

Thursday, 9 December 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
Cr Renee McLeod - 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 R McLeod, Mr A Graffen (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), Mr G Hammond (Manager Regulatory Services), Mr D Bradford (Business Opportunities & Improvement Lead), Ms K Vick (Coordinator Rates), Mr M Fitzgerald (ICT Customer Support Officer), Mr B Shooter (ICT Customer Service Officer) and Mrs J Sands (Minutes Clerk)

Acknowledgement of Country

The Mayor acknowledged the traditional custodians of this land on which we stand, the Gulngay people and acknowledged his respect for their current and emerging elders, and those in dreaming and thanked them for the contributions they have made in building this community.

Opening Prayer

Nil

Minute Silence for Mr Sam Pagano

Sam Pagano was the current Chair of the River Trust and he was a long-time member of the Johnstone Russell River Catchment Association, a former Chair of the Amateur Fishing Club, a long serving Rotarian and of late he delivered a fishing show on 4KZ called 'Hooked on Fishing' and he also did a show on a weekly basis on ABC Radio. With the sad passing of Mr Sam Pagano a Minutes Silence was observed by all present.

Apologies

Nil

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 25 November 2021

Recommendation

"That the Minutes of the Local Government Meeting held on 25 November 2021 be confirmed as a true and correct record."

Moved Cr N Pervan

Seconded Cr T Tschui

Resolution Number LG1160

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

2. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

3. RECEIPT OF MINUTES

3.1 Receipt of 'Draft' Minutes of Cassowary Coast Traffic Advisory Committee, 3 November 2021

Executive Summary

The 'draft' Minutes of the Cassowary Coast Traffic Advisory Committee are provided herewith for Council's information.

Recommendation

"That the 'draft' Minutes of the Cassowary Coast Traffic Advisory Committee be received and noted."

Moved Cr T Millwood

Seconded Cr N Pervan

Resolution Number LG1161

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

4. MAJOR PROJECTS

4.1 Normalisation of Port Hinchinbrook - December Update

Executive Summary

Hinchinbrook Harbour is a fully private estate situated just south of Cardwell. The estate has been in liquidation for years, and of particular concern is the ongoing maintenance, and operation of the estate's sewerage system. The solution for Hinchinbrook Harbour needs to be one that is long-term and can offer a secure future for the residents and opportunities for the development to realise the potential of this iconic destination on the doorstep of Hinchinbrook Island and the Cassowary Coast.

Officers have and continue to work with the Department of State Development, Infrastructure, Local Government and Planning, the Liquidator for The Passage Holdings (in Liquidation) and the Australian Government to progress towards this long-term solution. This Item provides an update to Council on the Normalisation of Hinchinbrook Harbour, Dredging of One Mile Creek, acquisition of land, operations of sewerage system, and funding for the Project.

Recommendation

"That Council:

- 1. Note the report Normalisation of Port Hinchinbrook – Update;**
 - 2. Authorise the Chief Executive Officer to execute the Funding Agreement for \$6.3M with the Queensland Government following final negotiations for the normalisation of Hinchinbrook Harbour;**
 - 3. Authorise a budget amendment to recognise the income and expense of \$945,000 Ex GST for milestone 1 of Queensland Governments funding agreement;**
 - 4. Authorise the Chief Executive Officer to execute the Funding Agreement for \$6.0M with the Australian Government following final negotiations for the construction of 'Cardwell Sewerage Treatment Plant';**
 - 5. Request the Chief Executive Officer write to the Australian Government requesting additional funding of \$1.95M to fully fund the Cardwell Sewerage Treatment Plant Project;**
 - 6. Note the execution of Temporary Licence Agreement for the operation and maintenance of the Hinchinbrook Harbour sewerage system;**
 - 7. Authorise the Chief Executive Officer to execute the Funding Agreement for \$1.5M with the Australian Government following final negotiations for the delivery of 'Emergency dredging of One Mile Creek', while taking appropriate consideration of risk associated with the funding requirements;**
 - 8. Authorise a budget amendment to recognise the income and expense of \$1.5M Ex GST for Australian Government funding for Emergency dredging of One Mile Creek;**
 - 9. Request the Chief Executive Officer bring a report to Council for consideration to award of contract for Emergency dredging of One Mile Creek; and**
-

10. Authorise the Chief Executive Officer to engage a Project Manager in line with State Funding agreement."

Moved Cr M Nolan

Seconded Cr B Barnes

Resolution Number LG1162

"That the Recommendation be adopted."

FOR: Crs M Nolan, B Barnes, T Tschui, N Pervan, J Baines, R McLeod

AGAINST: Cr T Millwood

CARRIED

9:18am Mr R Blanchette (Tourism Coordinator) entered the meeting

9:20am Ms J Szafran (Manager Community Relations & Services) entered the meeting

9:22am Mr P Cassell (Senior Contracts Administrator) entered the meeting

9:42am Mr M Gravatt (Engineer Water) entered the meeting

5. ECONOMIC ACTIVATION & TOURISM

5.1 TARGA Great Barrier Reef Event 2021

Executive Summary

Cassowary Coast Regional Council was the location for two stages of the TARGA Great Barrier Reef event on Sunday 06th September 2021.

