



PLANNING & DEVELOPMENT AND ENVIRONMENTAL SERVICES COMMITTEE MEETING

08 June 2017

MINUTES

Cr Wayne Kimberley	Chairperson
Cr John Kremastos	Mayor
Cr Glenn Raleigh	Division 1
Cr Rick Taylor	Division 2
Cr Mark Nolan	Division 4
Cr Jeff Baines	Division 5
Cr Ben Heath	Division 6

Please find attached, the minutes for the Planning & Development and Environmental Services 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

10.00am – 10.30am	Morning Tea
12.15pm – 1.00pm	Lunch

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PRESENT:

Crs W Kimberley (Chairperson), J Kremastos (Mayor), R Taylor (Deputy Mayor), G Raleigh, M Nolan and B Heath and Mr J Gott (Chief Executive Officer), G Singh (Manager Finance), Mr D Horton (Manager Planning Services), Mr D Goodman (Manager Civil Works), Mr V O'Brien (Manager Parks and Community Facilities), Mr B Jones (Senior Planner/Strategic Planner), Ms I Newman (Planning Officer), Ms J Lightfoot (Communications Officer) and Ms J Cooksley (Minutes Clerk).

APOLOGIES:

Cr J Baines

1. RECEIPT OF MINUTES

1.1 RECEIPT OF MINUTES OF PLANNING AND DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE MEETING, 11 MAY 2017

Recommendation:

"That the Minutes of the Planning and Development and Environmental Services Committee Meeting held on 11 May 2017 be confirmed as a true and correct record."

Moved Cr G Raleigh

Seconded Cr J Kremastos

Resolution Number 0063

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

2. BUSINESS FROM PREVIOUS MINUTES

Nil

3. PLANNING & DEVELOPMENT

3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO 10+BALANCE)

Executive Summary:

Council has received an application for a Preliminary Approval for a Material Change of Use (Section 242 of the Sustainable Planning Act 2009) overriding the Planning Scheme to facilitate use rights in accordance with the Cassowary Rise Eco-Residential Estate - Precinct Plan, Assessment Tables and Code and Plan of Development and a Development Permit for Reconfiguring a Lot (1 Lot into 10 Lots + Balance Land). The site is situated at El Arish Mission Beach Road and is predominantly zoned Rural, with smaller tracts of land to the east, south and west zoned Environmental Management and Conservation.

The site contains an existing dwelling house and was historically used for agricultural production. The site is surrounded by rural uses and large home site dwellings and as well as conservation areas. The site is cleared in areas which were previously used for agriculture; significant vegetation has been retained throughout the site and along the Jurs Creek watercourse which meanders across the site. The site is located approximately 385 metres west of the El Arish Mission Beach Road frontage, with an access strip providing approximately 20 metres of frontage to El Arish Mission Beach Road.

The development application was impact assessable and therefore required public notification. The applicant advised that public notification requirements were carried out in accordance with the *Sustainable Planning Act 2009*. A total of nine (9) submissions were received by Council during the notification period. The submissions are categorised as follows:

1. Seven (7) submissions supported the proposed development; and
2. Two (2) submissions raised objections to the proposed development.

The application was referred to the Department of Infrastructure, Local Government and Planning due to its proximity to a State controlled road (Tully-Mission Beach Road) and the presence of remnant native vegetation. The department approved the proposed development, subject to conditions.

The applicant is seeking a Development Permit for Reconfiguring a Lot – 1 lot into 10 eco-residential lots plus a 60.7 hectare Cassowary conservation lot and Preliminary Approval for Material Change of Use to make land included in the Cassowary Rise Eco-Residential Estate – Precinct Plan assessable in accordance with the levels of assessment in Appendix B – Levels of Assessment Tables and assessable against The Cassowary Rise Eco-Residential Estate Code.

Given the scale and nature of the development, the applicant has requested the relevant period for the approval for Material Change of Use component of the application be ten (10) years.

3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)

The minimum lot size in the Rural and Environmental Management and Conservation zone is 60 hectares; the lots proposed range from 7,182m² to 60.7ha, the reconfiguration does not comply with the minimum lot size for the Rural and Environmental Management and Conservation zone, hence the reason for the applicant applying for a Preliminary Approval for a Material Change of Use (Section 242 of the Sustainable Planning Act 2009) overriding the Planning Scheme to facilitate use rights in accordance with the Cassowary Rise Eco-Residential Estate - Precinct Plan.

The proposed development is inconsistent with certain provisions of the Cassowary Coast Regional Council Planning Scheme 2015 and the Far North Queensland Regional Plan 2009-2031, these provisions include:

- The site is located within the Rural Living Area within the Far North Queensland Regional Plan 2009-2031;
- The Environmental Management and Conservation and Rural Zoning of the site within the Cassowary Coast Regional Council Planning Scheme 2015, which predominantly aims to ensure the viability of ALC Class A and B land and protect the long-term use of the land for rural purposes;
- The site's designation as Agricultural Land Classification (ALC) – Class A and Class B on the Agricultural Land Overlay and as Important Agricultural Land on Strategic Framework Map 3B –Economic Development of the Planning Scheme; and
- The presence of natural hazards (flood and bushfire) on the site

However, the proposed development is to be undertaken in accordance with the Cassowary Rise Eco-Residential Estate - Plan of Development which is considered to provide for an appropriate use of the land subject to amendments as outlined within the conditions. Therefore, sufficient grounds exist to approve the proposed development despite the conflict, these grounds include:

1. The site is mapped as Agricultural Land (Classes A and B), however it is not currently being utilised for agricultural production. An agricultural land suitability report was prepared for the Site by Rural and Environmental Resources in accordance with the requirements of the Planning Guidelines for 'The Identification of Good Quality Agricultural Land' as recommended in the former State Planning Policy 1/92. The report concludes that the subject land is not 'capable of sustainable use for agriculture with a reasonable level of inputs', as biophysical limitations, locational restraints and the size and fragmentation of the site are not able to be resolved. It is therefore considered that the proposed development will not have an adverse impact on important agricultural land or the viability of the regions agricultural industry moving forward.

3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)

2. The proposed building envelopes are of a sufficient size and setback a significant distance from neighbouring agricultural properties to ensure that adverse impacts such as chemical spray drift, odour, noise, dust, fire, smoke and ash do not have an impact on future dwellings on the site. In addition to this, significant tracts of protected vegetation buffer the proposed future dwelling sites from surrounding agricultural properties
3. The proposed development has been designed to take into account the region's biodiversity and environmental values, and seeks to protect the region's biodiversity and environmental values through the following mechanisms:
 - Retention of existing vegetation on the site;
 - Revegetation of a significant portion of the site, being proposed Lot 100 which is approximately 60ha in area;
 - The inclusion of design specifications within the plan of the development which promotes sustainable house design, including a neutral colour palette for the future dwellings with landscaping which will not detract from the scenic amenity of the site;
 - Limiting dwelling pads and associated infrastructure to already cleared locations on the site.

To ensure that the development protects the region's biodiversity and environmental values, the development has been conditioned to provide for the following:

- On-site waste water disposal systems located above the 1% AEP/100 year ARI level for future dwellings on proposed lots 1-10;
- Signed speed limits within and approaching the site to control vehicles and machinery to a speed appropriate to ensure that the risk of vehicle strikes on fauna are minimised. Speed limits of 40 km/hr which are clearly signed and accompanied by signage representing wildlife in the area (Cassowary and macropods). Animal emergency contact details will be placed in conjunction with signage. Road design treatment such as pavement treatments, lateral line markings, and visual warnings will be used as traffic calming measures to slow vehicles upon entry to the site.
- The provision of building envelopes with a maximum area 1,380m² within proposed lots 1-10 to provide for the construction of a future dwelling and associated on-site wastewater disposal system on them. It has also been conditioned that no buildings or structures are to be located outside the proposed building envelopes.
- A conservation covenant over proposed lot 100 which is to be registered on the title with the Department of Natural Resources and Mines, The covenant is to restrict vegetation clearing, earthworks and construction of any type of building or structure within the area subject to the covenant.

3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)

- A revegetation plan for proposed Lot 100 using Cassowary food plants with the areas to be revegetated being strategically planned to best link areas of habitat, improving connectivity through the site and connecting to adjacent conservation land.
 - A pest management plan for proposed Lot 100 to manage potential infestations of invasive fauna and flora species and their associated impacts across the site.
 - Conservation covenants A, B and D over proposed lots 1-10 to be registered on the title with the Department of Natural Resources and Mines, The covenants are to restrict vegetation clearing, earthworks and construction of any type of building or structure within the area subject to the covenant.
 - Restriction on the type of fencing to allow for the free movement of fauna both within the site and for the purpose of migration and emigration to and from the site. Where the elimination of fencing is not possible, fencing will be provided to allow for Cassowary movement through extensive lengths of fencing. To reduce entanglement of birds, bats, and gliders, and subsequent mortality, barbed wire will not be used.
 - The prohibition of dogs and cats on the site at any time to minimise the impact on native flora.
4. The applicant has submitted a flood report from an RPEQ which states that the proposed development can be constructed to provide immunity to flood events that exceed the requirements of the Cassowary Coast Regional Council Planning Scheme 2015. According to the report, the proposed development maximises the resilience from the impacts of flooding by providing for the residential fill pads (13.65m AHD) above the 500 year Average Recurrence Interval (ARI) regional flood level.

This fill level is 700 mm above the 100 year ARI regional flood level, and 380 mm above the climate change 100 year ARI regional flood level. Thus, the habitable floor level will be at least one metre above the regional 100 year ARI flood level. All services infrastructure, including the onsite sewer disposal systems will be constructed in accordance with the FNQROC Development Manual and relevant standards and in consideration of the natural hazards, to be detailed at future detailed design / building works stages.

To ensure that the development addresses the safety of persons from natural hazards and community resilience from such events, the development has been conditioned to provide for the following:

- The provision of building envelopes within proposed lots 1-10 to provide for the construction of a future dwelling and associated on-site wastewater disposal system on them. It has also been conditioned that no buildings or structures are to be located outside the proposed building envelopes.

