

Thursday, 10 December 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

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 B Vick (Coordinator Procurement), Ms J Szafran (Manager Community Relations & Services), Ms K Hadley (Team Leader Communications), Ms K Vick (Coordinator Rates), Ms M Clubb (Executive PA), (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 Cr J Gott requested that Standing Orders be suspended.

9:06am The Honourable Curtis Pitt MP entered the meeting.

Presentation to Cr Mark Nolan (Mayor) for 15 Years of Long Service in Local Government

The Honourable Curtis Pitt on behalf of the LGAQ offered his congratulations and acknowledged the Mayor's 15 years in Local Government as well as the community work that he was involved in prior to becoming an elected member and his long involvement with advocating for workers and working with local sporting and community organisations. Mr Pitt also acknowledged Mrs Marsha Nolan for her involvement with local service clubs over the years particularly the Innisfail Lioness Club and he further added that no person in a leadership role or elected role can do their job without the support of their family. Mr Pitt said that this is also a tribute to Mrs Nolan as well as the Mayor and on a personal note he is very pleased that Cr Nolan is the Mayor and the leadership role that the Mayor now has; it has been a long time coming and that he has now achieved that and that the people of the Cassowary Coast will the

better for it. Mr Pitt considers the Mayor a friend and who has worked with him in his capacity as a local member and in former cabinet positions as well. Mr Pitt acknowledged the family friendship and Mr Warren Pitt who has a long history also of working with the Mayor in his various roles. Congratulations.

Cr M Nolan (Mayor) replied:

*"Thank you ALL for this special acknowledgement. There is no greater **Honour OR Privilege** than serving in public office. "Special Thanks" to my good mate Curtis for being present to officiate – greatly appreciated comrade. "Extra Special Thanks" to my wife Marsha and family (4 generations present today) for your unwavering support on this 15 year journey in Local Government. I'd also like to make a special mention and acknowledge my campaign advisor over the last four (4) successful campaigns, Peter Roberts (the CEO at Warrina Home). Four (4) political mentors – people who instilled politics into my DNA, former Minister Bill Eaton, former Shire Chairman Ross Overton – both of who have sadly passed. The Pitt dynasty, former Minister Warren Pitt and current Speaker of the Queensland parliament and former Treasurer Curtis Pitt – friends for life, thank you for being here.*

In conclusion, I have enjoyed the journey thus far despite the inevitable highs and lows of politics. Like an airline pilot there have been periods of turbulence! Importantly, Local Government is the closest to the people of all three (3) levels of government and I am passionate about my role in delivering the best possible outcomes for our stakeholders, the residents of Cassowary Coast. Thank you."

9:25am The meeting adjourned for morning tea. It was noted when the meeting reconvened that the following were 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 J Fischer (Manager Asset Engineering), Mr G Smart (Manager Water), Ms J Szafran (Manager Community Relations & Services), Mr B Vick (Coordinator Procurement), Mr R Blanchette (Tourism Coordinator), Ms K Vick (Coordinator Rates), (Mr D Walker (ICT Customer Support Officer) and Mrs J Sands (Minutes Clerk)

Apologies

Nil

Declaration of Prescribed Conflicts of Interest and Declarable Conflicts of Interest

COUNCILLORS & STAFF

Prescribed Conflicts of Interest or Declarable Conflicts of Interest

Cr M Nolan (Chairman) invited those present to use this opportunity to make public any Prescribed Conflicts of Interest or Declarable Conflicts of Interest 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 Prescribed Conflicts of Interest or Declarable Conflicts of Interest were declared.

1. CONFIRMATION OF MINUTES

1.1 Minutes of the Local Government Meeting dated 26 November 2020

Recommendation

"That the Minutes of the Local Government Meeting held on 26 November 2020 be confirmed as a true and correct record."

Moved Cr B Barnes

Seconded Cr N Pervan

Resolution Number LGO878

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

2. BUSINESS ARISING FROM PREVIOUS MINUTES

Cr T Tschui offered her apologies to the organisers of the Paradise Run for any confusion with the address being the lifesavers hut and not the lifesavers club. It was a great event and she hoped to see them all again.

3. COMMUNITY & CULTURE

3.1 Tully Support Youth Centre

Executive Summary

Cassowary Coast Regional Council has historically supported the Tully Support Youth Centre as a legacy from Cardwell Shire Council. Council funds the service to value of \$63,000 per annum. These costs covers the cost of a part time coordinator for the service \$32,500 and \$30,500 for the use of the Mullins Building at the Tully Showgrounds. The role of the Tully Youth Centre opportunity for youth to access services and interact in a safe environment.

The Tully Support Youth Centre promotes a sense of ownership and freedom of expression for various social activities life skills, recreation and social interaction. The youth centre is an invaluable resource that facilitates long-term benefit to the Tully youth.

Recommendation

"That Council continues to support Tully Support Youth Centre endorsing:

- 1. Financial assistance to the value of \$32,500 exclusive; and**
- 2. Provide access to the Mullins Building whilst entering into conversations relating to asset rationalisation."**

Moved Cr T Millwood

Seconded Cr K Farinelli

Resolution Number LG0879

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

4. ECONOMIC ACTIVATION & TOURISM

4.1 CCRC Tourism Monthly Report

Executive Summary

This report represents Council involvement or interest in tourism initiatives of note within or affecting the Cassowary Coast Region. The report is a summary of key events, matters of interest and Council's interaction with the region's peak Local Tourist Organisation – Tropical Coast Tourism (TCT).