This report presents an overview of the event and outcomes for Cassowary Coast region, and notes some considerations in planning towards the TARGA Great Barrier Reef 2022 event.

Recommendation

"That Council:

- 1. Receives and notes the report for the 2021 TARGA Great Barrier Reef Event; and**
- 2. Due to COVID and the minimal expenditure on this event, Council resolves that the CEO enters into negotiation in alignment with current resolution LG0930 for an additional year."**

Moved Cr R McLeod

Seconded Cr N Pervan

Resolution Number LG1163

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

9:43am Mr J Smith (Management Accountant) entered the meeting

9:44am Mr D Goodman left the meeting

9:48am Mr D Goodman re-entered the meeting

5.2 Innisfail Visitor Information Centre

Executive Summary

Report to council on the considerations of the Innisfail Visitor Information Centre relocating to The Conservatorium Theatre as per council resolution number LG1011 of 27 May 2021.

This report has been collated separately to the current project to develop the Visitor Information Services Strategy for the region.

The report outlines the essence of what the service should consider options, budget estimates, opportunities and challenges.

Recommendation

“That Council:

- 1. Receives the report on the Innisfail Visitor Information Centre.**
- 2. Resolves to endorse on of the following three (3) options relative to establishing a Visitor Information Centre at The Conservatorium Theatre, the options recommended are:**
 - a. Establish and set up at The Con (\$145K / location set-up by May 2022 / servicing); or**
 - b. Maintain current VIC services at ANZAC Park (low cost / service continuity / with a location review as part of the Visitor Information Services Strategy); or**
 - c. Re-locate the I-Van to The Con (trial the location / low cost set-up \$10,000 / test location for input into the Visitor Information Services Strategy).”**

Alternate Motion put by Cr R McLeod

- 1. Council acknowledge the benefits that Visitor servicing provides to the Visitor Economy;**
- 2. Council note the development of a Visitor Information Servicing Strategy is underway and will be presented for Council consideration early in 2022; and**
- 3. Council defer this decision until a Visitor Information Servicing Strategy is adopted.**

Reason for Alternate Motion: Council is currently developing a Visitor Information Servicing Strategy which will be provided to Council in early 2022; as such the decision should be deferred and informed by this strategy at that time.

Seconded by Cr M Nolan

The Mayor called for Speakers in favour of the Alternate Motion.

Cr T Millwood spoke in favour of the Alternate Motion. Cr Millwood stated that Council is currently undertaking a strategic plan for its Visitor Information Centres, which is due for completion in February and stated that Council already has a great Information Centre at the Sugar Museum and she feels that Council should support the services as this comes at no cost to Council but could be supported by Council and it not only provides Visitor information Services but it offers visitors to our region, the opportunity to endure an experience of learning about our heritage and asked that this be considered in the strategic planning as an option.

The Mayor called for Speakers against the Alternate Motion.

Cr N Pervan asked to speak to the original Officer's Recommendation.

Cr Pervan acknowledged Cr McLeod's option for an amendment and stated that he would support the amendment but would like to see an Option 2A adding that the officers look at more detail in relation to setting up the Innisfail Conservatorium. In his opinion \$145K seems like a fair amount of money and he believes that Council could skim that down to a more feasible price and would like that to be looked at as well.

Cr M Nolan confirmed with Cr Pervan that he would be happy for the officer to do this as part of the strategic planning to which Cr Pervan agreed.

Moved Cr R McLeod

Seconded Cr M Nolan

Resolution Number LG1164

"That the alternate motion be adopted."

FOR: Unanimous

CARRIED

9:56am Cr T Tschui left the meeting

9:58am Cr T Tschui re-entered the meeting

9:59am Ms J Szafran left the meeting

10:00am Ms J Szafran re-entered the meeting

10:04am Mr R Blanchette, Ms J Szafran and Mr A Sadler left the meeting

6. GOVERNANCE, ENVIRONMENT & FINANCE

6.1 Finance Report - November 2021

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 29 November 2021 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 J Baines

Seconded Cr N Pervan

Resolution Number LG1165

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

7. ASSET SUSTAINABILITY

7.1 CCRC Capital Report - November 2021

Executive Summary

Council has adopted its Capital Works Program for the 2021/22 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 J Baines

Seconded Cr T Tschui

Resolution Number LG1166

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

10:06am Cr J Baines left the meeting

10:06am Mr B Jones (Senior Planner/Strategic Planner) entered the meeting

10:08am Cr J Baines re-entered the meeting

10:10am Mr A Sadler re-entered the meeting

10:30am Mr J Smith, Mr P Cassell, Mr M Gravatt and Mr D Goodman left the meeting

10:30am Mr D Horton (Manager Planning Services) entered the meeting

8. PLANNING SERVICES

8.1 MCU21/0042 - Material Change of Use for non-resident workforce accommodation on land described as Lot 17 on RP725498, situated at 28 Wongaling Beach Road, Wongaling Beach QLD 4852

Executive Summary

Council is in receipt of an application for a Material Change of Use. The application was prepared by Gilvear Planning Pty Ltd on behalf of MBBP Pty Ltd for the establishment of Non-Resident Workforce Accommodation within the Township Zone on land described as Lot 17 on RP725498, situated at 28 Wongaling Beach Road, Wongaling Beach.