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- Limiting the proposed development to the area of the east of Jurs Creek by conditioning a conservation covenant over proposed lot 100 which is to be registered on the title with the Department of Natural Resources and Mines The covenant is to restrict vegetation clearing, earthworks and construction of any type of building or structure within the area subject to the covenant.
 - Ensuring that the habitable floor levels of all residential activities are to BE located at least 300mm above the 1% AEP/100 year ARI level. In addition to this, also ensuring that the applicant/owner must make that these requirements known to prospective purchasers of the lots and creating a rates notation which will be added to the property file to this effect for each lot created.
 - Ensuring that proposed lots 1-10 will have access to adequate potable water and water available for firefighting is available to the satisfaction the Queensland Fire and Rescue Service and Council. The water supply system will be provided on site when a dwelling house is built in the future.
 - Requiring that the applicant/owner provide consent from adjoining landowners for the acceptance of flood waters from the development.
 - Requiring that the applicant/owner apply for an Operational Works approval for the construction of the existing and proposed dams on the site.
 - Ensuring that any filling and excavation of land 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 provisions of the 8.2.7 Flood hazard code and 9.4.3 Excavating and filling code of the Cassowary Coast Regional Council Planning Scheme 2015.
5. The site is identified as being within the potential, medium, high and very high bushfire hazard zone. The proposed development is for a small scale, eco-residential estate comprising 10 lots, the proposed building envelopes are located in previously cleared areas with sufficient firebreaks from existing vegetation. However the access road to El Arish-Mission Beach Road and surrounding vegetation is mapped a medium bushfire hazard zone.

The proposed development has been conditioned to ensure that the applicant/owner submits a bushfire management plan prepared by a suitability qualified person to the satisfaction the Queensland Fire and Rescue Service and Council. In addition to this, also ensuring that the applicant/owner make these requirements are known to prospective purchasers of the lots and creating a rates notation which will be added to the property file to this effect for each lot created. In addition to this also ensuring that proposed lots 1-10 will have access to adequate potable water and water available for firefighting is available to the satisfaction the Queensland Fire and Rescue Service and Council. The water supply system will be provided on site when a dwelling house is built in the future.

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6. The inclusion of design specifications within the plan of the development which promotes sustainable house design, including a neutral colour palette for the future dwellings with landscaping which will not detract from the scenic amenity of the site.
7. The proposed development is to provide a community management statement including the following items:
 - The maintenance responsibilities for the sealed vehicle access and associated infrastructure;
 - A flood management plan endorsed by the Queensland Fire and Rescue Service;
 - The maintenance of flood mitigation structures, devices or works (e.g. detention basins, grills, piped flow);
 - A bushfire management endorsed by the Queensland Fire and Rescue Service;
 - The prohibition of barbed wire fencing and restriction on the type of fencing to be used; and
 - The prohibition of dogs and cats on the site.

Therefore despite the conflict with the provisions of the Cassowary Coast Regional Council Planning Scheme 2015, the proposed application for Preliminary Approval for a Material Change of Use (s242 of SPA 2009) to facilitate use rights in accordance with the Cassowary Rise Eco-Residential Estate - Precinct Plan, Assessment Tables and Code and Plan of Development and a Development Permit for Reconfiguring a Lot (1 Lot into 10 Lots + Balance Land) is recommended for approval, subject to reasonable and relevant conditions.

Recommendation:

"That a Development Permit be issued for a Preliminary Approval for a Material Change of Use (s242 of SPA 2009) to facilitate use rights in accordance with the Cassowary Rise Eco-Residential Estate - Precinct Plan, Assessment Tables and Code and Plan of Development and a Development Permit for Reconfiguring a Lot (1 Lot into 10 Lots + Balance Land) on land described as Lot 5 on SP202686 situated at El Arish-Mission Beach Road, Mission Beach, subject to the following conditions:"

(A) Preliminary Approval (Material Change of Use):

1. **Proposal:** The proposed documents and plans for the development set out in the following table and submitted to Council are approved, subject to:

Plan/ Document Number	Plan/ Document Name	Dated
N/A	Cassowary Rise Eco-Residential Estate Plan of Development Version 2	January 2017
HRP14114	Cassowary Rise Eco-Residential Estate Precinct Plan Version 1	July 2015

3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)

HRP14114	Cassowary Rise Eco-Residential Estate Development Parameters Plan Version 1	July 2015
HRP14114	Cassowary Rise Eco-Residential Estate Master Plan Version 2	19 January 2017
HRP14114-001-RAL-01	Cassowary Rise Eco-Residential Estate Proposed Community Title Scheme (Reconfiguring a Lot) Revision A	18 January 2017
HRP14114	Cassowary Rise Eco-Residential Estate Management Strategy	19 December 2016

- (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. Amended Cassowary Rise Eco-Residential Estate Plan of Development: An amended Cassowary Rise Eco-Residential Estate Plan of Development must be provided to Council with the following amendments and must be endorsed by the Manager Planning Services prior to the issue of a Development Permit for reconfiguring a lot:**
- a. Section 2. Purpose, 2.2 Cassowary Conservation Precinct (page 2):**
 - i. Removal of a) Facilitate land uses, including 'Environment facility' and 'Nature-based tourism' that promote a thriving Southern Cassowary population.**
 - b. Section 3. Tables of Assessment, 3.1 Level of Assessment, Table 3.1.2 Cassowary Conservation Precinct – Material Change of use (page 4)**
 - i. Amend level of assessment of Environment Facility from Code to Impact Assessable;**
 - ii. Amend level of assessment of Nature Based Tourism from Code to Impact Assessable;**
 - iii. Amend level of assessment of Caretakers Accommodation from Code to Impact Assessable;**

3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)

c. Section 3. Tables of Assessment, 3.1 Level of Assessment, Table 3.1.3 Cassowary Corridor Precinct – Material Change of use (page 5)

- i. Amend level of assessment of Environment Facility from Code to Impact Assessable;**
- ii. Amend level of assessment of Nature Based Tourism from Code to Impact Assessable;**

d. Section 3. Tables of Assessment, 3.3 Level of Assessment, Table 3.2.1 Reconfiguring a lot (page 5)

- i. Amend Eco-residential precinct level of assessment of Code assessment where not exceeding a maximum of 10 lots within the Eco-residential precinct and a minimum lot size of 7,182m² and generally in accordance with HRP14114 Cassowary Rise Eco-Residential Estate Master Plan Version 2, dated 19 January 2017.**

e. Section 5. Cassowary Rise Eco-residential Estate Precincts Code, 5.2 Cassowary Rise Eco-Residential Estate Precincts Assessment Criteria, Table 5.2.2 Cassowary Conservation Precinct Criteria for assessable development (page 15)

- i. Removal of Cassowary Conservation Precinct Criteria for assessable development.**

f. Section 5. Cassowary Rise Eco-residential Estate Precincts Code, 5.2 Cassowary Rise Eco-Residential Estate Precincts Assessment Criteria, Table 5.2.3 Cassowary Corridor Precinct Criteria for assessable development (page 18)

- i. Removal of Table 5.2.3 Cassowary Corridor Precinct Criteria for assessable development.**

3. Existing and proposed dams: The applicant/owner must apply for an Operational Works approval for the construction of the existing and proposed dams on the site.

Three (3) copies of the plan of works from a REPQ must be submitted with the Development Approval for Operational Works and must be endorsed by the Manager Planning Services prior to the issue of a Development Permit for carrying out Operational Works.

3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)

(B) Reconfiguring a Lot:

1. **Proposal:** The proposed documents and plans for the development set out in the following table and submitted to Council are approved, subject to:

Plan/ Document Number	Plan/ Document Name	Dated
HRP14114	Cassowary Rise Eco-Residential Estate Precinct Plan Version 1	July 2015
HRP14114	Cassowary Rise Eco-Residential Estate Development Parameters Plan Version 1	July 2015
HRP14114	Cassowary Rise Eco-Residential Estate Master Plan Version 2	19 January 2017
HRP14114-001-RAL-01	Cassowary Rise Eco-Residential Estate Proposed Community Title Scheme (Reconfiguring a Lot) Revision A	18 January 2017

- (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 approval must be complied with prior to the signing and dating of the Plan of Survey, to the satisfaction of the Manager Planning Services.
- 3. **Amended Community Management Statement:** A copy of the amended community management statement must be submitted to Council for approval, prior to the signing and dating of the Plan of Survey. The approved community management statement documents must be lodged and registered with the Department of Natural Resources and Mines at the time of registration of the Plan of Survey. The community management statement must include the following items:
 - a. The maintenance responsibilities for the sealed vehicle access and associated infrastructure;
 - b. A flood management plan endorsed by the Queensland Fire and Rescue Service;

- 3.1 **DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)**
- c. The maintenance of flood mitigation structures, devices or works (e.g. detention basins, grills, piped flow);
 - d. A bushfire management endorsed by the Queensland Fire and Rescue Service;
 - e. The prohibition of barbed wire fencing and restriction on the type of fencing to be used;
 - f. The prohibition of dogs and cats on the site.
4. **Effluent Disposal**: The applicant/owner must engage a suitably qualified professional person to demonstrate how the development complies with relevant legislation for on-site sewerage treatment systems. The on-site sewerage disposal 'envelopes' must be provided on a plan of the development, showing how the allotment can physically provide the necessary areas and comply with the required setback for on-site disposal of sewerage. The plan must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method and location of facilities. The on-site waste water disposal system is to be located within the defined building envelopes and above the 1% AEP/100 year ARI event level. The on-site waste water disposal system report is to be provided prior to the signing and dating of the plan of survey to the satisfaction of the Manager Planning Services. A copy of the endorsed on-site sewerage treatment system report is to be provided to potential future purchases of proposed lots 1-10 to support the plumbing and drainage application for a new on-site sewerage treatment system.
5. **Works**: The applicant/owner is to construct the following works at no cost to Council and in accordance with the Planning Scheme Policy SC6.3 FNQROC Development Manual:
- a. A sealed vehicle access road with a minimum width of 7 metres. The road area is to incorporate necessary infrastructure (power and telecommunication), street lights and associated stormwater drainage. In particular, the sealed vehicle access road should provide adequate access for service vehicles to turn around at the end of each cul-de-sac. Vehicle access is to be constructed and infrastructure in place prior to the signing and dating of the Plan of Survey, to the requirements and satisfaction of the Manager Planning Services.

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- b. Clearly signed speed limits are to be provided within and approaching the site shall control vehicles and machinery to a speed appropriate to ensure that the risk of vehicle strikes on fauna are minimised. Speed limits of 40 km/hr shall be clearly signed and shall be accompanied by signage representing wildlife in the area (Cassowary and macropods). Animal emergency contact details shall be placed in conjunction with signage. Road design treatment such as pavement treatments, lateral line markings, and visual warnings shall be used as traffic calming measures to slow vehicles upon entry to the site.**
- c. Flood signage erected in accordance with the provisions of the Manual of Uniform Traffic Control Devices (MUTCD).**
- d. Culverts are to be provided to roads as identified on Cassowary Rise Eco-Residential Estate Development Parameters Plan Version 1.**
- e. A bus shelter which is to be located near the sealed vehicle access roads intersection with El Arish – Mission Beach Road.**

The maintenance for the sealed access, signage, culverts and associated infrastructure is the responsibility of the body corporate. A copy of the community management statement must be submitted to Council for approval, prior to the signing and dating of the Plan of Survey. The approved community management statement documents must be lodged and registered with the Department of Natural Resources and Mines at the time of registration of the Plan of Survey.

