

**Thursday, 24 June 2021**

**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  
Vacant - 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 and J Baines, 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 K Slattery (Governance Lead), Ms L Bradley (Manager Finance), Mr G Smart (Manager Water), Ms N Pirini (Technical Officer Civil), Ms V Kerr (Governance 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.

### **Apologies**

Mr P Crosby (Chief People & Culture Officer)

### **Declaration of 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 have been declared.

## **1. CONFIRMATION OF MINUTES**

### **1.1 Minutes of the Local Government Meeting dated 10 June 2021**

#### **Recommendation**

"That the Minutes of the Local Government Meeting held on 10 June 2021 be confirmed as a true and correct record."

**Moved Cr B Barnes**  
**Resolution Number LG1020**

**Seconded Cr N Pervan**

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

**FOR: Unanimous**

**CARRIED**

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

### **2.1 Item 4.6 Sale of Blocks in Pease Street**

Cr B Barnes asked Mr G Singh (Chief Financial Officer) as he was of the understanding that Council was very successful with the auction of four (4) properties and requested confirmation that three (3) were sold and Council is negotiating with the fourth. Mr Singh confirmed that three (3) properties did sell and the fourth was withdrawn and of the three, two have been signed and one is currently still being negotiated. The likelihood of that property is that it might not sell at this time and will go to the next auction.

### **2.2 Item 4.7 Recycling Banana Bags**

Cr B Barnes advised that at one of the next two Local Government Meetings he will be moving a Motion in relation to the drum muster, Cassowary Coast Regional Council (CCRC) is the only Council in North Queensland that does not use the local contractor. Council has a local contractor living in our area and he does all the surrounding Councils and CCRC uses a contractor in Townsville and Cr Baines requested that Mr A Sadler (Director Delivery Services) report back to the Councillors.

Mr Sadler advised that as highlighted previously to Council relevant staff members are currently working on waste strategies and procurement. Council is working on "kick-off" of day labour operations as opposed to contract services as at the end of July.

9:04am Mr B Jones (Senior Planner/Strategic Planner) entered the meeting

### **2.3 Item 4.4 ALMAC Group**

Cr T Tschui advised that there are now five (5) tackle bins that have been installed. Cr Tschui and Sharon and Steve from Mission Beach Wildcare went to Perry Harvey Jetty to have instruction on how to empty and record the data and Councillors T Millwood, N Pervan and J Baines attended in Innisfail. Cr Tschui thanked Carmen who worked very hard and has provided the following information:

The whole project was funded through the Federal Government's Communities Environment Program administered through Bob Katter's office. The project was paused in 2020 due to COVID-19. Tackle and butt bins have been installed at five (5) hotspot fishing spots along the Cassowary Coast - the Innisfail Public Wharf, Dunk Island Jetty, Perry Harvey Jetty, Clump Point Boat Ramp and Cardwell Jetty. Each site has been quickly adopted by local community members that include business operators, wildlife carers and Councillors. Adoptees monitor and maintain the bins and more bins will be installed in the region if this project proves to be successful. The total cost of the project was \$8600.00 and if the public would like to follow the tackle bin project you can 'Like' the Friends of the Cassowary Coast Local Marine Advisory Committee Facebook page.

Cr Tschui added that this is a great project as waste has been an issue on the Perry Harvey Jetty for some time and hopefully people will use the bins appropriately and the information can be recorded.

## **2.4 Item 2 - Item 6.5 Dredging of Port Hinchinbrook (Minutes 27 May 2021)**

Cr M Nolan advised that he wanted to keep Council fully informed that the CEO prepared a draft letter to be signed by the Mayor. We now have a new Deputy Prime Minister and Barnaby Joyce has received the original correspondence from Michael McCormack asking for further consideration for the \$1.5M to deliver the dredging project. Cr Nolan wanted everyone to know that the new Deputy Prime Minister now has that correspondence before him..

## **3. RECEIPT OF MINUTES**

### **3.1 Audit Committee Report**

#### **Executive Summary**

The Cassowary Coast Regional Council Audit Committee meets quarterly each financial year to review matters relating to the operational risks and control measures detailed in its internal audit plan, as required by the *Local Government Regulation 2012*.

The meeting minutes contain a summary of matters which were discussed and are provided for Council's information.

#### **Recommendation**

**"That the minutes which include relevant matters discussed at the Cassowary Coast Regional Council Audit Committee Meeting held on Thursday 4 March 2021, be noted."**

Moved Cr J Baines

Seconded Cr B Barnes

Resolution Number LG1021

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

FOR: Unanimous

**CARRIED**

9:09am Ms M Sanderson (Executive PA to the CFO) entered the meeting

9:10am Ms M Sanderson left the meeting

9:13am Mr D Horton (Manager Planning Services) entered the meeting

## **4. RECEIPT OF PETITIONS**

### **4.1 Petition to keep Hull Heads Transfer Station open**

#### **Executive Summary**

Council received a petition containing approximately 300 signatures from the Community of Tully Heads, Hull Heads and surrounding catchment to keep open the Hull Heads Transfer Station for at least 2 half days per week and seek a community engagement consultation to understand the community's need for the service.

#### **Recommendation**

**"That Council,**

- **receive the petition titled "Petition to Keep Hull Heads Transfer Station OPEN"**
- **advise the lead petitioner that Council on the 25th February did not accept recommendation to close Murray Upper and Hull Heads Transfer stations, rather to**

**Open Hull Heads and Murray Upper Transfer Stations for a 4 hour period once a week each and Perform a review of all sites in 12 months.”**

**Moved Cr N Pervan**

**Seconded Cr J Baines**

**Resolution Number LG1022**

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

**FOR: Unanimous**

**CARRIED**

9:19am Mr D Horton left the meeting

9:21am Mr B Jones left the meeting

## **5. ASSET SUSTAINABILITY**

### **5.1 Cassowary Coast Regional Council Capital Report May 2021**

#### **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 acknowledge the status of Capital Works projects managed by it."**

**Moved Cr T Tschui**

**Seconded Cr T Millwood**

**Resolution Number LG1023**

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

**FOR: Unanimous**

**CARRIED**

9:21am Mr D Horton re-entered the meeting

9:24am Mr B Jones re-entered the Meeting

9:27am Ms N Pirini (Technical Officer Civil) entered the meeting

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

### **6.1 Interim Audit Report 2020/2021**

#### **Executive Summary**

The Queensland Audit Office has undertaken the interim audit for the 2020/2021 financial year which assesses the design and implementation of Councils internal controls. No significant internal control deficiencies were identified during the interim audit however 3 current year deficiencies and 2 prior year unresolved issues have been identified. No new financial reporting issues were identified however 1 prior year moderate unresolved issue remains.