The items referred to in the report may serve as a catalyst for Councilor's to raise tourism related matters through the Meeting for further formal consideration and resolution or for operational attention by staff.

Where practicable, the report will be presented to the Council and will cover the significant events during the preceding month.

Recommendation

"That the Report be received and noted."

Moved Cr J Baines

Seconded Cr Farinelli

Resolution Number LG0880

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

5. GOVERNANCE, ENVIRONMENT & FINANCE

5.1 Addition to the Register of Prequalified Suppliers for Trade and Technical Services - COW000013

Executive Summary

A tender was advertised in October 2018 to invite new suppliers to be considered for the Register of Prequalified Suppliers (RPS) for Advertising and Media Services within the Cassowary Coast Local Government Area. Council staff involved with the finalisation of the panel were not able to finalise the RPS due to the restructure and staff turnover. Council has now limited appetite to set up a separate RPS for Advertising and Media Services.

HDeVolution was one of the prospective local suppliers who submitted to be on this panel and have been impacted by this decision. They have since requested that they be considered for inclusion to the Register of Prequalified Suppliers for Trade and Technical Services as they were of the belief that they were already included on the RPS for Advertising and Media Services. The relevant paperwork has been submitted for consideration and has been assessed by Council staff.

Recommendation

"That Council accept HDeVolution for inclusion in the existing Register of Prequalified Suppliers for the engagement of Trade and Technical Services as required, within the Cassowary Coast Local Government Area; and for the period of the Register of Prequalified Supplier contractual arrangement."

Moved Cr K Farinelli

Seconded Cr T Millwood

Resolution Number LG0881

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

9:57am Ms L Bradley left the meeting

5.2 Finance Report - November 2020

Executive Summary

The purpose of this report is to promote sound financial management and accountability by presenting the Finance Report and Monthly Council Reporting Package as at 27 November 2020 to Council.

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 N Pervan

Resolution Number LG0882

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

9:58am Mr B Vick left the meeting

6. ASSET SUSTAINABILITY

6.1 Water Section - Performance Report 2019-2020

Executive Summary

Council is a registered Water Service Provider (WSP) under the Water Supply (Safety and Reliability) Act 2008 (the Act) and one of its legislative obligations is to provide an annual performance report on prescribed indicators nominated by the Department of Natural Resources Mines and Energy (DNRME) as the Queensland Water Supply Regulator (the Regulator). The data required by the Regulator covers details such as connected populations, asset information, water treatment and sewerage treatment volumes, staff information, system performance, customer service and financials. The water and sewerage data required by the Regulator was loaded into the Statewide Water Information Management (SWIM) portal to meet the 2 October 2020, lodgement date.

In addition to the lodgement of data into the SWIM system, Council must also publically publish its performance with commentary on key indicators.

The Cassowary Coast Regional Council Water and Sewerage Services Performance Report for 2019-20 satisfies Council's requirements under Section 142A of the Water Supply (Safety and

Reliability) Act 2008 ("the act"), to prepare a performance report on water and sewerage services for the 2019-2020 financial year.

The report is structured to give an overview of the extent of Council's water and sewerage schemes followed by discussion on results of some of the key performance indicators (KPI's) for water services and sewerage services lodged in the SWIM system. The data lodged in the SWIM system is included in the report.

In addition to reporting against SWIM data, the Performance Report also includes an overview of Council's adopted Customer Service Standards and our performance against these standards as well an overview on Council's drinking water services measured against the requirements of its approved drinking water quality management plan (DWQMP).

The Performance Report assists the Regulator to determine whether the approved DWQMP and any approval conditions have been complied with and provides a mechanism for providers to report publicly on their performance in managing drinking water quality.

This report seeks Council endorsement of the Water Section Performance Report 2019-2020 prior to forwarding to the Regulator and publishing on Council's internet site.

Recommendation

"That Council:

1. approve the *Cassowary Coast Regional Council Water and Sewerage Services Performance Report for 2019-20* for forwarding to the Regulator and for publishing on Council's website; and

2. note the performance against Council's Customer Service Standards."

Moved Cr J Baines

Seconded Cr T Millwood

Resolution Number LG0883

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

10:04am Mr B Jones (Senior Planner/Strategic Planner) entered the meeting

10:04am Mr D Thomas (Planning Officer) entered the meeting

10:13am Mr B Jones left the meeting

10:15am Ms J Szafran left the meeting

10:17am Mr B Jones re-entered the meeting

6.2 Backflow Prevention Policy

Executive Summary

This report seeks endorsement of a recommendation to implement a policy for backflow prevention to establish a process for the registration, monitoring and testing of backflow prevention devices on private water plumbing that is connected to Council's reticulated potable water supply.

Recommendation

"That:

- 1. Council approve the Backflow Prevention Policy and the associated Backflow Prevention Management Plan;**
- 2. Council undertake a program of public information and awareness to assist with the implementation of the Policy;**
- 3. It be noted that correspondence will be issued to property owners in early 2021 advising of the requirements of the Policy;**
- 4. An amnesty period of two years be applied from the date of the above correspondence for owners to register their testable backflow devices;**
- 5. No fees be applied for the initial implementation of the register but that fees be developed for management of the register in the year 22/23 and be applied after the two year amnesty period has expired; and**
- 6. It be noted that briefing sessions will be held with regional plumbers prior to issuing any correspondence to owners advising them of the details of the Policy."**

Moved Cr B Barnes

Seconded Cr TMillwood

Resolution Number LG0884

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

10:18am Mr A Sadler and Mr R Blanchette left the meeting
10:18am Cr J Baines left the meeting
10:21am Cr J Baines re-entered the meeting
10:25am Mr A Sadler re-entered the meeting
10:30am Cr T Tschui left the meeting
10:31am Cr T Tschui re-entered the meeting

6.3 Principles for Community Use of Assets - Development of Policy & Framework Executive Summary

Council has a large number of assets used by a variety of user groups, clubs and associations. The way in which use has been permitted or tolerated has varied over time with no consistent approach defined since the formation of the Cassowary Coast Regional Council.