Three (3) copies of the plan of works from a REPQ must be submitted with the Development Approval for Operational Works and must be endorsed by the Manager Planning Services prior to the issue of a Development Permit for carrying out Operational Works. All works must be carried out in accordance with the approved plans, prior to the signing and dating of the Plan of Survey, to the requirements and satisfaction of the Manager Planning Services.

- 6. Building Envelope: The applicant/owner is to provide building envelopes with a maximum area of 1,380m² within proposed lots 1-10 prior to the signing and dating of the Plan of Survey, for approval by the Manager Planning Services. The building envelope is to provide for the construction of a dwelling and associated on-site wastewater disposal system within them in accordance with the on-site sewerage treatment system report. No buildings or structures are to be located outside the proposed building envelopes.**

- 3.1 **DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)**
7. **Conservation Covenant over Proposed Lot 100:** The applicant/owner is to provide a conservation covenant over proposed lot 100. The conservation covenant is to be registered on the title with the Department of Natural Resources and Mines for approval by Manager Planning Services, prior to the lodgement of the Plan of Survey for signing and dating. The covenant is to restrict vegetation clearing, earthworks and construction of any type of building or structure within the area subject to the covenant.
8. **Revegetation of Proposed Lot 100:** The applicant/owner is to provide a revegetation plan for proposed Lot 100 prepared by a suitably qualified and experienced person in accordance with Planning Scheme Policy SC6.4 landscaping. The plan is to be submitted prior to the lodgement of the Plan of Survey for signing and dating to the satisfaction of the Manager Planning Services. The revegetation of cleared areas should occur using endemic native species of importance to the Cassowary. The areas to be revegetated should be strategically planned to best link areas of habitat, improving connectivity between the site and surrounding conservation areas.
9. **Pest Management Plan for Proposed Lot 100:** The applicant/owner is to provide a pest management plan for proposed Lot 100 prepared by a suitably qualified and experienced person to manage potential infestations of invasive fauna and flora species and their associated impacts across the site. The plan is to be submitted prior to the lodgement of the Plan of Survey for signing and dating to the satisfaction of the Manager Planning Services. The applicant/owner is to be responsible for implementing the pest management plan.
10. **Conservation Covenant over Proposed Lots 1-10:** The applicant/owner is to provide conservation covenants A, B and D over proposed lots 1-10. The conservation covenants are to be registered on the title with the Department of Natural Resources and Mines for approval by Manager Planning Services, prior to the lodgement of the Plan of Survey for signing and dating. The covenants are to restrict vegetation clearing, earthworks and construction of any type of building or structure within the area subject to the covenant.
11. **Fencing:** No fencing, temporary or otherwise, shall be erected during the construction phase as to not restrict fauna movement with the exception of health and safety legislation requirements. Where possible, fencing should be eliminated to allow for the free movement of fauna both within the site and for the purpose of migration and emigration to and from the site. Where the elimination of fencing is not possible, Cassowary safe, four (4) wire fencing is to be used, to allow for Cassowary movement through extensive lengths of fencing and is restricted to boundary of the proposed building envelopes only.

3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)

To reduce entanglement of birds, bats, and gliders, and subsequent mortality, barbed wire shall not be used at any time. The community management statement must contain the restrictions on the location and type of fencing to be used and the community management statement must be submitted to Council for approval, prior to the signing and dating of the Plan of Survey. The approved community management statement documents must be lodged and registered with the Department of Natural Resources and Mines at the time of registration of the Plan of Survey.

- 12. Dogs and Cats:** No dogs or cats are permitted on the site at any time. The applicant / owner must ensure that these requirements are made known to prospective purchasers of the lots. A rates notation will be added to the property file to this effect for each lot created.
- 13. Floor Level:** The applicant/owner must ensure that the habitable floor levels of all residential activities are located at least 300mm above the 1% AEP/100 year ARI event level, prior to the commencement of use and to the satisfaction of the Manager Planning Services. The applicant/owner must ensure that these requirements are made known to prospective purchasers of the lots. A rates notation will be added to the property file to this effect for each lot created.
- 14. Flood Management Plan:** The applicant/owner must prepare and submit a flood management plan prepared by an REPQ for the development prior to the lodgement of the Plan of Survey for signing and dating and to the satisfaction of the Queensland Fire and Rescue Service and the Manager Planning Services. The applicant / owner must ensure that these requirements are made known to prospective purchasers of the lots. A rates notation will be added to the property file to this effect for each lot created. The community management statement must contain the flood management plan and the community management statement must be submitted to Council for approval, prior to the signing and dating of the Plan of Survey. The approved community management statement documents must be lodged and registered with the Department of Natural Resources and Mines at the time of registration of the Plan of Survey.
- 15. Flood Impacts on adjoining landowners:** The applicant/owner must provide consent from adjoining landowners for the acceptance of flood waters from the development prior to the lodgement of the Plan of Survey for signing and dating and to the satisfaction of the Manager Planning Services.

3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)

- 16. Flood mitigation:** Where the development contains flood mitigation structures, devices or works (e.g. detention basins, grills, piped flow). The maintenance for such flood mitigation structures, devices or works is the responsibility of the body corporate which must ensure that they are maintained and are able to function in flood events at all times. A copy of the community management statement must be submitted to Council for approval, prior to the signing and dating of the Plan of Survey. The approved community management statement documents must be lodged and registered with the Department of Natural Resources and Mines at the time of registration of the Plan of Survey.
- 17. Water Supply:** The applicant/owner must ensure that proposed lots 1-10 have access to adequate potable water and water available for fire fighting is available prior to the commencement of use and to the satisfaction of the Queensland Fire and Rescue Service and the Manager Planning Services. The applicant/owner must engage a suitably qualified professional person to demonstrate how the development complies with relevant legislation for potable water supply. The plan must be accompanied by a report, inclusive of supporting calculations and site investigations and provide a recommended method and location of facilities. The potable water supply report is to be provided prior to the signing and dating of the plan of survey to the satisfaction of the Manager Planning Services. A copy of the endorsed potable water supply report is to be provided to potential future purchases of proposed lots 1-10 to support the plumbing and drainage application for a new water supply system.
- 18. Bushfire Management Plan:** The applicant/owner must prepare and submit a bushfire management plan prepared by suitably qualified person for the development prior to the lodgement of the Plan of Survey for signing and dating and to the satisfaction of the Queensland Fire and Rescue Service and the Manager Planning Services. The applicant/owner must ensure that these requirements are made known to prospective purchasers of the lots.

A rates notation will be added to the property file to this effect for each lot created. The community management statement must contain the bushfire management plan and the community management statement must be submitted to Council for approval, prior to the signing and dating of the Plan of Survey. The approved community management statement documents must be lodged and registered with the Department of Natural Resources and Mines at the time of registration of the Plan of Survey.

- 19. Electricity and Telecommunications Supply:** The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunications authorities detailing that the services will be provided to the development, prior to approval and dating of the Plan of Survey, to the requirements and satisfaction of the Manager Planning Services.

- 3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)

20. **Erosion and Sediment Control:** 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 operational works application and an Erosion and Sediment Control Plan (ESCP) to be submitted prior to the commencement of any works and prior to the initial construction pre start meeting. Both the ESCS and the ESCP including workings shall be submitted for assessment by Council. All submitted documentation shall be in accordance with the requirements of the FNQROC Development Manual and references.

21. **Public Infrastructure/Utilities - Alterations:** Any relocation or alteration to any public utilities in association with works pertaining to this subdivision must be undertaken as required by the relevant service provider and at no cost to Council. This includes stormwater infrastructure.

22. **Public Infrastructure/Utilities – Existing Services:** Where existing infrastructure for any lot within the subdivision are contained within another lot, the Applicant/Owner shall either:

- (a) Relocate the infrastructure to the road area or other location as approved by Council; or
- (b) Arrange the registration of the necessary easements over the infrastructure, which are located within another lot, prior to or in conjunction with the submission of the Plan of Survey creating the lot.

23. **Stormwater Drainage:** Stormwater drainage systems, including underground piping, must be designed and constructed to ensure that the flow of all stormwater is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.

Three (3) copies of the plan of the works must be submitted to Council prior to the issue of a Development Permit for carrying out Operational Works. All works must be carried out in accordance with the approved plan, to the requirements and satisfaction of the Director, Planning & Environmental Services prior to the endorsement of the Plan of Survey.

24. **Filling of Land - General:** Any filling of land 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 provisions of the 8.2.7 Flood hazard code and 9.4.3 Excavating and filling code of the Cassowary Coast Regional Council Planning Scheme 2015.

- 3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)
25. **Landscaping - General:** Any landscaping on the site shall be in accordance with the provisions of the Planning Scheme Policy SC6.4 Landscaping and 9.4.5 Landscaping code of the Cassowary Coast Regional Council Planning Scheme 2015.
26. **Transportation of materials:** All loose materials (eg soil, sand, gravel) transported to or from the site must be covered to prevent dust or spillage of material during transport. If any dust or mud is brought onto the road pavement from works on the subject land, it must be promptly cleaned away to eliminate mud or dust nuisance, no later that at the end of each working day.
27. **Outstanding Rates:** The applicant/owner is to ensure that all rates, interest and other charges levied on the property are paid prior to the endorsement of the Plan of Survey, to the requirements and satisfaction of the Chief Executive Officer.
28. **Declared Pests:** The parcel of land is to be cleared of all Class 1, 2 and 3 declared pests prior to the endorsement of the Plan of Survey and is to be maintained at all times, to the requirements and satisfaction of the Director of Planning and Environmental Services.
29. **Survey Marks:** All existing survey marks are to be reinstated, new survey marks are installed in accordance with the Plan of Survey, and a cadastral surveyor is to certify the survey work in writing, to the requirements and satisfaction of the Director of Planning & Environmental Services, prior to the endorsement of the Plan of Survey.
30. **Works Approval :** No works shall commence on the site until an application for Operational Works (including the appropriate fees and Engineering Drawings detailing the proposed construction) is approved by Council. The applicant must include erosion and sediment control details in the engineering drawings, make allowance for slope, contour details, road earthwork details and property access so that the development will minimise erosion, provide for satisfactory drainage and cause minimal detrimental impact on the environment at all stages. All works must be constructed in accordance with the Development Permit, the FNQROC Development Manual and to the satisfaction of the Manager Planning Services.

