



# **LOCAL GOVERNMENT MEETING**

**23 February 2017**

## **MINUTES**

Cr J Kremastos	Mayor
Cr G Raleigh	Division 1
Cr R Taylor	Division 2
Cr W Kimberley	Division 3
Cr M Nolan	Division 4
Cr J Baines	Division 5
Cr B Heath	Division 6

Please find attached, the minutes for the Local Government Meeting to be held in the Innisfail Shire Hall - Level 2 Board Room, 70 Rankin Street, Innisfail commencing at 9.00am.

**James Gott**  
**CHIEF EXECUTIVE OFFICER**

# MINUTES

9.00am	Opening Prayer by Pastor Lance Dodds of the Harvest Church, Innisfail
10.00am – 10.30am	Morning Tea
10.45am - 11.00am	Presentation by Tania Simmons, Wet Tropics MIP Project Manager, Terrain NRM on the Wet Tropics Major Integrated Project
12.15pm – 1.00pm	Lunch

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**PRESENT:**

Crs J Kremastos (Mayor), R Taylor (Deputy Mayor), G Raleigh, W Kimberley, M Nolan, J Baines and B Heath and Mr J Gott (Chief Executive Officer), Mr P Cochrane (Director Corporate Services), Mr D Trotter (Director Works), Mr D Horton (Acting Director Planning & Environmental Services), Mr V O'Brien (Acting Director Community Services), Mr G Singh (Manager of Finance), Mr G Smart (Manager of Water), Ms J Lightfoot (Communications Officer) and Ms J Cooksley (Minutes Clerk).

**WELCOME TO COUNTRY:**

The Mayor acknowledged the Mamu People, the traditional owners and caretakers of the land on which the meeting is being held and paid his respects to the Mamu elders, both past, present and emerging.

**OPENING PRAYER:**

The Mayor welcomed Pastor Lance Dodds of the Harvest Church, Innisfail to the meeting and invited him to open the meeting with prayer.

On completion of the blessing Pastor Dodds left the meeting.

**1. CONFIRMATION OF MINUTES**

**1.1 CONFIRMATION OF MINUTES OF LOCAL GOVERNMENT MEETING, 19 JANUARY 2017**

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**Recommendation:**

**"That the Minutes of the Local Government Meeting held on 19 January 2017 be confirmed as a true and correct record."**

**Moved Cr J Baines**

**Seconded Cr G Raleigh**

**Resolution Number 0045**

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

**FOR - Unanimous**

**CARRIED**

**1.2 CONFIRMATION OF MINUTES OF PLANNING & DEVELOPMENT AND ENVIRONMENTAL SERVICES COMMITTEE MEETING, 9 FEBRUARY 2017**

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**Recommendation:**

**"That the Minutes of the Planning & Development and Environmental Services Committee Meeting held on 9 February 2017 be confirmed as a true and correct record."**

**Moved Cr W Kimberley**

**Seconded Cr R Taylor**

**Resolution Number 0046**

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

**FOR - Unanimous**

**CARRIED**

**2. RECEIPT OF MINUTES**

**2.1 RECEIPT OF MINUTES OF CCRC AUDIT COMMITTEE MEETING, 7 DECEMBER 2016**

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**Recommendation:**

**“That the Minutes of the CCRC Audit Committee Meeting held on 7 December 2016 be received and noted.”**

**Moved Cr R Taylor**

**Seconded Cr B Heath**

**Resolution Number 0047**

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

**FOR - Unanimous**

**CARRIED**

**2.2 RECEIPT OF MINUTES OF THE CCRC TRAFFIC CONSULTATIVE COMMITTEE MEETING, 7 DECEMBER 2016**

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**Recommendation:**

**“That the Minutes of the CCRC Traffic Consultative Committee Meeting held on 7 December 2016 be received and noted.”**

**Moved Cr G Raleigh**

**Seconded Cr B Heath**

**Resolution Number 0048**

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

**FOR - Unanimous**

**CARRIED**

**3. BUSINESS FROM PREVIOUS MINUTES**

**Nil**

**4. MANAGEMENT**

**Nil**

## **5. WORKS & INFRASTRUCTURE**

### **5.1 WORKS & INFRASTRUCTURE COMMITTEE MEETING, 09 FEBRUARY 2017 - ADOPTION OF RECOMMENDATIONS**

#### **Executive Summary:**

The Works and Infrastructure Committee comprising Crs G Raleigh (Chairperson), J Kremastos (Mayor), W Kimberley and B Heath (apology) met on 9 February 2017. The attached report generated from the meeting provides details of the issues considered, including the Committee's recommendations:

#### **Recommendation:**

**"That the recommendations associated with the following Officer's reports (the details of which are provided in the attached report) and ratified by the Works & Infrastructure Committee at its meeting on 09 February 2017 be adopted by the Council:**

- 1. Seawall Renewal Program**
- 2. 2016/2017 Regional Asphalt Overlay**
- 3. Quote Consideration Plan - Bridges**
- 4. Electric Vehicle Super Highway**
- 5. Works Department - Capital Works Program December Budget Review**
- 6. Works Capital Report - January 2017"**

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**Moved Cr M Nolan**

**Seconded Cr G Raleigh**

**Resolution Number 0049**

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

**FOR - Unanimous**

**CARRIED**

9.15am Ms M Fazackerley (Coordinator Special Projects) and Mr B Jones (Senior Planner and Strategic Planner) entered the meeting.

### **5.2 CONTRACT NO. 1617-021 - CONSTRUCTION OF SOUTH LIVERPOOL CREEK INTAKE AND ASSOCIATED WORKS**

#### **Executive Summary:**

The purpose of this report is for Council to consider submitted tenders and award the Contract 1617-021 for the construction of new submerged bed filter intake on the South Liverpool Creek, complete with inclined borehole pumps, pipework, roadworks for the access to the intake and a switchboard with a building enclosure.

It is proposed to award this lump sum contract to Rylsey Enterprises, trading as Celtic Construction and Utility Services Pty Ltd, who were the highest scoring tender following the assessment process.

**5.2 CONTRACT NO. 1617-021 - CONSTRUCTION OF SOUTH LIVERPOOL CREEK INTAKE AND ASSOCIATED WORKS (CONT'D...)**

**Recommendation:**

**"That:**

- 1. The lump sum conforming tender for Contract 1617-021 Construction of South Liverpool Creek Intake and Associated Works as submitted by Rylsey Enterprises trading as Celtic Construction and Utility Services Pty Ltd, being the most advantageous to Council, be accepted for the amount of \$1,023,878.32 (Incl. GST); and**
- 2. It be noted that funding is available for this project and the associated Nyleta Hill Water Reservoir project and includes the State Government subsidy of \$2,513,040 made available under the Local Governments Grants and Subsidies program (LGGSP)."**

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**Moved Cr G Raleigh**

**Seconded Cr R Taylor**

**Resolution Number 0050**

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

**FOR - Cr G Raleigh and Cr R Taylor**

**AGAINST - Cr M Nolan, Cr W Kimberley,  
Cr B Heath, Cr J Baines and Cr J  
Kremastos**

**LOST**

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**Moved Cr M Nolan**

**Seconded Cr B Heath**

**That Council:**

- 1. award the lump sum tender for Contract 1617-021 - Construction of South Liverpool Creek Intake and Associated Works as submitted by JR & LM Trackson Pty Ltd as I believe Council's strategy should be to spread the risk on this project; and**
- 2. it be noted that funding is available for this project and the associated Nyleta Hill Water Reservoir project and includes the State Government subsidy of \$2,513,040 made available under the Local Governments Grants and Subsidies program (LGGSP)."**

**FOR - Cr M Nolan, Cr W Kimberley, Cr B  
Heath, Cr J Baines and Cr J Kremastos**

**AGAINST - Cr G Raleigh and Cr R Taylor**

**CARRIED**

### **5.3 CONTRACT NO. 1617-001 - CONSTRUCTION OF NYLETA HILL RESERVOIR (3.3 ML) & ASSOCIATED WORKS**

#### **Executive Summary:**

The purpose of this report is for Council to consider submitted tenders and award Contract 1617-001 for the construction of the Nyleta Hill Reservoir. The works associated with this contract include the construction of a 3.3ML concrete reservoir and associated minor works. The access road, water mains and bulk earthworks for this reservoir were previously completed as part of Contract 1516-024.

It is proposed to award this lump sum contract to Rylsey Enterprises trading as Celtic Construction and Utility Services Pty Ltd, who were the highest scoring tender following the assessment process.

#### **Recommendation:**

**"That:**

- 1. The lump sum conforming tender for Contract 1617-001 Construction of Nyleta Hill Reservoir (3.3 Megalitres) & Associated Works Nyleta Hill Water Reservoir - as submitted by Rylsey Enterprises trading as Celtic Construction and Utility Services Pty Ltd, being the most advantageous to Council, be accepted for the amount of \$1,937,824.55 (Incl. GST); and**
- 2. It be noted that funding is available for this project and the associated South Liverpool Ck Intake project and includes the State government subsidy of \$2,513,040 made available under the Local Governments Grants and Subsidies program (LGGSP)."**

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**Moved Cr M Nolan**

**Seconded Cr G Raleigh**

**Resolution Number 0051**

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

**FOR - Unanimous**

**CARRIED**



## **6. CORPORATE AND COMMUNITY SERVICES**

### **6.1 CORPORATE AND COMMUNITY SERVICES COMMITTEE, 09 FEBRUARY 2017 - ADOPTION OF RECOMMENDATIONS**

#### **Executive Summary:**

The Corporate and Community Services Committee comprising Crs r Taylor (Chairperson), J Kremastos (Mayor), J Baines and M Nolan met on 09 February 2017. The attached report generated from the meeting provides details of the issues considered, including the Committee's recommendations.