To enable improved governance and financial sustainability it is proposed that a policy and framework be developed for use going forward. This report discusses the principles which are intended to be incorporated into a policy and framework.

Recommendation

“That Council:

1. Adopt the following principles as outlined in the report:

- **Asset utilisation – Council manages fewer assets that are of a higher standard and are provided for shared use, providing greater benefit;**
- **We will support groups that support themselves;**
- **Ratepayers will support groups who can demonstrate community benefit and are sustainable;**
- **Council has a low risk appetite for non-compliance with legislation, regulation and policy. We want to partner with groups that comply;**
- **Groups who receive benefit from Council can demonstrate proper governance and financial management;**
- **We seek to support clubs appropriately and enable new groups to start while limiting the financial risk to ratepayers;**
- **If clubs reduce in size we will support them to move to more sustainable arrangements;**
- **Demonstration of track record, capacity and strategy is required to access greater support from ratepayers;**
- **We require accountability for agreements and deliverables;**
- **Clubs with greater access to finance through income generating activities made possible by ratepayer-owned assets should contribute more;**
- **We will support and incentivise groups to provide assets and services which are not on Council land;**
- **We expect groups to firstly look to fund ongoing costs through external (grant) funding to reduce costs to ratepayers;**
- **New or upgraded assets will only be supported where a sustainable business case demonstrates value, benefit and sustainability;**
- **We expect support and respect from those we support;**
- **For Profit and State and Federal entities will not be provided with ratepayer direct or in-kind support without a Council resolution; and**

2. Develop a policy and framework for the strategic and consistent management of community use of Council assets based on these principles.”

Moved Cr K Farinelli

Seconded Cr T Millwood

Resolution Number LG0885

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

10:32am Mr G Smart left the meeting

6.4 Capital Report - November 2020

Executive Summary

Council has adopted its Capital Works Program for the 2020-21 financial year. The status of individual projects is reported monthly.

Recommendation

"That Council receive the report and note the status of Capital Works projects managed by it."

Moved Cr J Baines

Seconded Cr T Tschui

Resolution Number LG0886

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

7. PLANNING & REGIONAL DEVELOPMENT

7.1 Application for Reduction in Infrastructure Charges relating to RAL20/0002 - Development Application for a Reconfiguring of a Lot (One (1) Lot into Two (2) Lots) on land described as Lot 13 on SP11407 situated at 27 Giufre Crescent, Wongaling Beach

Executive Summary

Council is in receipt of a request from Vaanda Beatrice Jones c/- Grahame Anderson for a 100% reduction in the infrastructure charges relating to RAL20/0002. The charges relate to a Reconfiguring of a Lot (One (1) Lot into Two (2) Lots) on land described as Lot 13 on SP114071 situated at 27 Giufre Crescent, Wongaling Beach. The application was approved by Council resolution, subject to conditions on 26 March 2020, with the Decision Notice Approval being issued on 30 March 2020. An Infrastructure charges notice was also issued on 30 March 2020 for the amount of \$29,339.55.

Council's Activate Cassowary Coast Development Incentive – Reduction in Infrastructure Charges Scheme Policy (Policy Number PRD005) was adopted by Council resolution on 12 December 2019 and came into effect on and from 16 December 2019. In order to be eligible for the reduction in infrastructure charges, the development must be approved and the development permit issued by Council on or after the date of the adoption of this policy (16 December 2019), where the development which is the subject of the permit will be completed within three (3) years of the date of the approval taking effect (30 March 2020), and meet the eligibility criteria and provide sufficient justification against the criteria. However Council may use its discretion to grant a reduction in infrastructure charges where the development does not meet the eligibility criteria if the development can demonstrate it will provide significant economic benefits to the Cassowary Coast Region and its residents.

In this case, the proposed development was approved by Council resolution, subject to conditions on 26 March 2020. The proposed development is for a Reconfiguring of a Lot (One (1) Lot into

Two (2) Lots on land within the Residential Choice Precinct of the Greater Mission Beach Local Plan in the Township Zone.

The proposed reconfiguring of a lot meets the criteria for eligible development outlined within the policy. The proposed development will be complementary and contribute positively to the Greater Mission Beach Local Plan area.

In addition to this, to be eligible for the incentives contained within the policy, the applicant must demonstrate that the development complies with the criteria listed in the policy (where applicable). The development has demonstrated that it will provide economic benefits to the Cassowary Coast Region and its residents through employment of local residents and by establishing additional commercial development that contributes to the diversification of the local economy. It is recommended that Council grant a 100% reduction in infrastructure charges given that the development has demonstrated it will provide significant economic benefits to the Cassowary Coast Region and its residents.

A 100% reduction in the infrastructure charges for the development would result in a \$29,339.55 discount, with the revised infrastructure charge amount being \$0.00, if the development is completed within the timeframe required in the agreement.