3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)

Assessment Managers Advice:

- a) **Relevant Period (Material Change of Use):** The relevant period for the development approval (Material Change of Use) shall be five (5) 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) **Relevant Period (Reconfiguring a Lot):** The relevant period for the development approval (Reconfiguring a Lot) shall be two (2) years starting the day the approval is granted or takes effect. In accordance with Section 341(2) of the Sustainable Planning Act 2009 (SPA), the development approval for a reconfiguration of a lot lapses if a plan for the reconfiguration is not given to Council within the abovementioned relevant period.

An applicant may request Council to extend the relevant period provided that such is made in accordance with Section 383 of SPA and before the development approval lapses under Section 341 of SPA.

- c) **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; and
- d) **Fees and Charges:** When the plan of subdivision for the reconfiguring of a lot is submitted to Council for endorsement, such plan shall be accompanied by the endorsement fee in accordance with Council's Schedule of Fees and Charges.
- e) **Council Indemnity:** The Council is indemnified against any claims arising from works carried out by the Applicant/Owner on Council property.
- f) **Compliance with Laws:** This approval does not negate the requirement for compliance with all other relevant local laws and other statutory requirements.

3.1 DEV2016/0062 - PA FOR AN MCU TO OVERRIDE THE PLANNING SCHEME (S242 OF SPA) IN ACCORDANCE WITH THE CASSOWARY RISE ECO-RESIDENTIAL ESTATE PRECINCT PLAN, ASSESSMENT TABLES, CODE & PLAN OF DEVELOPMENT & DA FOR AN ROL (1 INTO10+BALANCE) (CONT'D...)

- g) Adopted Infrastructure Charges:** The applicant/owner must contribute in accordance with Council's Infrastructure Charges Resolution. The adopted infrastructure charge is payable prior to the endorsement of the Plan of Survey in accordance with Section 648H of the Sustainable Planning Act 2009. Payment is to be made to Council in accordance with the Infrastructure Charges Notice.
- h) Required Approvals:** A Development Approval for Operational Works, Building works and Plumbing/Drainage works will be required, with a permit for these works issued prior to any works commencing.
- i) 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.
- j) Commonwealth Environment Protection and Biodiversity Conservation Act 1999:** You are advised that the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance. Further information on the *EPBC Act* can be obtained from the Department Environment and Energy website www.environment.gov.au/epbc EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct. 2009).

Concurrence Agency Conditions:

Department of Infrastructure, Local Government and Planning Referral Agency Response (SDA-0916-033265) dated 15 May 2017.

Moved Cr W Kimberley

Seconded Cr B Heath

Resolution Number 0064

"That the Recommendation be adopted."

FOR - Crs W Kimberley, B Heath, J
Kremastos, R Taylor and G Raleigh

AGAINST - Cr M Nolan

CARRIED



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0916-033265
Applicant reference: HRP14114
Council reference: DEV2016/0062

15 May 2017

Buxton Superannuation Fund
C/- Cardno
PO Box 1619
Cairns QLD 4870
dominic.hammersley@cardno.com.au

Att: Dominic Hammersley

Dear Buxton Superannuation Fund

Concurrence agency response—with conditions

El Arish Mission Beach Road, Maria Creeks – Lot 5 on SP202686

Development application for a development permit for reconfiguration of a lot (1 lot into 10 lots and balance area) and for a s242 preliminary approval affecting the planning scheme (for material change of use)

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 5 September 2016.

Applicant details

Applicant name:	Buxton Superannuation Fund
Applicant contact details:	C/- Cardno PO Box 1619 Cairns QLD 4870 dominic.hammersley@cardno.com.au

Site details

Street address:	El Arish Mission Beach Road, Maria Creeks, QLD 4885
Lot on plan:	Lot 5 on SP202686
Local government area:	Cassowary Coast Regional Council

SDA-0916-033265

Application details

Proposed development: Development permit for reconfiguration of a lot (1 lot into 10 lots and balance area) and for a s242 preliminary approval affecting the planning scheme (for material change of use)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Reconfiguring a Lot	Development permit	Reconfiguring a Lot (1 lot into 10 lots plus balance lot).	Code Assessment
Material Change of Use	Preliminary approval under s242 of SPA (affecting the Planning Scheme)	To make land included in the Cassowary Rise Eco-Residential Estate – Precinct Plan assessable in accordance with the levels of assessment in Appendix B – Levels of Assessment Tables and assessable against The Cassowary Rise Eco-Residential Estate Code, as detailed within the Cassowary Rise Eco-Residential Estate Plan of Development.	Impact Assessment

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 2, Item 4—Clearing vegetation
Schedule 7, Table 3, Item 10—Clearing vegetation
Schedule 7, Table 2, Item 2—State-controlled road
Schedule 7, Table 3, Item 1—State-controlled road

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

SDA-0916-033265

Drawing/Report Title	Prepared by	Date	Reference no.	Version / Issue
Aspect of development: reconfiguration of lot				
Referral Agency Response (Vegetation) Plan	Queensland Government (Department of Natural Resources and Mines)	08 May 2017	RARP SDA-0916-033265	n/a
Proposed Reconfiguration Drawing – Proposed 10 Lot Subdivision	Cardno	21 June 2016	HRP14114-001	04
TMR Layout Plan (8108 – 7.45km)	Queensland Government Transport and Main Roads	08/02/2017	TMR16-18144 (500-1035)	A
TMR Layout Plan Access Footprint Austroads Guide Road Design Part 4, Fig 7.4 & Part 4A, Fig 7.5	Queensland Government Transport and Main Roads	08/02/2017	TMR16-18144 (500-1035)	A
Rural property access for articulated vehicles on a two-way two-lane road	Austroads Guide to Road Design, Part 4: Intersection and Crossings - General	2009	Figure 7.4	-
Basic right (BAR) turn treatment on a two-lane rural road	Austroads Guide to Road Design: Part 4A Unsignalised and Signalised Intersections	2010	Figure 7.5	-

A copy of this response has been sent to the applicant for their information.

For further information, please contact Tony Croke, Principal Planning Officer, SARA Far North QLD on 4037 3205, or email tony.croke@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc: Buxton Superannuation Fund, dominic.hammersley@cardno.com.au

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

SDA-0916-033265

Our reference: SDA-0916-033265
Applicant reference: HRP14114
Council reference: DEV2016/0062

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Reconfiguring a lot		
Schedule 7, Table 2, Item 4—Clearing vegetation —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<ul style="list-style-type: none"> a) Clearing of assessable vegetation is not permitted in the area identified as Area A (A1-A3) on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0916-033265 dated 08 May 2017. b) No infrastructure including, but not limited to, buildings, fences and roads is to be established or located within Area A as shown on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0916-033265 dated 08 May 2017. c) No infrastructure except fences, roads and underground services is to be established or located within Area B (B1-B4) as shown on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0916-033265 dated 08 May 2017. 	At all times
2.	<p>The permit holder is responsible for ensuring that:</p> <ul style="list-style-type: none"> (a) A full copy of the permit is held by; and (b) That the extent of the vegetation regulated by this permit is properly understood by, any person(s) engaged or employed to carry any works associated with this permit. 	At all times
Schedule 7, Table 2, Item 2—State-controlled road —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
In accordance with approved plans		
3.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Proposed Reconfiguration Drawing – Proposed 10 Lot Subdivision prepared by Cardno, dated 21 June 2016, Plan Number HRP14114-001 and revision 04. • TMR Layout Plan (8108 – 7.45km) prepared by Queensland Government Transport and Main Roads, dated 08/02/2017, File Reference: TMR16-18144 (500-1035), Issue A. • TMR Layout Plan Access Footprint Austroads Guide Road Design Part 4, Fig 7.4 & Part 4A, Fig 7.5 prepared by Queensland Government Transport and Main Roads, dated 08/02/2017, File Reference: TMR16-18144 (500-1035), Issue A. 	Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times.

SDA-0916-033265

No.	Conditions	Condition timing
Vehicular access to the state-controlled road		
2	<p>(a) The road access location, is to be located generally in accordance with TMR Layout Plan (8108 – 7.45km) prepared by Queensland Government Transport and Main Roads, dated 08/02/2017, File Reference: TMR16-18144 (500-1035), Issue A.</p> <p>(b) Road access works comprising of additional sealing works, a Basic right (BAR) turn treatment and Flag lighting, (at the road access location) must be provided generally in accordance with TMR Layout Plan Access Footprint Austroads Guide Road Design Part 4, Fig 7.4 & Part 4A, Fig 7.5 prepared by Queensland Government Transport and Main Roads, dated 08/02/2017, File Reference: TMR16-18144 (500-1035), Issue A.</p> <p>(c) The road access works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> • Austroads Guide to Road Design, Part 4: Intersection and Crossings - General, Figure 7.4 (Rural property access for articulated vehicles on a two-way two-lane road); • Austroads - Guide to Road Design: Part 4A Unsignalised and Signalised Intersections, Figure 7.5 Basic right (BAR) turn treatment on a two-lane rural road; and • The Department of Main Roads Road Planning and Design Manual (2nd edition), Volume 6: Lighting, dated July 2016. 	<p>(a) At all times.</p> <p>(b) and (c): Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times.</p>
Wayfinding signage		
4.	Signage, indicating a T-intersection is to be installed either side of the road access at a longitudinal placement in accordance with the Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices.	Prior to submitting the Plan of Survey to the local government for approval.

SDA-0916-033265

Our reference: SDA-0916-033265
Applicant reference: HRP14114
Council reference: DEV2016/0062

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road
- To maintain the safety and efficiency of the state-controlled road.
- To conserve remnant vegetation.
- To prevent loss of biodiversity.
- To maintain ecological processes.
- To ensure the development achieves the performance outcomes in the relevant State Development Assessment Provisions (version 1.9 dated 22 July 2016).