The proposed development involves a material change of use to allow the Non-resident workforce accommodation to be undertaken within the existing Backpacker's hostel previously known as Absolute Backpackers.

Recommendation

"That a Development Permit be issued for Non-resident workforce accommodation on land described as Lot 17 RP 725498, situated at 28 Wongaling Beach Road, Wongaling Beach, QLD, 4852" subject to the conditions in Annexure 1."

Moved Cr B Barnes

Seconded Cr N Pervan

Resolution Number LG1167

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

10:31am Mr D Goodman re-entered the meeting

8.2 MCU21/0043 - Material Change of Use for Multiple Dwellings (3 Units) on land described as Lot 7 on RP725498 situated at 2042-2044 Tully-Mission Beach Road, Wongaling Beach QLD 4852

Executive Summary

Council is in receipt of an application for a Material Change of Use prepared by RPS Australia East Pty Ltd on behalf of Graystoke Pty Ltd for Multiple Dwellings (3 Units) on land described as Lot 7 on RP725498 situated at 2042-2044 Tully-Mission Beach Road, Wongaling Beach. The site is located in the Township Zone, Greater Mission Beach Business Precinct and has an existing shopping centre, service industry business and class 1 a dwelling house.

In 2020, Council approved a class 1a dwelling (pavilion style home) on the above mentioned lot. As per the Cassowary Coast Regional Council Planning Scheme 2015 a Dwelling House is defined as: "A residential use of premises for one household that contains a single dwelling. The use includes out-buildings and works normally associated with a dwelling and may include a secondary dwelling".

Subsequently Council identified information that the dwelling was not being used as a single household due to the dwelling being advertised as separate units (class 3 multiple dwelling) in a real estate advertisement, the landowner was sent a notice to lodge the relevant material change of use application for multiple dwellings (3 units).

The proposed development seeks a development permit for material change of use for multiple dwellings (3 units) to facilitate individual tenancies for the three (3) existing dwellings, currently rented on the subject site. The proposed development will legitimise the existing rental arrangements, whereby each of the existing cabins may be rented as a separate dwelling.

The application is Impact Assessable and therefore public notification was required. Zero properly made submissions were received by Council.

The application triggered referral to the Department of State Development, Infrastructure, Local Government and Planning - State Assessment Referral Agency (SARA) Response (2110-25367 SRA).

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 2009-2031 as it provides for accommodation within an urban area.

The proposed development will result in the small number of self-contained cabins and will result in the use rights changing within existing buildings on site. Due to the small scale development on site, there will be no impacts to the environmental and ecological values of the subject site.

The application is generally consistent with the provisions of the Cassowary Coast Regional Council Planning Scheme 2015 and therefore the application for a Material Change of Use for Multiple Dwellings (3 Units) on land described as Lot 7 on RP725498 situated at 2042-2044 Tully-Mission Beach Road, Wongaling 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 Multiple Dwellings (3 Units) on land described as Lot 7 on RP725498 situated at 2042-2044 Tully-Mission Beach Road, Wongaling Beach subject to the conditions as outlined in Annexure 1."

Moved Cr N Pervan

Seconded Cr R McLeod

Resolution Number LG1168

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

8.3 Delegations Report and Current Applications

Executive Summary

The Planning Services Delegations report detailing approvals issued under Delegated Authority during the month of November 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 November 2021 be noted and received."

Moved Cr N Pervan

Seconded Cr T Millwood

Resolution Number LG1169

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

10:46am Mr D Horton, Mr B Jones and Mr M Gravatt left the meeting

9. RECEIPT OF PETITIONS

9.1 Petition - Request for Walking Track Between Tully and Alligators' Nest

Executive Summary

Council has received a petition with approximately 300+ signatures from Lyn Miller (Principal Petitioner) requesting a walking track be installed between Tully and Alligators' Nest. The petition states, *"We, the undersigned residents petition the Council and ask that a walking/bike track be constructed from Tully to Alligators' Nest. We do realise it's a large and expensive undertaking and realise it would have to be done in stages. We believe this track would be well used by residents, and would be a great asset leading to one of our best tourist attractions, Alligators' Nest. We believe Tully is the only town in the Cassowary Coast not to have a walking/bike track."*

There has been previous requests to install a path but it has never been considered as a practical or priority project for Council. Rather than construct a path that will almost certainly see very low use it is proposed to undertake a Walking Network Plan to identify potential key walking priorities that would provide a useful walking network for the community of Tully.

Recommendation

"That Council:

- 1. Apply for funding through the Walking Local Government Grants Program to develop a Walking Network Plan and Prioritised Works Plan for Tully;**
- 2. Allocate funds in the 2022/23 Operational budget to fund Council's contribution towards the Plan."**

Moved Cr T Millwood

Seconded Cr B Barnes

Resolution Number LG1170

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

10:51am Ms M Clubb (Executive PA) entered the meeting and Mrs J Sands (left the meeting)

10:52am Ms K Vick left the meeting

10:54am Mr M Gravatt re-entered the meeting

10:56am Ms K Vick and Mrs J Sands re-entered the meeting

10:56am Ms M Clubb left the meeting

10. GENERAL BUSINESS

10.1 Merry Christmas & Thank You – Cr T Millwood

Cr T Millwood offered her thanks to all the team at Cassowary Coast Regional Council for another action-packed year and also wished all the staff, their families and the wider community of the Cassowary Coast and their families a very happy and safe Christmas. Cr Millwood also welcomed the caretakers of the Tully Caravan Park and wish them well in their endeavours and the Tully Caravan Park is open for business.