It is recommended that the request for a 100% reduction in infrastructure charges be approved by Council, provided the development is completed prior to 30 March 2023.

Recommendation

"That, as the request to reduce Infrastructure Charges complies with the criteria of Council's Activate Cassowary Coast Development Incentive - Reduction in Infrastructure Charges Scheme (Policy Number PRD005) in that it seeks to encourage development which provides significant economic benefits to the Cassowary Coast Region, Council agree to a 100% reduction in Infrastructure Charges subject to the development and all works as required to comply with the Reconfiguring of a Lot Approval (RAL20/0002) and other Statutory requirements are completed prior to 30 March 2023."

Moved Cr T Tschui

Seconded Cr K Farinelli

Resolution Number LG0887

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

7.2 **MCU20/0006 - Development application for a Material Change of Use for Air Services (Aviation Facility) on land described as Lot 3 on RP732964, situated at 2224 Tully-Mission Beach Road, Mission Beach QLD 4852**

Executive Summary

Applicant:	Mission Helicopters Pty Ltd
Consultant:	Gilvear Planning Pty Ltd
Landowner:	Crofam Pty Ltd ATF Cronin Family Super Fund
Application Date:	21 February 2020
Proposal:	Material Change of Use for Air Services (Aviation Facility)
Real Property Description:	Lot 3 on RP732964
Property Address:	2224 Tully-Mission Beach Road, Mission Beach QLD 4852
Land Area:	11.16ha
FNQRP Zone:	Regional Landscape and Rural Production Area
Planning Instrument:	Cassowary Coast Regional Council Planning Scheme 2015
Zone	Rural Zone
Local Plan	N/A
Precinct	N/A
Overlays	<p>Agricultural Land</p> <p>Coastal Protection</p> <p>Environmental Significance</p> <p>Flood Hazard</p> <p>Scenic Amenity</p> <p>Transport Noise Corridor</p> <p>Waterway Corridors and Wetlands</p>
Referral Agencies:	Queensland Treasury – State Assessment Referral Agency
Level of Assessment:	Impact
Land Use Codes:	N/A
Existing Use of Land:	Nurseries/Plants (Garden Centre)
Existing Approvals:	Nil
No. of Submissions:	<p>A total of sixty two (62) submissions were received by Council during the notification period. The submissions are categorised as follows:</p> <ol style="list-style-type: none"> 1. Fifty Five (55) submissions raised objections to the proposed development; and 2. Seven (7) submissions supported the proposed development <p>In addition to this, Council also received an online petition raising objections to the proposed development with Three Hundred and Seventy Two (372) signatures at the time of submissions closing, however this petition was not considered to be a properly made submission due to the fact that it did not state the residential address of all submission makers and the contents of the submission attached to the petition was not signed by all submission makers.</p>

Council is in receipt of an application proposes to establish Air Services (Aviation Facility) on land described as Lot 3 on RP732964, situated at 2224 Tully-Mission Beach Road, Mission Beach. The proposed development will comprise a single-story building, parking spaces, an external helicopter landing pad and a fuel storage area. The proposed development will be located on a portion of the

subject site which has been cleared of vegetation as a result of previous agricultural activities. The front of the building and parking areas will be landscaped with the balance of the subject site being grass.

The development proposes to connect to Council's water infrastructure on the Tully-Mission Beach Road and also proposes to install a conventional septic system with soakage trench. The development proposes to connect to mains electricity and telecommunications via existing infrastructure from the Tully-Mission Beach Road. The existing vehicle access point from the Tully-Mission Beach Road is proposed to be upgraded to service the development.

The proposed Aviation Facility will provide a base for helicopter passenger transport operations inclusive of island connections from the region's major airports (Cairns and Townsville). Associated uses including medical transfers, aerial firefighting and search and rescue operations and other emergency activities will also be undertaken from the site on an as needs and emergency situation basis.

The subject site has an area of 11.16 hectares with a frontage of approximately 870 metres to Tully-Mission Beach Road. The site is located within the Rural Zone and has an existing bulk landscape supplies business which has been operating from the site for many years and is proposed to continue to operate. To the north, the site adjoins land located within the Township Zone, Greater Great Mission Beach Business Precinct and is vegetated and vacant. To the east, the site adjoins land located within the Environmental Management and Conservation Zone and is vegetated and vacant. To the south, the site adjoins land located within the Environmental Management and Conservation Zone and has an established large home site dwelling. To the west, the site adjoins Tully-Mission Beach Road, being a state controlled road.

The subject site has been extensively cleared due to previous agricultural activities with a small area of remnant riparian vegetation located adjacent to a waterway which traverses east-west through the site. The site was previously used for cattle raising, however it has not been used for agricultural purposes for a number of years. The closest sensitive receptor is a residential dwelling which is located approximately 360 metres from the proposed aviation facility.

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*. A total of sixty two (62) properly made submissions were received by Council during the notification period. The submissions are categorised as follows:

1. Fifty Five (55) submissions raised objections to the proposed development; and
2. Seven (7) submissions supported the proposed development.

In addition to this, Council also received an online petition raising objections to the proposed development with Three Hundred and Seventy Two (372) signatures at the time of submissions closing. However this petition was not considered to be a properly made submission as it did not state the residential address of all submission makers and the contents of the submission attached to the petition had not been signed by all submission makers.