SDA-0916-033265

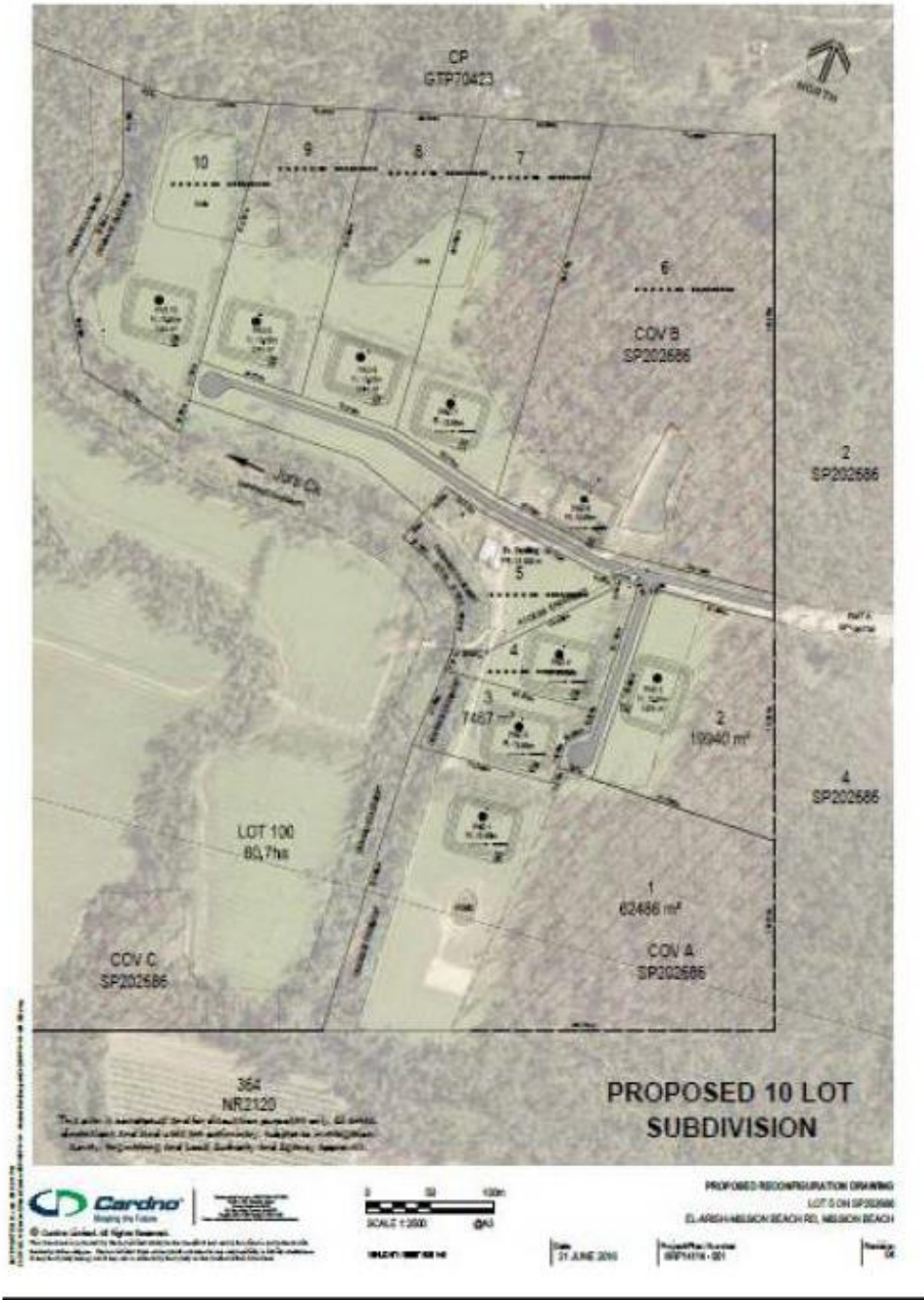
Our reference: SDA-0916-033265
Applicant reference: HRP14114
Council reference: DEV2016/0062

Attachment 3—Further advice

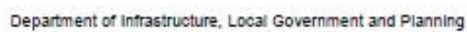
General advice	
Advertising device	
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2015</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>
Road access works approval	
2.	<p>Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>
Applicable self-assessable codes	
3.	<p><i>Category R regrowth vegetation</i></p> <p>The subject lot contains areas mapped as Category R on the regulated vegetation management map. Clearing native vegetation within these areas on freehold land must be undertaken in accordance with the self-assessable vegetation clearing code <i>Managing Category R regrowth vegetation</i> and has not been assessed as part of the development application.</p>
State Planning Policy April 2016	
4.	<p>Building envelopes identified on lots 1, 2, 3, 4 and 6 appear to be within the Bushfire Prone Area as per the SPP Interactive Mapping System (i.e. within the Potential Impact Buffer). Please consider the matter of access for fire-fighters between building envelopes on lots 1, 2 and 6.</p>



SDA-0916-033265

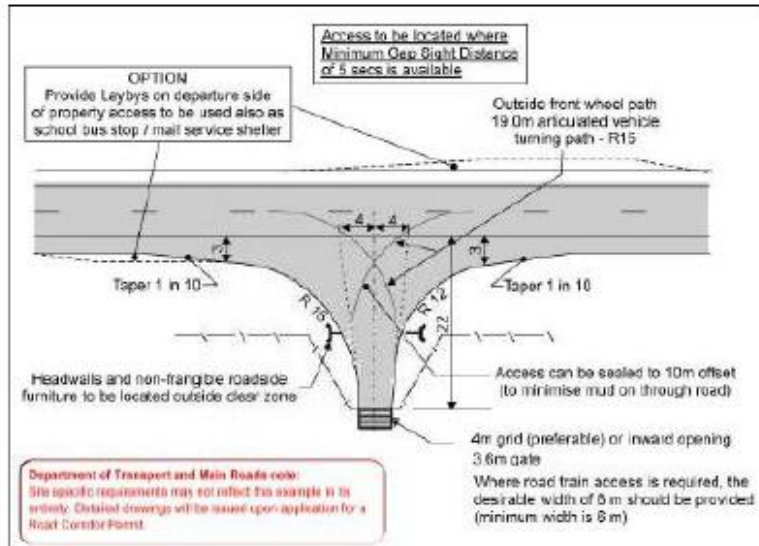






SDA-0916-033265

GUIDE TO ROAD DESIGN PART 4: INTERSECTIONS AND CROSSINGS – GENERAL



Note: Minimum requirement for a single carriageway with design AADT <2903 or minimum requirement for dual carriageway left-in-left-out access for single unit truck. Where AADT >1000 and access is required for a semi-trailer then use the layout.
Source: Based on Austroads (2009).

Figure 7.4: Example of a rural property access specifically designed for articulated vehicles on a two-lane two-way road

7.3 Median Openings

7.3.1 General

The spacing of median openings is an integral part of access management planning. A typical mid-block median opening is shown in Figure 7.5. The justification for a median opening is an economic issue, requiring comparison of the cost of providing the opening with the cost of extra travel and inconvenience. The increase in the number of potential conflict points must also be considered in comparison with the traffic manoeuvres likely to occur without median openings.

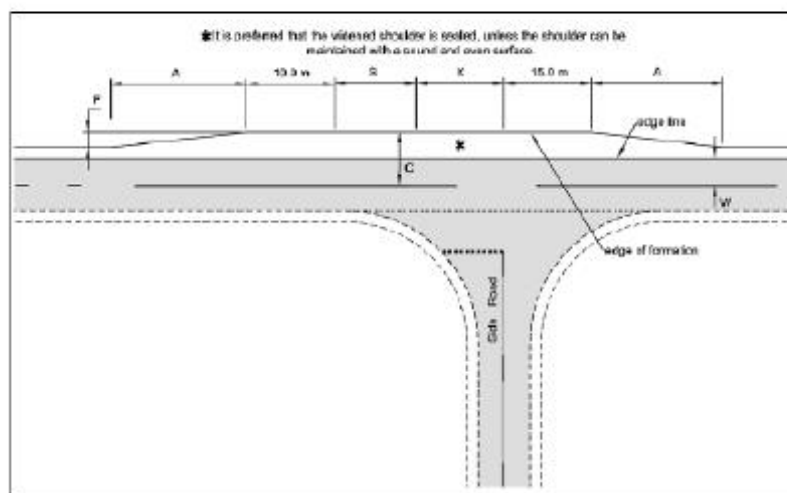
The desirable spacing of median openings is a complex question to which there is no definitive answer. On the one hand it is desirable to space openings as far apart as possible, keeping the number of potential conflict points to a minimum. On the other hand, infrequent openings can significantly increase travel distances for local traffic and the demand for turning manoeuvres at intersections. Where the median is too narrow to accommodate a sheltered right-turn lane, a good design practice is to provide openings at most, if not all, intersecting streets with an important local service function. Where the median width is sufficient to accommodate right-turn lanes, a spacing of 120 m will permit successive development of right-turn lanes. Greater spacing is required where high storage demands occur.

Austroads 2009

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Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



Notes:

1. This treatment applies to the right turn from a major road to a minor road.

2. The dimensions of the treatment are defined thus:

W = Normal through lane width (m) (including widening for curves). Width to be continuous through the intersection.

C = On straight = 6.5 m minimum

7.0 m minimum for Type 1 & Type 2 road layouts

On curves = width as above + curve widening (based on widening for the design turning vehicle plus widening for the design through vehicle)

$$A = \frac{0.5V^2}{3.6}$$

not less than 1.5 m and higher curves (e.g. those with a side friction constant greater than the maximum desirable). Where the design through vehicle is larger than or equal to a 19 m semi-trailer the minimum is produced by calculating A is 8.0 m.

V = Design speed of major road approach (km/h).

F = Formation/kerb/shoulder widening (m).

S = Storage length to cater for one design turning vehicle (m) (minimum length 12.5 m).

X = Distance based on design vehicle turning path, typically 10-15 m.

Source: QDMR (2006).

Figure 7.5: Basic right (BAR) turn treatment on a two-lane rural road

7.5.2 Rural Channelised T-junction – Short Lane Type CHR(S)

The CHR(S) turn treatment shown in Figure 7.6 is a more desirable treatment than the BAR treatment because it provides greater protection for vehicles waiting to turn right from the centre of the road. This treatment is suitable where there are low to moderate through and turning volumes. For higher volume sites, a full-length CHR turn treatment (Figure 7.7) is preferred.

Austroads 2009

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Department of Transport and Main Roads note:
Site specific requirements may not reflect this example in its
entirety. Detailed drawings will be issued upon application for a
Road Corridor Permit.

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C

Executive Summary:

Council is in receipt of an application for a Material Change of Use for a Multiple Dwelling (30 x 2 bedroom units), Accommodation Buildings (62 bed Backpackers' Accommodation & 24 unit Tourist Resort) and Reconfiguring a Lot (1 Lot into 3 Lots) + Drainage Easements A & B and Access Easement C. The application was prepared by Milford Planning Consultants on behalf of Wongaling Beach Investments for development within the Tourist Accommodation Precinct as per the Wongaling Beach Village Area Plan of Development (2002) and the Environmental Management and Conservation Zone and Township Zone as per the Cassowary Coast Regional Council Planning Scheme 2015. The development is proposed on land described as Lot 105 on SP281940 and situated at 34-40 Dickinson Street, Wongaling Beach.

As a result of the previously approved (August 2002) Wongaling Beach Village Area Plan of Development, the proposed uses are designated as Code Assessable, and public notification was not required.