All issues will be reviewed in detail and re-tested during the final audit due to commence on the 6th September 2021.

**Recommendation**

**"That the correspondence from Grant Thornton and the Queensland Audit Office in relation to the Cassowary Coast Regional Council 2021 Interim Report to the Mayor be noted".**

**Moved Cr J Baines**

**Seconded Cr T Millwood**

**Resolution Number LG1024**

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

**FOR: Unanimous**

**CARRIED**

9:36am Mr G Smart and Mr D Horton left the meeting

**6.2 Policy Review - Councillor Contact with Lobbyists, Developers and Submitters**

**Executive Summary**

Regularly reviewing policies and procedures keeps Councillors, Council staff and other stakeholders up to date with regulations, technology, and industry best practices.

Policy review ensures that policies remain consistent, current, relevant and effective, while also providing clarity to the reader when dealing with accountability issues or activities that are of critical importance to Council such as, health and safety, legal liability, regulatory requirements or issues that have serious consequences.

This report provides the Councillor Contact with Lobbyists, Developers and Submitters Policy CCRC005 for Council consideration.

**Recommendation**

**"That Council adopt the Councillor Contact with Lobbyists, Developers and Submitters Policy CCRC005."**

**Moved Cr T Tschui**

**Seconded Cr J Baines**

**Resolution Number LG1025**

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

**FOR: Unanimous**

**CARRIED**

9:37am Mr D Horton re-entered the meeting

**6.3 Australian Local Government Women's Association (ALGWA) - National and Queensland State Conference - 17 to 19 August 2021**

**Executive Summary**

The Australian Local Government Women's Association (ALGWA) is holding the National and Queensland State Conference - "Women Connected and Unshaken" from Tuesday 17 August to Thursday 19 August 2021 in Airlie Beach.

**Recommendation**

**"That Council approve the request from Councillor Teresa Millwood to attend the Australian Local Government Women's Association (ALGWA) National and Queensland State Conference - "Women Connected and Unshaken" from Tuesday 17 August to Thursday 19 August 2021 in Airlie Beach and that the associated costs be covered from Cr Millwood's individual allocated budgetary funds for Conferences."**

Moved Cr T Tschui

Seconded Cr N Pervan

Resolution Number LG1026

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

**6.4 2021 Asia Pacific Cities Summit & Mayor's Forum, Brisbane - 8 to 12 September 2021**

**Executive Summary**

The 2021 Asia Pacific Cities Summit and Mayors' Forum Special Edition is being held in Brisbane from Wednesday 8 September to Sunday 12 September 2021.

**Recommendation**

**"That Council approve the attendance of Councillor Mark Nolan (Mayor) at the 2021 Asia Pacific Cities Summit and Mayors' Forum Special Edition being held in Brisbane from Wednesday 8 September to Sunday 12 September 2021 and the registration, travel and accommodation costs to be allocated from Cr Nolan's budgetary allocation for Conferences."**

Moved Cr T Tschui

Seconded Cr T Millwood

Resolution Number LG1027

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

9:43am Mr G Singh left the meeting

## **6.5 LGAQ Annual Conference 2021 - 25 to 27 October 2021 - Mackay**

### **Executive Summary**

2021 will mark 125 years since the inaugural meeting of Queensland's 21-member Local Authorities Association on 30 October 1896.

The 125th LGAQ Annual Conference and Annual General Meeting (AGM) will be hosted by Mackay Regional Council on 25 - 27 October at the Mackay Entertainment & Convention Centre.

### **Recommendation**

**"That Council approve the appointment of Councillors Mark Nolan (Mayor), Trudy Tschui, Nicholas Pervan and Jeff Baines as attendees at the LGAQ 125th Annual Conference to be held in Mackay from Monday 25 - Wednesday 27 October 2021 and that the costs for the Early Bird Registration, travel and accommodation be met from each Councillors budgetary allocation for Conferences."**

Moved Cr B Barnes

Seconded Cr N Pervan

Resolution Number LG1028

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

## **7. PLANNING SERVICES**

### **7.1 Application for Reduction in Infrastructure Charges relating to MCU20/0047 - Development Application for Material Change of Use for Short-term Accommodation (6 x 1 Bedroom Villas, 2 x Caretakers Residences and ancillary Class 10a Shed, Pool and Gazebo)**

#### **Executive Summary**

Council is in receipt of a request from John Jennings and Simone Truscott for a 100% reduction in the infrastructure charges relating to MCU20/0047. The charges relate to the Material Change of Use for Short-term Accommodation (6 x 1 Bedroom Villas, 2 x Caretakers Residences and ancillary Class 10a Shed, Pool and Gazebo) on land described as Lot 4 on SP213774, situated at 8 Coonanglebah Close, Mission Beach. The application was approved by Council, subject to conditions on 25 March 2021, with the Decision Notice Approval being issued on 29 March 2021. An Infrastructure charges notice was also issued on 29 March 2021 for the amount of \$75,444.45.

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 (27 May 2024 (this timeframe allows for the 20 business day applicant and 20 business day submitter appeal period as required under the Planning Act 2016)), 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, subject to conditions on 25 March 2021. The proposed development is for Material Change of Use for Short-term Accommodation (6 x 1 Bedroom Villas, 2 x Caretakers Residences and ancillary Class 10a Shed, Pool and Gazebo) on land within the Township Zone (Greater Mission Beach Residential Precinct) meets the criteria for eligible development outlined within the policy.

The applicant has proposed for the site to be utilised to provide for short term holiday stays for adults ranging from 1-21 nights with six (6) fully self-contained one (1) bedroom villas including one (1) accessible. The proposed development will feature ancillary recreational facilities including a gazebo containing a barbeque area and toilet situated adjacent to a communal pool for all guests to utilise. Two (2) caretakers units have been proposed on site to manage the proposed use.