10.2 Photo Exhibition

Cr T Millwood advised that the opening of the Photo Exhibition was held and was put together by the Tully 100 Centenary Lead-Up Committee and that it is open to the general public. The exhibition is being held at Still Street in the old Di Bella's building and the opening hours are Monday to Wednesday 10:00am to 4:00pm and Thursday to Saturday 9:00am to 12 Noon.

10.3 Removal of Vehicle - Feluga

Cr T Millwood asked the CEO to consider removing the unsightly vehicle from the drain across from Jack Drive, Feluga. Cr Millwood undertook to bring the CEO up to date and added that this matter has been an ongoing issue and Cr Millwood has been approached on many occasions. It is not only an eyesore but it is also an environmental hazard, polluting a waterway and blocking a drainage system. Cr Millwood's opinion was if Council obtains permission from the farmer to remove the vehicle as it is not his responsibility and is the result of an accident. Cr Millwood asked that the CEO reconsider what can be done by Council in regards to this matter. Mr A Graffen (CEO) advised that this would be taken on notice and Council would investigate some options.

Cr Millwood thanked the CEO and wished everyone a Merry Christmas.

10.4 BBQ's - Dunk Island

Cr T Tschui asked Mr D Goodman (Director Infrastructure Services) for an update regarding the barbecues, or the lack of barbecues on Dunk Island as it is a popular place over the Christmas holiday period. Mr Goodman advised that the barbecues that were installed there previously were removed as part of the development under the last lessees, Mayfair. Council had hoped that it could negotiate favourable terms with the builder who was engaged by Mayfair who had already procured some items that are likely to be able to not have an appropriate place to go and that has not been achieved to date. Council needs to reconsider how it can re-establish barbecues on Dunk Island. There are however, a number of issues as Council continues to plan to have that facility. It is a long term plan in that Council's caretaker arrangements are not going to be there forever. Council would like to see this going out to tender and a lease secured for the spit area. Before Council makes any significant capital investment it would want to be sure that it is not building something that the new lessee is going to remove again because it does not fit into their plans. Council acknowledges and anticipates that there will be a lot of campers who will be keen to utilise the facilities on Dunk Island and Council is working towards having functional barbecues working on the Island by Easter 2022.

Cr Tschui asked about the tender process for the Spit. Mr A Graffen (CEO) advised that there is a commitment to engage with relevant stakeholders within the community to develop a master plan as Mr Goodman highlighted. Council, moving forward, needs to understand what the aspirations for the Spit are for the community and also the traditional owners and then it would intend to bring that master plan to Council to consider and endorse that it be put out for tender. It is hard to put a definitive time frame on that process of engagement as it needs to be done in a collaborative way and it is the intent to bring that to Council for consideration early next year.

10.5 Salvation Army Red Shield Xmas Appeal

Cr T Tschui advised that she was accompanied by the Mayor and attended the Salvation Army Christmas Appeal where people who were able to, came and received goods such as Christmas hampers and toys via a strict process. Cr Tschui thanked our generous community and everybody who donated to the Salvo's Red Shield Appeal.

10.6 Australia Day Celebrations

Cr T Tschui reminded everyone about Australia Day - 26 January 2022 and to nominate your Australia Day hero. The CCRC Ceremony will be held in Cardwell in 2022 and funding has been secured from the Australia Day Council. Each of Council's four (4) pools - Cardwell, Tully, Mission

Beach and Innisfail will have pool parties for Australia Day and there will be entertainment, barbecues and free entry. Cr Tschui thanked Ms K Hansen (Community Development Officer) for her work and also thanked the Australia Day Council for providing the funding.

10.7 Merry Xmas - Cr T Tschui

Cr T Tschui wished everybody a very Merry and safe Christmas.

10.8 Cleaning BBQ's

Cr B Barnes spoke about the removal of barbecues by other Councils due to the maintenance cost but was not suggesting that CCRC do the same. However, he recently went to use a barbecue in the local area and found that it had been left in a filthy state by the previous user. Cr Barnes suggested that Council may need to increase signage in close proximity to the barbecues asking the public to please clean the barbecues after using them.

10.9 Bull & Bike Ride

Cr B Barnes spoke about the Bull & Bike Ride that was held in Tully that was very well attended. Many non-charitable organisations were the beneficiaries of that event. It was a very successful night and Cr Barnes encouraged everyone to attend next year.

10.10 Toilet Signage - Tully Grand Stand

Cr B Barnes spoke about the signage at the Tully Grand Stand for the Bull & Bike Ride event, stating that if you are a visitor to the area it is a challenge to find the toilets. This was also evidenced during the Annual Show.