The application triggered referral to the Department of Infrastructure, Local Government and Planning (DILGP) for exceeding the local government area threshold for development impacting on State transport infrastructure. DILGP's response of 'no requirements' is shown as Attachment 4.

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

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 Multiple Dwelling (30 x 2 bedroom units) and Accommodation Buildings (62 bed Backpackers' Accommodation & 24 unit Tourist Resort) and Reconfiguring a Lot (1 Lot into 3 Lots) + Drainage Easements A & B and Access Easement C 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 Multiple Dwelling (30 x 2 bedroom units) and Accommodation Buildings (62 bed Backpackers' Accommodation & 24 unit Tourist Resort) and Reconfiguring a Lot (1 Lot into 3 Lots) + Drainage Easements A & B and Access Easement C on land described as Lot 105 on SP281940, situated at 34-40 Dickinson Street, Wongaling Beach, subject to the following conditions:"

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)

Assessment Manager's Conditions

(A) Reconfiguring a Lot

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 7 February 2017 and 21 April 2017, all relating to Development Application – DEV2017/0005, except where varied by the following conditions.

Plan Number	Plan Name	Date
Job: M1066 Dwg No. M1066-SK-02 REV D	Proposed Reconfiguration Plan Cancelling Lot 105 on SP281940 34-40 Dickinson Street, Wongaling Beach	20/04/2017 Received by Council 21/04/17

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 signing and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.
 3. **Lot Access:** That applicant/owner must apply to Council's Asset Engineering section of the Works Department for approval of an appropriate vehicle access crossover for this development from Dickinson Street to the required standards for Proposed Lot 106 & 107 to the proposed development. The access crossover must be constructed in accordance with the requirements of the FNQROC Development Manual and Council's standard engineering specification for a vehicle access crossover, to the satisfaction of the Manager Asset Engineering and at no cost to Council. The access crossovers must be established prior to the signing and dating of the Plan of Survey, with future maintenance of the vehicle access crossover being responsibility of the landowner.

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)

4. **Internal Access:** The applicant/owner must, at its own cost, provide a sealed driveway with a minimum width of 6.2 metres extending the full length of the access easement on Proposed Lot 106 to the property boundary of Proposed Lot 107, in accordance with the Proposed Reconfiguration Plan (Dwg No. M1066-SK-02, REV D, dated 20/04/2017). Conduits for internal allotment services are to be provided adjacent to the sealed driveway for the full length, within the access leg. These works are to be completed to FNQROC Standard, prior to the signing and dating of the Plan of Survey, to the requirements and satisfaction of the Manager Planning Services.
5. **Water Connection:** The applicant/owner is to apply to Council's Water Section of the Works Department to install a water service fitted with meter to Proposed Lot 106, 107 & 108 at no cost to Council, with the connection and meter to be installed prior to the signing and dating of the Plan of Survey.
The fee/charge for each water service installed and any associated upgrades required to be carried out by Council is per Council's Register of Regulatory Fees at the rate applicable on application and must be paid prior to the works being undertaken.
6. **Water Supply Infrastructure:** The applicant/owner must design and install adequate water reticulation, including all necessary hydrants, valves etc and connecting to existing Council water mains, at no cost to Council. The water reticulation shall include the installation of water supply to each allotment.
Three (3) copies of the plan of works must be submitted to and must be endorsed by the Manager Planning Services prior to the issue of a Development Permit for Operational Works. All works must be carried out in accordance with the approved plans, prior to the signing and dating of the Plan of Survey, to the requirements and satisfaction of the Manager Planning Services.
7. **Sewerage Connection:** The applicant/owner is to provide sewerage reticulation and connection to Proposed Lot 106, 107 & 108. A report and plan are to be submitted to Council, illustrating how the proposed lots are to be connected to Council's sewerage infrastructure. The cost of any upgrade directly relating to this development will be the responsibility of the applicant/owner and at no cost to Council.

Three (3) copies of the plan of works from a RPEQ must be submitted with the Development Application for Operational Works and must be endorsed by the Manager Planning Services prior to the issue of a Development Permit for carrying out Operational Works. All works must be completed prior to the signing and dating of the Plan of Survey, to the requirements and satisfaction of the Manager Planning Services.

- 3.2 **DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)**
8. **Acid Sulphate Soils Investigation:** The applicant/owner is to complete a full investigation of the presence of acid sulphate soil/potential acid sulphate soil on the site prior to any development works or the commencement of construction. If such testing reveals the presence of acid sulphate soil/potential acid sulphate soil material, then an acid sulphate soil/potential acid sulphate soil management plan must be provided by the applicant and endorsed by the Manager Planning Services for pre- and post-construction periods in accordance with the current state policy, prior to carrying out earthworks on the subject site.
9. **Access Easement:** The applicant/owner is to complete the appropriate process to have a 6.2 metre wide easement for access purposes registered on the title of Proposed Lot 106 and benefitting Proposed Lot 107, in accordance with the Proposed Reconfiguration Plan (Dwg No. M1066-SK-02, REV D, dated 20/04/2017) prior to the signing and dating of the Plan of Survey and to the satisfaction of the Manager Planning Services.
10. **Drainage Easements:** The applicant/owner is to complete the appropriate process to have Proposed Easement A for drainage purposes registered on the title of Proposed Lot 106 and Proposed Easement B for drainage purposes registered on the title of Proposed Lot 107, prior to the signing and dating of the Plan of Survey, to the satisfaction of Manager Planning Services. Maintenance of the drainage easements are the responsibility of the respective property owners.
11. **Easement Documents:** The applicant/owner is to provide a copy of the endorsed easement documents for the access and services for Council Records.
12. **Services:** The applicant/owner must ensure that all water, sewerage, electricity and telecommunication infrastructure and connections are contained within the lot it serves. If this cannot be achieved, the service infrastructure must be relocated to within the lot serviced or a service easement created to allow access for Council or the relevant service provider. Any required works must be at no cost to Council, and to the satisfaction of the Manager Planning Services.
13. **Outstanding Rates:** All rates, interest and other charges levied on the property are to be paid prior to the signing and dating of the Plan of Survey, to the requirements and satisfaction of the Director Planning & Environmental Services.
14. **Electricity and Telecommunications Supply:** The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunications authorities detailing that the services will be provided to the development (Proposed Lot 106, 107 & 108), prior to signing and dating of the Plan of Survey, to the satisfaction of the Manager Planning Services.

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)

15. **Existing Survey Marks:** All existing survey marks are to be reinstated, new survey marks are installed in accordance with the Plan of Survey, and a cadastral surveyor is to certify the survey work in writing, to the requirements and satisfaction of the Director Planning & Environmental Services, prior to the signing and dating of the Plan of Survey.
16. **Declared Pests:** The parcels of land are to be cleared of all Class 1, 2 and 3 declared pests prior to the endorsement of the Plan of Survey and is to be maintained at all times, to the requirements and satisfaction of the Manager Planning Services.

(A) Material Change of Use

1. **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.
2. **Reconfiguring a Lot:** The applicant/owner is to ensure that all conditions of the Reconfiguring a Lot approval have been met and the Plan of Survey endorsed with lots titled, prior to the commencement of building works for the Multiple Dwelling and Accommodation Buildings, to the satisfaction of the Manager Planning Services.
3. **Advertising Devices:** The applicant/owner must ensure that any advertising devices on the subject site comply with the 9.4.1 Advertising Devices Code of the Cassowary Coast Regional Council Planning Scheme 2015, to the requirements and satisfaction of the Manager Planning Services.
4. **Waste Bins & Storage Areas:** The waste bin and storage areas must be screened from view of adjoining properties and road frontages, to the satisfaction of the Manager Planning Services.
5. **Building Heights:** The applicant/owner must ensure that all buildings on the subject site do not exceed a maximum building height of 10.5m and a maximum of three (3) storeys, to the satisfaction of the Manager Planning Services.
6. **Landscaping:** The applicant/owner is to landscape the subject site in accordance with the approved Site Plan (Job No. 1322, Dwg No. DD01, Rev 9, dated 25/03/17). All landscaping is to be undertaken in accordance with 9.4.5 Landscaping Code of the Cassowary Coast Regional Council Planning Scheme 2015, established prior to the commencement of use and maintained for the life of the development, to the satisfaction of the Manager Planning Services.

- 3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)**
- 7. Flood level:** The applicant/owner must ensure that mechanical and electrical infrastructure (e.g. pump stations, emergency generators) are above the 1% annual exceedance probability level. Any components of the buildings that are likely to fail to function or may result in contamination when inundated by flood water (e.g. electrical switchgear and motors, lift motors, communications and data infrastructure, water supply pipeline air valves) must also be located above this level, to the satisfaction of the Manager Planning Services.
 - 8. Excavating & Filling:** The applicant/owner must ensure that all excavation and filling works are carried out in compliance with 9.4.3 Excavating and Filling Code of the Cassowary Coast Regional Council Planning Scheme 2015, to the satisfaction of the Director Planning & Environmental Services.
 - 9. 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 Manager Planning Services.
 - 10. Public Utilities - Alterations:** Any relocation or alteration to any public utilities in association with works pertaining to this development must be undertaken as required by the relevant service provider and at no cost to Council.
 - 11. 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 Manager Planning Services:
 - The applicant is to submit a stormwater drainage design which addresses the capacity check of the drain and culverts under Dickinson Street including and recommending any design and works required to accommodate the intensified flows, TUFLOW modelling to be undertaken by to verify design and be endorsed by an RPEQ Civil Engineer experienced in stormwater/drainage design.
 - Any works required as a result of this stormwater review of impacts of the development will be designed and constructed by the developer at no cost to Council.
 - 12. 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 Manager Planning 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).

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)

- 13. Night Lighting:** The applicant/owner is to ensure that all night lighting is designed and constructed to the satisfaction of the Manager Planning Services so as to ensure that light emitted from the subject site does not, in the opinion of the Director, Planning & Environmental Services, create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994* and Environmental Protection Regulation 1998 (Part 2A – Environmental Nuisance).
- 14. Construction & Operations:** The construction and operations work associated with this development shall be carried out in accordance with sound engineering practice. In particular, no nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is to be carted to or from the site, loads are to be covered to prevent dust or spillage.

Where material is spilled or carried onto existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety. Safety precautions are to be maintained where work is taking place on existing roads, in accordance with Queensland Transport's Manual of Uniform Traffic Control Devices (MUTCD). Any damage attributable to the progress of works or vehicles travelling to or from the site shall be remedied by the developer prior to 'Acceptance of Works'.

i) Multiple Dwelling

- 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 7 February 2017 and 21 April 2017, all relating to Development Application – DEV2017/0005, except where varied by the following conditions.