In addition to this, to be eligible for the incentives contained within the policy, the applicant must demonstrate that the development complies with the criteria listed in the policy (where applicable). The development has demonstrated that it will provide economic benefit to the town of Innisfail and the wider Cassowary Coast Region. The proposed development will provide a further tourism option for the Cassowary Coast region in the form of short-term holiday stays and is situated within close proximity to a variety of services within the areas surrounding the Mission Beach Village Green that feature a high level of walkability and connect ability. The proposal will result in infill development occurring on an existing subdivided lot within the Greater Mission Beach Local Plan Area. The site will utilise existing service infrastructure provided including water, sewer, roads and stormwater. There will not be a need for any increase in Council infrastructure for the change in use. The design of the use has been designed appropriately to be of a low scale. Therefore, the development is generally consistent with and provides for capital investment in accordance with the provisions of the Cassowary Coast Regional Council Planning Scheme 2015.

A 100% reduction in the infrastructure charges for the development would result in a \$75,444.45 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 27 May 2024.

### **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 potential 100% reduction in Infrastructure Charges subject to the development and all works as required to comply with the Material Change of Use Approval and other Statutory requirements are completed prior to 27 May 2024."**

**Moved Cr J Baines**

**Seconded Cr N Pervan**

**Resolution Number LG1029**

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

**FOR: Unanimous**

**CARRIED**



9:49am Mr G Singh re-entered the meeting

## **7.2 Application for Reduction in Infrastructure Charges relating to MCU21/0005 - Material Change of Use for Non-Resident Workforce Accommodation and a Tourist Park on land described as Lot 1 on RP733378 and Lot 2 on RP743119 situated at Bruce Highway, El Arish**

### **Executive Summary**

Council is in receipt of a request from Neil Beck on behalf of Madclad Pty Ltd ATF Jackson Family Trust for a 100% reduction in the infrastructure charges relating to MCU21/0005. The charges relate to the Material Change of Use for a Tourist Park on land described as Lot 1 on RP733378 and Lot 2 on RP743119 situated at Bruce Highway, El Arish. The application was approved by Council, subject to conditions on 13 May 2021, with the Decision Notice Approval being issued on 18 May 2021. An Infrastructure charges notice was also issued on 18 May 2021 for the amount of \$26,405.52.

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 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, subject to conditions on 13 May 2021. The proposed development is for Material change of use for Non-resident workforce accommodation and Tourist park on land described as Lot on 1RP73337 and Lot 2 on RP743119, situated at Bruce Highway, El Arish QLD 4855. It is noted that infrastructure charges were only levied on the Tourist park component of the development as the motel used for the Non-resident workforce accommodation has been operating prior to planning controls within the region and there was no increase on Councils trunk infrastructure network as a result of the Material change of use approval. The applicant has proposed allow the accommodation of a maximum of 15 self-contained motor homes to park on the allotment as part of the Tourist park component of the development.

The development has demonstrated that it generally complies with the eligibility criteria of the policy due to the site not being serviced by Councils trunk sewerage network, however with the proposed development being for a maximum of 15 self-contained motor homes the connection to Councils trunk sewerage network is not required to facilitate the development.

Despite this minor noncompliance, the proposed development has demonstrated and will provide significant economic benefit to the town of El Arish and the wider Cassowary Coast Region. The proposed development will provide an opportunity for RV travellers to discover what the town of El Arish has to offer and support local businesses. The development also provides the region with an opportunity to promote local goods and services, unique culture and heritage, and the remarkable natural environment. Therefore, the development is generally consistent with and provides for

capital investment in accordance with the provisions of the Cassowary Coast Regional Council Planning Scheme 2015.

A 100% reduction in the infrastructure charges for the development would result in a \$26,405.52 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 1 June 2024.

#### **Recommendation**

**“That, as the request to reduce Infrastructure Charges generally 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 use its discretion to agree to a potential 100% reduction in Infrastructure Charges subject to the development and all works as required to comply with the Material Change of Use Approval and other Statutory requirements are completed prior to 1 June 2024.”**

**Moved Cr T Tschui**

**Seconded Cr T Millwood**

**Resolution Number LG1030**

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

**FOR: Unanimous**

**CARRIED**

### **7.3 RAL21/0008 - Reconfiguring a Lot (1 Lot into 21 Lots) on land described as Lot 996 on SP111626, situated at Pacific View Drive, Wongaling Beach QLD 4852**

#### **Executive Summary**

Council is in receipt of an application for Reconfiguring a Lot. The application was prepared by P Heywood and M Wright C/- Gilvear Planning for the subdivision of 1 Lot into 21 Lots on land described as Lot 996 on SP111626, situated at Pacific View Drive, Wongaling Beach QLD 4852 on land described as Lot 15 on SP210275, situated at 9 Shepherd Close Mission Beach.

The twenty one (21) lots proposed are of various sizes and will be serviced by reticulated water, sewerage, telecommunications and electricity. The lots will be accessed from via road extensions to Carrington Drive and Dunkalli Crescent.

The subject site is 8.121 hectares in area, and is currently vacant and contains areas of vegetation as well as large cleared areas. The site is also within the Priority Infrastructure Area and is immediately adjacent to existing urban development.

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

The application did not trigger referral to the Department of State Development, Infrastructure, Local Government and Planning - State Assessment Referral Agency (SARA)

The subject site is located within the Urban Footprint and it is considered that the application is consistent with the intent of the Far North Queensland Regional Plan 2031 as it provides for an

urban use.

The application is generally consistent with the provisions of the Far North Queensland Regional Plan 2031 and the Cassowary Coast Regional Council Planning Scheme 2015 and therefore the application for Reconfiguring a Lot (1 Lot into 21 Lots) on land described as Lot 996 on SP111626, situated at Pacific View Drive, Wongaling Beach QLD 4852 is recommended for approval subject to reasonable and relevant conditions.