Key concerns raised within the Fifty Five (55) submissions objecting to the proposed development have been categorised into Three (3) broad categories, being:

- The potential impacts of noise originating from the flight of helicopters to and from and the operation of the facility;
 - The potential impacts of the facility on the local community and local environment particularly Cassowaries; and
-

- The potential impacts of a commercial helicopter operation being established in the Mission Beach area.

Key points raised within the Seven (7) submissions supporting the proposed development have been categorised into Four (4) broad categories, being:

- The benefit of the proposed development to the Mission Beach area;
- The benefit to the local economy through the creation of jobs during the construction and operational stages;
- The small scale of the development and minimal environmental impact; and
- The benefit of having a dedicated air service for emergencies in Mission Beach.

The proposed development triggered referral to Queensland Treasury as a Concurrence agency. Queensland Treasury – State Assessment Referral Agency Response (2003-15835 SRA) dated 9 April 2020 is shown as **Attachment Five**.

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 and it is considered that the application is consistent with the intent of the Far North Queensland Regional Plan 2009-2031 as the impact on land for rural production is relatively minor.

The proposed development will be located on a portion of the subject site which has been cleared of vegetation as a result of previous agricultural activities. As no clearing of vegetation is proposed and traffic generation along Tully-Mission Beach Road will be limited when compared to the existing traffic, this will minimise the impact on the surrounding environment, habitat and cassowaries. Therefore the proposed development does not result in the loss of habitat or the clearing of an environmentally significant area or significantly increase traffic movements within the Mission Beach area.

The helicopter operations will use a direct eastern flight path from the proposed development to minimise disturbance of fauna species. Once airborne, helicopters will head east over the Coral Sea prior to heading towards intended destinations. Flights over the Djiru, Maria Creek and Japoon National Parks will not occur as a result of activities associated with the proposed development. This will minimise the impact of the development on the surrounding environment, residences and cassowaries.

Furthermore, the applicant has confirmed that the majority of the helicopters proposed to be stationed at this aviation facility are not proposed to be used for “joy flights”. The type of helicopters proposed are highly specialised multi-role helicopters and provide a range of services including aerial firefighting, heavy-lift and aerial crane, and reconnaissance missions. There is a direct linkage between the specialist nature of these helicopters, and the high cost of operation, the number of movements will generally be lower than what would be expected from a tourism operation. The closest sensitive receptor is a residential dwelling which is located approximately 360 metres from the proposed aviation facility. This will minimise the impact of the development on the surrounding environment, residences and cassowaries.

There is currently no formal approved helicopter take-off and landing facilities in the Mission Beach area, with the closest aviation facilities being at Tully Airport being 20 kilometres away and a 20 minute drive. Frequently, helicopters have been required to land, without formal approvals in place, at the vacant lot on the corner of Seaview Street and Pacific Parade, located in the populated centre and urban areas of Mission Beach. Council officers have received many complaints from the residents of Mission Beach regarding the use of Seaview Street and Pacific Parade site over

the years.

The proposed development will assist in addressing this ongoing issue by providing a fully compliant civil aviation safety authority (CASA) aviation facility which does not have a flight path over urban areas, does not expose the community to excessive noise and dust nuisance related to landing and taking-off and reduces the risk to the community as it is not located in a highly populated area.

The site is heavily vegetated with mature remnant vegetation on three of the property boundaries (north, east, south) with the other boundary (west) being located adjacent to Tully-Mission Beach Road. The vegetation and road will minimise the impact on the surrounding local community, environment and fauna, in particular the cassowary. In addition, the proposed helicopter landing pad will be grass and will assist in reducing dust nuisance. The refuelling operations will be undertaken within hangar and within an approved self-bunded container with maximum fuel quantities of 4,000 litres maintained, limiting the risk of fuel leakage and fire.

The applicant has proposed integrate measures into its daily operations to manage direct impact noise on the local community, local environment and fauna (including the cassowary corridor that has been established to the south of the facility). These measures include:

- *The use of a suitable flight plan and approach path which complies with the guidelines in the Helicopter Association International (HAI) Fly Neighbouring Guidelines which is the internationally accepted best practice framework to limit noise nuisance through the use of lateral and vertical sense and has been developed for use in densely populated areas. The proposed flight path will make use of the park reserve located to the East of the site, over which it would be an anticipated 20-30 second flight time between the pad, once airborne, and the coast. This path maximises the distance between the closest structures and the flight path to a minimum of ~540 ground-distance metres (or hypotenuse-distance of ~670 metres using a minimum approach/departure altitude of 400 metres above-sea-level);*
- *The formal training of personnel in the approved approach and departure pattern requirement to meet the Helicopter Association International (HAI) Fly Neighbouring Guidelines; and*
- *Community awareness/education programs that will assist with education on helicopter activities and their benefit to the local area and community as part of perception management with the Australian Civil Aviation Safety Authority (CASA) approved management system.*

The site was previously used for agricultural purposes, primarily cattle raising, however it has not been used for agricultural purposes for a number of years. The proposed development can be accommodated on the site and will not have a detrimental impact on the locality given proposed aviation facility comprises approximately 1.27% of the overall site cover, therefore there is sufficient room to continue the agricultural production of the land in the future.

As the site is included in the Rural Zone of the Planning Scheme and has historically been used for agricultural purposes, sugar cane or bananas or any other agricultural use could be established on the site without planning approval. The operations of these farms could include aerial spraying on an as needs basis. In addition to this, there are a number of farms within the Mission Beach and wider Cassowary Coast area which use aerial spraying on sugar cane and bananas.

