

**Thursday, 27 August 2020**

**9:00 AM**

Tully Civic Centre  
Council Chambers Level 2  
38-40 Bryant Street  
Tully Q 4854



Cr Mark Nolan - Mayor  
Cr Barry Barnes - Division 1  
Cr Teresa Millwood - Division 2  
Cr Trudy Tschui - Division 3  
Cr Nicholas Pervan - Division 4  
Cr Jeff Baines - Division 5  
Cr Kylie Farinelli - Division 6

## **LOCAL GOVERNMENT MEETING**

### **UNCONFIRMED MINUTES**

#### **Welcome**

Cr M Nolan (Chairman) welcomed everyone and opened the Local Government Meeting at 9:00am

#### **Present**

Crs M Nolan (Mayor), B Barnes (Deputy Mayor), T Millwood, T Tschui, N Pervan, J Baines and K Farinelli, Mr J Gott (Chief Executive Officer), Mr D Goodman (Director Infrastructure Services), Mr A Sadler (Director Delivery Services), Mr G Singh (Chief Financial Officer), Ms L Bradley (Manager Finance), Mr M Fitzgerald (ICT Operations Customer Service Officer), Mr D Walker (ICT Customer Support Officer) and Mrs J Sands (Minutes Clerk)

#### **Acknowledgement of Country**

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

#### **Opening Prayer**

The Mayor welcomed Pastor Rob Magarey of the Tully Family Church to the meeting and invited Pastor Magarey to open the meeting prayer.

On completion of the blessing Pastor Magarey left the meeting.

9:03am The Mayor suspended the Standing Orders and asked that Item 1 be brought forward and asked Mr J Gott (CEO) to invite Mr B Heath to join the meeting.

9:03am Mr J Gott left the meeting

9:04am Mr J Gott re-entered the meeting with Mr B Heath

#### **1. An opportunity for Mr Ben Heath to make a public admission of misconduct**

Mr B Heath advised that on 28 April 2020 he received notification from the Councillor Conduct Tribunal that he had engaged in misconduct as defined by the Local Government Act 2009 by failing to lodge an interest in Innisfail Seafood earlier than he did. Mr Heath stated that he believes that he had always been open and transparent about his involvement with Innisfail Seafood and did not believe that he needed to lodge a Register of Interest until he became an

owner of Innisfail Seafood after which he did Register an Interest. The Tribunal did not agree with this view of the legal requirements. He acknowledged the misconduct as found by the tribunal. Mr Heath then left the meeting.

9:05am Mr J Gott left the meeting

9:06am Mr J Gott re-entered the meeting

### **Apologies**

Nil

9:06am Mr B Jones (Senior Planner/Strategic Planner) and Mr D Horton (Manager Planning Services) entered the meeting.

### **Declaration of Material Personal Interest or Conflicts of Interest (including perceptions of Conflict of Interest)**

Cr M Nolan (Chairman) invited those present to use this opportunity to make public any Material Personal Interests and/or Conflicts of Interest (real or perceived) in respect of the Items in the Agenda.

Councillors should use this opportunity to disclose and/or comment on other Councillors and/or Staff interests in accordance with the Act and Regulations.

### **DECLARATION**

No Conflicts of Interest; No Conflict of Duty and No Material Personal Interests have been declared.

## **2. CONFIRMATION OF MINUTES**

### **2.1 Minutes of the Local Government Meeting dated 13 August 2020**

#### **Recommendation**

"That the Minutes of the Local Government Meeting held on 13 August 2020 be confirmed as a true and correct record."

Moved Cr K Farinelli

Seconded Cr N Pervan

Resolution Number LG0783

"That the Recommendation be adopted."

FOR: Unanimous

**CARRIED**

## **3. BUSINESS ARISING FROM PREVIOUS MINUTES**

### **ITEM 3.1 - Port Hinchinbrook Sewerage Solution**

The Mayor requested an update from the CEO in relation to any negotiations on this matter. The negotiations between Council and the Department of State Development, Tourism and Innovation remain Commercial-in-Confidence at this stage however Council Officers have met with officers

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from the Department on several occasions this week and another meeting is scheduled for Friday 28 August. There should be capacity to provide further information after the Department and Council staff have worked through the next couple of stages. It is anticipated that Council will have something very concrete quite soon.

#### **Challenge - Gumboot**

Cr T Millwood noticed that there was no recording in the Minutes of the challenge of a donation for the prize money for the throwing of the gumboot at the opening of the Tully Grandstand.

The challenge is still live and a new challenge was made by Cr Millwood for the \$650 that she has donated towards trophies to be matched by the Mayor and Deputy Mayor towards the prize money for the throwing of the gumboot at the official opening of the Tully Grandstand.

The challenge was accepted by the Mayor and Deputy Mayor.

9:09am Mr G Hammond (Manager Regulatory Services) entered the meeting.