**Recommendation**

**“That a Development Permit be issued for a Reconfiguring a Lot (1 Lot into 21 Lots) on land described as Lot 996 on SP111626, situated at Pacific View Drive, Wongaling Beach QLD 4852 subject to conditions in Annexure 1.”**

**Moved Cr N Pervan  
Resolution Number LG1031**

**Seconded Cr J Baines**

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

**FOR: Unanimous**

**CARRIED**

## **7.4 Delegations Report and Current Applications**

**Executive Summary**

The Planning Services Delegations report detailing approvals issued under Delegated Authority during the month of May 2021 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 i.e.:
  - 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 on Approvals issued by Planning Services from May 2021 be noted and received.”**

**Moved Cr T Millwood  
Resolution Number LG1032**

**Seconded Cr N Pervan**

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

**FOR: Unanimous**

**CARRIED**

9:58am Ms L Bradley left the meeting  
10:00am Cr T Tschui left the meeting  
10:01am Cr T Tschui re-entered the meeting

## **8. GENERAL BUSINESS**

### **8.1 Tully Caravan Park**

Cr T Millwood asked who authorised the design and placement of all the amenities and costs involved for the garden beds and landscaping

### **8.2 New Undercover Eatery Spaces**

Cr T Millwood queried the erection of three new undercover eatery spaces and if it was contrary to the aim of Council's asset rationalisation project.

### **8.3 Smith's Gap - Completion of Works**

Cr T Millwood advised that following e-mails sent to the District Director of the Department of Transport & Main Roads a commitment has been made to finish the asphalt and resurfacing at Smith's Gap has commenced and with weather permitting hopefully both lanes will be open within the next week. Cr Millwood expressed her appreciation and thanks to DTMR and Council officers for their assistance with her pleas.

The CEO advised that he would take on notice and provide answers to the questions posed by Cr Millwood on General Business Items 8.1 and 8.2.

### **8.4 By-Election Query**

Cr T Tschui queried why the second placed person was not appointed as the new Councillor and why there has to be a By-election. The CEO advised that the quadrennium, four-year term is split into three parts. The first year is the first part, the second two years is the second part and the final year is the third part. In the middle part (which is where we are) a By-election must be called by law. In the final part Council has the opportunity to leave the position vacant.

### **8.5 In-Kind Support**

Cr T Tschui asked Mr A Sadler (Director Delivery Services) about the policy regarding in-kind support as there has been a considerable amount of angst and confusion within the community and Cr Tschui is concerned that our generous though limited volunteers will withdraw their efforts and the community will suffer. Cr Tschui apologised for not bringing this to the table earlier and asked for some clarity by letting community know what Council is able to provide and who is able to assist them. Mr Sadler advised that discussions have been held on a number of occasions with Council that we do have a grants policy and a grants policy guideline and that has been in place since 2019. It is in relation to making sure that our processes are right, our governance is right and also our accounting in relation to how Council administers and supports community events and community groups in relation to sponsorship - grants, donations and in-kind support.

The concern around Council withdrawing support in the community is not correct. The guideline and policy have been there since 2019. From a community group's perspective all policies and guidelines and how to obtain those grants and in-kind support is on the Council webpage. Some of the recent changes from a budgeting perspective for fees and charges in relation to particularly mobile toilets for example, there has been correspondence sent out to all the community groups and event groups that Council is aware of in relation to some of those changes. It is also about Council not taking away potential work from local businesses in that regard. Council will continue to acknowledge and support those events that have had bookings prior to the end of the financial year

and Council will honour those commitments. It is also about following the processes and seeking in-kind support in a formal way as opposed to an informal way which has occurred in the past. We as officers must adhere to Council's policy.

It was advised in the correspondence that was recently sent out to community groups, Council is reviewing the policy and guidelines in relation to how Council might make those changes to be able to continue to support these events. That review is being done through the Community Relations and Services team and Council's Community Development Officer and the target date for completion is September 2021. Mr Sadler further advised that the policy and guidelines do outline the financial commitments that Council will make to those events and it will continue to review those figures within budget.

Cr Millwood requested clarification that Council is still providing in-kind support through a reviewed process and also asked who should the public contact in relation to this. Mr Sadler advised that the customer service team is able to assist with any queries regarding the process and a step by step process is also available on the Council website and who to contact in relation to the Community Relations & Services team. Cr Tschui also requested that the Comms Team prepare a media piece to make the process clearer to the public.

The Mayor advised that traditional events such as Anzac Day where marquees will still be offered to the community including marquees at the cemeteries has not been withdrawn. All that Council has done in terms of its policy direction is streamlining where we compete with local businesses

#### **8.6 Castor Park - Mourilyan**

Cr N Pervan advised that he has been approached by the Committees at Castor Park Mourilyan who have advised that since the movement of the Saturday soccer games from the Silkwood Soccer Grounds to Castor Park Mourilyan, the usage has heavily increased and parking has become an issue but especially the boggy grounds from the current weather. They have requested that Cr Pervan put this forward to Council for consideration for some sort of rock to be laid on the ground as a quick fix and possibly some drainage work to help the water run away.

The CEO has taken this on notice and the Mayor suggested that this could be an item for a future Councillor Information Session.

#### **8.8 Footpath on Fitzgerald Esplanade**

Cr N Pervan has been approached by some residents to ascertain if the speed limit in this area can be changed to a 20km zone in the short term while the current footpath works are in progress as it is a hazardous area for the elderly patrons of the Innisfail RSL and the café when they are attempting to cross the road in this area. Mr A Sadler (Director Delivery Services) advised that he will ask the team to review the traffic management plan in relation to that area as there is a State guideline in relation to how Council implements temporary traffic works and see if that is possible. Cr Pervan also asked how long before those works are completed and Mr Sadler advised that he will take that on notice and provide that information at a later date.

#### **8.9 Roadside Vending Locations**

Cr N Pervan requested that a Councillor Information Session (CIS) be held in relation to roadside vending locations to identify them and have a discussion with the Councillors regarding increasing the numbers and the different roadside locations within Council's whole region so that all Councillors have some input into those locations going forward. The CEO advised that work on this item has already commenced.

### **8.10 Walla's Fish & Chips Van**

Cr N Pervan asked the CEO to give an overview of the current situation and how Council is dealing with it and the path that Council is going down to negotiate an outcome with the owners. Cr Pervan supports Walla's to remain and would like Council to be kept updated about the ongoing progress. The CEO replied that Walla's Fish & Chips Van is situated on State reserve with Council vested as Trustee. Council staff are working with the proprietor and will continue to work with the proprietor to provide an outcome consistent with State legislation, with Council's Local Laws, policies and guidelines. The nature of those negotiations is alive as we speak. Cr Pervan stated that the general public are under the perception that Council is kicking Walla's Fish & Chips out of their current location. Cr Pervan further requested from the CEO clarification that this is not the case. The CEO confirmed that Council is not kicking Walla's Fish & Chips out of where they are. Council is working with the proprietor to try to provide a solution. Cr Pervan requested that the CEO keep him updated on this issue as there is currently a large amount of community feedback happening.