#### **Recommendation:**

**"That the recommendations associated with the following Officer's reports (the details of which are provided in the attached report) and ratified by the Corporate and Community Services Committee at its meeting on 09 February 2017 be adopted by the Council:**

- 1. Six Monthly Budget Review to 31 December 2016;**
- 2. Corporate Services Financial Report January 2017; and**
- 3. Quarterly Progress Review - CCRC Operational Plan 2016/17 as at 31 December 2016."**

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**Moved Cr R Taylor**

**Seconded Cr J Baines**

**Resolution Number 0052**

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

**FOR - Unanimous**

**CARRIED**

9.40am Ms J Szafran (Manager Community Development & Services) and Mr S Paskins (Coordinator Parks, Open Space and Natural Environment) entered the meeting.

## **6.2 COMMUNITY SERVICES - QUARTERLY DASHBOARD REPORT - OCTOBER 2016 TO JANUARY 2017**

### **Executive Summary:**

It is the intention of the Community Services Department to provide Council with a Quarterly Report that monitors a series of key Departmental indicators. This Report which covers the period October 2016 to January 2017 is compiled for Council's information and is designed to provide broad background information and build Councillors knowledge and understanding of the Community Services Department. It is not intended to be either detailed or exhaustive rather it is illustrative of the operational activity being undertaken by Community Services.

### **Recommendation:**

**"That the Community Services - Dashboard Report for the period October 2016 to January 2017 be received and noted."**

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**Moved Cr B Heath**

**Seconded Cr J Baines**

**Resolution Number 0053**

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

**FOR - Unanimous**

**CARRIED**

## **6.3 ROTARY CLUB OF TULLY - PERMISSION TO CONSTRUCT A UNISEX DISABLED TOILET - NEW TULLY BEAM CEMETERY**

### **Executive Summary:**

The Rotary Club of Tully has requested Council's permission to construct a unisex disabled toilet at the new Tully Beam Cemetery as their next community project. The Club plan to use funds raised and have requested Council's consideration to providing the water and sewerage connection at no charge.

### **Recommendation:**

**"That Council:**

- 1. grant the Rotary Club of Tully permission to construct the toilet block in accordance with the specifications as determined by the relevant Departments within Council; and**
  - 2. Utilise existing funds in the Cemetery Expansions Capital Project to fund the water and sewerage connection."**
- 

**Moved Cr R Taylor**

**Seconded Cr G Raleigh**

**Resolution Number 0054**

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

**FOR - Unanimous**

**CARRIED**

## 6.4 OFFICE SPACE FOR INNISFAIL CHAMBER OF COMMERCE

### Executive Summary:

The Innisfail Chamber of Commerce has expressed an interest in renting office space from Cassowary Coast Regional Council on a weekly basis and using an adjoining meeting room once a month for Executive meetings.

The space being considered is the Rankin Street office space previously used by the Community Development and Services section. Whilst one of the offices is still used by the section, the other is presently vacant and being used for storage. Access to a meeting room on Level 3 for after hours monthly use is available from this office.

The street access will offer the Chamber of Commerce an invaluable presence within the local business community while influencing organisational change. It also offers Council the opportunity to develop a stronger working relationship and actively participate with the Chamber in affecting change within the Innisfail community.

The Chamber is interested in using the space for three (3) months free-of-charge and if the arrangement is conducive to both parties, it wishes to enter a twelve (12) month rental agreement that outlines the terms and conditions and an agreed rate.

### Recommendation:

"That Council:

- a) Formally offer the office space and access to the meeting room to the Innisfail Chamber of Commerce for a free three (3) month trial period; and
- b) Should this arrangement prove satisfactory to both parties, after the free three (3) month trial period, the parties enter into a twelve (12) month rental agreement."

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Moved M Nolan

Seconded Cr J Baines

Resolution Number 0055

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

### Conflict of Interest

Cr M Nolan declared that he has a perceived conflict of interest in the following matter (as defined in s173 of the *Local Government Act 2009*) due to his wife's involvement with the Feast of the Senses Committee. He determined that this personal interest was not of sufficient significance that it would lead him to making a decision on the matter that was contrary to the public interest and he would best perform his responsibility of serving the overall public interest of the whole of Council's area by participating in the discussion and voting on the matter.

## **6.5 FEAST OF THE SENSES - REQUEST FOR COUNCIL FINANCIAL CONTRIBUTION**

### **Executive Summary:**

Two requests have been received from the Feast of the Senses Festival Manager for Council to consider financial contributions as follows:

1. \$8,000.00 for the Judges' fee for the Guinness Book of Records attempt at the World's Longest Banana Split to be held in conjunction with next month's Feast of the Senses.
2. \$10,000.00 to commission Peter Russell-Clarke to paint two (2) canvasses of Innisfail which would become the property of Council.

### **Recommendation:**

#### **"That Council:**

1. **contribute \$8,000.00 towards the Judges' fee for the Guinness Book of Records attempt on the World's Largest Banana Split as part of the 2017 Feast of the Senses event from the existing 2016/17 Community Services Donations budget; and**
2. **advise the Feast of the Senses Committee that there is no funding available to commission Peter Russell Clarke to paint two (2) canvasses of Innisfail."**

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**Moved Cr M Nolan**

**Seconded Cr B Heath**

**Resolution Number 0056**

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

**FOR - Unanimous**

**CARRIED**

## **6.6 MISSION BEACH CARAVAN PARK REDEVELOPMENT UPGRADE**

### **Executive Summary:**

The purpose of this report is to update Council on revised Capital Investment estimates for the redevelopment of Council's Mission Beach Caravan Park and seek endorsement for the application for external funding. The revised financial forecasts suggest the project is far more attractive with the reduced capital expenditure and is expected to return a profit in every year but Year 1, with expectations of a return of \$900,000 over the first ten (10) years of operation. This is based on Council securing a low interest loan for a 10 year period. Further increase in net profitability will be achieved if external grant funding is secured for this project.

## **6.6 MISSION BEACH CARAVAN PARK REDEVELOPMENT UPGRADE (CONT'D...)**

### **Recommendation:**

#### **“That Council:**

- 1. receive the report and acknowledge the updated Capital Expenditure estimates and revenue projections;**
- 2. endorse the application for external grant funding to support Council's current allocation to undertake to complete the Caravan Park Upgrade; and**
- 3. endorse expenditure of currently available capital funds for minor works within the Park until such time as future required funds are secured."**

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**Moved Cr G Raleigh**

**Seconded Cr R Taylor**

### **Resolution Number 0057**

**"That the Officer's report dated 2 February 2017 be received. Further, that consideration of the report be deferred to a future meeting to give the Council the opportunity to receive additional relevant information."**

**FOR - Unanimous**

**CARRIED**

## **6.7 PROJECT FUNDING SUBMISSIONS - (1) BUILDING OUR REGIONS EOI AND (2) BUILDING BETTER REGIONS INFRASTRUCTURE STREAM**

### **Executive Summary:**

The Queensland Government is currently seeking applications through the Building Our Regions (BOR) program for critical infrastructure projects in regional Queensland that meet the specific needs of regional communities and support economic development, including job creation. There is a two stage application process with the first Expression of Interest submissions closing on Friday, 24 February 2017.

The Australian Government is currently seeking applications through the Building Better Regions Fund (BBRF). The intended outcomes of the funding program are job creation, positive and positive economic impacts, enhanced community facilities, leadership capacity and to encourage community cohesion & sense of identity. There are two funding streams under the BBRF program:

- 1. The Infrastructure Projects Stream provides funding for the construction of new infrastructure or the upgrade/extension of existing infrastructure. This round closes 28 February 2017.**
- 2. The Community Investment Stream focuses on capacity building projects such as strategic planning, events and activity seeding and leadership initiatives. Applications must be submitted by 31 March 2017.**

## **6.7 PROJECT FUNDING SUBMISSIONS - (1) BUILDING OUR REGIONS EOI AND (2) BUILDING BETTER REGIONS INFRASTRUCTURE STREAM (CONT'D...)**

A Council workshop was held on 21 February 2017 to discuss funding opportunities and potential projects. Given the tight time frames, two projects were recommended for submission under the current BoR. Four projects were identified for submission under the Community Investment Stream of the BBRF - two for the current round and two for the next round. These projects would provide support and context for future infrastructure projects.