Mr D Goodman (Director Infrastructure Services) acknowledged that it was a fantastic event and that the organisers took some significant risk in terms of the investment that they required. This was achieved with some support of Council but the organisers took on some significant risk and they did it in a way which only those that are dealing with things on a shoestring budget find a way to do things. As an example Council had the best advice, that to protect the field, as is done across the industry and how it would be done at Lang Park or Sydney or any major event where they would hold this type of event. A layer of geo fabric would be put down and then ply would be put down on top of that and then the sand on top of that. The cost for ply was calculated at around \$50K and the organisers found a way and found some contacts to talk to at one of the Ingham Mills and they used four layers of old tarp that had been used and was now waste product at one of the Ingham Mills to cover the bagasse piles and that was provided to the organisers for free. That required some additional work as the tarps were damaged in the process of putting it down and certainly when taking the sand off but it was a great outcome and the organisers put a lot of work into it. Mr Goodman acknowledged the effort put in and the great care that the organisers put into doing their very best to protect the field and the results were great. The organising committee acknowledged that they can do things better in the future from what they learnt from that experience.

Mr Goodman acknowledged that there was certainly some confusion around access to toilets on the night. One of the specific issues was that the locks on the doors work on a magnetic lock rather than a lever lock and so those who went to use a toilet thought it was locked because they could not move the handle but all they needed to do was push on the door rather than move the handle which certainly created some confusion. Council acknowledges that it needs to improve the signage in those circumstances where the toilets on the bottom floor which have been designed to be utilised from the outside in a non-sporting event where the toilets are not used for the change rooms. The organisers have acknowledged that they could have done a better job in providing advice to the attendees who are unfamiliar with the facilities within the Tully Grand Stand and for Council to provide better advice of where to get access to the toilets.

10.11 Mildew Signs - TMR

Cr B Barnes advised that TMR have been washing some of the mildewed entrance signs to our towns but not all of them are getting done. They seem to be doing three quarters of them and missing a few so when dealing with TMR Cr Barnes asked that this matter is brought to their attention.

10.12 Thanks and Merry Christmas – Cr R McLeod

Cr R McLeod thanked the Cassowary Coast Regional Council staff, the EMT staff and her fellow Councillors for their welcoming support over the past four months and also wished the entire Cassowary Coast a Merry Christmas and a Happy New Year.

10.13 Acknowledgement of Country

Cr J Baines commented on the Acknowledgement of Country by Council today. It was a particular piece of wording and that wording has been sculptured by Council's own internal Reconciliation Action Plan team working together in consultation. There have been comments in the last month or so about the hollowness of some of these (Acknowledgements of Country) and the Acknowledgement of Country today was very heartfelt and has been designed by Council's own team within the organisation and Cr Baines commended the work of the people who put it together - very well done and great work.

10.14 Seasons Greetings – Cr J Baines

Cr J Baines offered Seasons Greetings to everyone whether you are having a Merry Christmas or a Happy Hanukkah or the celebration that you have during this time please have a wonderful time with your family, be kind to each other and see you in the New Year.

10.15 Wayfinding Signage

Cr N Pervan asked Mr D Goodman (Director Infrastructure Services) if Council can consider doing anything about garden beds being laid around the newly erected Wayfinding Signage. Mr Goodman replied that Council can consider it but it is not part of the scope of the existing project but certainly if there was a desire to do some additional work there in the future that can be scoped out and budgeted and permission applied to do that work on the main roads corridor.

Cr Pervan asked if costings could be done for that work and added that in his opinion the signs are beautiful but just a little bland around the concrete bases and they need some cover to a height to make them more appealing. Mr Goodman replied that he is certainly happy to provide some sort of draft scope for consideration and once that scope is finalised, do some work in developing a budget for that purpose. Before doing additional gardens, one of the key things that Council does acknowledge is that it needs to manage the risk over the next couple of months when grass growth accelerates so that the town entry signage remains visible and does not become obscured by grass growth in the area. Council is aware of it and it is something that needs to be added into its operational plans and Council will do its best to deliver on that in the first instance.

Cr T Tschui asked Mr Goodman if the community are able to work with Council because there have been discussions with a Mission Beach group to come on board and work with Council to make some gardening around those signs. Mr A Graffen (CEO) advised that Council could take that on notice as obviously it is a road and there is a high level of risk having individuals working within a road reserve. There may be other solutions that Council can provide that do not require any ongoing maintenance and the whole of life costs need to be considered and garden beds and gardens can at times require maintenance as Mr Goodman has pointed out. Council could provide a number of options which not just show the capital but the whole of life cost. Some of those may be able to provide some opportunity for community engagement and Council would like them to take pride in those entry statements.

10.16 Merry Christmas – Cr N Pervan

Cr N Pervan wished Council staff and all the residents of the Cassowary Coast and the wider community a Merry Christmas and a Happy New Year and also thanked his fellow Councillors.

10.17 Merry Christmas – Cr B Barnes

Cr B Barnes wished everyone a Merry Christmas.

10.18 After Hours Telephones

Cr B Barnes advised that there had been a major water blowout after hours and there were extensive wait times on the 1300 number. Mr A Graffen (CEO) acknowledged that both he and Cr J Baines also experienced the long wait times when trying to escalate an issue within the community.

Mr A Sadler (Director Delivery Services) acknowledged that Council has had a few issues over the weekend and it is doing an analysis on the data. Council does record and log all the data coming in electronically. The Council phone system which was upgraded recently is enabling Council to do that. Council's Coordinator for the Customer Service Team has been contacting a number of those customers to talk to them about what happened and what number they rang.