General discussion continued regarding negotiations, pre-empting outcomes, legal representations, agreements and recommendations. Mr D Goodman (Director Infrastructure Services) stated that there is a process in place that comes about because of an imminent expiry of an existing lease and looking at the consistency with how Council deals with similar types of arrangements throughout the region. A process will be available to the providers to transition from the current lease which is about to expire to a roadside vending process and that is the process Council is currently working through. Discussion was held about the requirements of a roadside vendor and the current review of the guideline that relates to roadside vendors which includes locations. Mr Sadler requested that this question be taken on notice and as advised earlier by the CEO, the Regulatory Services team are coming back to Council with some of those modifications and changes that Council had requested.

### **8.11 The Igloo, Tully - Asset Rationalisation**

Cr T Millwood spoke about asset rationalisation and the Igloo in Tully and queried if Council has been in conversations with some of the user groups and they have been asked to provide some principles and financials associated with the ongoing use of the facility but they have not had any verification from Council about the direction of these conversations. Mr D Goodman (Director Infrastructure Services) advised that this is not completely correct as some of the user groups have been very clear about where they would like to proceed. However that does not align with the principles that were adopted for community use of assets in December 2020. Council officers have provided information to a number of user groups there that have indicated that they would like to enter into a lease or a long-term agreement with Council for exclusive rights to the Igloo at the Tully Showgrounds. Council has advised of the order of costs that Council is incurring and Mr Goodman acknowledged that the greatest proportion of those costs are associated with depreciation which are not visible costs to members of the community. It is correct though that Council has not had a group that has indicated that they have the capacity or the intent to cover depreciation costs or ongoing insurance and maintenance costs.

There was further discussion in relation to depreciation costs and implementation of Council policies. Mr Goodman undertook to work with his team to present a report to Council to identify the amount of depreciation on individual assets that are used by community groups.

The CEO advised that depreciation occurs through to the end of life of an asset and that it must be paid by somebody. Council's existing policy provides that the users of the asset will pay for that depreciation so the question is - if not the users then who? Council's current policy provides that it is the users who are covering the depreciation. Cr Millwood added that maybe depreciation and what it means and how it's done needs to be explained to people in full because people don't

understand what depreciation is and if the user groups are not going to pay the depreciation through their rent and their user agreements then are all these people happy for this extra cost to go on their rates because where else is it going to go - Council does not have a bucket of gold to just pull it out of thin air - it has to be paid somehow. Mr Gott added that everybody in the room is aware that if you run a business that relies upon the use of, for example, a car and you do not account for the amortisation, the depreciation, the fact that the car has a limited life then you end up broke. If your business does not account for the replacement of that car when it's no longer useful to you then you have just sold the farm. Depreciation is more complex than that example but that is a reasonable analogy.

Mr G Singh (Chief Financial Officer) further explained that if we own an asset and we are using it and as long as the asset is providing us with a service the asset will have to be depreciated and if it is an asset that is linked to a particular service and that particular service can fund the asset's depreciation then we fund it. A good example would be all the water infrastructure that is being funded out of water then water pays for it. But if there are assets, particularly with community based assets we acknowledge the fact that there are a number of assets and there are a lot of assets that we own and not every user group or community group is in a position to pay for depreciation for those assets then how does Council fund that depreciation and if Council does take a policy position where we don't want the user group to pay for the depreciation then we only recoup as a fee only partial depreciation, only a partial proportion of the revenue or expenditure, then it will revert back to who pays for the rest. So that is why it is not an easy subject to discuss but we do own around \$1.8B worth of assets and our depreciation is going up to be around \$28.3M going forward. So this is where renewal has to be funded and somebody has to pay for renewal otherwise we run the challenge of running deficit budgets which is something that we want to avoid because Council wants to be sustainable.

The Mayor agreed that Council's biggest financial risk is its huge asset base and with that comes depreciation and as Mr Singh just highlighted this year's budget \$28.3M. Fifteen years ago depreciation did not get a mention but from the amalgamation 2 Shires came together which resulted in 2 lots of assets merged into one. Council has the strategic responsibility to manage it with the advice from Council's financial team and Queensland Treasury.

Cr Millwood also confirmed that in recent conversations with Queensland Treasury representatives they stated that QTC are pleased with the way Council is progressing with asset rationalisation.

#### **8.12 Crocodiles - Vipiana Drive**

Cr B Barnes advised that there is a major crocodile problem in the area of 71 to 73 Vipiana Drive where school children catch the bus and crocodiles are laying in the swamp in that vicinity. The relevant Government Department has been advised and they have placed two (2) signs there but no trap has been placed. Cr Barnes stated that the government departments visit the area in summer when they should visit in winter to get the correct number of crocodiles in the area.

Mr Sadler advised that the Mayor, the CEO and himself had the opportunity to talk to the State Environment Minister and on the list of things to discuss with her was crocodile management. Discussions have also been held with the Regional Manager in relation to crocodiles and looking for some commitment from the State in relation to reviewing their State Crocodile Management Plan for our region. Mr Sadler will be working with Cr J Baines on the next steps as he has received some level of commitment, particularly from the Regional Manager to have further conversations down that path.

The Mayor confirmed and guaranteed that the Department is on the ground doing the count at the moment as at a recent event that he attended at the Martyville barramundi farm, a 2.5 metre

crocodile was removed but there are still 21 crocodiles on that farm.

### **8.13 Potholes and Drainage**

Cr B Barnes stated that in his opinion the operational works that require attention such as major potholes and drainage problems and with the ideal working conditions at the moment, graders and trucks could be working overtime to bring the roads up to a great standard for safety.

10:30am Cr J Baines left the meeting

10:32am Cr J Baines re-entered the meeting

10:35am Mr D Horton and Mr B Jones left the meeting

### **8.14 Tully Show**

Cr T Tschui has been handing out schedules for the Tully Show and encourages everyone to put an exhibit into the Tully Show. There is a cake making section for gentlemen and other sections such as photography. Cr Tschui advised that the small committee works very hard to make a huge event happen for our community and would welcome anyone who would like to become a part of the committee. There is a working bee at the Showgrounds this Sunday to get things tidy and ready for the show and more faces would be welcome. It is an event of which Cr Tschui is very proud to be a part.