### **Recommendation:**

**"That Council:**

- 1. Submit Expressions of Interest and funding applications to the Building Our Regions Funding Program for the following projects:**
  - **Construction of the Tully Landfill Capping Stage 2; and**
  - **Construction of a Water Supply Reservoir at Wheatley Hill, South Mission Beach.**
- 2. Prepare the following projects for funding submissions for the Community Investments Stream of the Building Better Regions Fund:**
  - **Strategic planning for supporting infrastructure that will enable white water rafting events and activities (Round 1);**
  - **Strategic Planning for Council Caravan Parks (Round 1);**
  - **Strategic Overview of Regional Master Planning for Region Centres (Round 2); and**
  - **Development of a Strategic Plan to guide the Innisfail CBD revitalisation (Round 2).**
- 3. Develop a Five Year Plan for priority projects and allocate budget funds and resources in order to develop priority projects to maximise opportunities to secure funding to implement those projects."**

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**Moved Cr W Kimberley**

**Seconded Cr R Taylor**

**Resolution Number 0058**

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

**FOR - Unanimous**

**CARRIED**

Cr Nolan withdrew from the meeting to attend a Green Army function being held at 10.30am.

10.20am - 10.45am The meeting adjourned for morning tea. It was noted when the meeting reconvened that Ms I Newman (Planning Officer), Ms D Daniels (Planning Assistant) and Mr M Allpress (Manager Environmental Services) were in attendance together with Ms Tania Simmons, Wet Tropics MIP Project Manager, Terrain NRM and that Cr M Nolan, Ms J Szafran, Ms M Fazackerley, Ms J Lightfoot and Mr S Paskins were no longer present.

## **PRESENTATION - WET TROPICS MAJOR INTEGRATED PROJECT**

The Mayor welcomed Ms Tania Simmons to the meeting and invited her to address the Council with respect to the Wet Tropics Major Integrated project being funded by the Queensland Government (\$33.5m) to improve water quality solutions and outcomes across all catchment activities impacting the Great Barrier Reef.

Ms Simmons thanked the Council for the opportunity to make a presentation and proceeded to speak to a powerpoint presentation regarding the project, the purpose of which is to test combinations of actions across all catchment activities, including the Wet Tropics and the Burdekin areas to reduce the level of nutrients and pesticides reaching the Great Barrier Reef and increase capacity to meet Reef water quality targets. The project will focus on improving farm practices and water quality solutions and outcomes across all activities in the catchments.

This is the first time a water quality project has been designed by the local community for the local community. That's why Terrain is seeking help to explore all current and potential activities in the catchments to improve water quality flowing to the Reef.

The project will be led by a consortium involving over 30 partners. It is being coordinated by Terrain NRM on behalf of the Wet Tropics Sugar Industry Partnership, Australian Banana Growers' Council, Local Government, community groups, consultants, investors and scientists.

Ms Simmons advised the Council that workshops are being held in Innisfail on 2 March 2017 and Tully on 3 March 2017 to give people the opportunity to share their ideas and have input into the project.

On completion of the presentation, on behalf of the Council the Mayor thanked Ms Simmons for her informative presentation at which time she left the meeting.

## 7. PLANNING & ENVIRONMENT

### 7.1 DEV2016/0067 - MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY (60M LATTICE TOWER & ANCILLARY EQUIPMENT WITHIN AN EQUIPMENT SHELTER)

#### Executive Summary:

Council is in receipt of an application for a Development permit for a Material change of use for a Telecommunications facility (60m lattice tower & ancillary equipment within an equipment shelter). The application was prepared by Urbis Pty Ltd on behalf of Optus Mobile Pty Ltd for the establishment of Telecommunications within the Rural zone on land described as Lots 104 & 105 on SP248063, situated at Dingo Pocket Road, Dingo Pocket.

The lattice tower will be situated approximately 650 metres from Dingo Pocket Road and 260 metres from the nearest dwelling house (situated on Lot 105). The facility will be accessed via a 1.5 kilometre gravel access track through Lots 105 and 104. The location of the telecommunication facility is an unused area of land chosen in conjunction with the property owner in order to maintain the viable use of the land for agriculture. The lattice tower will be surrounded by existing, mature vegetation which will assist in screening the lower section of the tower from Dingo Pocket Road and the dwelling house on the site (see figure 1).

Figure 1 - Locality Map (B1430-P1 REV 01)





**7.1 DEV2016/0067 - MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY (60M LATTICE TOWER & ANCILLARY EQUIPMENT WITHIN AN EQUIPMENT SHELTER) (CONT'D...)**

The application is Impact assessable and therefore public notification was required. There were no submissions received by Council.

The application did not trigger any Referral Agencies.

The subject site is located within the Regional Landscape and Rural Production Area as indicated in the Far North Queensland Regional Plan (FNQRP) 2009-2031.

The suitability of co-location of the Optus equipment on an existing facility was explored. This site, being 1572 Cardstone Road, Walter Hill (66NPW890) contains an existing 45 metre Department of Defence Tower as well as a Telstra Tower. The possibility of mounting the Optus equipment on each of these towers was investigated, however, it was found through Radio Frequency testing that these towers did not provide the coverage or service range required for the project. Furthermore, limitations would arise due to defence uses on the site and being within an area protected for biodiversity and vegetation.

Alternative sites for the new tower were also explored, including two properties on Kinjin Road, Dingo Pocket. However, these sites were not pursued due to inadequate separation distances from sensitive land uses.

The application is generally consistent with the provisions of the Cassowary Coast Regional Council Planning Scheme 2015 and therefore the application for Material Change of Use for a Telecommunications facility (60m lattice tower & ancillary equipment within an equipment shelter) is recommended for approval subject to reasonable and relevant conditions.

**Recommendation:**

**"That a Development Permit be issued for a Material Change of Use for a Telecommunications Facility (60m lattice tower & ancillary equipment within an equipment shelter) on land described as Lots 104 & 105 on SP248063, situated at Dingo Pocket Road, Dingo Pocket", subject to the following conditions:**

**Assessment Manager's Conditions**

1. **Proposal:** That the development be undertaken generally in accordance with the application, documentation and plans listed in the table below, accepted by Council on 18 October 2016 and 4 January 2017, all relating to Development Application – DEV2016/0067, except where varied by the following conditions.

Plan Number	Plan Name	Date
Drawing No. B1430-P1 REV 01	Draft Site Layout	24.05.16 Received by Council on 19 August 2016
Drawing No. B1430-P2 REV 01	Draft Site Elevation	24.05.16 Received by Council on 19 August 2016

**7.1 DEV2016/0067 - MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY (60M LATTICE TOWER & ANCILLARY EQUIPMENT WITHIN AN EQUIPMENT SHELTER) (CONT'D...)**

The development may proceed subject to:

- (a) The plans, specifications, facts and circumstances as set out in the application submitted to Council;
  - (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. **Timing of Effect:** The conditions of the Development Permit must be complied with prior to the commencement of use, except where specified otherwise in these conditions of approval.
3. **Colour:** The applicant/owner is to ensure that the lattice tower is of a non-reflective colour and does not comprise any white or bright coloured components. The exterior finishes and colours of the facility must be maintained in suitable conditions for the life of the structure, to the satisfaction of the Director Planning & Environmental Services.
4. **Aviation Hazard Lighting:** The applicant/owner is to ensure that aviation hazard lighting is installed on the facility in accordance with the specifications of the Civil Aviation Safety Authority.
5. **Fencing:** The applicant/owner is to provide a minimum two (2) metre high chainwire security fence around the proposed lease area as shown on Draft Site Layout Plan (B1430-P1 REV 01) prior to the Commencement of the Use, to the satisfaction of the Director Planning & Environmental Services.
6. **Warning signs:** The applicant/owner must ensure that warning or information signs are erected at the site where necessary to do so to ensure public safety, to the satisfaction of the Director Planning & Environmental Services.
7. **Erosion and Sediment Control:** Effective sediment and erosion control must be maintained at all times during and after construction work until there is adequate vegetation cover, paved areas or other controls to prevent any silt run-off from the site to the satisfaction of the Director Planning & Environmental Services.
8. **Rehabilitation:** The applicant/owner is to ensure that, in the event that the facility is abandoned or decommissioned, the site is rehabilitated to the standard of the site prior to the development.

- 7.1 **DEV2016/0067 - MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY (60M LATTICE TOWER & ANCILLARY EQUIPMENT WITHIN AN EQUIPMENT SHELTER) (CONT'D...)**
9. **Access Agreement:** The applicant/owner must provide a copy of the access agreement between parties for Council records prior to the Commencement of the Use.
10. **Copy of Approval to Consultants:** The applicant/owner is to provide a copy of this Decision Notice including the development approval conditions, approved plans and documents to all consultants, private certifiers and contractors involved in the construction phase of this development.

**Assessment Managers Advice:**

- 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 341 of *SPA*, the development approval for Material Change of Use lapses if the building work under the approval is not complete 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 341(7) of *SPA* 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 383 of *SPA* and before the development approval lapses under Section 341 of *SPA*.

- b) **Notice of Intention to Commence Use:** The owner must return to Council the attached Notice 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.
- c) **Required Approvals:** A Development approval for Building Works will be required, with a permit for these works issued prior to any works commencing.
- d) **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 alike.
- e) **Engineering Works:** The applicant/owner is to ensure that the engineering works involved in the proposed development are designed and constructed in accordance with the FNQROC Development Manual.
- f) **Environmental 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.

**7.1 DEV2016/0067 - MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY (60M LATTICE TOWER & ANCILLARY EQUIPMENT WITHIN AN EQUIPMENT SHELTER) (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."

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Moved Cr G Raleigh

Seconded Cr J Baines

Resolution Number 0059

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

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**DEFERRAL OF CONSIDERATION OF REPORT DEV2016/0061 - PROPOSAL FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOTE INTO 8 LOTS)**

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Moved Cr W Kimberley

Seconded Cr J Baines

Resolution Number 0060

"That under s275 of the Local Government Regulation 2012, the report be deferred for consideration in the 'closed' session of the meeting."