## **4. ASSET SUSTAINABILITY**

### **4.1 Disposal of Assets - Residential Land, Tully**

#### **Executive Summary**

Cassowary Coast Regional Council, as part of its 2020-2021 Budget, is placing a substantial focus on asset rationalisation. This report will consider the benefits of disposing of surplus land through a tender process. The land in this report will be limited to the eighteen (18) vacant residential lots in Tully. The lots are described as Lots 1-5, 7, 35-44 on SP230734 and Lots 22 and 64 on SP237078 - Campbell Street, Gourley Street, Pease Street and Patane Court, Tully.

#### **Recommendation**

"That Council:

- 1. proceed to invite written tenders for the individual lots as set out in Schedule 1 of this report;**
- 2. authorise the Chief Executive Officer to set the reserve price;**
- 3. authorise the Chief Executive Officer to accept a tender in accordance with the *Local Government Regulation 2012 - section 228 (9)*; and**
- 4. be provided with a progress report after the completion of the tender period."**

Moved Cr K Farinelli

Seconded Cr T Millwood

Resolution Number LG0784

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

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## **5. COMMUNITY & CULTURE**

### **5.1 Naming of New Grandstand - Tully Showgrounds**

#### **Executive Summary**

The construction of the Tully Multi-Use Sporting Complex and Grandstand is practically complete with an anticipated official opening in September 2020.

Given the significant community interest in naming the new grandstand, and in accordance with Council resolution of 10 October 2019, the following community engagement was undertaken:

- on-line public submissions were called for via Council's website on 21 November 2019, which coincided with a media release calling for naming suggestions which also contained information on how to access a hard copy Naming Suggestion form for those people who didn't have access to a computer. Submissions closed on 12 December 2019;
- a Grandstand Naming Committee comprising Mayor Mark Nolan, Deputy Mayor Barry Barnes, Division 2 Councillor Teresa Millwood and David Goodman, Director Infrastructure Services was established and met on 2 July 2020 to assess and shortlist the nominations. The following naming options were decided on:
  - Tully Grandstand;
  - Tully & District Community Grandstand; and
  - Banyan Grandstand
- Council issued a Media Release on 21 July 2020 informing the community of the outcome of the Committee's deliberations. The Media Release contained an invitation to residents to nominate their preferred name from the three options provided through an online survey. The online survey was created to give the community the opportunity to provide their input prior to the final proposal being considered by Council. The survey closed on 5 August 2020.

Of the three names put forward, 48% of respondents indicated that the 'Tully Grandstand' was their preferred option.

#### **Recommendation**

**"For decision by Council."**

**Moved Cr T Millwood**

**Seconded Cr B Barnes**

**Resolution Number LG0785**

**"That the 'Tully Grandstand' be the new name for the grandstand."**

**FOR: Unanimous**

**CARRIED**

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The Mayor thanked Council Officers - Mr D Goodman, Mr J Fischer and Mr P McBride for their efforts.

## 6. PLANNING & REGIONAL DEVELOPMENT

### 6.1 MCU20/0028 - Other Change to an Existing Approval – T.2/3(117/3) Material Change of Use for Low Impact Industry (Ice Making)

#### Executive Summary

<b>Application Number:</b>	MCU20/0028
<b>Original Application Number:</b>	T.2/3(117/3)
<b>Applicant:</b>	Jonathan & Thipsida Cowie (T/A Northern Ice)
<b>Consultant:</b>	Elizabeth Taylor Town Planner
<b>Application Date:</b>	24 June 2020
<b>Type of Change:</b>	Other Change to an Existing Approval (T.2/3(117/3))
<b>Proposal:</b>	Material Change of Use for Low Impact Industry (Ice Making) and Caretaker's Residence
<b>Original Approval Type:</b>	Material Change of Use for Light Industry (Ice Making)
<b>Real Property Description:</b>	1RP729452
<b>Property Address:</b>	2 The Esplanade, Coconuts
<b>Land Area:</b>	1021m <sup>2</sup>
<b>FNQRP Zone:</b>	Urban Footprint
<b>Planning Instrument:</b>	Cassowary Coast Regional Council Planning Scheme 2015
<b>Zone</b>	Township zone
<b>Local Plan</b>	Villages local plan
<b>Precinct</b>	Industry precinct
<b>Overlays</b>	Acid sulfate soils Coastal protection
<b>Referral Agencies:</b>	Nil
<b>Level of Assessment:</b>	Impact assessable
<b>Land Use Codes:</b>	Industrial activities code
<b>Existing Use of Land:</b>	Low impact industry
<b>Existing Approvals:</b>	T.2/3(117/3)
<b>No. of Submissions:</b>	9 properly made submissions: <ul style="list-style-type: none"> <li>4 submissions and 1 petition (21 signatures) in support of the development</li> <li>3 submissions and 1 petition (17 signatures) objecting to the development</li> </ul>
<b>Division:</b>	Division 5
<b>Referred Internal Departments:</b>	Regulatory Services

Council is in receipt of an application for an Other Change to an Existing Approval (T.2/3(117/3)) Material Change of Use for Low Impact Industry (Ice Making). The application was prepared by Elizabeth Taylor Town Planner on behalf of Jonathan and Thipsida (T/A Northern Ice) for land described as Lot 1 on RP729452 situated at 2 The Esplanade, Coconuts.