Cr T Millwood added that the Tully Show Society is looking to find some more volunteers to assist with the Queensland COVID app at the entrance gate. If you are able to assist please contact the ladies at the Tully Show Society to be added to the roster.

### **8.15 Cassowary Awards**

Cr J Baines was a representative at the Cassowary Awards which were held at the Tanks Art Centre in Cairns on Saturday 19 June. Cassowary Coast Regional Council is a proud supporter of the Awards and 2021 represents the 19th Awards. Five (5) community members or groups were nominated in the various sections of the 10 awards. There were 52 nominations in total for the 10 Awards and the Cassowary Coast region put up 10% of the nominations. The Girringun Rangers, the female rangers in particular who were nominated in a couple of Sections, Mission Beach Wildcare was nominated for an Award, Ingrid Marker was nominated in 4 Awards and Laurie Trott was also nominated in 4 Sections and was a finalist in a couple of awards. The Mission Beach State School won the 'Young Cassowary Award' for the entire wet tropics region. Congratulations to the Mission Beach State School and all the nominees and finalists.

Cr Baines further added that there is a Local Government and Industry Award and as supporters Cr Baines is challenging CCRC staff as the team that won this year was from Tablelands Regional Council. There is 12 months to work towards a nomination which Cr Baines will personally nominate as the Cassowary is our emblem and namesake and he believes our staff deserve the recognition.

### **8.16 NAIDOC Celebration - Radiant Life College**

Cr J Baines advised that he and Councillors Tschui and Pervan attended the NAIDOC Celebration at the Radiant Life College which was held a couple of weeks early. The background story was that the All Saints Anglican College had its rugby union team doing a bus tour and it spent a week at the Radiant Life College and is developing a partnership between the 2 Colleges. It was a wonderful inclusive day and the Councillors also made a tour of a completed project at the College.

### **8.17 Jumbun Community**

Cr J Baines advised that he visited the Jumbun Community and had 2 opportunities to visit the Murray Falls in a week. The Jumbun Community is trying to position itself as the first Indigenous Eco Village within the country which is a great aspiration. The Community was very encouraged by



the interaction and support of Councillors for the project. Cr Baines has undertaken to arrange a yarnning circle around the fire and get all the Councillors there to attend and meet with the Jumbun Board.

#### **8.18 Coastal Leaders Forum - Gladstone : 8 to 9 July 2021**

The LGAQ Coastal Leaders Forum is being held in Gladstone from Thursday 8 July to Friday 9 July 2021. The theme for the Forum is “Setting the Compass” and the event has been designed for Mayors and CEO’s of Queensland coastal councils to explore current and emerging issues, identify coastal council-specific advocacy priorities and engage with key State and Federal Government representatives and industry partners, on a range of matters affecting coastal communities.

Conversations that will be held during the forum include:

- Advocacy priorities and issues for coastal councils
- Identification of gaps and alignment with coastal council advocacy priorities and issues
- What support and assistance do Queensland coastal councils need?
- Federal Government – Trade, Tourism & Investment
- Federal Government – Financial Sustainability, Housing & Insurance
- State Government – Infrastructure, Planning, Economic Development & Governance
- State Government – Environmental Protection, Climate Change and the Great Barrier Reef

Registration to attend the Coastal Leaders Forum is free for the Mayor and CEO of Queensland coastal councils and this registration can be allocated to two (2) proxies to attend on their behalf.

**Moved Cr M Nolan**

**Seconded Cr T Millwood**

#### **Resolution Number LG1034**

**“That Councillor Jeff Baines be nominated as the proxy for the Mayor to attend the Coastal Leaders Forum in Gladstone from Thursday 8 July to Friday 9 July 2021 and the costs for travel and accommodation be paid from the Councillors budgeted funds for Conferences.”**

**FOR: Unanimous**

**CARRIED**

#### **8.19 Rejuvenation of Tully Library History**

Cr M Nolan (Mayor) read the following in relation the 'Unlocking Tully's Past ' unveiling that was to be held at the Tully Library following the Local Government Meeting.

*"Late in 2019, a community survey was conducted regarding the rejuvenation of the Tully Library and its Local History collection.*

*Overwhelmingly, the survey indicated that the community was very “Local History” orientated and wanted more access to the collection.*

*With the Strategic Priorities Grant the library was able to buy a large interactive display table and 2 glass display pods. The display table now features a range of local history storylines such as the banana industry and the arrival of the cane cutters. The exhibition is titled "Unlocking Tully's Past" and is located in Dorothy Jones Library in Tully. The interactive showcase is dedicated to sharing the unique history of Tully in a surrounding region, some of which has never been on display in public.*

*Over time there will be an opportunity to include more themes such as the history of the timber industry, the early pioneers, and the history of the cattle in the area and the origin of street names and much more.*

Cr T Tschui added that in keeping with the history part her father came over from Lithuania and was a cane cutter in 1948 and Cr Tschui took some of her photos into the Mourilyan Sugar History Museum and they scanned and logged them as well. If young people are wondering what to do with their parents' and grandparents' memorabilia it is important to keep it and take it to the libraries or the Sugar Museum in Mourilyan and log it as part of our history because it is such an important thing that we do not want to lose.

## **8.20 RV Owners Spending Locally**

Cr M Nolan stated that over time there has been debate in the community over whether RV owners spend money locally. The only way to measure that was to install a receipt box at Haddrell Park that was built and installed by the Men's Shed and the caretaker. The receipts totalled \$5597 in a fortnight of collections which does not include Brothers who pick up the visitors and take them to the Club for meals or pizzas that are delivered to the RV owners and not every participant puts their receipts into the collection box.