The proposed development provides flow on effects for the community and local economy through the operational (labour, goods and services) phases. The proposed development will have a positive impact on the tourism industry. The proposed development provides employment to local residents and supports the Cassowary Coast economy.

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 by approximately 360 metres. To ensure that the impact of the proposed development on the surrounding locality is minimised, the development has been conditioned, to provide for the following:

- Limiting the hours of operation (including the take-off, flight and landing of helicopters) to 6:00am – 6:00pm seven days a week. No take-off, flight and landing of helicopters or audible noise from the facility is permitted outside these hours (with the exception of emergency situations);
- Ensuring the helipad meets the Standards and Recommendations for heliports as set out in CAAP92.2;
- Ensuring that once airborne, helicopters will head directly east over the Coral Sea prior to heading towards intended destinations;
- Ensuring that the operations of the facility are limited to helicopters operated exclusively by Mission Beach Helicopters or another related entity operated by the Directors / Shareholders of the applicant / owner;
- The provision of adequate on-site car parking spaces to contain the operations of the development within the site;
- The requirement for adequate fuel storage and bunding; and
- 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* and *Environmental Protection Regulation 2019*.

The proposed development has been conditioned to allow for the temporary relaxation of some of these conditions in the event that Helicopter Flights/Operations are required in response to an emergency situation.

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, surrounding residences and environment 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 Air Services (Aviation Facility) on land described as Lot 3 on RP732964, situated at 2224 Tully-Mission Beach Road, Mission Beach is recommended for approval, subject to reasonable and relevant conditions.

Recommendation

“That a Development Permit be issued for a Material Change of Use for Air Services (Aviation Facility) on land described as Lot 3 on RP732964, situated at 2224 Tully-Mission Beach Road, Mission Beach QLD 4852”, subject to the conditions contained in Annexure 1.”

Moved Cr T Tschui

Seconded Cr B Barnes

Resolution Number LG0888

"That consideration of the Material Change of Use Application before Council be deferred until the Local Government Meeting to be held on 21 January 2021 as this will give Councillors further opportunity for discussions about the proposal."

FOR: Crs M Nolan, B Barnes, T Tschui and J Baines

AGAINST: Crs T Millwood, N Pervan and K Farinelli

CARRIED

7.3 Delegations Report and Current Applications Executive Summary

The Planning Services Delegations report detailing approvals issued under Delegated Authority during the month of November 2020 is presented for Councillors Information.

Additionally I wish to outline that you can view documents related to any proposed development and make a submission using Council's MyCouncil Platform via Councils website.

MyCouncil features are as follows:

Provides self-service options for the community 24/7 ie:

- Lodge a CR (Customer Request)
- Lodge a development Application (planning, building or plumbing & drainage)
- Submit a planning & development or building records search request
- Track a CR or development application
- Make a submission on a development application on public notification
- Conduct a land parcel search
- View copies of Decision notices for development applications

Recommendation

"That the Delegations report listing statistics and approvals issued by Planning Services from November 2020 be noted and received."

Moved Cr T Tschui

Seconded Cr K Farinelli

Resolution Number LG0889

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

11:12am Mr J Fischer left the meeting

11:15am Mr J Fischer re-entered the meeting

8. GENERAL BUSINESS

8.1 Village Green Christmas Party

Cr T Tschui mentioned that the Village Green Christmas Party is on at Mission Beach tonight (Thursday 10 December 2020) and everyone is invited to attend.

8.2 Domestic and Family Violence Prevention Council

Cr T Tschui advised that she had recently become Cassowary Coast Regional Council's representative on the Domestic and Family Violence Prevention Council and wanted to take this opportunity to talk about 'The Handbag Project', which supports victims of Domestic Violence. As some people may know, Cr Tschui has invited the community to become involved in this over several years, and she is happy to say that it will be continuing into 2021. Whilst this is not the official launch of the Project, Cr Tschui thought that this would be a good time to think about putting items aside, or re-gifting things that could be used to fill our handbags for next year. Together we have filled over 500 handbags and look forward to filling more next year.

8.3 Thanks and Merry Xmas to Cassowary Coast Regional Council (CCRC) Staff

Cr T Millwood extended her thanks to all Cassowary Coast Regional Council Staff wherever they work - inside or outside - thank you for the hard work and support given to Cr Millwood throughout her first term in Council. A safe and Merry Christmas to all staff and their families.

8.4 Cyclone Season Clean Up

Cr B Barnes highlighted that the Cyclone Season is approaching and we should be encouraging our neighbours and local constituents to be mindful and aware of bundles of iron and/or potential missiles and encourage a clean-up. Cr Barnes also suggested a proposal to Council to look at the shipping containers that have been in yards since Cyclone Yasi and encourage residents under the Building Act to submit a building application to concrete these containers in if residents intend to keep them in their yards. This would be a matter for Council engineers to address.

8.5 Mission Beach Fishing Competition

Cr N Pervan advised that the Mission Beach Fishing competition would be held on Saturday 12 December and Sunday 13 December 2020. For further information contact the Mission Beach Game Fishing club. It should be a good competition with the current weather and it would be great to see families becoming involved.

Cr Pervan also wished all Council staff, their families and also the residents of the Cassowary Coast a Merry Christmas and a Happy New Year.

8.6 A Very Very Cassowary Christmas

Cr J Baines agreed with all the sentiments around the table. It has been a somewhat difficult year with the unexpected pandemic at the start of everyone's election campaign. This Council is working together very well. Cassowary Coast - the heart of the wet tropics – the birthplace of the Great Barrier Reef – 2021 is going to be a great year and I wish everyone a very very Cassowary Christmas.