FOR - Unanimous

CARRIED

10.20am Cr M Nolan re-entered the meeting.

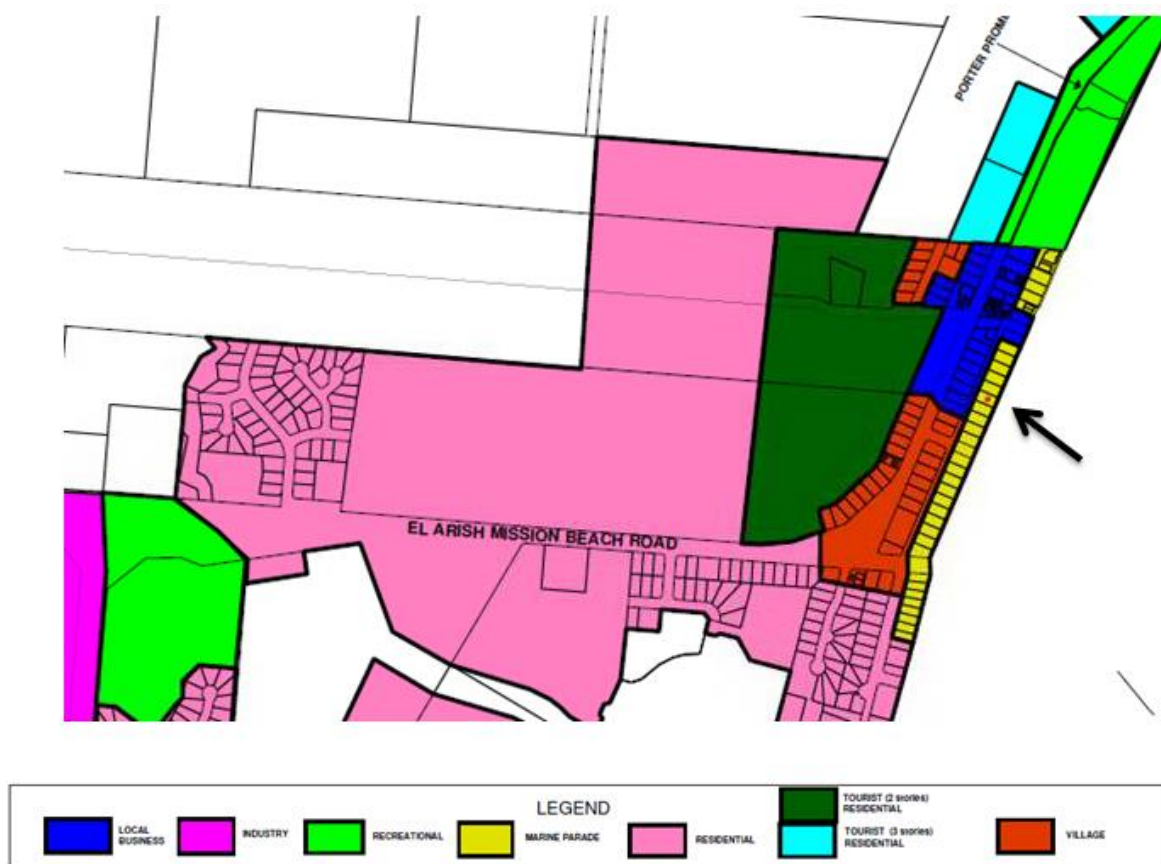
### 7.3 DEV2016/0090 - MATERIAL CHANGE OF USE FOR A DWELLING HOUSE ON LAND DESCRIBED AS LOT 15 ON RP710564, AND SITUATED AT 30 DONKIN LANE, MISSION BEACH

#### Executive Summary:

Council is in receipt of an application for a Material Change of Use for a Dwelling House. The application was prepared by McPeake Town Planning on behalf of Janice and Lyell Teakle. The dwelling house is within the Township Zone, Greater Mission Beach Tourism Precinct on land described as Lot 15 on RP710564 and situated at 30 Donkin Lane, Mission Beach. As the dwelling house is proposed within a Tourism Precinct, the Cassowary Coast Regional Council (CCRC) Planning Scheme 2015 determines the development to be Impact Assessable.

Under the superseded Johnstone Shire Council (JSC) Planning Scheme 2005, the subject lot was included in the 'Marine Parade Precinct' (see figure 1) in which a single dwelling house was a self-assessable use. However, the current CCRC Planning Scheme 2015 designates the lot and surrounding lots as 'Tourism Precinct' (see figure 2). Due to this, the dwelling house use is now Impact Assessable.

Figure 1 - JSC Planning Scheme 2005 Zoning



**7.3 DEV2016/0090 - MATERIAL CHANGE OF USE FOR A DWELLING HOUSE ON LAND DESCRIBED AS LOT 15 ON RP710564, AND SITUATED AT 30 DONKIN LANE, MISSION BEACH (CONT'D...)**

Figure 2 - CCRC Planning Scheme 2015 Zoning



The application is Impact Assessable, therefore public notification was required. Council did not receive any submissions during the notification period.

The application did not trigger referral to the State.

The subject site is located within the Urban Footprint as indicated in the Far North Queensland Regional Plan (FNQRP) 2009-2031.

### **7.3 DEV2016/0090 - MATERIAL CHANGE OF USE FOR A DWELLING HOUSE ON LAND DESCRIBED AS LOT 15 ON RP710564, AND SITUATED AT 30 DONKIN LANE, MISSION BEACH (CONT'D...)**

Despite the development's conflict with the intent of the Greater Mission Beach Tourism Precinct, a dwelling house use was self-assessable prior to 3 July 2015. The proposed dwelling house is consistent with the vast majority of surrounding land uses (being dwelling houses). Additionally, the development has the potential to be utilised for holiday accommodation for tourists, with its suitability for this use emphasised by its layout. The dwelling house also has a lesser impact on the adjoining residential uses in regards to factors such as traffic generation and noise when compared to potential code assessable uses on the land.

Despite this conflict, the application is considered to be generally in accordance with the provisions of the Cassowary Coast Regional Council Planning Scheme 2015, and therefore the application for Material Change of Use for Dwelling House is recommended for approval subject to reasonable and relevant conditions.

#### **Recommendation:**

**“That a Development Permit be issued for a Material Change of Use for Dwelling House on land described as Lot 15 on RP710564, situated at 30 Donkin Lane, Mission Beach”, subject to the following conditions:**

#### **Assessment Manager's Conditions**

1. **Proposal:** That the development be undertaken generally in accordance with the application, documentation and plans listed in the table below, accepted by Council on 5 December 2016, all relating to Development Application – DEV2016/0090, except where varied by the following conditions.

Plan Number	Plan Name	Date
Job No: T1049 Sheet: 00	Site Plan	18/08/2016 Accepted by Council on 5 December 2016
Job No: T1049 Sheet: 02	Floor Plan	18/08/2016 Accepted by Council on 5 December 2016
Job No: T1049 Sheet: 04	Elevations 1	18/08/2016 Accepted by Council on 5 December 2016
Job No: T1049 Sheet: 05	Elevations 2	18/08/2016 Accepted by Council on 5 December 2016
Unnumbered	Proposed Landscape Plan	17/11/2016 Accepted by Council on 5 December 2016

**7.3 DEV2016/0090 - MATERIAL CHANGE OF USE FOR A DWELLING HOUSE ON LAND DESCRIBED AS LOT 15 ON RP710564, AND SITUATED AT 30 DONKIN LANE, MISSION BEACH (CONT'D...)**

The development may proceed subject to:

- (a) The plans, specifications, facts and circumstances as set out in the application submitted to Council;
  - (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. **Timing of Effect:** The conditions of the Development Permit must be complied with prior to the commencement of use, except where specified otherwise in these conditions of approval.
  - 3. **Setbacks:** The applicant/owner is to ensure that the Dwelling House (Class 1a) is located a minimum distance of 665mm from the Northern side property boundary and 1.275 metres from the Southern side property boundary. The applicant/owner is to ensure that the Garage (Class 10a) is located a minimum distance of 100mm from the front property boundary (Donkin Lane frontage). These setbacks are to be measured from the outermost projection of the Dwelling House (Class 1a) and Garage (Class 10a) including the fascia and guttering, to the satisfaction of the Director Planning & Environmental Services.
  - 4. **Landscaping:** The applicant/owner is to landscape the site in accordance with the Proposed Landscape Plan dated 17.11.16 and in accordance with Council's Landscaping Policy SC6.4 and 9.4.5 Landscaping Code in the Cassowary Coast Regional Planning Scheme 2015. All landscaped areas and works are to be established prior to the commencement of use and maintained thereafter, to the satisfaction of the Director Planning & Environmental Services.
  - 5. **Lot Access:** The applicant/owner must apply to Council's Asset Engineering Section of the Works Department for approval of an appropriate access crossover for this development to FNQROC Development Manual standards from Donkin Lane to the property boundary of Lot 15. The access crossover is to be constructed prior to the commencement of the use to the satisfaction of the Manager Asset Engineering. Future maintenance of the access is the responsibility of the land owner.
  - 6. **Habitable Floor Level:** The applicant/owner is to ensure that the habitable floor level of the dwelling house is greater than or equal to the 1% annual exceedance probability level plus 0.3 metres.