### **MOVE INTO CLOSED SESSION - 10:50am**

**Moved Cr J Baines**

**Seconded Cr B Barnes**

### **Resolution Number LG1035**

**"That in relation to Agenda Item 9.1, I move, pursuant to Section 254J(1)(3)(e) and (h) 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 and (h) negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967."**

**FOR - Unanimous**

**CARRIED**

11:11am Mr D Goodman left the meeting

11:12am Mr D Goodman re-entered the meeting

**MOVE OUT OF CLOSED SESSION - 11:14am**

**Moved Cr T Millwood**

**Seconded Cr T Tschui**

**Resolution Number LG1036**

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

**FOR - Unanimous**

**CARRIED**

## **9. CONFIDENTIAL REPORTS**

### **9.1 COW000055 – Register of Prequalified Suppliers for the Supply of Quarry Material**

#### **Executive Summary**

A Register of Prequalified Suppliers for the Supply of Quarry Materials is required to effectively deliver works undertaken by Council, including but not limited to: construction; heavy maintenance of unsealed roads; and the delivery of Emergent and REPA works funded by DRFA and delivered by Council.

#### **Recommendation**

**"That Council:**

- 1. Accept the Register of Prequalified Suppliers (ROPS), listed within this report, for the Supply of Quarry Materials, within the Cassowary Coast Local Government Area, for the period of the Register of Prequalifies Supplier contractual arrangement; and**
- 2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contract, negotiate, finalise and execute any and all matters associated with or in relation to this contract subject to Council's procurement practices and policies."**

**Moved Cr T Tschui**

**Seconded Cr N Pervan**

**Resolution Number LG1037**

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

**FOR: Unanimous**

**CARRIED**

**10. MEETING CLOSURE**

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

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 8TH DAY OF JULY 2021

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**Cr M Nolan, Mayor**

Annexure 1

Item 7.3 RAL21/0008 – Reconfiguring a Lot (1 Lot into 21 Lots) on land described as Lot 996 on SP111626, situated at Pacific View Drive, Wongaling Beach QLD 4852

**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 13 April 2021 and 31 May 2021 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
Heywood 12 Rev 0	Site Plan	Dated: 15 March 2021 Received by Council: 13 April 2021
PR21095_BMP_Carrington Drive & Dunkalli Crescent	Bushfire Hazard Assessment and Management Plan	Dated: 28 May 2021 Received by Council: 31 May 2021

2. Staging	
Condition	Timing
The applicant/owner is to provide a staging plan for the proposed development for review and endorsement, to the satisfaction of the Manager Planning Services.	Prior to the issue of a Development Permit for Operational Works

3. Bushfire Management Plan	
Condition	Timing
The applicant/owner must ensure the development is carried out in accordance with the approved Bushfire Hazard Assessment and Management Plan (PR21095_BMP Carrington Drive & Dunkalli Crescent dated 28 May 2021, received by Council 31 May 2021).	Prior to the signing and dating of the Plan of Survey and maintained at all times

4. External Works – Road Extension	
Condition	Timing
<p>The applicant/owner is to extend Dunkalli Crescent (including cul-de-sac) in accordance with the approved plan titled Site Plan (Heywood 12, Rev 0, dated 15 March 2021, received by Council 13 April 2021). These works are to be designed by a Registered Professional Engineer of Queensland (RPEQ) to the required standards.</p> <p>The applicant/owner is to extend Carrington Drive (including cul-de-sac) in accordance with the approved plan titled Site Plan (Heywood 12, Rev 0, dated 15 March 2021, received by Council 13 April 2021). These works are to be designed by a Registered Professional Engineer of Queensland (RPEQ) to the required standards.</p> <p>Three (3) copies of the plan of works from a RPEQ must be submitted with the Development Application for Operational Works and must be endorsed by the Manager Planning Services prior to the issue of a Development Permit for carrying out Operational Works. All works must be carried out in accordance with the approved plans, prior to the signing and dating of the Plan of Survey, to the requirements and satisfaction of the Manager Planning Services.</p>	<p>Prior to the signing and dating of the Plan of Survey and maintained at all times</p>

5. Water Supply Infrastructure	
Condition	Timing
<p>The applicant/owner must design and install adequate water reticulation, including all necessary hydrants, valves etc and connecting to existing Council water mains, at no cost to Council. The water reticulation shall include the installation of water supply to each lot.</p> <p>Three (3) copies of the plan of works must be submitted to and must be endorsed by the Manager Planning Services prior to the issue of a Development Permit for Operational Works. All works must be carried out in accordance with the approved plans, prior to the signing and dating of the Plan of Survey, to the requirements and satisfaction of the Manager Planning Services.</p>	<p>Prior to the signing and dating of the Plan of Survey and maintained at all times</p>

6. Sewerage Connection	
Condition	Timing
<p>The applicant/owner is to provide sewerage reticulation and connection to all proposed lots. A report and plan are to be submitted to Council, illustrating how the proposed lots are to be connected to Council's sewerage infrastructure. The cost of any upgrade directly relating to this development will be the responsibility of the applicant/owner and at no cost to Council.</p> <p>Three (3) copies of the plan of works from a RPEQ must be submitted with the Development Application for Operational Works and must be endorsed by the Manager Planning Services prior to the issue of a Development Permit for carrying out Operational Works. All works must be completed prior to the signing and dating of the Plan of Survey, to the requirements and satisfaction of the Manager Planning Services.</p>	<p>Prior to the signing and dating of the Plan of Survey and maintained at all times</p>

7. Internal Access	
Condition	Timing
<p>The applicant/owner must, at its own cost, construct shared driveways extending the full length of the proposed access easements and providing vehicular access to the identified building envelopes on Proposed Lots 7, 8, 9, 10 and 11 in accordance with approved plan titled Site Plan (Heywood 12, Rev 0, dated 15 March 2021, received by Council 13 April 2021). The driveways must be sealed with a minimum width of 3 metres, with conduits for internal allotment services for the proposed lots provided adjacent to the sealed driveway for the full length, within the access. These works are to be completed to FNQROC Standard, prior to the signing and dating of the Plan of Survey, to the requirements and satisfaction of the Manager Planning Services.</p>	<p>Prior to the signing and dating of the Plan of Survey and maintained at all times</p>

8. Access Easement	
Condition	Timing
<p>The applicant/owner is to complete the appropriate process to have a six (6) metre wide easement for access purposes registered on the title of Proposed Lot 8 and benefitting Proposed Lot 7 &amp; 9, Proposed Lot 11 and benefitting Proposed Lot 10 in accordance with approved plan titled Site Plan (Heywood 12, Rev 0, dated 15 March 2021, received by Council 13 April 2021) prior to the signing and dating of the Plan of Survey and to the satisfaction of the Manager Planning Services.</p>	<p>Prior to the signing and dating of the Plan of Survey and maintained at all times</p>