The proposed development facilitates an intensification to the existing use of the site as an Ice Making Facility, and a change to the development conditions. This includes an increase in the gross floor area of the development, and an amendment to the conditions to allow the loading/unloading and transportation of ice to occur between 6am – 6pm, 7 days a week.

The application is impact assessable and therefore public notification was required. Nine (9) properly made submissions were received by Council. Four submissions and one petition with 21

signatures were received in support of the development, and three submissions and one petition with 17 signatures objected to the development. The matters raised in the submissions are addressed in the assessment report.

The purpose of the proposal is to facilitate the growth of a local, family-owned business which is relied on by many other local businesses in the region. The business supports the region's recreational and commercial fishing industries, which are an important component of the region's economic base. The implementation of the noise attenuation measures outlined in the Acoustic Consultant's Report will reduce noise to a level that is acceptable and in compliance with the *Environmental Protection Act 1994*, *Environmental Protection Regulation 2019*, and *Environmental Protection (Noise) Policy 2019*. The report outlines that noise emissions will not exceed background noise levels by more than 3 decibels, making it largely inaudible for surrounding properties. To ensure compliance, it has been conditioned that further testing is undertaken subsequent to the installation of the noise mitigation measures (within 30 days), to confirm that the noise levels comply with those outlined in the legislation. It will also be conditioned that loading and unloading of trucks occurs within the shed and with the doors closed. It is considered that the proposed hours of operation and the expansion to the business are reasonable, given the designation of the site as an industry precinct.

The application is generally consistent with the provisions of the Cassowary Coast Regional Council Planning Scheme 2015 and therefore the application for Other Change to an Existing Approval (T.2/3(117/3)) Material Change of Use for Low Impact Industry (Ice Works) is recommended for approval subject to reasonable and relevant conditions.

### Recommendation

**"That a Development Permit be issued for an Other Change to an Existing Approval (T.2/3(117/3)) Material Change of Use for Low Impact Industry (Ice Making) on land described as Lot 1 on RP729452 situated at 2 The Esplanade, Coconuts, amending the following conditions:**

**Note:** For the purpose of ease of understanding, the changes are indicated by "Strikeout" (denoting deletion) and "Underline" (denoting insertion).

**1. Proposal:** The applicant/owner must at all times during the development of the subject land carry out the development and construction of any building thereon and conduct the approved use generally in accordance with the application and documentation received by Council on 24 June & 8 July 2020 and plans in the table below, which forms part of approval MCU20/0028:

- ~~i. the approved plans received by Council on 22 October 2001 and attached as Schedule A,~~
- ~~ii. the plans, specifications, facts and circumstances as set out in the application submitted to Council, except where modified by these conditions of approval and any consent or endorsement issued thereunder or found necessary be the General Manager or his delegate at the time of examination of the engineering plans or during construction of the development because of a particular requirement.~~

Plan/Drawing Number	Plan Name	Date
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Unnumbered Rev 2	Proposal Plan	Received by Council on 2 June 2020
Supporting Documentation Name		Details
Northern Ice Noise and Treatment Possibilities Addendum: Recommendations and Measures to Achieve Compliance with Council Regulations and the Environmental Protection Act 1994		Author: AP Bleeksma, Acoustic Consultant Date: 8 July 2020 Version: 3.0

**2. Access:** A paved access must be provided from the pavement of The Esplanade to the property boundary, at the access point, at no cost to Council and according to Council's standard specifications. Paved access means concrete, concrete pavers or bitumen sealed gravel unless otherwise approved by the Manager of Environmental Planning Services.

**3. Hours of Operation:** ~~Preparation and loading of ice for transport, and transporting of ice from the site must be limited to between:~~

~~7:30am to 5 pm, Monday to Friday~~

~~No preparation, loading or transporting of ice is to occur on Saturdays, Sundays or public holidays. The loading/unloading and transportation of ice to and from the site is limited to between 6am and 6pm, seven (7) days per week. Loading and unloading is to occur within the shed with the doors closed at all times, except when ice is delivered by a third party. Deliveries and unloading are permitted to occur in the driveway, provided the engine and compressor of any delivery truck are turned off while the truck is stationary and being unloaded.~~

**4. Landscaping:** The site must be landscaped with trees and shrubs to ensure screening of on-site car parking and waste bin storage from neighbouring properties and from the street. Minimum requirements are for:

- (a) a two (2) metre wide landscaping strip along The Esplanade frontage, excluding vehicle and pedestrian access points, to the requirements and satisfaction of the Manager of Environmental Planning Services, and
- (b) screen fences a minimum of ~~two (2)~~ 1.8 metres in height along the entire northern and eastern boundaries, to effectively screen the site from view of adjoining properties to the east to the satisfaction of Council.

**5. Off-Street Car Parking:** Provision must be made for off street parking at the rate of one space per 100m<sup>2</sup> of Gross Floor Area of the Ice Making Operations, and one car space for the Caretaker's Residence. This equates to a total requirement of three (3) car parking spaces. The car parking spaces and access to them must be all weather hard-standing and must comply with all requirements of Planning Scheme, Policy No. 1 (Provision of Off Street Parking).