Plan Number	Plan Name	Date
Job No. 1322 Drawing No. DD 01 Rev 9	Site Plan - Proposed Lot 105	25.03.17 Received by Council 21/04/17
Job No. 1322 Drawing No. DD 02 Rev 9	Basement & Units A, B & C Ground Floor Plan	25.03.17 Received by Council 21/04/17
Job No. 1322 Drawing No. DD 03 Rev 8	Units A, B & C First & Second Floor	25.03.17 Received by Council 21/04/17

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)

Plan Number	Plan Name	Date
Job No. 1322 Drawing No. DD 04 Rev 9	Unit A	25.03.17 Received by Council 21/04/17
Job No. 1322 Drawing No. DD 05 Rev 9	Unit B	25.03.17 Received by Council 21/04/17
Job No. 1322 Drawing No. DD 06 Rev 9	Unit C	25.03.17 Received by Council 21/04/17
Job No. 1322 Drawing No. DD 07 Rev 8	3D View	25.03.17 Received by Council 21/04/17
Job No. 1322 Drawing No. DD 08 Rev 8	3D View	25.03.17 Received by Council 21/04/17

2. **Car Parking & Access Driveway:** The applicant/owner must ensure that the development is to provide a minimum of sixty (60) on-site car parking spaces as per the approved plans, and one (1) vehicle washing bay, to the satisfaction of the Manager Planning Services.

All car parking and internal works must comply with the following requirements:

- All car parking bays and traffic circulation widths including access are to be designed and constructed to comply with Australian Standard AS1428 Design for Access and Mobility, FNQROC Development Manual and Australian Standard AS2890.1 "Parking Facilities – Off Street Car Parking"; and
- All car parking facilities and access to them are to be imperviously sealed, drained to a legal point of discharge, and line marked; and
- All car parks must be construction prior to the commencement of the use; and
- Disabled car parking spaces are to be provided in accordance with AS2890; and
- Car parking facilities are to be maintained and available at all times; and

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)

- Signage and line marking is to be installed so as to compliment the submitted approved plan's design and the conditions of development for ingress and egress. All parking bays are to be line marked and signed to reflect their designated purpose.

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

- 3. Basement Car Park:** The applicant/owner must submit a report on the basement car park prepared by a Registered Professional Engineer of Queensland (RPEQ). The report is to be submitted at the time of lodgement of a Development Application for Operational Works and endorsed by the Manager Planning Services.

The report must address the following matters:

- a) construction techniques;
- b) de-watering and pumping equipment to be installed;
- c) details of the satisfactory disposal of water (lawful point of discharge);
- d) techniques to imperviously seal the basement; and
- e) the method of ventilation.

The access to the basement car park must be designed to have a minimum vertical clearance as required by AS2890.

A Development Permit for Operational Works will be required for the excavation to construct the basement car park prior to any works being carried out on the subject site.

- 4. Water Service and Metering for Multiple Tenancies:** The following requirements will apply in conjunction where multiple tenancies are proposed (Multiple Dwelling component):

- a. A water reticulation report prepared by a suitably experienced and RPEQ certified engineer is to be submitted, prior to the issuing of the final building certificate, detailing that the development can be supported by the existing water reticulation system. Any works required as a result of the recommendations/outcomes of the report are not to be designed and constructed at the costs of the developer; not Council.
- b. Water reticulation sub-meters must be supplied and fitted in accordance the Building Code of Australia and the Queensland Plumbing and Wastewater Code to all proposed occupancy areas, including common area where water connection are supplied for communal usage.

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)

- c. A proposed layout and the sub-metering plan are to be submitted to Council as part of the development application approval and compliance.
 - d. A letter of signifying compliance with the development approval conditions or any request for commencement of use will not be issued or granted unless a compliance certificate has been issued approving of the plumbing works.
 - e. All costs associated with the sub-metering of the water reticulation will be at the developers cost and at no cost to Council.
 - f. Water and telecommunications/electricity services must be such that the respective services do not conflict with each other and are installed at the required separation distances as approved by the owner of the utility.
5. **Electricity Supply for Multiple Tenancies:** The applicant/owner is to provide written evidence of negotiations with the electricity supply authority detailing that the services to be provided to each dwelling unit in the multiple dwelling are in a location that complies with the electricity supply authority's requirements, prior to the issue of the Development Permit for Building Works, to the requirements and satisfaction of the Manager Planning Services.
6. **Finished Floor Level:** The applicant/owner is to ensure that all habitable floor levels are greater or equal to the 1% annual exceedance probability level plus 0.3 metres, in accordance with 8.2.7 Flood Hazard Code of the Cassowary Coast Regional Council Planning Scheme 2015.
7. **Sewerage Connection:** The applicant/owner must ensure the development is connected to Council's sewerage system, to the satisfaction of the Manager Planning Services.

ii) Accommodation Building - Tourist Resort

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 7 February 2017 and 21 April 2017, all relating to Development Application – DEV2017/0005, except where varied by the following conditions.

Plan Number	Plan Name	Date
Job No. 1322 Drawing No. DD 01 Rev 9	Site Plan - Proposed Lot 105	25.03.17 Received by Council 21/04/17
Job No. 1322 Drawing No. DD 10 Rev 8	Pool House	25.03.17 Received by Council 21/04/17

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)

Plan Number	Plan Name	Date
Job No. 1322 Drawing No. DD 11 Rev 4	Accommodation Floor Plan	09.11.16 Received by Council 07/02/17
Job No. 1322 Drawing No. DD 12 Rev 4	Accommodation Ground Layout	09.11.16 Received by Council 07/02/17
Job No. 1322 Drawing No. DD 13 Rev 4	Accommodation First Floor Layout	09.11.16 Received by Council 07/02/17
Job No. 1322 Drawing No. DD 14 Rev 4	Accommodation 3D	09.11.16 Received by Council 07/02/17
Job No. 1322 Drawing No. DD 15 Rev 4	Accommodation 3D	09.11.16 Received by Council 07/02/17
Job No. 1322 Drawing No. DD 21 Rev 4	Overall 3D	09.11.16 Received by Council 07/02/17

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. **Car Parking & Access Driveway:** The applicant/owner must ensure that the development is to provide a minimum of twenty-five (25) on-site car parking spaces as per the approved plans, to the satisfaction of the Manager Planning Services.

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)

All car parking and internal works must comply with the following requirements:

- All car parking bays and traffic circulation widths including access are to be designed and constructed to comply with Australian Standard AS1428 Design for Access and Mobility, FNQROC Development Manual and Australian Standard AS2890.1 "Parking Facilities – Off Street Car Parking"; and
- All car parking facilities and access to them are to be imperviously sealed, drained to a legal point of discharge, and line marked; and
- All car parks must be construction prior to the commencement of the use; and
- Disabled car parking spaces are to be provided in accordance with AS2890; and
- Car parking facilities are to be maintained and available at all times; and
- Signage and line marking is to be installed so as to compliment the submitted approved plan's design and the conditions of development for ingress and egress. All parking bays are to be line marked and signed to reflect their designated purpose.

All works must be constructed in accordance with the Development Permit, the FNQROC Development Manual, or as per AS2890 to the satisfaction of the Manager Planning Services and prior to the issuing of the final certificate for the Tourist Resort.

4. **Finished Floor Level:** The applicant/owner is to ensure that all floor levels are greater or equal to the 1% annual exceedance probability level, in accordance with 8.2.7 Flood Hazard Code of the Cassowary Coast Regional Council Planning Scheme 2015.
5. **Sewerage Connection:** The applicant/owner must ensure the development is connected to Council's sewerage system, to the satisfaction of the Manager Planning Services.

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)

iii) Accommodation Building - Backpackers' Accommodation

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 7 February 2017 and 21 April 2017, all relating to Development Application – DEV2017/0005, except where varied by the following conditions.

Plan Number	Plan Name	Date
Job No. 1322 Drawing No. DD 01 Rev 9	Site Plan - Proposed Lot 105	25.03.17 Received by Council 21/04/17
Job No. 1322 Drawing No. DD 16 Rev 4	Backpackers Floor Plan	09.11.16 Received by Council 07/02/17
Job No. 1322 Drawing No. DD 17 Rev 4	Backpackers Ground Layout	09.11.16 Received by Council 07/02/17
Job No. 1322 Drawing No. DD 18 Rev 4	Backpackers First Floor Layout	09.11.16 Received by Council 07/02/17
Job No. 1322 Drawing No. DD 19 Rev 4	Backpackers 3D	09.11.16 Received by Council 07/02/17
Job No. 1322 Drawing No. DD 20 Rev 4	Backpackers 3D	09.11.16 Received by Council 07/02/17
Job No. 1322 Drawing No. DD 21 Rev 4	Overall 3D	09.11.16 Received by Council 07/02/17

2. **Car Parking & Access Driveway:** The applicant/owner must ensure that the development is to provide a minimum of sixteen (16) on-site car parking spaces as per the approved plans, to the satisfaction of the Manager Planning Services.

All car parking and internal works must comply with the following requirements:

- All car parking bays and traffic circulation widths including access are to be designed and constructed to comply with Australian Standard AS1428 Design for Access and Mobility, FNQROC Development Manual and Australian Standard AS2890.1 "Parking Facilities – Off Street Car Parking"; and
- All car parking facilities and access to them are to be imperviously sealed, drained to a legal point of discharge, and line marked; and

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)

- All car parks must be constructed prior to the commencement of the use; and
- Disabled car parking spaces are to be provided in accordance with AS2890; and
- Car parking facilities are to be maintained and available at all times; and
- Signage and line marking is to be installed so as to compliment the submitted approved plan's design and the conditions of development for ingress and egress. All parking bays are to be line marked and signed to reflect their designated purpose.

All works must be constructed in accordance with the Development Permit, the FNQROC Development Manual, or as per AS2890 to the satisfaction of the Manager Planning Services and prior to the issuing of the final certificate for the Backpackers' Accommodation.

3. **Finished Floor Height:** The applicant/owner is to ensure that the finished floor height is 10.2 metres above AHD in accordance with 8.2.7 Flood Hazard Code of the Cassowary Coast Regional Council Planning Scheme 2015.
4. **Screening:** The applicant/owner is to provide and maintain fencing and/or landscaping along the western property boundary for the full length of the car parking area, to prevent amenity issues and adverse impacts on adjacent properties such as light, noise etc. The screening fence is to be constructed of either timber, or other materials approved by Council (minimum height of 1.8 metres and a maximum gap of 10mm) to the requirements and satisfaction of the Manager Planning Services, prior to the issue of the final inspection certificate. All landscaping is to be undertaken in accordance with 9.4.5 Landscaping Code of the Cassowary Coast Regional Council Planning Scheme 2015, established prior to the commencement of use and maintained for the life of the development, to the satisfaction of the Manager Planning Services.
5. **Sewerage Connection:** The applicant/owner must ensure the development is connected to Council's sewerage system, to the satisfaction of the Manager Planning Services.