Council's 24/7 All Hours Number is 1300 763 903.

Some customers have been calling the old After Hours number or contacting officers direct landline numbers that do not divert to the After Hours number. The Call Centre that supplies that service has been busy and discussions have been held around some of the flooding and other issues happening in the Southeast corner of the State which the service provider has been supporting as well, so that has also contributed to some of the delay. The longest call that Council has seen so far is 14 minutes; that is not acceptable and Council is working through that. In addition Council is collating its documentation to go out to review that service provider moving forward. Cr M Nolan requested that Mr Sadler send out that information including the 1300 number to all Councillors in light of the Christmas period and the likelihood of calls which will require actioning during this period.

10.19 Maintenance of Port Hinchinbrook

Cr M Nolan advised that he had been interviewed by ABC and asked Mr D Goodman (Director Infrastructure Services) for a statistic around Port Hinchinbrook. The Mayor stated that when Council took over the asset it is now looking after the maintenance for the existing residents and queried:

- (1) what that number is; and
- (2) when the new plant is up and running and all the blocks are covered with homes and are hooked up to the system, what is the maximum potential number that will be connected and paying rates, i.e., the existing residents that will get the benefit of the maintenance; but when it has fully reached its potential how many rate payers are connected into the system?

Mr D Bradford (Business Opportunities & Improvement Lead) advised that the Estate has about 320 properties within the Estate currently and about 180 of those are developed at this stage so there are about 140 left to build on. A number of the properties in there have already been divided into duplexes and things like that, but as those properties continue to develop there is an increase in income from the sewerage charge which can contribute to the cost of operating in economies of scale.

Cr Nolan asked for clarification that currently about 180 residents get the benefit of Council doing

the maintenance and potentially when all the blocks are covered it will be up to around 320 plus duplexes on top of that? Mr Bradford agreed that this was correct. If there is further development on Lot 99 the main commercial lot, which is where some major improvement will be seen in the cost of sewage within the Estate.

10.20 Mayoral Minute

"We're all in this together" has become a well-worn phrase over the past 20 months, and rightly so. We are all in this together as the COVID-19 pandemic continues to present challenges to so many facets of our lives.

Life has changed drastically over the last two years- and over the next few weeks, life will change again- with the borders re-opening and the Queensland Government mandates coming into effect.

The Cassowary Coast Regional Council recognises and respects the concerns of residents, ratepayers and business owners within the region in relation to the pandemic.

This Council also acknowledges the individual rights of residents and visitors to the Cassowary Coast to exercise their freedom of choice when it comes to the COVID-19 vaccine. The Council encourages those willing and able to get vaccinated to do so, to help protect our community.

We know there are many challenges being faced, on many fronts, including: continuing to stimulate the economy; create employment; fill essential roles; reconnect families through domestic and international travel, and all while protecting the more vulnerable members of our community from COVID-19.

This is an emotive issue and one which has divided many people - even within families. I have been receiving communication from residents who are both for and against the rollout of State Government mandates- and there is much emotion and fear on both sides.

Local Government does not play a role in public health policy and the mandates are the responsibility of the State Government. It's not an area where myself or Council has the expertise to comment or offer advice to the State Government.

What we can do- is listen to the community and provide our support. I encourage you, no matter what side of the fence you sit on, to continue utilising your democratic right and speaking out to your local State Member.

I therefore recommend:

- 1. The Cassowary Coast Regional Council recognises and respects the concerns of residents, ratepayers and business owners within the region in relation to the pandemic.***
 - 2. Council respectfully requests that the State Government take into account the concerns of some individuals and members of the business community, and reconsiders the decision to introduce restrictions for unvaccinated people from 17 December 2021; and***
 - 3. Council also requests that the State Government offers support to small business and the hospitality sector, namely regional operators, who may struggle to resource this mandate."***
-

Moved Cr M Nolan

Seconded Cr J Baines

Resolution Number LG1171

"That the Mayoral Minute recommendation be adopted."

FOR: Unanimous

CARRIED

MOVE INTO CLOSED SESSION - 11:27am

Moved Cr T Tschui

Seconded Cr T Millwood

Resolution Number LG1172

THAT the meeting be closed to the public in accordance with the Local Government Regulation 2012, Section 254J (1) so that Council can discuss:

Item No.	Confidential Item	Reason for Meeting Closure
11.1	Outstanding Rates and Charges – Legal Action	(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
11.2	Contract No. COW000061 CCRC Green Waste Processing	(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
11.3	CCW0000154 SOS 29 Rising Main & Bon Villa Gravity Sewer	(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
11.4	Legal Matters Update	(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

FOR - Unanimous

CARRIED

MOVE OUT OF CLOSED SESSION -12:11pm

Moved Cr N Pervan

Seconded Cr J Baines

Resolution Number LG1173

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

FOR - Unanimous

CARRIED

11. CONFIDENTIAL REPORTS

11.1 Outstanding Rates and Charges - Legal Action

Executive Summary

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-eight (48) properties as per Schedule 1, in accordance with the provisions of the *Local Government Regulation 2012*.