**6. Noise Generating Equipment:** All noise generating equipment, including compressors, motors and generators (excluding forklifts and freezers) must be located to the west of the existing shed and not less than 15 metres from the rear (northern) boundary.

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7. **Signage:** One advertising sign is permitted. The sign must have a maximum area of 1.5m<sup>2</sup> and the sign must:

- (a) be located entirely within the private property boundaries of lot 1 on RP729452 allowing for a minimum of 1.5 metres boundary clearance,
- (b) not exceed 2.5 metres in height when measured from the natural ground level.
- (c) not be illuminated at any time, and
- (d) be kept clean, in good order and safe repair for the life of the approval. If evidence is obtained that the sign is not being well maintained in an appropriate clean and safe condition, Council may take action towards revoking the approval for the sign.

8. **Waste Bins:** The waste bin area must be screened from view of adjoining properties and roads.

9. **Rates:** Any outstanding rates and charges on the land must be paid.

10. **Compliance Check:** ~~The applicant must return to Council the attached Notification of Intention to Commence Use prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by staff.~~

11. **Compliance with Acts and Regulations:** The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Standard Laws, and these approval conditions. Note that compliance with requirements of the Environmental Protection Act may influence building plan details.

12. **Noise Attenuation:** The applicant/owner must ensure that the noise attenuation measures outlined in 'Northern Ice and Treatment Possibilities: Recommendations and Measures to Achieve Compliance with Council Regulations and the Environmental Protection Act 1994' must be implemented in accordance with Acoustic Consultant's recommendations, within 60 days of the date of the decision notice.

13. **Confirmation of Compliance:** An acoustic consultant must be engaged within 30 days of completion of the installation of noise attenuation measures to measure L(A)<sub>eq</sub> and L(A)<sub>90</sub> noise levels. A copy of the report must be provided to Council as soon as practicable which confirms that the noise generated by the use complies with the Environmental Protection Act 1994, Environmental Protection Regulation 2019, and Environmental Protection (Noise) Policy 2019.

14. **Access Door:** The applicant/owner is to ensure that the large vehicular access door at the eastern side of the shed is to remain closed at all times except during vehicle ingress/egress and minor maintenance and cleaning.

15. **Acoustic Material:** The term 'batts' as used in the Acoustic Consultant's Report refers to acoustic batts and is not interchangeable with insulation batts. Proof of use of acoustic material must be provided to Council.

16. **Timing of Effect:** The applicant must ensure that the development conditions are complied with within 30 days of the approval taking effect, except where otherwise stated in the conditions.

Moved Cr T Tschui

Seconded Cr J Baines



**Resolution Number LG0786**

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

**FOR: Unanimous**

**CARRIED**

**6.2 MCU20/0019 - Development application for Material Change of Use for Medium Impact Industry (Cabinet Making) and Boundary Realignment (Two (2) Lots into Two (2) Lots) on land described as Lot 34 on SP121579 and Lot 36 on SP190624, situated at 20 Flynn Road, Mourilyan**  
**Executive Summary**

Council is in receipt of an application for a Material Change of Use for Medium Impact Industry (Cabinet Making) and Boundary Realignment (Two (2) Lots into Two (2) Lots). The application is to legalise an existing medium impact industry use, being a cabinet maker and undertake a minor boundary realignment to allow the shed which the cabinet making business is being carried out on to be included within the same lot as the existing dwelling. The lots are located within the Rural Zone on land described as Lot 34 on SP121579 and Lot 36 on SP190624, situated at 20 Flynn Road, Mourilyan.

Lot 34 on SP121579 is currently contains an existing dwelling house, pool and sheds (outbuildings). Lot 36 on SP190624 contains two existing farm sheds (outbuildings), sugar cane and the use seeking approval the Medium Impact Industry (Cabinet Makers) which is situated in a new shed on the land (building approval to be completed). The site is clear of any vegetation with the exception of a garden surrounding the existing dwelling house.

The site is located within the Rural Zone and located adjacent to other rural uses, primarily sugar cane production. The shed, which the Medium Impact Industry (Cabinet Makers) use is being carried out in and proposed to continue, being carried out in, is approximately 15 metres from the existing dwelling house on the site and 115 metres from the nearest dwelling house on another property to the north.

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 *Planning Act 2016*, and no submissions were received.

The application did not trigger any Referral Agencies.

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

The proposed development can be accommodated on the site and will not have a detrimental impact on the locality. The proposed development is setback from neighbouring residential properties to ensure that adverse impacts such as odour, noise and visual amenity is minimised. The building (shed) is of an appropriate design, scale and will be consolidated (once approved) into the lot with the existing dwelling.

