THE PLANNING SCHEME FOR MATERIAL CHANGE OF USE FOR USE RIGHTS CONSISTENT WITH THE ELLERBECK CODE AND DEVELOPMENT PERMIT FOR RECONFIGURATION OF LOT (CODE ASSESSABLE) – THREE (3) LOTS INTO NINETY-EIGHT (98) LOTS (Cont'd...)

Officer's Recommendation:

"That the application for a Preliminary Approval to override the Planning Scheme for use rights consistent with the Ellerbeck Code and Development Permit for Reconfiguration of Lot (Code Assessable) – Three (3) Lots into Ninety-Eight (98) Lots, on land located at Ellerbeck Road, Ellerbeck and described as Lots 1 & 2 on SP140420 and Lot 55 on CWL1953; Parish of Ellerbeck, be refused on the following grounds:

1) The application is inconsistent with the outcome sort by the Strategic Framework:

1.2.1 Rural - The Rural area includes Good Quality Agricultural Land (GOAL) and other rural areas. The Structure Plan map provides for designated Urban Areas and residential rural areas that minimize the potential impacts of incompatible uses on agricultural areas and other rural areas. The diversification of the agricultural industry is anticipated through the development of value-adding industries and support services.

- 2. The proposed development has not adequately demonstrated the proposal will not compromise the DEOs (especially s.2.2.1, 2.2.2, 2.2.8, 2.2.9, 2.2.11 & 2.2.12) of the Planning Scheme;**
- 3. The proposal is not contrary to orderly development and the efficient provisions of infrastructure to the shire;**
- 4. The proposed development has not adequately demonstrated the proposal will not compromise the Vision of the Rural Zone;**
- 5. The proposed development has not adequately demonstrated the proposal will not compromise the Purpose Statements (especially dot points 1, 2, 4, 5 & 6) of the Rural Zone Code;**
- 6. The Applicant has not demonstrated that there is an overriding community need for Residential Rural use of the land having regard to the loss of GOAL that will result;**
- 7. The applicant has not provided or demonstrated that there is an overriding need or substantial planning grounds to grant approval of the application despite the conflict;**
- 8. The proposed site is in a location identified as being adversely affected by flooding in the WBM Flood Inundation Study and Mapping;**

Item Number: 5.6

D/A 024/08C – CCRC-040/09 – PRELIMINARY APPROVAL TO OVERRIDE THE PLANNING SCHEME FOR MATERIAL CHANGE OF USE FOR USE RIGHTS CONSISTENT WITH THE ELLERBECK CODE AND DEVELOPMENT PERMIT FOR RECONFIGURATION OF LOT (CODE ASSESSABLE) – THREE (3) LOTS INTO NINETY-EIGHT (98) LOTS (Cont'd...)

9. The applicant has not provided or demonstrated that proposed filling for the site to achieve suitable flood immunity will not have adverse effects on road networks and surrounding land uses; and
10. The applicant has not adequately demonstrated that the proposed development meets the requirements in respect of State Planning Policy 1/03 - *Mitigating the Adverse Impacts of Flood, Bushfire and Landslide (SSP1/03)*.

Concurrence Agency Recommendation (Department of Natural Resources & Water):

Council as Assessment Manager, at Direction of the Department of Natural Resources & Water, refuse the proposed development on the following grounds:

1. The application failed to meet performance requirement P2 (wetlands):
 - i. The SunMap Topographic Map at 1:100 000 scale identified that a wetland occurs on the subject site within 100 metres of proposed vegetation clearing. No measures were proposed to protect water quality, aquatic habitat or terrestrial habitat.
2. The application failed to meet performance requirement P4 (connectivity):
 - i. Within remnant vegetation no building envelopes were proposed to ensure that areas of remnant vegetation are retained that are sufficient size and configuration to maintain ecosystem functioning and remain in the landscape in spite of any threatening processes.
3. The application failed to meet performance requirement P7 (conserving remnant endangered and of concern regional ecosystems):
 - i. A proposed boundary traverses of concern vegetation. No covenant documents were included within the application to ensure the protection of this area from clearing.
4. The application failed to meet performance requirement P8 (essential habitat):
 - i. Building envelopes demonstrating sufficient fire break widths were not provided to ensure vegetation mapped as essential habitat would not be cleared.

Item Number: 5.6

D/A 024/08C – CCRC-040/09 – PRELIMINARY APPROVAL TO OVERRIDE THE PLANNING SCHEME FOR MATERIAL CHANGE OF USE FOR USE RIGHTS CONSISTENT WITH THE ELLERBECK CODE AND DEVELOPMENT PERMIT FOR RECONFIGURATION OF LOT (CODE ASSESSABLE) – THREE (3) LOTS INTO NINETY-EIGHT (98) LOTS (Cont'd...)