8.7 Thank you from Innisfail Senior Citizens Club

Cr M Nolan advised that he and Mrs Nolan attended the Innisfail Senior Citizens Christmas break up. Mr Norm Millard, President expressed great praise for the work of Council staff with the Budget. They were the beneficiaries of relief in financial terms with the funds put aside for COVID-19 relief. The Innisfail Senior Citizens fraternity would like to extend their gratitude to Mr Gurbindar Singh and his finance team for the support they received when they made their application.

The Mayor also extended best wishes for Christmas and the New Year to Council staff and fellow

Councillors. Cr Nolan said that it has been an interesting year and he would like to publicly acknowledge the great work of staff in preparing the budget. Whilst there is praise about the lowest rate increase in 12 years and good policy with the COVID-19 financial relief, the hard work has been completed by Council staff and then adopted by Council and he offered his sincere thanks.

8.8 Christmas in July

Mr J Gott mentioned that whilst Council staff would not be partaking in the Staff Christmas break up party this year there will be a 'Christmas in July 2021' where staff can reflect on and celebrate 18 months of work instead of 12 months. The CEO also wished everyone a 'Happy Hanukkah' which commences on 10 December through until 18 December 2020.

MOVE INTO COMMITTEE -11:30am

Moved Cr T Tschui

Seconded Cr B Barnes

Resolution Number LG0890

"That in relation to Agenda Items 9.1, 9.2 and 9.3, I move, pursuant to Section 254J (1) (e), (g) and (g) of the Local Government Regulation 2012, that the meeting be closed to the public so that Council can discuss (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government, (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government and (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government."

FOR - Unanimous

CARRIED

MOVE OUT OF COMMITTEE – 12:30pm

Moved Cr N Pervan

Seconded Cr T Millwood

Resolution Number LG0891

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

FOR: Unanimous

CARRIED

9. CONFIDENTIAL REPORTS

9.1 Outstanding Rates and Charges - Legal Action

Executive Summary

The Council has been undertaking recovery action on a number of properties to recover the outstanding rates. It is proposed to commence sale of land proceedings and debt recovery action on forty-four (44) properties as per *Schedule 1*, in accordance with the provisions of the *Local Government Regulation 2012*.

Recommendation

"That Council proceed to commence the sale of land for the properties detailed in *Schedule 1* of this report for overdue rates and charges in accordance with section 140 of the *Local Government Regulation 2012*".

Moved Cr J Baines

Seconded Cr N Pervan

Resolution Number LG0892

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

9.2 Contract No. CCW000125 Rankin Street Footpath Upgrade

Executive Summary

The purpose of this report is for Council to consider awarding Contract No. CCW000125 Rankin Street Footpath Upgrade. The Council continuously renews and upgrades the pathway infrastructure throughout the region. This section of footpath has been programmed for renewal in the 2020/2021 Capital Works Program budget and is partially funded by the Queensland Government's Work for Queensland Program.

A public tender process was completed through LG Tender Box in accordance with Council policies. The shared funding arrangements are within the financial budgets for 2020/21.

Recommendation

"That Council award Contract No. CCW000125 Rankin Street Footpath Upgrade to Allan Sultana Constructions Pty Ltd for a lump sum of \$595,767.61 (excluding GST)."

Moved Cr K Farinelli

Seconded Cr T Millwood

Resolution Number LG0893

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

12:32pm Ms K Vick left the meeting

9.3 Early Tender Involvement (ETI) Stage of the One Mile Creek & Port Hinchinbrook Rehabilitation of All Tides Access

Executive Summary

The purpose of this report is for Council to consider progressing the dredging works of One Mile Creek & Port Hinchinbrook Rehabilitation of All Tides Access.

Recommendation

"That Council:

- 1. Note that the Early Tender Involvement process for the dredging of One Mile Creek - Port Hinchinbrook has developed formal proposals that can reasonably be expected to deliver a material benefit with an expenditure of \$1.5 million;**
- 2. Make a formal submission to the Federal Government for \$1.5 million consistent with the requirements of the invitation of the Deputy Prime Minister and seek to enter into a Deed of Agreement with the Department of Infrastructure, Regional Development and Cities through the Community Development Grants Program; and**
- 3. Note that the Early Tender Involvement process has developed detailed cost estimates for the removal of sediment from One Mile Creek, the Marina and Boat Maintenance Basin. These estimates indicate that funding in the order of \$7.5 million would be required to complete these works."**

Moved Cr B Barnes

Seconded Cr K Farinelli

Resolution Number LG0894

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

Moved Cr M Nolan

Seconded Cr T Millwood

Resolution Number LG0895

"That Council now seek further negotiations with the State and Federal Governments to seek funding for the ongoing maintenance of One Mile Creek."

FOR: Unanimous

CARRIED

ADDITIONAL GENERAL BUSINESS

Item 8.9 Appointment of Acting Chief Executive Officer

Executive Summary

The Chief Executive Officer (CEO) will be taking annual leave from the 14 December 2020 until 10 January 2021, returning to work on Monday 11 January 2021. The Council needs to take action to appoint an Acting CEO during the period of absence of the CEO on leave.

Recommendation

"That under Section 195 of the Local Government Act, the Chief Financial Officer, Mr Gurbindar Singh, be appointed Acting Chief Executive Officer from 14 December 2020 to 10 January 2021 during the absence of the CEO on annual leave."