To ensure that the impact on the surrounding rural properties is minimised, the development has been conditioned, to provide for the following:

- The provision of adequate on-site car parking spaces to contain the operations of the development within the site;
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- The requirement that odour from the site must not emanate from the subject land to a degree that would create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994* and *Environmental Protection Regulation 2019*;
- The requirement that the waste bin and storage areas must be screened from view of adjoining properties and road frontages;
- The requirement that noise from the site must not emanate from the subject land to a degree that would create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994*, Environmental Protection (Noise) Policy 2019 and Environmental Protection Regulation 2019; and
- Restricting the hours of operation to 7am to 5:30pm Monday to Saturday, with no work to be undertaken on Sundays or Public Holidays.

The proposed development is considered to represent an appropriate use of the land given the rural nature of the area and separation from other residences. The proposed development does not compromise the intent of the Rural Zone in this particular location as the impact on land for rural production is relatively minor. Therefore, the application is generally consistent with the provisions of the Cassowary Coast Regional Council Planning Scheme 2015 and the Far North Queensland Regional Plan 2009-2031. The proposed development for a Material Change of Use for Medium Impact Industry (Cabinet Making) and Boundary Realignment (Two (2) Lots into Two (2) Lots) on land described as Lot 34 on SP121579 and Lot 36 on SP190624, situated at 20 Flynn Road, Mourilyan is recommended for approval, subject to reasonable and relevant conditions.

## Recommendation

***“That a Development Permit be issued for a Material Change of Use for Medium Impact Industry (Cabinet Making) and Boundary Realignment (Two (2) Lots into Two (2) Lots) on land described as Lot 34 on SP121579 and Lot 36 on SP190624, situated at 20 Flynn Road, Mourilyan, subject to the following conditions:***

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

1. Approved Plans and Supporting Documentation		
Condition	Timing	
The development must be undertaken generally in accordance with the application, documentation received by Council on 9 May 2020 and plans in the table below, which forms part of this approval, except where varied by the following conditions.	At all times	
Plan/Drawing Number	Plan Name	Date
No Plan No.	Reconfiguration Plan and Site Plan	Dated: No Date Received by Council: 9 May 2020
2. Amended Plans & Amalgamation		
Condition	Timing	
The applicant/owner is to provide an amended Reconfiguration Plan and Site Plan, which provides a minimum setback of 3	Prior to the signing and sealing of the	

metres from the outermost projection of the shed and existing rear boundary and a minimum setback of 3 metres from the outermost projection of the shed for the southern boundary. The shed is to be amalgamated into lot 34 on SP121579 with the existing dwelling and outbuildings.

plan of survey by Council

### 3. Hours of Operation

Condition	Timing
The use is allowed to operate between the hours of 7am to 5:30pm Monday to Saturday, with no work to be undertaken on Sundays or Public Holidays. No audible noise is permitted outside these hours or on Sundays and public holidays to the satisfaction of the Manager Planning Services.	At all times

### 4. Erosion and Sediment Controls

Condition	Timing
Effective erosion and sediment controls must be maintained during and after the construction, installation and maintenance of the site until there is adequate vegetation cover, paved or other controls to prevent any silt run-off from the site.	At all times

### 5. Stormwater Discharge

Condition	Timing
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 satisfaction of the Manager Planning Services.	At all times

### 6. Public Infrastructure/Utilities

Condition	Timing
Any relocation or alteration to any public utilities (including stormwater infrastructure) in association with building work must be undertaken as required by the relevant service provider and at no cost to Council.	At all times

### 7. Vehicle Access

Condition	Timing
The applicant/owner must use the existing access for the property and ensure that it is maintained to an all weathered gravel standard. Future maintenance of the access is the responsibility of the land owner.	At all times

### 8. Car Parking

Condition	Timing
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<p>The applicant/owner is to ensure that the development provides a minimum of 4 carparks on the subject site. All car parking facilities must comply with the following requirements, to the satisfaction of the Manager Planning Services:</p> <ul style="list-style-type: none"> <li>• All car parking facilities are designed and constructed in accordance with Australian Standard AS1428 Design for Access and Mobility and Australian Standard AS2890.1 Parking Facilities – Off Street Car Parking; and</li> <li>• All car parking facilities excluding the disable carpark are to be to an all weathered gravel surface, drained and maintained.</li> </ul>	<p>At all times</p>
<b>9. Waste Bins and Storage Area</b>	
<b>Condition</b>	<b>Timing</b>
<p>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.</p>	<p>At all times</p>
<b>10. Landscaping</b>	
<b>Condition</b>	<b>Timing</b>
<p>The applicant/owner is to ensure that all landscaping works are carried out in accordance with 9.4.5 Landscaping Code of the Cassowary Coast Regional Council Planning Scheme 2015</p>	<p>Prior to the commencement of use and maintained at all times</p>
<b>11. Noise</b>	
<b>Condition</b>	<b>Timing</b>
<p>The applicant/owner is to ensure that noise from the site must not emanate from the subject land to a degree that would, in the opinion of the Manager Regulatory Services, create an environmental nuisance having regard to the provisions of the <i>Environmental Protection Act 1994</i>, <i>Environmental Protection (Noise) Policy 2019</i> and <i>Environmental Protection Regulation 2019</i>.</p>	<p>At all times</p>
<b>12. Air Quality</b>	
<b>Condition</b>	<b>Timing</b>
<p>The applicant/owner is to ensure that noxious and offensive odours must not emanate from the subject land to a degree that would, in the opinion of the Manager Regulatory Services, create an environmental nuisance having regard to the provisions of the <i>Environmental Protection Act 1994</i>, <i>Environmental Protection (Air) Policy 1997</i> and <i>Environmental Protection Regulation 1998</i>.</p>	<p>At all times</p>
<b>13. Advertising Devices</b>	
<b>Condition</b>	<b>Timing</b>