Recommendation

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

Moved Cr R McLeod

Seconded Cr N Pervan

Resolution Number LG1174

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

11.2 Contract No. COW000061 CCRC Green Waste Processing

Executive Summary

The purpose of this report is for Council to consider submitted tenders and award Contract COW000061 for CCRC Green Waste Processing and Disaster Green Waste Processing. The works associated with this contract entails the processing of Council's green waste from Council's waste transfer stations at Stoters Hill, Tully, Mission Beach, Cardwell, Bells Creek and Hull Heads.

The Contract will be a "three year fixed price" Schedule of Rates Contract.

Contract works include mobilisation to each referenced site and processing Council's green waste at times specified by Council.

It is proposed to award Contract COW000061 a three year fixed term Schedule of Rates contract to Panebianco Enterprises Pty Ltd T/A Cairns Mulch.

Recommendation

"That:

1. **The fixed term schedule of rates conforming tender for Contract CCW000061 for CCRC Green Waste Processing as submitted by Panebianco Enterprises Pty Ltd T/A Cairns Mulch being the most advantageous to Council, be accepted for the amount of \$6.20 m3. (Excl. GST).**
2. **The fixed term schedule of rates conforming tender for Contract CCW000061 for CCRC Disaster Green Waste Processing as submitted by Panebianco Enterprises Pty Ltd T/A Cairns Mulch being the most advantageous to Council, be accepted for the amount of \$7.20 m3. (Excl. GST).**
3. **Council delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into a contract, negotiate, finalise and execute any and all matters associated with or in relation to the contract subject to Council's normal procurement policies and practices."**

Moved Cr T Millwood

Seconded Cr T Tschui

Resolution Number LG1175

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

11.3 CCW000154 SPS 29 Rising Main & Bon Villa Gravity Sewer

Executive Summary

The purpose of this report is for Council to consider submitted tenders and award Contract CCW000154 for the SPS 29 Rising Main & Bon Villa Gravity Sewer. The works associated with this contract entail the supply and installation of a new rising main from SPS 29 to a new overflow release point at the river. Along with the supply and installation of a new gravity sewer down Bona Avenue, along Bon Villa Street and through park connecting to sewer on Lyons Road.

It is proposed to award this lump sum contract to CCUS Pty Ltd who submitted the highest scoring tender submission following the assessment process.

Recommendation

"That Council:

1. **Accept the lump sum tender amount of \$772,058.00 (excluding GST) for Contract CCW000154 SPS 29 Rising Main & Bon Villa Gravity Sewer submitted by CCUS Pty Ltd as being the most advantageous;**
-

2. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*, to enter into a contract, negotiate, finalise and execute any and all matters associated with or in relation to the contract subject to Council's normal procurement policies and practices."

Moved Cr J Baines

Seconded Cr B Barnes

Resolution Number LG1176

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

11.4 Legal Matters Update

Executive Summary

At the Cassowary Coast Regional Council Local Government Meeting 14 October 2021, Mayor Mark Nolan provided instructions to the Chief Executive Officer to prepare a report for Council to provide further clarity on legal matters afoot.

At Local Government Meeting 25 November 2021, the Chief Executive Officer tabled a confidential report to Council to fulfil this request and provided clarity on status and expenditure on legal matters afoot.

This report is seeking to update Council on actions from resolution LG1159 from Local Government Meeting 25 November 2021.

Recommendation

"That Council:

1. Note the Report – Legal Matter Update;

2. Note that, following Local Government Meeting 25 November 2021, Council has been advised that Mr James Gott has sought the consent of the defendants to discontinue the Defamation Matter D169/17;

3. Note Mr James Gott's lawful indemnification in Defamation Matter D169/17 as per Resolution Number 0252 at Local Government Meeting held on 7 December 2017;

4. Note that as per Provision of Legal Assistance for Employees and Councillors, Policy extends to former employees including Mr James Gott."

Officer's Amendment to Recommendation

"That Council:

1. Note the Report – Legal Matter Update;

2. Note that following Local Government Meeting 25 November 2021, Council has been advised that Mr James Gott has sought the consent of defendants to discontinue the

defamation Matter D169/17 and that a response to notice of discontinuance has been provided by defendants;

3. Note Mr James Gott's lawful indemnification in Defamation Matter D169/17 as per Resolution Number 0252 at Local Government Meeting held on 7 December 2017;

4. Note that as per Provision of Legal Assistance for Employees and Councillors, Policy extends to former employees including Mr James Gott."

Moved Cr J Baines

Seconded Cr R McLeod

Resolution Number LG1177

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

Cr M Nolan (Mayor) wished Council Staff a Merry Christmas and a prosperous New Year from all seven (7) Councillors and also from his wife, Marsha Nolan. The Mayor thanked staff for what they have done for Council in a Pandemic and he believes it has been a great 20 months, with a little over 2 years to go in their term and with what has been achieved with Port Hinchinbrook, Cr Nolan hopes that Council can get around some of the legacy issues that were inherited 20 months ago. He believes that Council is getting close to that point and that it is going to be a great remaining half of their term. Travel safe and Council looks forward to seeing all Staff at the Christmas Party.