**7.3 DEV2016/0090 - MATERIAL CHANGE OF USE FOR A DWELLING HOUSE ON LAND DESCRIBED AS LOT 15 ON RP710564, AND SITUATED AT 30 DONKIN LANE, MISSION BEACH (CONT'D...)**

7. **Erosion and Sediment Control:** Effective sediment and erosion control must be maintained at all times during and after construction work until there is adequate vegetation cover, paved areas or other controls to prevent any silt run-off from the site to the satisfaction of the Director Planning & Environmental Services.
8. **Stormwater Drainage:** 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 stormwater does not adversely affect surrounding properties to the requirements and satisfaction of the Director Planning & Environmental Services.
9. **Environmental Nuisance:** The applicant/owner is to ensure that noise from either air conditioning units, service equipment, swimming pool filters or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Director Planning & Environmental Services, 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 – Environmental Nuisance).

**Assessment Managers Advice:**

- 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 341 of *SPA*, the development approval for Material Change of Use lapses if the building work under the approval is not complete 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 341(7) of *SPA* 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 383 of *SPA* and before the development approval lapses under Section 341 of *SPA*.

- b) **Notice of Intention to Commence Use:** The owner must return to Council the attached Notice 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.
- c) **Required Approvals:** A Development approval for Building Works will be required, with a permit for these works issued prior to any works commencing.
- d) **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 alike.

**7.3 DEV2016/0090 - MATERIAL CHANGE OF USE FOR A DWELLING HOUSE ON LAND DESCRIBED AS LOT 15 ON RP710564, AND SITUATED AT 30 DONKIN LANE, MISSION BEACH (CONT'D...)**

- e) **Environmental 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.

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."

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Moved Cr W Kimberley

Seconded Cr G Raleigh

Resolution Number 0061

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

**7.4 APPLICATION FOR REDUCTION IN INFRASTRUCTURE CHARGES RELATING TO DEV2016/0092**

**Executive Summary:**

Council is in receipt of a request from Diana Micale ATF Dendritic Property Trust for a 100% reduction in the infrastructure charges relating to DEV2016/0092. The charges relate to a Material Change of Use (Budget Accommodation - 66 Bed Backpackers Accommodation) on land described as Lot 1 on RP708253, situated at 3 Edith Street Innisfail. The application was approved by Council, subject to conditions on 9 February 2017. An Infrastructure charges notice was issued on 13 February 2017 for the amount of \$159,975.55.

The Development Incentive - Reduction in Infrastructure Charges Policy was adopted by Council at its Local Government meeting of 13 December 2016 with reviews considered annually or as determined by Council. The Development Incentive - Reduction in Infrastructure Charges Policy has been extended and will be due for review in December 2017.

#### **7.4 APPLICATION FOR REDUCTION IN INFRASTRUCTURE CHARGES RELATING TO DEV2016/0092 (CONT'D...)**

In this case, eligible development is determined by the policy to be: a *material change* for the purposes of a *tourism use* in the Central business precincts issued after the adoption of the policy by Council and completed by 14 December 2018. The application was approved by Council, subject to conditions on 9 February 2017, the site is located within the Innisfail Zone - Innisfail Central Business Precinct and the Backpackers Accommodation is considered to be a Tourism use.

In addition to this, to be eligible for the incentives contained within the policy, the applicant must demonstrate that the development complies with the criteria listed in part 5.2 of the policy (where applicable).

##### **Recommendation:**

**"That as the request to reduce Infrastructure Charges complies with the eligibility criteria and general intent of Council's Development Incentive - Reduction in Infrastructure Charges Policy, in that it seeks to encourage and bring forward some development in the short term, Council agree to a potential 100% reduction in Infrastructure Charges subject to all works as required to comply with the Material Change of Use Approval and other Statutory requirements are complied with and the final Certificate of Classification is submitted for endorsement prior to 14 December 2018."**

---

Moved Cr J Baines

Seconded Cr W Kimberley

Resolution Number 0062

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

#### **7.5 APPLICATION FOR SIMULTANEOUS ROAD CLOSURE AND OPENING**

##### **Executive Summary:**

Council is in receipt of correspondence requesting Council's views in relation to an application to:

- Permanently close an area of about 1.75 hectares of an un-named road (known as Senko Road) running through the boundary of Lot 7 on SP228131 and shown as Lot A on CNS17/004; and
- Open an area of about 3120m<sup>2</sup> through Lot 7 on SP228131 and shown as Lot B on CNS17/004.

## **7.5 APPLICATION FOR SIMULTANEOUS ROAD CLOSURE AND OPENING (CONT'D...)**

### **Recommendation:**

**"That the Department of Natural Resources and Mines be advised that Council offers no objection to:**

- The permanent closure of an area of an unnamed road (known as Senko Road) running through the boundary of Lot 7 on SP228131 and shown as Lot A on CNS17/004; and**
- The opening of an area through Lot 7 on SP228131 and shown as Lot B on CNS17/004."**

---

**Moved Cr W Kimberley**

**Seconded Cr B Heath**

**Resolution Number 0063**

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

**FOR - Unanimous**

**CARRIED**

## **7.6 APPLICATION FOR PERMANENT ROAD CLOSURE - UN-NAMED ROAD ABUTTING THE SOUTHERN BOUNDARY OF LOT 4 ON RP804127, SILKY OAK**

### **Executive Summary:**

Council is in receipt of correspondence requesting Council's views in relation to an application to permanently close an area of about 2.8 hectares of an un-named road abutting the southern boundary of Lot 4 on RP804127, situated at Silky Oak and shown as Lot A on Drawing TSV17034.

### **Recommendation:**

**"That the Department of Natural Resources and Mines be advised that Council does not object to the permanent closure of an area of an un-named road abutting the southern boundary of Lot 4 on RP804127, and shown as Lot A on Drawing TSV17034, provided that the south-western corner of the land be excluded, surveyed to allow a suitable road reserve and incorporated into Jack Evans Drive, at no cost to Council."**

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**Moved Cr G Raleigh**

**Seconded Cr J Baines**

**Resolution Number 0064**

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

**FOR - Unanimous**

**CARRIED**

**Conflict of Interest**

Cr B Heath declared that he has a conflict of interest in the following matter (as defined in s173 of the *Local Government Act 2009*) due to his association with Innisfail Seafood and he proposed to exclude himself from the meeting while the matter is debated and the vote is taken.

**7.7 APPLICATION FOR CONVERSION OF TERM LEASE OVER LOT 91 ON SP146773 TO FREEHOLD, 51 FITZGERALD ESPLANADE, INNISFAIL**

**Executive Summary:**

Council is in receipt of correspondence requesting Council's views and/or requirements in relation to an application for the conversion of a term lease to freehold. The land subject to the lease is described as Lot 91 on SP146773 and is situated at 51 Fitzgerald Esplanade, Innisfail.

**Recommendation:**

**"That the Department of Natural Resources and Mines be advised that Council does not object to the conversion of Term Lease SL 26/52051 applying to Lot 91 SP146773 to freehold."**

---

**Moved Cr G Raleigh**

**Seconded Cr J Baines**

**Resolution Number 0065**

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

**FOR - Unanimous**

**CARRIED**

11.40am      Cr B Heath re-entered the meeting.

## **7.8 APPLICATION FOR CONVERSION OF NON COMPETITIVE LEASE TO FREEHOLD OVER LOT 19 ON S6866**

### **Executive Summary:**

Council is in receipt of correspondence requesting Council's views and/or requirements in relation to an application for the conversion of the following lease to freehold:

- Non Competitive Lease SL 26/1519 A described as Lot 19 on S6866 and situated at 11 North Avenue, South Johnstone.

### **Recommendation:**

**"That the Department of Natural Resources and Mines be advised that Council offers no objection to the conversion of Non Competitive Lease SL 26/1519 A to freehold."**

---

Moved Cr R Taylor

Seconded Cr W Kimberley

Resolution Number 0066

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

## **7.9 APPLICATION FOR PERMANENT ROAD CLOSURE**

### **Executive Summary:**

Council is in receipt of correspondence requesting Council's views in relation to an application to permanently close an area of un-named road (known as Senko Road) abutting the north-eastern boundary of Lot 10 on SP228133, situated at Senko Road, Silky Oak and shown as Lot A on Drawing CNS17/003P.

### **Recommendation:**

**"That the Department of Natural Resources and Mines be advised that Council offers no objection to the permanent closure of an area of un-named road (known as Senko Road) abutting the north-eastern boundary of Lot 10 on SP228133, and shown as Lot A on Drawing CNS17/003P."**

---

Moved Cr W Kimberley

Seconded Cr J Baines

Resolution Number 0067

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

## **7.10 APPLICATION FOR CONVERSION OF TERM LEASE TO FREEHOLD OVER LOT 297 ON NR5437**

### **Executive Summary:**

Council is in receipt of correspondence requesting Council's views and/or requirements in relation to an application for the conversion of the following lease to freehold:

- Term Lease SL 26/49997 described as Lot 297 on NR5437 and situated at Poppi Road, Cowley Creek.