The applicant/owner is to ensure that all advertising devices erected on site are in accordance with 9.4.1 Advertising Devices Code of the Cassowary Coast Regional Council Planning Scheme 2015.

At all times

**Assessment Manager's Advice:**

**1. Currency Period**

The currency period for the development approval (Material Change of Use) shall be six (6) years starting the day the approval is granted or takes effect. In accordance with section 85 of the *Planning Act 2016 (PA)*, the development approval for Material Change of Use lapses if the building work under the approval is not complete within the abovementioned currency period.

An applicant may request Council extend the currency period provided that such request is made in accordance with section 86 of *PA* and before the development approval lapses under section 85 of *PA*.

**2. Further Approvals Required**

An application for a Development Permit for Building Work (shed) is required for the proposed development. This application/s are required to be approved prior to any works commencing on site.

**3. Cultural Heritage**

The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act 2003* and in particular 'the duty of care' that imposes landowners, developers and the like.

**4. 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.

**5. Compliance with Laws**

The approval does not negate the requirement for compliance with all other relevant local Laws and other statutory legislation.

**6. Environmental Nuisance**

The *Environmental Protection Act 1994* states a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.

Environmental harm is defined by the Act as any adverse effect, or potential adverse effect 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.

## **7. Liquid Storage Areas**

The applicant/owner must ensure that the proposed liquid storage facility that will contain all fuels, oils etc. is designed in compliance with the Dangerous Goods Safety Management Act and Regulations 2001 and to Australian Standards (i.e. AS1940:2004), The Storage and Handling of Flammable and Combustible Liquids 1993.

**Moved Cr K Farinelli**

**Seconded Cr T Millwood**

**Resolution Number LG0787**

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

**FOR: Unanimous**

**CARRIED**

## **7. GOVERNANCE, ENVIRONMENT & FINANCE**

### **7.1 Finance Report - July 2020**

#### **Executive Summary**

The purpose of this report is for Council to receive the Finance Report for the period ending 31 July 2020.

The Chief Financial Officer will be available at the Council meeting to answer any questions Councillors may have.

#### **Recommendation**

**"That the report be received and noted."**

**Moved Cr K Farinelli**

**Seconded Cr J Baines**

**Resolution Number LG0788**

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

**FOR: Unanimous**

**CARRIED**

9:31am Mr D Goodman left the meeting

9:34am Mr D Goodman re-entered the meeting

9:36am Mr J Gott left and re-entered the meeting

9:37am Mr J Gott left the meeting

## 7.2 Reviewed Councillor Portfolios

### Executive Summary

At its meeting of 14 May 2020 Council gave approval to the application of the following portfolios:

Portfolio	Councillor
Major Projects	Cr Mark Nolan
Planning & Regional Development	Cr Nicholas Pervan
Economic Development & Tourism	Cr Kylie Farinelli
Governance, Environment & Finance	Cr Jeff Baines
Community & Culture	Cr Trudy Tschui
Asset Sustainability	Cr Barry Barnes
Organisational Cultural Development	Cr Teresa Millwood

Fleshing out of the portfolios' descriptions has occurred and is provided in the schedule attached hereto at Annexure "A".

Now that the operation and implementation of the portfolio system has had time to mature somewhat it has become apparent that a change in portfolio structure may provide for greater clarity and balance.

To provide for this, consideration has been given to the removal of Organisational Cultural Development from Cr Teresa Millwood and its replacement with Waste Management and Waste Management Innovation.

Consideration has also been given to the installation of Organisational Cultural Development under Mayor Nolan's purview as Leader of the Council.

### Recommendation

**"That Council give approval to application of the following portfolios:**

Portfolio	Councillor
Major Projects *	Cr Mark Nolan
Planning & Regional Development	Cr Nicholas Pervan
Economic Development & Tourism	Cr Kylie Farinelli
Governance, Environment & Finance*	Cr Jeff Baines
Community & Cultural	Cr Trudy Tschui
Asset Sustainability	Cr Barry Barnes
Waste Management & Waste Management Innovation	Cr Teresa Millwood

**\* Note: Mayor Nolan will assume responsibility for the strategic element of Cultural Development under Major Projects."**

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**Moved Cr J Baines**

**Seconded Cr T Tschui**

**Resolution Number LG0789**

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

**FOR: Unanimous**

**CARRIED**

## **8. GENERAL BUSINESS**

### **8.1 South Mission Beachcomber Coconut Holiday Park**

Cr T Tschui mentioned the Win Television Breakfast Show weather team's visit to the South Mission Beachcomber caravan park attended by many locals with the focus on long term visitors to the area.