9. Drainage Easement	
Condition	Timing
The applicant owner is to complete the appropriate process to have an easement for drainage purposes registered on the title of Proposed Lots 6, 7, 11, 18, and 20 in accordance with approved plan titled Site Plan (Heywood 12, Rev 0, dated 15 March 2021, received by Council 13 April 2021) prior to the signing and dating of the Plan of Survey and to the satisfaction of the Manager Planning Services. The parties to the easement shall not include Council unless stormwater is being discharged into the easement directly from a Council road area. Maintenance of the drainage easements are the responsibility of the respective property owners.	Prior to the signing and dating of the Plan of Survey and maintained at all times

10. Easement Documents	
Condition	Timing
The applicant/owner is to provide a copy of the endorsed easement documents for the access, services, and drainage for Council Records	Prior to the signing and dating of the Plan of Survey and maintained at all times

11. Stormwater Drainage	
Condition	Timing
<p>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.</p> <p>The applicant/owner must engage a suitably qualified professional person (Registered Professional Engineer Queensland) to prepare a Stormwater Drainage report. The report is to be developed in conjunction with Council's Infrastructure Services Department and is to incorporate appropriate stormwater network analysis. The report must demonstrate how the development can physically provide the necessary infrastructure in accordance with Council's development standards current at the time of application, the relevant Australian Standards and to the satisfaction of the Manager Planning Services.</p> <p>Three (3) copies of the report must be submitted to Council prior to the issue of a Development Permit for carrying out Operational Works. All works must be carried out in accordance with the approved report, to the requirements and satisfaction of the Director Planning and Regional Development prior to the endorsement of the Plan of Survey</p>	Prior to the signing and dating of the Plan of Survey and maintained at all times



12. Street Lighting	
Condition	Timing
The applicant/owner is to provide street lighting to the extension of Dunkalli Crescent and Carrington Drive in accordance with FNQROC Development Manual D8.07 Road Lighting, prior to the signing and dating of the Plan of Survey	Prior to the signing and dating of the Plan of Survey and maintained at all times

13. Electricity and Telecommunications Supply	
Condition	Timing
The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunications authorities detailing that the services (including NBN) will be provided to the development, prior to approval and dating of the Plan of Survey, to the requirements and satisfaction of the Manager Planning Services.	Prior to the signing and dating of the Plan of Survey and maintained at all times

14. Excavation and Filling	
Condition	Timing
The applicant/owner must ensure that all excavation and filling works are carried out in compliance with 9.4.3 Excavating and Filling Code of the Cassowary Coast Regional Council Planning Scheme 2015, to the satisfaction of the Manager Planning Services.	At all times

15. Operational Works Approval	
Condition	Timing
No works shall commence on the site until an application for Operational Works (including the appropriate fees and engineering drawing detailing the proposed construction) is approved by Council. The applicant must make allowance for slope, contour details, road earthwork details and property access so that the development will minimise erosion, provide for satisfactory drainage and cause minimal detrimental impact on the environment at all stages. All works must be constructed in accordance with the Development Permit, the FNQROC Development Manual and to the satisfaction of the Manager Planning Services.	Prior to commencement of works on the site

16. Erosion and Sediment Controls	
Condition	Timing
<p>Effective erosion and sediment control must be maintained at all times during and after construction work until there is adequate vegetation cover, paved or other controls to prevent any silt run-off from the site.</p> <p>The applicant/owner must submit an Erosion and Sediment Control Strategy (ESCS) with the Operational Works application and an Erosion and Sediment Control Plan (ESCP) to be submitted prior to the commencement of any works and prior to the initial construction pre start meeting. Both the ESCS and the ESCP including workings shall be submitted for assessment by Council. All submitted documentation shall be in accordance with the requirements of the FNQROC Development Manual.</p>	At all times

17. Outstanding Rates	
Condition	Timing
The applicant/owner is to ensure that all rates, interest and other charges levied on the property are paid prior to the endorsement of the Plan of Survey, to the requirements of the Chief Executive Officer.	Prior to the signing and dating of the Plan of Survey

18. Declared Pests	
Condition	Timing
The parcel of land is to be cleared of all Class 1 and 2 declared pests prior to the signing and dating of the Plan of Survey and is to be maintained at all times, to the requirements and satisfaction of the Manager Planning Services.	At all times

19. Survey Marks	
Condition	Timing
All existing survey marks are to be reinstated, new survey marks are installed in accordance with the Plan of Survey, and a cadastral surveyor is to certify the survey work in writing, to the requirements and satisfaction of the Manager Planning Services, prior to the endorsement of the Plan of Survey.	Prior to the signing and dating of the Plan of Survey

20. Public Infrastructure/Utilities - Alterations	
Condition	Timing
Any relocation or alteration to any public utilities in association with works pertaining to this reconfiguration must be undertaken as required by the relevant service provider and at no cost to Council. This includes stormwater infrastructure.	Prior to the signing and dating of the Plan of Survey

**Assessment Manager's Advice:**

**1. Currency Period**

The currency period for the development approval (Reconfiguring a Lot) shall be four (4) 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 a reconfiguration of a lot lapses if a plan for the reconfiguration is not given to Council within the abovementioned currency period.

An applicant may request Council to extend the currency period provided that such 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 Operational Works is required for the proposed development. This application/s are required to be approved prior to any works commencing on site.

**3. Water Connection**

The applicant/owner/future purchaser is to apply to Council's Infrastructure Services Department (Water Section) to install a water service fitted with meter to all lots at no cost to Council. The fee/charge for each water service installed and any associated upgrades required to be carried out by Council is per Council's Fees and Charges Schedule at the rate applicable on application and must be paid prior to the works being undertaken.

**4. 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.

**5. 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.

**6. Compliance with Laws**

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

## **7. 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.

## **8. Adopted Infrastructure Charges**

The applicant/owner must contribute in accordance with Council's Infrastructure Charges Resolution (No.1) 2019, which came into effect on and from 16 December 2019. The adopted infrastructure charge is payable prior to the endorsement of the Plan of Survey.

## **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](http://www.environment.gov.au/epbc) EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct. 2009).