### **Recommendation:**

**"That the Department of Natural Resources and Mines be advised that Council offers no objection to the conversion of Term Lease SL 26/49997 to freehold."**

---

**Moved Cr W Kimberley**

**Seconded Cr R Taylor**

**Resolution Number 0068**

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

**FOR - Unanimous**

**CARRIED**

## **7.11 RENEWAL OF RANGE APPROVAL "SILKWOOD CLAY TARGET CLUB"**

### **Executive Summary:**

A request has been received from the Silkwood Clay Target Club seeking Council's support for the renewal of the Range Approval under the *Weapons Act 1990*.

### **Recommendation:**

**"That Council offer no objection to the renewal of the "Range permit" for the Silkwood Clay Target Club."**

---

**Moved Cr G Raleigh**

**Seconded Cr M Nolan**

**Resolution Number 0068**

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

**FOR - Unanimous**

**CARRIED**

**8. NOTICE OF MOTION**

Nil

**9. GENERAL BUSINESS**

**9.1 STATE OF 4852 MISSION BEACH REPORT**

Cr Rick Taylor 'tabled' a copy of the above report which has also been distributed via email to all Councillors. The Minutes Clerk advised that she would ensure the report has been registered in Council's ECM Record System and tasked for action to the CEO.

**9.2 LIONESS CLUB OF TULLY - REQUEST FOR SUPPORT - MISS WORLD PAGEANT**

Cr Rick Taylor 'tabled' a letter from the Lioness Club of Tully seeking support from the Council to erect signage on the Bruce Highway to acknowledge the achievement of local girl, Madeline Cowe in being selected to represent Australia at the Miss World Pageant in America in December 2016 and being picked in the top 20 of entrants from around the world.

Also worth noting is that one of the outfits worn by Madeline during the pageant was designed by local woman, Angelique Di Bella after her dress design was selected as the winning dress in an Australia-wide competition to support Australia's entrant.

The Lioness Club of Tully is also proposing to hold a function and street walk to acknowledge Madeline's achievement.

The A/g Director Community Services advised that he would liaise with the Lioness Club of Tully about the proposed sign.

**9.3 PROPOSAL TO PROVIDE 'IN PRINCIPLE' SUPPORT FOR INGAN TOURS TO OPERATE A TOURISM VENTURE AT CARDSTONE VILLAGE**

Cr Rick Taylor advised the meeting that Ingan Tours has submitted an application for grant funding through the Building Better Region's Funding program to develop a low-scale cultural tourism and glamping-styled accommodation business at the Cardstone Village site owned by the Council. Ingan Tours require 'in principle' approval to transfer user rights from Cassowary Coast Regional Council to it for part of the site, either under leasehold or freehold purchase in order for the application to be considered.

**PROPOSAL TO PROVIDE 'IN PRINCIPLE' SUPPORT FOR INGAN TOURS TO OPERATE A TOURISM VENTURE AT CARDSTONE VILLAGE**

---

Moved Cr R Taylor

Seconded Cr Cr G Raleigh

Resolution Number 0069

"That Council support Ingan Tours by endorsing an 'in principle' agreement to purchase either freehold or leasehold user or ownership rights to part of the Cardstone Village site (Lot 31 on SP188129) as determined by Council, and provided such transfer can be lawfully and practically achieved."

FOR - Unanimous

CARRIED



**9. GENERAL BUSINESS (CONT'D...)**

**9.4 PETITION - ESTABLISHMENT OF NEIGHBOURHOOD CARE**

The CEO referred to documents received in relation to a proposal to establish 'Neighbourhood Care', submitted by Ms M Higgins of Mourilyan. The documents have been presented as a petition but cannot be considered as such because they don't clearly state the nature of the petition or detail the issues at point. The CEO advised that he would review the documents in an attempt to ascertain the core issues.

**9.4 HQ PLANTATIONS - BURNING OFF**

Cr Glenn Raleigh advised that in the afternoon of Wednesday, 15 February 2017 at a time when extreme temperatures were being experienced, and following a change in wind direction (easterly to southerly), he received numerous phone calls from residents expressing concern for local people with respiratory ailments and elderly residents as a result of plantation burn offs to the north west of Cardwell at the time. Cr Raleigh was also concerned that HQ Plantations had not provided the Cardwell community with any fore-warning of the burn-offs.

Cr Raleigh asked that Council write to HQ Plantations to ask them for an explanation as to why they made a decision to burn-off in such conditions and why the Cardwell community had no prior notification of the burn off?

**MOVE INTO COMMITTEE - 12.15PM**

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Moved Cr G Raleigh

Seconded Cr R Taylor

Resolution Number 0070

"That in accordance with Section 275(1)(b)(g) and (h) of the Local Government Regulation 2012, the meeting be closed to the public to discuss Council's Enterprise Bargaining negotiations, the Mission Beach Safe Boating project and a proposal for a development permit for reconfiguring a lot (1 into 8)."

FOR - Unanimous

CARRIED

**MOVE OUT OF COMMITTEE - 2.15PM**

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Moved Cr W Kimberley

Seconded Cr R Taylor

Resolution Number 0071

"That the meeting be re-opened to the public."

FOR - Unanimous

CARRIED

## **10. CONFIDENTIAL**

### **10.1 ENTERPRISE BARGAINING**

#### **Executive Summary:**

On 17 January 2017 the Council received a request from the Australian Workers Union for an interim one-off payment of \$1,500 for all current full time award based employees with a pro rata payment on a full time equivalent basis for current part time and casual staff.

The current Enterprise Bargaining Certified Agreement (EBA) expired on 30 June 2014. The Council has been endeavouring for some time to undertake negotiations for a new EBA, however due to legislative processes instigated by successive State Governments and legal appeals by the current State Government, Unions and the LGAQ, it has been unable to do so, as have the majority of Local Governments in Queensland.

The new Local Government Industry Award is due to commence in 2017, signalling an end to the embargo on negotiating Certified Agreements in Queensland Councils. The lifting of the embargo coincides with the release of the new *Industrial Relations Act 2016*. As a result, it is anticipated that formal negotiations for a new Enterprise Bargaining Agreement will commence shortly.

#### **Recommendation:**

**"That Council advise the Australian Workers Union that:**

- 1. it acknowledges that the process of Award Modernisation has been a lengthy process, resulting in substantial delays in commencing negotiations for a new Enterprise Bargaining Certified Agreement (EBA);**
- 2. it anticipates that negotiations for a new EBA will commence in due course; and**
- 3. it believes the Union's request for a one-off payment/pay increase should be considered within the upcoming Enterprise Bargaining negotiation process."**

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**Moved Cr G Raleigh**

**Seconded Cr J Baines**

**Resolution Number 0072**

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

**FOR - Unanimous**

**CARRIED**

## **10.2 MISSION BEACH SAFE BOATING PROJECT**

### **Executive Summary:**

The Department of State Development (DSD) is currently in the process of finalising the concept design for the Mission Beach Safe Boating Project. The project is focused on the delivery of improved recreational and commercial boating facilities at Clump Point.

Following finalisation of the concept design, the project is proposed to be handed over to the Department of Transport and Main Roads (DTMR) for detailed design, procurement and construction delivery. Council has been advised that this handover is subject to agreement being reached on asset ownership and facility management. The proposal is for DTMR to own all in-water assets and for Council to own all land-based assets and Council to be the facility manager consistent with the Transport Infrastructure Act 1994 and Transport Infrastructure (Public Marine Facilities) Regulation 2011.

Furthermore, to facilitate the inclusion of the highly desirable elements of commercial berthing arrangements and additional pontoons into the project, DSD and DTMR have requested a contribution from council towards the land based assets, including the upgrade of Clump Point Road, the southern carpark and provision of water reticulation.

### **Recommendation:**

#### **“That Council:**

- 1. receive the report and consider the offer from the Department of State Development and the Department of Transport and Main Roads (DTMR);**
- 2. accept the proposed ownership arrangements as set out in this report, with DTMR being the owner of all in-water infrastructure and Council being the owner of all land-based infrastructure. This agreement to be subject to DTMR, as the asset owner, participating in ongoing, joint community consultation for the purpose of understanding and resolving issues that may arise in the use of the marine infrastructure;**
- 3. construct Clump Point Road, the upper (southern) carpark (approx. \$790,000) and provide a contribution of \$150,000 to DTMR for the asphalt/bitumen surfacing of the lower (northern) carpark and access road subject to securing funding in a future budget. Council construct the water supply reticulation in the current year utilising approved W4Q funds of \$100,000.**
- 4. accept the offer to be the overall facility manager, including commercial boating arrangements, and authorise the Chief Executive Officer to negotiate and execute a Deed of Agreement for the management of the Clump Point Boating facility in accordance with Council's undertakings and wishes.**

**OR**

- 5. reject the offer to be the facility manager of the commercial boating component and advise the State Departments accordingly."**
-

## **10.2 MISSION BEACH SAFE BOATING PROJECT (CONT'D...)**

**Moved Cr R Taylor**

**Seconded Cr J Baines**

**Resolution Number 73**

**"That the Officer's Report dated 20 February 2017 be received and noted.**

**Further, that Council:**

- 1. Accept the proposed ownership arrangements as set out in the report, with DTMR being the owner of all in-water infrastructure and Council being the owner of all land-based infrastructure;**
- 2. Accept ongoing management of the recreational boating component of the proposal; and**
- 3. Defer further consideration of other elements of the project pending representation to the appropriate Minister/s.**