### **8.2 Mundoo School footpath**

Cr N Pervan requested an update from Mr D Goodman (Director Infrastructure Services) on the Mundoo School footpath. Mr D Goodman advised that the resolution adopted by Council is that the footpath be considered in future budgets and it is anticipated that it will be accommodated in this coming financial review. There is no commitment for a construction date however pre-planning is in place and that planning is on the basis that Council may reallocate funds through a future budget review and completion of the footpath in this financial year.

### **8.3 Riverdrive Caravan Park**

Cr N Pervan requested an update from Mr D Goodman (Director Infrastructure Services) on the Riverdrive Caravan Park. Mr D Goodman advised that works to the caravan park commence in mid September with the auction for assets to be disposed closing between 3 September and 8 September 2020. It will be a condition of the auction that all sold assets to be removed by 6 October 2020. Capital works within the park will be undertaken by Council workforce including camp kitchen upgrade, repair of some existing assets, demolition of a small part of the caretakers residence, landscaping and tree removal. No date has been set for the reopening of the caravan park once work is completed and a procurement process will need to be undertaken to secure a caretaker. Works are expected to be completed by November / December 2020.

### **8.4 Great Greenway Caravan Park**

Cr T Millwood requested an update from Mr D Goodman (Director Infrastructure Services) on the Great Greenway Caravan Park. Mr D Goodman advised the facilities team are working on a plan across all caravan parks and a proposal will be presented in the near future.

### **8.5 One Mile Creek Dredging**

Cr B Barnes posed the question to Mr D Goodman (Director Infrastructure Services) on the One Mile Creek dredging and whether a report will be brought to the next meeting 10 September 2020. Mr Goodman advised that it is anticipated that a Report will be brought to the next Council meeting with the the short listing of the Expressions of Interest and that Council moves forward with some selected companies that have nominated through the Expressions of Interest to provide further details so that we can complete the business case and apply for the \$1.5M funding through the Federal Government.

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### **8.6 Geraldton Bridge Signage**

Cr J Baines requested a comment from Mr D Goodman (Director Infrastructure Services) regarding a request from a member of the community for consideration to name a significant waterway which is crossed by a named bridge in particular a 'Johnstone River' sign on the Geraldton Bridge. Mr D Goodman advised that it is a small expenditure to improve the signage there which is consistent with how large bridges are signed on the Manual of Uniform Traffic Control Devices. It is consistent with naming significant waterways and large bridges. The request is not unreasonable and there should be no problems with considering this request.

### **8.7 Entrance and Exit Signage - Cassowary Coast Region**

Cr N Pervan requested an update from Mr B Jones (Senior Planner/Strategic Planner) for an update on the signage coming to and from the region. Mr Jones advised that there have been some delays to this project due to COVID-19 however, some progress has been made in regards to the Indigenous artwork and licencing agreements finalised. Approvals from the Department of Main Roads are in place. Three (3) regional entry signs and each major town will receive two signs each coming north or south in the region.

### **8.8 LAWMAC Conference**

Cr T Millwood thanked Mr G Hammond (Manager Regulatory Services) for his leadership while both attended a 2 day LAWMAC Conference in Mackay.

### **8.9 Etty Bay issues**

The Mayor addressed the meeting with the following statement:

*"Acting in the public interest is always paramount and, as the leader of Cassowary Coast Regional Council I have made a commitment that community sentiment and opinions will not be ignored by Council.*

*In keeping with the purpose of that commitment I advise the Councillors and community that I am aware of issues regarding the Etty Bay facility that have been raised by the community members to the Councillors, staff and myself.*

*I can assure the community that we have listened and have already responded by engaging directly with the successful tenderer for the Etty Bay facility with a view to better understand community identified issues and perceptions so as a result in the best interests of the region can be achieved.*

*The successful tenderer has attended directly upon the Councillors and staff and I compliment him on his open cooperative approach.*

*It is far too early to predict what may come from the discussions currently occurring however I can assure the public that Council and the tenderer are working in good faith to produce an appropriate outcome which will be made known quite transparently when achieved.*

**MOVE INTO COMMITTEE - 9:54am**

**Moved Cr K Farinelli**

**Seconded Cr T Millwood**

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**Resolution Number LG0790**

**"That in relation to Agenda Item 9.1, I move, pursuant to Section 275(1) (h) of the Local Government Regulation 2012, that the meeting be closed to the public so that Council can discuss (h) other business for which a public discussion would be likely to prejudice the interest of the local government or someone else, or enable a person to gain a financial advantage."**

**FOR - Unanimous**

**CARRIED**

9:54am Cr T Tschui left the meeting  
9:55am Mr D Horton and Mr B Jones left the meeting  
9:56am Cr T Tschui re-entered the meeting  
9:57am Mr D Goodman left the meeting  
10:01am Mr J Gott and Mr D Goodman re-entered the meeting

**MOVE OUT OF COMMITTEE - 10:00am**

**Moved Cr K Farinelli**

**Seconded Cr T Tschui**

**Resolution Number LG0791**

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

**FOR: Unanimous**

**CARRIED**

**9. CONFIDENTIAL REPORTS**

**9.1 Waste Direction: 2021 and Onwards**

**Executive Summary**

Contracts for the management of landfills, transfer stations, waste transfer from Tully and Stoters Hill to external waste facility, weighbridge management at Stoters and Tully landfills as well as the receipt and disposal of wet waste from the Cassowary Region all expire on the 31st July 2021.