12. MEETING CLOSURE

12:26pm There being no further business, the Mayor declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 27TH DAY OF JANUARY 2022

Cr M Nolan, Mayor

Annexure 1: Conditions of Approval

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 29 September 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
Un-numbered	Site Plan	Provided 29 September 2021
Un-numbered	Ground Floor Plan	Provided 29 September 2021
Un-numbered	Floor 1 Plan	Provided 29 September 2021
Supporting Documentation		
Bedroom Numbers for Mission Beach Non-Resident Workforce		

2. Maximum Occupancy	
Condition	Timing
The applicant/owner must ensure that the maximum number of occupants that the non-resident workforce accommodation can accommodate at any one point in time is capped at 59 persons.	At all times

3. Approved use	
Condition	Timing
The building at the rear of the lot is approved to be used as non-resident workforce accommodation only, the use is to not be carried out within the dwellings located at the front of the property and must remain so at all times, to the satisfaction of the Manager Planning Services.	At all times

4. Existing Access and Carparking	
Condition	Timing
The applicant/owner is to ensure that the existing internal access driveways and carparking located on the site is to be maintained at all times and must remain so at all times, to the satisfaction of the Manager Planning Services.	At all times

5. Landscaping

Condition	Timing
<p>The applicant/owner is to ensure that all landscaping works are carried out in accordance with the Planning Scheme Policy SC6.4 Landscaping to the satisfaction of the Manager Planning Services. Landscaping buffers incorporating appropriate plant species are to be:</p> <ul style="list-style-type: none">• planted at a maximum spacing of 2 metre; and• will grow to a height of at least 2 metres.	<p>Prior to the commencement of the use and at all times</p>

6. Erosion and Sediment Controls

Condition	Timing
<p>Effective erosion and sediment controls must be maintained during maintenance of the site until there is adequate vegetation cover, paved or other controls to prevent any silt run-off from the site to the satisfaction of the Manager Planning Services.</p>	<p>At all times</p>

7. Stormwater Discharge

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>At all times</p>

8. Public Infrastructure/Utilities

Condition	Timing
<p>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.</p>	<p>At all times</p>

9. Onsite manager

Condition	Timing
<p>The applicant/owner must ensure that an onsite manager is onsite during the operation of the non-resident workforce accommodation.</p>	<p>At all times</p>

10. 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

11. Waste Bins and Storage Area	
Condition	Timing
The applicant/owner must provide a dedicated waste area for the storage of waste. The waste storage area must be imperviously sealed, appropriately designed and ventilated of the building and be located so it cannot be seen from the street by locating the area to the rear of the buildings or applying landscaping and fencing treatments to visually screen the area to the satisfaction of Manager Planning Services.	Prior to the commencement of the use and at all times

12. Waste	
Condition	Timing
The applicant/owner is to ensure that odour from the site must not emanate from the subject land to a degree that would, in the opinion Manager Regulatory Services, create an environmental nuisance having regard to the provisions of the <i>Environmental Protection Act 1994</i> and <i>Environmental Protection Regulation 2019</i> .	At all times

13. 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 to the satisfaction of the Manager Planning Services.	At all times

Assessment Managers 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 <i>Planning Act 2016 (PA)</i> , 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. 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.

3. 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.

4. Compliance with Laws

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

5. 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.

Item 8.2 MCU21/0043

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 12 October 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
CC-2018-J01-01	Site Plan	Dated: 26/03/2018 Received by Council: 12/10/2021
CC-2018-J01-02	Floor Plan	Dated: 26/03/2018 Received by Council: 12/10/2021
CC-2018-J01-03	External Plan	Dated: 26/03/2018 Received by Council: 12/10/2021
CC-2018-J01-04	Elevation Plan 1	Dated: 26/03/2018 Received by Council: 12/10/2021
CC-2018-J01-05	Elevation Plan 2	Dated: 26/03/2018 Received by Council: 12/10/2021
CC-2018-J01-06	Post Layout	Dated: 26/03/2018 Received by Council: 12/10/2021

2. Internal Works	
Condition	Timing
<p>The applicant/owner must at no cost to Council, provide the following works internal to the subject site:</p> <ul style="list-style-type: none">Construct a 1.8 metre high screening fence along the southern and eastern boundaries of the site;Construct three undercover car parking spaces (1 per dwelling unit). All car parking spaces must be in accordance with Australian Standards AS2890.1 – Parking facilities (off-	Prior to the commencement of the use on the site and to be maintained at all times

<p>street car parking) and designed and constructed in accordance with the FNQROC Development Manual (other than sealed surfaces). All works are to include appropriate drainage as outlined in Condition 3. All car parking spaces are to be used exclusively for parking and maintained in a useable condition.</p> <ul style="list-style-type: none"> • Install functioning kitchens and laundries in all dwelling units. 	
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3. Stormwater Drainage

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.	Prior to the commencement of construction of internal works.

4. 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 Environmental Protection Act 1994, Environmental Protection (Noise) Policy 2019 and Environmental Protection Regulation 2019.	At all times

5. 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

6. Public Infrastructure/Utilities

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

Referral Agency Conditions:

Department of State Development, Infrastructure, Local Government and Planning - State Assessment Referral Agency (SARA) Response (2110-25367 SRA) dated 16 November 2021.

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 Works and Plumbing/Drainage Works 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, 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.