5. The application failed to meet Table H-1:

- i. The application will result in the clearing of vegetation mapped as an of concern regional ecosystem;**
- ii. There are suitable alternative sites for residential infrastructure to occur on the subject lots without the need for clearing of this vegetation;**
- iii. The application has not significantly exceeded the requirements of the Vegetation Management Offsets Policy; and**
- iv. The application did not meet the performance requirements of the Regional Vegetation Management Code for Coastal Bioregions.**

Moved Cr B Horsford

Seconded Cr I Rule

Resolution Number 0430

"That the Officer's Recommendation be adopted".

CARRIED

Item Number: 5.7

'TABLED' REPORT CCRC-042/09 – APPLICATION FOR TEMPORARY ROAD CLOSURE OVER AREA OF ROAD SEPARATING LOT 1 ON RP743928 FROM LOTS 1 & 2 ON RP739117, PARISH OF ROCKINGHAM

Executive Summary:

Council is in receipt of correspondence from the Department of Natural Resources & Water referring to an application by Iain William Miller for a temporary road closure over an area of road separating Lot 1 on RP743928 from Lots 1 & 2 on RP739117; Parish of Rockingham, and requesting Council's review of the Decision of 9 August 2007. The purpose of the road closure is to help with the security of their property.

Officer's Recommendation:

"That Council advise the Department of Natural Resources & Water, that it cannot support the proposed application on the following grounds.

- a) The adjoining property owner (Lot 1 on RP739117) appears to utilise the road reserve for access purposes.**
- b) The proposed road reserve provides a public link from Scougall Road to Travelling Dairy Road for both rural activities and recreational pursuits."**

Item Number: 5.7

**'TABLED' REPORT CCRC-042/09 – APPLICATION FOR TEMPORARY ROAD CLOSURE
OVER AREA OF ROAD SEPARATING LOT 1 ON RP743928 FROM LOTS 1 & 2 ON
RP739117, PARISH OF ROCKINGHAM (Cont'd...)**

Moved Cr R Sorbello

Resolution Number 0431

Seconded Cr J Downs

"That the Officer's Recommendation be
adopted."

CARRIED

NOTICE OF MOTION – KIRRAMA RANGE ROAD

Moved Cr R Sorbello

Resolution Number 0432

Seconded Cr C Silvestro

"That Council Officers prepare a report on the
future of the Kirrama Range Road which is
included in the Local Roads of Regional
Significance road set."

CARRIED

12.20pm – 1.00pm The meeting adjourned for lunch. It was noted that when the meeting reconvened, Mr D Trotter (Director, Civil Works) was in attendance and Miss N Moore and Miss J Rackley were no longer present.

NOTICE OF RESCISSION MOTION – RISK ASSESSMENT ON THE EMERGING PUBLIC SAFETY ISSUE AT THE CNR OF GRACE STREET AND FITZGERALD ESPLANADE, INNISFAIL

Moved Cr B Horsford

Resolution Number 0433

Seconded Cr R Sorbello

“That the following resolution passed at the Local Government Meeting on 24 February 2009 be rescinded:

“That a Risk Assessment be undertaken by Council Officers and a subsequent report be compiled on the emerging public safety issue at the corner of Grace Street and Fitzgerald Esplanade, Innisfail.”

THE MOTION WAS CARRIED – 4 votes to 2 with Crs J Downs, R Sorbello, C Silvestro and B Horsford voting FOR the Motion and Crs M Nolan and I Rule voting AGAINST the Motion.

NOTICE OF MOTION – EMERGING PUBLIC SAFETY ISSUE AT THE CNR OF GRACE STREET AND FITZGERALD ESPLANADE, INNISFAIL

Moved Cr B Horsford

Resolution Number 0433

Seconded Cr C Silvestro

“That;

1) a Risk Assessment be undertaken by Council Officers on the footpath section (including the ramped section which extends to the south of the Imperial Tavern) at the corner of Grace Street and Fitzgerald Esplanade, Innisfail with due attention and comment given to:

- Pedestrian access and amenity;
- Egress, access and amenity for disabled people

2) subsequent to the assessment being undertaken, legal advice be sought as to:

- Council's duty of care to the general public who utilize the footpath area in question;

NOTICE OF MOTION – EMERGING PUBLIC SAFETY ISSUE AT THE CNR OF GRACE STREET AND FITZGERALD ESPLANADE, INNISFAIL (Cont'd...)

Resolution Number 0433 (Cont'd...)

- Council's duty of care to the owners of the Imperial Tavern who have complied with all previous technical requirements regarding this development.

3) A full report encompassing issues in Dot Point 1 and 2 be prepared for consideration by Council.

THE MOTION WAS CARRIED – 5 votes to 1 with Crs M Nolan, J Downs, R Sorbello, C Silvestro and B Horsford voting FOR the Motion and Cr I Rule voting AGAINST the Motion.

GENERAL BUSINESS:

COUNCIL'S LOGO

Cr Sorbello modelled a shirt he had embroidered with Council's new logo through a local business in Tully. He advised that they had some problems determining the correct colours, size, etc. and asked for a report to a future meeting of Council on the appropriate use of Council's logo including colours, dimensions, etc.

1.45pm The Acting Mayor declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 12th DAY OF MARCH 2009.

ACTING MAYOR