The alignment of expiry dates has provided Council with an opportunity to review and consider future directions over the coming 5 – 7 years for a whole of waste operation for the region.

Contract management of waste in the region has provided security in the delivery of waste services however at a premium. Initial analysis has demonstrated that managing waste in the region could benefit by a day labour system with council directly managing all concepts of waste management.

Investigations have reviewed the plant required to operate all facilities, staffing required to

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provide efficient service delivery, methods of resource recovery along with a number of governance issues relative to the commencement of a waste day labour system. Initial investigations show a considerable saving when the program is considered over a ten year period. Continued detailed investigations are required to fully identify all savings and develop strategies to commence a day labour system at the conclusion of existing waste contracts, on the 1st August 2021.

### **Recommendation**

**"That:**

- **From the 1st August 2021, Council commence a day labour system to undertake;**
  - **Management of all landfills,**
  - **Management of all transfer stations**
  - **Management of waste transfer from Tully and Stoters Hill transfer stations to external waste facility.**
  - **Management of weighbridge at Tully and Stoters Hill transfer station.**
  - **Management of all miscellaneous and interlocking aspects of waste management in the Cassowary region."**

**Moved Cr T Millwood**

**Seconded Cr J Baines**

**Resolution Number LG0792**

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

**FOR: Unanimous**

**CARRIED**

10:02am - The meeting adjourned for morning tea. It was noted when the meeting reconvened that Ms L Bradley and Mr G Hammond were not present.

10:36am - Meeting reconvened for presentation to Frank and Diane Sciacca of Ecoganic

The Mayor addressed the meeting as follows:

*"Today we recognise Frank and Dianne Sciacca for their significant contribution to sustainable environment management and to our region.*

*Over the past seventeen years Frank and Dianne of Pacific Coast Eco Bananas have been leaders in their field. The duo have been ahead of their time with their work to protect land and reef based assets and have demonstrated industry leadership:*

- in protecting natural assets on farm and off farm such as the Great Barrier Reef;*
- for vision strategy and capacity to address dynamic change with the 'Ecoganic' Farming Protocol';*
- in the commitment to sustainable farming and sustainable marketing alongside creating an ecoganic category for bananas with a clearly identified brand; and*
- their initiative to develop a agritourism centre to build on their existing philanthropic education services.*

*They created the Ecoganic system following years of observing the degradation and decline of*

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*reef and soil health.*

*A passionate nature lover and frequent diver on the reef during his early years Frank observed the interaction between species and their surrounding environment.*

*His growing knowledge and concern became a key driver to change farming practices and provided insights into how all ecosystems are interrelated and dependent on each other.*

*Frank recognised: by allowing naturally occurring plants in the farm environment to flower, seed and flourish in the inter-rows; he prevented run-off and provided a critical food source to bring back a balanced ecosystem above and below the soil surface.*

*He wanted to produce a banana that would mimic the way nature intended it to be grown. This meant finding a way to grow in balance with the soil's capacity to grow food naturally - not force feeding for bunch size or yield, but grown the way food would naturally develop in the wild.*

*Frank wanted to create a vibrant ecosystem where all creatures great and small - organisms, insects, reptiles, birds and other animals could help him grow his crop. He saw all these creatures as nature's workers or helpers in producing a tastier, healthier banana.*

*This new farming system protects the environment - it encourages all creatures to flourish, contributes to the health of the soil, protects the waterways and produces a far superior banana.*

*The Sciacas' work has been recognised in academic papers, speaking engagements, awards and media coverage throughout Australia.*

*Their product, the wax tip Eco Bananas, are the only branded banana at point of sale in Australia and are available from nearly all Australian States and Territories. Eco Bananas are also being exported to Asia, further demonstrating the market for farming which protects one of the worlds most valued natural assets, our Great Barrier Reef.*

*Pacific Coast Eco Bananas has received many endorsements and awards for their Growing Protocols, Business Practises and Protection of the Environment including the Prince of Wales Environmental Leadership - Reef Sustainability Award for their vision, leadership and creation of the Ecoganic farming system.*

*Thank you Frank and Diane for your hard work and dedication and on behalf of our wider community please accept our congratulations on your achievements."*

## **10. MEETING CLOSURE**

11:15am There being no further business, the Mayor declared the meeting closed.

**CONFIRMED AS A TRUE AND CORRECT RECORD THIS 10 DAY OF SEPTEMBER 2020**

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**Cr M Nolan, Mayor**

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