Concurrence Agency Conditions:

The Department of Infrastructure, Local Government and Planning provided a Concurrence Agency response, relating to the state trigger for the Department of Transport and Main Roads. This response is shown as Attachment 4 (SDA-0317-038246).

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (CONT'D...)

Assessment Manager's 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, Plumbing/Drainage, and Operational 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.

3.2 DEV2017/0005 - MCU FOR A MULTIPLE DWELLING (30 X 2 BEDROOM UNITS) & ACCOMMODATION BUILDINGS (62 BED BACKPACKERS' ACCOMMODATION & 24 UNIT TOURIST RESORT) & ROL (1 LOT INTO 3 LOTS) + DRAINAGE EASEMENTS A & B AND ACCESS EASEMENT C (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.

- g) Adopted Infrastructure Charges: The applicant/owner must contribute in accordance with Council's Infrastructure Charges Resolution. The adopted infrastructure charge is payable prior to the commencement of the use in accordance with Section 648H of the Sustainable Planning Act 2009. Payment is to be made to Council in accordance with the Infrastructure Charges Notice."

Moved Cr W Kimberley

Seconded Cr G Raleigh

Resolution Number 0065

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED



Department of Infrastructure,
Local Government and Planning

SARA reference: SDA-0317-038246
Council reference: DEV2017/0005
Applicant reference: M1086

11 May 2017

Chief Executive Officer
Cassowary Coast Regional Council
PO Box 887
Innisfail QLD 4860

Attn: Isabella Newman

Dear Sir / Madam

Concurrence agency response - no requirements

Application for a material change of use for accommodation buildings (backpackers & tourist resort) & multiple dwelling, and reconfiguring a lot (1 lot into 2 lots) on land situated at 34-40 Dickinson Street, Wongaling Beach and described as Lot 105 on SP281940
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 30 March 2017 and notification of payment of the referral fee received on 13 April 2017.

Applicant details

Applicant name:	Wongaling Beach Investments Pty Ltd
Applicant contact details:	C/- Milford Planning PO Box 5463 Townsville QLD 4810

Site details

Street address:	34-40 Dickinson Street, Wongaling Beach
Real property description:	Lot 105 on SP281940
Local government area:	Cassowary Coast Regional Council

SDA-0317-036246

Application details

Proposed development: Development permit for a material change of use for accommodation buildings (backpackers & tourist resort) & multiple dwelling, and reconfiguring a lot (1 lot into 2 lots)

Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger Schedule 7, Table 3, Item 2—Development impacting on State transport infrastructure

No requirements

The department advises the assessment manager, under section 287(2)(a) of the *Sustainable Planning Act 2009*, that it has **no requirements** relating to the application.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers the following advice about the application to the assessment manager:


General advice	
Ref.	Advertising device
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 111 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2005</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>
Ref.	Public Passenger Transport
2.	<p>The vehicle drop off adjacent to the reception shown on Accommodation Ground Layout prepared by ETCHD Building Design, dated 09/11/2016, drawing number DD12 and revision 4, should be designed to include either a drop-off/pick-up zone or dedicated parking bay that is capable of accommodating a taxi suitable for use by people with disabilities in accordance with the following:</p> <ul style="list-style-type: none"> Disability Standards for Accessible Public Transport 2002 - subsection 31(1) of the <i>Disability Discrimination Act 1992</i>; AS1428.1 – Design for Access and Mobility; and AS2890.6 – Parking Facilities, Part 6: Off-street parking for people with disabilities.

A copy of this response has been sent to the applicant for their information.

SDA-0317-038245

If you require any further information, please contact Bec Turner, A/ Planning Officer,
SARA Far North QLD on 4037 3208, or via email bec.turner@dilgp.qld.gov.au who will be
pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc: Wongaling Beach Investments Pty Ltd, C/- Milford Planning, email: info@milfordplanning.com.au

3.3 DELEGATIONS REPORT AND CURRENT APPLICATIONS

Recommendation:

“That the Delegations report listing Approvals issued by Planning Services for the month of May 2017 and current applications be noted and received.”

Moved Cr W Kimberley

Seconded Cr M Nolan

Resolution Number 0066

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

4. ENVIRONMENTAL SERVICES

Nil

5. NOTICE OF MOTION

Nil

9.35am Cr W Kimberley vacated the chair at which time the Mayor, Cr John Kremastos took the chair to discuss a matter of importance to the Council in the General Business section of the meeting.

6. GENERAL BUSINESS

6.1 RESIGNATION OF DEPUTY MAYOR

The CEO informed the Council that he had received advice from Cr Rick Taylor that for personal reasons he was resigning as Deputy Mayor but he would remain a Councillor.

The *Local Government Act 2009* requires the Council to determine who will replace Cr Taylor as the Deputy Mayor immediately upon receiving notice of such resignation.

NOMINATION OF NEW DEPUTY MAYOR

Moved Cr G Raleigh

Seconded Cr B Heath

Resolution Number 0067

"That the Council accept Cr Taylor's resignation. Further, that Cr Wayne Kimberley be appointed as the Deputy Mayor of the Cassowary Coast Regional Council effective immediately."

FOR - Unanimous

CARRIED

Cr Kimberley thanked the Councillors for their support and acknowledged the efforts of Cr Taylor in the position of Deputy Mayor over the past 12 months and thanked him for his contribution. The Mayor concurred with Cr Kimberley's sentiments and on behalf of the Council thanked Cr Taylor for all his hard work.

Cr Wayne Kimberley resumed the chair.

6.2 RV STOP CALLENDAR PARK

Cr Mark Nolan advised the meeting that he had been contacted by a person who had been directed to the RV Stop at Callendar Park, only to find that the sign had been 'blackened' out.

The Manager Parks and Community Facilities informed Cr Nolan that in accordance with a report to Council in 2016, Callendar Park had been opened up to RVs for a 'trial' period last year but that period had lapsed and no further direction had been received from Council. There are no services in the immediate vicinity of the area in question and all indications are that during the period of the trial, the area was under-utilized by the travelling public.

6.2 RV STOP CALLENDAR PARK (CONT'D...)

Cr Nolan suggested that if the 'trial' was unsuccessful, he would support the area's closure. A brief discussion ensued, whereupon the Councillors agreed that the trial had been less than successful.

The Manager Parks and Community Facilities advised the Council that he would arrange for the removal of the sign.

9.40am The Planning & Development and Environmental Services Committee adjourned to reconvene later in the proceedings.

11.00am The adjourned meeting reconvened at which time it was noted that Mrs N Gassin (Corporate Governance Coordinator) was present and that Mr B Jones, Ms I Newman and Ms J Lightfoot were no longer in attendance.

MOVE INTO COMMITTEE - 11.00AM

Moved Cr J Kremastos

Seconded Cr G Raleigh

Resolution Number 0068

"In relation to agenda item 7.1, I move, pursuant to Section 275(1)(a,) (b), (e) and (h) of the Local Government Regulation 2012, that the meeting be closed to the public to give the Council an opportunity to discuss the Dunk Island Lease - Tender No. 1617-030 and staffing and industrial relations issues."

FOR - Unanimous

CARRIED

MOVE OUT OF COMMITTEE - 12.20PM

Moved Cr G Raleigh

Seconded Cr J Kremastos

Resolution Number 0069

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

FOR - Unanimous

CARRIED

7. CONFIDENTIAL

7.1 DUNK ISLAND LEASE - TENDER NO. 1617-030

Executive Summary:

The Cassowary Coast Regional Council currently holds a *Land Act* term lease over the Dunk Island Spit which it has further subleased to the Dunk Island Resort. These leases are due to expire in November 2017 and the National Parks, Sport and Racing (NPSR) and the Department of Natural Resources and Mines (DNRM), as the land managers, are currently working with Council to determine appropriate future use and management arrangements for the Spit.

On 27 January 2017, the Department of Environment and Heritage Protection granted Cassowary Coast Regional Council, Ministerial in-principle approval for the proposed revocation of part of the Family Islands National Park for Recreation and Camping Reserve purposes.

An Expression of Interest process was undertaken in October 2016 to provide Council with an understanding as to infrastructure and services possible for this site. This was followed by a Request for Tender No.1617-030 on 8 February 2017. This tender required interested parties to provide much greater detail and documented commitment to the further development and management of the Spit and provision of services, previously enjoyed by locals and visitors alike.

Tender No.1617-030 was a closed tender. The opportunity to tender was afforded to two interested parties, one of whom withdrew from the tender process. One tender was received from Adam Bond, Family Islands Operations - Dunk Island Resort.

Recommendation:

"That Council note the information contained in this report when considering its final determination as to the success or otherwise of Tender No. 1617-030 as submitted by Adam Bond, Family Islands Operations."

Moved Cr M Nolan

Seconded Cr G Raleigh

Resolution Number 0070

"That:

- 1. the tender received from Mr Adam Bond, Family Islands Operations not be accepted because it was felt that it would not be of benefit to the community and was a non-conforming tender, and**
- 2. the Chief Executive Officer be authorised to call for tenders for the provision of a Trustee Lease over the Dunk Island Spit commencing August 2017."**

CARRIED

7.2 OFFER OF APPOINTMENT TO RECOMMENDED CANDIDATES FOR VARIOUS EXECUTIVE POSITIONS

Executive Summary:

This report seeks Council approval to proceed to make offers of appointment to recommended candidates for positions of Executive Manager, Director Planning & Regional Development, Director Delivery Services and Director Infrastructure Services.

Recommendation:

"That Council:

- 1. offer appointment to candidates as recommended by the relevant panels for the positions of Executive Manager, Director Planning & Regional Development, Director Delivery Services and Director Infrastructure Services subject to the Mayor and CEO being satisfied with the results of relevant reference checking; and**
- 2. The names of successful candidates are embargoed until the said reference checking is completed."**

Moved Cr G Raleigh

Seconded Cr B Heath

Resolution Number 0071

"That the recommendation be adopted."

FOR - Unanimous

CARRIED

7.3 ORGANISATIONAL STRUCTURAL REVIEW - EXTENSION OF TIME

Moved Cr M Nolan

Seconded Cr J Kremastos

Resolution Number 0072

"That the structural review implementation period be extended by a period of weeks following a request by the Australian Services Union and that the CEO be authorised to determine that period of time."

FOR - Unanimous

CARRIED

12.40pm **There being no further business, the Chairperson declared the meeting closed.**

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 12th DAY OF JULY 2017.

Chairperson