Moved Cr K Farinelli

Seconded Cr T Tschui

Resolution Number LG0896

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

10. MEETING CLOSURE

12:36pm There being no further business, the Mayor declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 21ST DAY OF JANUARY 2021

Cr M Nolan, Mayor

ANNEXURE 1

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 21 February 2020, 30 March 2020 and 14 October 2020 and 23 November 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
Plan No. 1190725 Sheet No. 003 Rev D	Facilities Plan	Dated: 15 March 2020 Received by Council: 30 March 2020
Plan No. 1190725 Sheet No. 001 Rev D	Site Plan	Dated: 15 March 2020 Received by Council: 30 March 2020
Plan No. 1190725 Sheet No. 001 Rev D	Elevations Plan	Dated: 15 March 2020 Received by Council: 30 March 2020
No Plan No.	Mission Beach Helicopters Approach/Departure Waypoint Flight Plan	Dated: No Date Received by Council: 14 October 2020
CAAP 92-2(2)	Guidelines for the establishment and operation of onshore Helicopter Landing Sites	Dated: No Date Received by Council: 23 November 2020

2. Hours of Operation

Condition	Timing
The hours of operation (including the take-off, flight and landing of helicopters) is limited to 6:00am – 6:00pm seven days a week. No take-off, flight and landing of helicopters or audible noise from the facility is permitted outside these hours (with the exception of emergency situations) to the satisfaction of the Manager Planning Services.	At all times

3. Water Connection	
Condition	Timing
The applicant/owner must ensure the development is connected to the existing reticulated water system prior to commencement of the use in accordance with the FNQROC Development Manual. The applicant/owner is to apply to Council's Water Section of the Infrastructure Services Department to install a water service fitted with an appropriate sized water meter at no cost to Council. The fee/charge for the water service connection 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.	Prior to the commencement of the use

4. On- Site Waste Water Disposal	
Condition	Timing
The applicant/owner must ensure the development is provided an on-site waste water disposal system which is designed and constructed in accordance with the Queensland Plumbing and Wastewater Code, prior to commencement of the use, in accordance with the FNQROC Development Manual and to the satisfaction of the Manager Planning Services.	Prior to the commencement of the use

5. Car Parking	
Condition	Timing
<p>The applicant/owner is to ensure that the development provides a minimum of 9 car parks 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"> • 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 • All car parking facilities excluding the disable carpark are to be to an all weathered gravel surface, drained and maintained. 	Prior to the commencement of the use

6. Helipad	
Condition	Timing
The applicant/owner must ensure that the place of take-off and landing meets the Standards in Civil Aviation Advisory Publication CAAP92.2 dated February 2014.	Prior to the commencement of the use and maintained at all times

7. Helicopter Operations – Flight Path	
Condition	Timing
The applicant/owner must ensure that once airborne, helicopters will head directly east over the Coral Sea prior to heading towards intended destinations as per the Mission Beach Helicopters Approach/Departure Waypoint Flight Plan, received by Council on 14 October 2020, (with the exception of emergency situations).	At all times

8. Helicopter Operations – Exclusivity	
Condition	Timing
The applicant/owner must ensure that all helicopters taking off and landing at the site are operated exclusively by Mission Beach Helicopters Pty Ltd or another related entity operated by the Directors / Shareholders of the applicant / owner (with the exception of emergency situations). Third party commercial operators may only be permitted to use the facility by approval in writing by the Manager Planning Services.	At all times

9. Helicopter Operations – Emergency Situations	
Condition	Timing
Conditions 2, 6, 7, 8 and 15 do not apply in the event that Helicopter Flights/Operations are required in response to an emergency situation.	At all times

10. 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

11. 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

12. 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

13. Waste Bins and Storage Area	
Condition	Timing
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.	At all times

14. Landscaping	
Condition	Timing
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	Prior to the commencement of use and maintained at all times

15. Noise	
Condition	Timing
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> .	At all times

16. Air Quality	
Condition	Timing
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> .	At all times

17. Advertising Devices	
Condition	Timing
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

18. Street Numbering/Public Safety	
Condition	Timing
The applicant/owner is to ensure that the street numbers are clearly identifiable from Tully-Mission Beach Road. Warning or information signs are to be erected at the site where necessary to do so to ensure public safety.	At all times

19. Night Lighting	
Condition	Timing
The applicant/owner is to ensure that all night lighting is designed and constructed to the satisfaction of the Manager Regulatory Services so as to ensure that light emitted from the subject site does not create environmental nuisance in accordance with the provisions of the Environmental Protection Act 1994 and Environmental Protection Regulation 2008 (Part 2A – Environmental Nuisance).	At all times

20. Excavating and Filling	
Condition	Timing
The applicant/owner is to ensure that all excavating 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 Manager Planning Services.	At all times

Referral Agency Conditions:

Queensland Treasury – State Assessment Referral Agency Response (2003-15835 SRA)
dated 9 April 2020

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 and Plumbing/Drainage Work 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. Adopted Infrastructure Charges

The applicant/owner must contribute in accordance with Council's Infrastructure Charges Resolution (No.1) 2019, made under the Planning Act 2016. The adopted infrastructure charge is payable prior to the commencement of the use. Payment is to be made to Council in accordance with the Adopted Infrastructure Charges Notice attached to the decision notice.

8. Fuel and Liquid Storage Areas

The applicant/owner must ensure that the proposed fuel and 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. AS1940:2017), The Storage and Handling of Flammable and Combustible Liquids 1993.

9. 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).