**FOR - Unanimous**

**CARRIED**

### 10.3 DEV2016/0061 - PROPOSAL FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 8 LOTS)

Author & Officer's Title: Byron Jones - Senior Planner/Strategic Planner  
Meeting Date: 23 February 2017

**Attachments:**

- Attachment 1: Proposal Plan
- Attachment 2: The Department of Infrastructure, Local Government and Planning Concurrence Agency Response dated 8 September 2016
- Attachment 3: The Department of Infrastructure, Local Government and Planning Third Party Advice Response dated 22 September 2016
- Attachment 4: Additional information supplied by the applicant dated 25 January 2017

<b>Applicant:</b>	Robsons Bananas - Jennifer M and Bevan R Robson
<b>Consultant:</b>	Brazier Motti
<b>Application Date:</b>	25 July 2016
<b>Proposal:</b>	Proposal for a Development Permit for Reconfiguring a Lot (1 Lot into 8 Lots)
<b>Real Property Description:</b>	Lot 107 on SP131183
<b>Property Address:</b>	Old Tully Road, Djarawong
<b>Land Area:</b>	27.49ha
<b>FNQRP Zone:</b>	Regional Landscape and Rural Production
<b>Planning Instrument:</b>	Cassowary Coast Regional Council Planning Scheme 2015
<b>Zone</b>	Rural
<b>Local Plan</b>	N/A
<b>Precinct</b>	N/A
<b>Overlays</b>	Agricultural Land Environmental Significance Flood Hazard Landslide Hazard Scenic Amenity Transport Noise Corridor Waterway Corridors and Wetlands
<b>Referral Agencies:</b>	Department of Infrastructure, Local Government and Planning - Public Passenger Transport - Railways - Clearing Vegetation
<b>Level of Assessment:</b>	Code
<b>Land Use Codes:</b>	Reconfiguring a lot
<b>Existing Use of Land:</b>	Agriculture
<b>Existing Approvals:</b>	N/A
<b>No. of Submissions:</b>	N/A

**Executive Summary:**

Council is in receipt of an application for a Development Permit. The application was prepared by Brazier Motti on behalf of Jennifer M and Bevan R Robson for the Reconfiguring a Lot (1 Lot into 8 Lots) on land described as Lot 107 on SP131183 situated at Old Tully Road, Djarawong.

The application seeks to obtain a Development Permit for Reconfiguring a Lot (1 Lot into 8 Lots) over the subject land. The proposal seeks to subdivide Lot 107 into 8 lots; 6 rural lifestyle lots and 2 small agricultural lots.

### **10.3 DEV2016/0061 - PROPOSAL FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 8 LOTS) (CONT'D...)**

The minimum lot size in the Rural Zone is 60 hectares whereas; the lots proposed range from 9,256m<sup>2</sup> to 13.7ha, the reconfiguration does not comply with the minimum lot size for the Rural Zone. All lots, as such are proposed to be accessed from Old Tully Road.

The application is Code Assessable and therefore public notification was not required.

The application triggered referral to the Department of Infrastructure, Local Government and Planning for Public Passenger Transport, Railways and Clearing Vegetation.

Cassowary Coast Regional Council was required by legislation to incorporate all policies of the Far North Queensland Regional Plan 2009-2031 into the Cassowary Coast Regional Council Planning Scheme 2015 to obtain sign off and final approval from the State Government.

The subject site is located within Regional Landscape and Rural Production area as indicated in the Far North Queensland Regional Plan (FNQRP) 2009-2031. The intent of the Regional Landscape and Rural Production states that:

*The regional landscape and rural production area (RLRPA) includes lands that have regional landscape, rural production or other non-urban values, and protects these areas from encroachment by inappropriate development, particularly urban or rural residential development.*

The application is for a reconfiguration of a lot for rural lifestyle/rural residential development; therefore it is inconsistent with the intent of the Far North Queensland Regional Plan 2009-2031.

The application is inconsistent (in part) with the Cassowary Coast Regional Council Planning Scheme 2015. There are no grounds to support the approval of this application due to these conflicts.

A decision on the application was deferred by Council at the meeting on 6 October 2016 to allow for further negotiation and for the applicant to provide additional information which addresses Council's grounds of refusal. Council extended the decision making period with the agreement of the applicant to allow for these representations to be made. Council officers met with the applicant's consultant on 1 December 2016 in which the applicant's consultant was to provide additional information for Council's consideration. The additional information was provided to Council in correspondence dated 25 January 2017.

The additional information stated:

*"An application is to be assessed on its merits and we submit that the grounds and merits of this development are distinguishable from those at other locations, and are able to be relied upon by Council to avoid precedent.*

### **10.3 DEV2016/0061 - PROPOSAL FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 8 LOTS) (CONT'D...)**

*We submit that the proposed development:*

- *respond to the surrounding pattern of development, the physical and practical condition of the land*
- *support investments made in established infrastructure, services and networks within the locality and it does not burden them; and*
- *contribute to diversity*

*Further section 326 of the Sustainable Planning Act 2009 establishes other decision rules by which an Assessment Management must make a decision.*

*Section 326 (b) identifies that a decision must not conflict with a Planning Scheme unless there are sufficient grounds to justify the decision despite the conflict. These include matters of public interest where there is a community benefit arising from the development.*

*There is a significant public interest and benefit in maintaining the sustainability of the banana industry in the region.*

*As Council is aware, the proposed development directly responds to this.*

*It facilitates the relinquishment of other titles held by the applicant in order to allow the necessary quarantine measures to be undertaken by the Australian Banana Growers Council to manage the TR4 soil disease and provide protection to the regional banana industry.*

*The Cassowary Coast Regional Council Planning Scheme 2015 is a performance based Scheme. Acceptable Outcomes offer one way of achieving compliance with a code but do not prohibit alternate solutions.*

*Non-compliance with Acceptable Outcomes does not mean that the proposal is in conflict with the Scheme.*

*To the extent there is conflict, we submit that conflict is minor and does not prejudice orderly development within the region.*

*We maintain that there are relevant grounds in these circumstances to warrant approval at this location.*

*These include that the development:*

- *is complementary to that established in the immediate area and contributes to the diversity and mix of allotments available to serve community needs;*
- *will widen the choice in rural lot types that are available at a convenient location that is well connected;*
- *will enhance efficiencies in the utility of established infrastructure;*

**10.3 DEV2016/0061 - PROPOSAL FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 8 LOTS) (CONT'D...)**

- *responds to the condition of the land and is capable of development without impact;*
- *recognises the natural values of the locality and maintains and enhances its environmental values*
- *will not unduly limit the supply and utility of agricultural land within the region, nor compromise the balance of Zones; and*
- *responds to a public interest, facilitating the relinquishment of other titles held by the applicant to allow necessary quarantine measures to be undertaken to manage the TR4 soil disease and provide protection to the regional banana industry."*

In response to this additional information, Council notes the following:

Council has an adequate supply of rural residential/lifestyle development lots identified within the planning scheme for the locality. There are a number of vacant rural residential sized blocks in the immediate vicinity of the site, especially in the Jack Drive subdivision and Bulgun areas with the balance of the Jack Drive estate already approved for further subdivision. In addition to this, there are number of greenfield sites included within the urban footprint of the Far North Queensland Regional Plan 2009-2031 which are located closer to the Tully and Bulgun areas, these sites reflect the desired urban growth corridor and direction of urban development within the locality. The land included within the urban footprint is sufficient to satisfy the residential demand of these areas well into the future.

The minimum lot size in the Rural Zone is 60 hectares whereas; the lots proposed range from 9,256m<sup>2</sup> to 13.7ha. The fragmentation and alienation of the site will increase the impact of urban development on the surrounding rural use and will fail to maintain the rural amenity and character of the existing landscape. The future uses of the site are unlikely to be agricultural in nature given they are approximately 1ha in size, which is well below the size required for economically viable agriculture operations, therefore removing approximately 6ha from agricultural production.

The proposed development will create direct conflict between the rural lifestyle lots (1-6) and agricultural activities on the rural lots (7-8). There will be impacts such as chemical spray drift, odour, noise, dust, fire, smoke and ash on the rural lifestyle lots from the rural lots (7-8) and surrounding working agricultural properties situated directly across the road. Appropriate buffer distances have not been provided as part of the development, there are up to 7 working agricultural properties within approximately 400m of the proposed development, approval of the development will lead to conflict between the future owners of the rural residential/lifestyle lots and those of working agricultural properties.

Continued reliance on rural residential settlement patterns will not enable the development of optimal residential areas in terms of access to services, efficient use of infrastructure, and protection of natural areas and farm resources. As rural residential communities develop, pressure often grows on Council for additional services and facilities which are difficult to provide in a cost effective manner.

Therefore rural residential development especially which is sited on good quality agricultural land is not a sustainable residential solution for the region in the long term.



### **10.3 DEV2016/0061 - PROPOSAL FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 8 LOTS) (CONT'D...)**

Council does not understand how this current application "responds to a public interest, facilitating the relinquishment of other titles held by the applicant to allow necessary quarantine measures to the undertaken to manage the TR4 soil disease and provide protection to the regional banana industry".

On 2 June 2016 Council received a Development Application for Reconfiguring a Lot (1 Lot into 2 Lots) on land described as Lot 2 on RP741186, located at 275 Dingo Pocket Road, Dingo Pocket (DEV2016/0049. This property was also owned by the applicant and the portion of the property under agricultural production was confirmed to be affected by Panama Tropical Race Four (TR4).

The Australian Banana Growers Council provided confirmation within the development application material that they had entered into a contract to purchase the portion of the property under agricultural production was confirmed to be affected by TR4. The letter provided states the following:

*"Provided that certain conditions outlined in that contract are satisfied and settlement of the contract, the ABGC will take ownership of that lot for the purpose of closure of farming activities on the land to seek to prevent the spread of TR4 Panama Disease from that property."*

The applicant sought to provide separate title to an existing house on the subject lot, resulting in its separation from the farming land at the rear. The rationalisation of the site was proposed in response to a coordinated strategy to manage TR4 soil disease. Although the proposed lot sizes did not meet the 60 hectare minimum area requirement of the Cassowary Coast Regional Council Planning Scheme Rural Zone Code, in that case sufficient justification existed for Council to approve the application for Reconfiguring a Lot (1 Lot into 2 Lots), subject to reasonable and relevant conditions. The reasons for this were:

- The threat from TR4 Panama Disease will be able to be quarantined and managed by the Australian Banana Growers Corporation to ensure that other banana farms in North Queensland are protected.
- The proposal will allow the current landowners to retain their home.
- The proposal will not negatively impact the character of the surrounding area.
- The proposed lots are of a sufficient area and dimension to accommodate the intended land uses.

On 14 September 2016, Council issued a Negotiated Decision Notice which allowed the Australian Banana Growers Council to obtain the portion the property under agricultural production that was confirmed to be affected by TR4 to properly quarantine and manage the balance farm land. The outcome of this application, already approved by Council has allowed necessary quarantine measures to the undertaken to manage the TR4 soil disease and provide protection to the regional banana industry.

**10.3 DEV2016/0061 - PROPOSAL FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 8 LOTS) (CONT'D...)**

Additionally, it is understood that the value of the multiple parcels which made up the main farm were negotiated in the transfer of the property to the Australian Banana Growers Council. The presence of TR4 on the main farm and the transfer of the property to the Australian Banana Growers Council is not justification for the application seeking the re establishment of lots which were lost as part of the transfer. If this was the case that could mean that any lot at an undesirable location could be exchanged for lots at a desirable location within the region without properly considering the full impact of the creation of these lots in a local context.

The creation of these rural residential/lifestyle lots in the vicinity of a number of established agricultural properties is not a good planning outcome for Council. It will create conflict between the farming activities undertaken on the established agricultural properties and the residential development as mentioned previously.

**Recommendation:**

**"That the Proposal for a Development Permit for Reconfiguring of a Lot (1 Lot into 8 Lots) on land described as Lot 107 on SP131183 situated at Old Tully Road, Djarawong be refused on the following grounds"**

**Grounds for refusal:**

- 1. The proposed development is in conflict with the Cassowary Coast Regional Council Planning Scheme 2015 and, subsequently the Far North Queensland Regional Plan.**
- 2. The development is inconsistent with the following purpose statements of the Cassowary Coast Regional Council Planning Scheme 2015 Rural zone code:**
  - a. provide for agricultural activities including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;**
  - b. provide opportunities for non-agricultural activities that are compatible with agriculture, the environmental features, and landscape character of the rural area where the activities do not compromise the long-term use of the land for rural purposes;**
  - c. facilitate the continued growth and diversification of the agricultural sector within the Cassowary Coast Region while promoting the adoption of sustainable agriculture management practices;**
  - d. ensure the viability of ALC Class A and B land;**
  - e. avoid negative impacts from incompatible land uses; and**
  - f. protect and maintain the scenic values of the Region's landscapes.**

**10.3 DEV2016/0061 - PROPOSAL FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 8 LOTS) (CONT'D...)**

3. The development is inconsistent with the following overall outcomes of the Cassowary Coast Regional Council Planning Scheme 2015 Rural zone code:
  - a. ALC Class A and B land is protected from fragmentation and alienation;
  - b. the use of ALC Class A and B land for agricultural production is retained through the separation of incompatible land uses; and
  - c. the rural amenity and character of the existing rural landscape, which is dominated by extensive areas of rural production and natural areas, is maintained;
4. The development is inconsistent with the following purpose statements of the Cassowary Coast Regional Council Planning Scheme 2015 Reconfiguring a lot code:
  - a. the reconfiguration of a lot in the rural zone does not result in fragmentation or alienation of ALC Class A and B land;
  - b. a range and mix of lot sizes is provided to facilitate housing choices, a variety of dwellings and household types; and
  - c. development provides for the efficient use of land, the provision of infrastructure and a logical and well designed road network;
5. Council, as Assessment Manager, also places a high significance on the Policy Outcomes of the Far North Queensland Regional Plan. The proposed development is to be refused as it conflicts with the planning intent of the Far North Queensland Regional Plan on the following grounds:
  - a. The intent of the Regional Landscape and Rural Production which states that: The regional landscape and rural production area (RLRPA) includes lands that have regional landscape, rural production or other non-urban values, and protects these areas from encroachment by inappropriate development, particularly urban or rural residential development.
  - b. Compact Urban Form policy including:
    - 4.1.1 Urban development is contained within the urban footprint
    - 4.1.2 Urban development is sequenced to ensure logical and orderly land use infrastructure delivery
  - c. Rural Residential Development policy including:
    - 4.6.1 New rural residential development is located in the rural living area
    - 4.6.2 Future demand for rural residential housing is provided from within the existing stock of land zoned for this purpose
  - d. Rural Subdivision policy including:
    - 2.6.1 Further fragmentation of agricultural land in the Regional Landscape and Rural Production area is avoided to maintain economically viable farm lot sizes
  - e. Infrastructure policy including:
    - 6.1.2 Infrastructure is supplied in a coordinated, efficient and orderly way, and encourages urban development in areas where adequate infrastructure exists or can be provided efficiently

**10.3 DEV2016/0061 - PROPOSAL FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 8 LOTS) (CONT'D...)**

- 6. The areas of the conflict with the Cassowary Coast Regional Council Planning Scheme 2015 (and Far North Queensland Regional Plan) includes:**
- a. The proposed development is for a rural lifestyle lot subdivision which is considered to be "out of sequence" and will increase the burden on Council's infrastructure network.**
  - b. The proposed development is for a rural lifestyle lot subdivision on land located within the rural zone. The development will not achieve cost-effective delivery of services and infrastructure and will increase the burden on Council's infrastructure network.**
  - c. The proposed development is for a rural lifestyle lot subdivision in a rural zone outside the urban footprint and Township zone, there are no locational requirements of the development which necessitate its location outside the existing urban footprint.**
  - d. The proposed development is for a rural lifestyle lot subdivision on land mapped as important agricultural land. The proposed development will alienate this land from agricultural production and therefore negatively impact on the on the long term viability on the diversification of the agricultural sector within the Cassowary Coast.**
  - e. The proposed development is for a rural lifestyle lot subdivision on ALC Class A and B land, it will be reconfigured into lot sizes or used for any purpose that is inconsistent with the current or potential use of the land for agriculture.**
  - f. The rural lifestyle and small farming lots are of a size less than the required 60 hectares outlined under the Cassowary Coast Regional Planning Scheme and Far North Queensland Regional Plan.**
  - g. The fragmentation and alienation of the site will increase the impact of urban development on the surrounding rural use and will fail to maintain the rural amenity and character of the existing landscape.**
  - h. The proposed development will create direct conflict between the rural lifestyle lots (1-6) and agricultural activities on the rural lots (7-8). There will be impacts such as chemical spray drift, odour, noise, dust, fire, smoke and ash on the rural lifestyle lots.**

**10.3 DEV2016/0061 - PROPOSAL FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 LOT INTO 8 LOTS) (CONT'D...)**

7. Pursuant to s326 of the Sustainable Planning Act 2009 Council's decision as assessment manager must not conflict with Council's planning scheme unless there are sufficient grounds to justify the decision, despite the conflict. The applicant has failed to demonstrate an overriding need for the proposed development given the conflict with the Cassowary Coast Regional Council Planning Scheme 2015 and the Far North Queensland Regional Plan.
8. There is an adequate supply of rural residential/lifestyle development lots identified within the planning scheme for the locality. There are a number of vacant rural residential sized blocks in the immediate vicinity of the site, especially in the Jack Drive subdivision and Bulgun area with the balance of the Jack Drive estate already approved for further subdivision.
9. There are a number of greenfield sites included within the urban footprint of the Far North Queensland Regional Plan 2009-2031 which are located closer to the Tully and Bulgun areas, these sites reflect the desired urban growth corridor and direction of urban development within the locality. The land included within the urban footprint is sufficient to satisfy the residential demand of these areas well into the future."

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Moved Cr M Nolan

Seconded Cr G Raleigh

Resolution Number 0074

"That the report be deferred for consideration at the Local Government Meeting on 23 March 2017 to give the Council the opportunity to workshop the matter further to ensure that they are fully informed about the issues."

FOR - Unanimous

CARRIED

There being no further business the Mayor declared the meeting closed at 2.25pm.

**CONFIRMED AS A TRUE AND CORRECT RECORD THIS 23<sup>RD</sup> DAY OF MARCH 2017.**

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Cr J Kremastos