



MINUTES PLANNING AND ENVIRONMENT COMMITTEE MEETING

9 AUGUST 2023

9:00 A.M.

PRESENT: Cr T James (Chairperson)
Cr B Manning
Cr R Coghlan
Cr A Eden
Cr B Moller
Cr M O'Halloran
Cr B Olds
Cr R Pyne
Cr K Vallely
Cr C Zeiger

OFFICERS:

M Martin	Chief Executive Officer
C Posgate	Director People & Organisational Performance
E Johnson	Director Planning Growth & Sustainability
M Wuth	Director Cairns Infrastructure & Assets
D Puia	Director Lifestyle & Community
L Whitton	Chief Financial Officer
N Masasso	Director Economic Development & Advocacy
A Combe	Executive Manager Marketing & Communications
P Rogato	Media Coordinator
A Patterson	Executive Manager Property & Compliance
K Johnston	Acting Executive Manager Development & Planning
S Cottrell	Minute Secretary

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CONFLICTS OF INTEREST

There were no conflicts of interest declared.

PURPOSE OF MEETING

To consider the matters listed on the agenda.

CONFIRMATION OF MINUTES OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 12/7/23

MOLLER / OLDS

That the Minutes of the Planning and Environment Meeting held on Wednesday, 12 July 2023 be confirmed.

carried unanimously

- 1. CAIRNS ECOFIESTA 2023..... 3**
61/7/2-01 | #7228367

PYNE / EDEN

That Council notes the outcomes of the Cairns Ecofiesta 2023.

carried unanimously

- 2. COMBINED APPLICATION FOR MATERIAL CHANGE OF USE FOR MARINE INDUSTRY AND ENVIRONMENTALLY RELEVANT ACTIVITY (ERA) 49: BOAT MAINTENANCE OR REPAIR, OPERATIONAL WORK FOR PRESCRIBED TIDAL WORK – BOAT RAMP, PONTOON, JETTY & REVETMENT WALLS AND ENVIRONMENTAL AUTHORITY FOR ERA 49 – 67R LEE YAN ROAD AND UNNAMED ROAD, EAST TRINITY – DIVISION 1 4**
8/30/337 | #7156935

MOLLER / OLDS

That Council approves the Development Application seeking a Development Permit for a Material Change of Use for Marine Industry and Environmentally Relevant Activity (ERA) 49: Boat Maintenance or Repair, Operational Work (Prescribed Tidal Work – Boat Ramp, Pontoon, Jetty and Revetment Wall) and approves the issue of an Environmental Authority for ERA 49: Boat Maintenance or Repair over land described as 67R Lee Yan Road, East Trinity, located at Lot

637 on SP119100, subject to the following:

PART A: MATERIAL CHANGE OF USE (MARINE INDUSTRY)

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan Prepared by Thirkell Consulting Engineers and Building Design	Dwg. No. BD01 Rev. P3	24/06/2022
Existing Slipway Section Prepared by Thirkell Consulting Engineers and Building Design	Dwg. No. S04, Rev. P2	24/06/2022

ASSESSMENT MANAGER CONDITIONS

Lapse of approval

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Generally in Accordance

2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within technical reports; and
 - b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

3. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Notice of Intention to Commence Use

4. Prior to the Commencement of Use on the site, written notice must be given to Council that the development fully complies with this Development Permit. Please return the attached “*Notice of Intention to Commence Use*” form when the use has commenced (attached at Appendix 2).

Associated approvals

5. This development permit must be read in conjunction with:
 - a. PART C - Development Permit for Material Change of Use for Environmentally Relevant Activity (ERA) 49: Boat Maintenance or Repair;
 - b. PART D - Environmental Authority for ERA 49: Boat Maintenance or Repair; and
 - c. PART B - Development Permit for Operational Work (Prescribed Tidal Works) for Boat Ramp, Pontoon, Jetty and Revetment Wall.

Limitations of Use

6. The owner/operator must have a current approval for ERA 49 Boat Maintenance or Repair, prior to Commencement of Use and at all times the use is being carried out on the land.
7. All access associated with the approved Marine Industry use, including customers, suppliers/deliveries and service providers must occur via Trinity Inlet only (i.e. via water). Access to the land for purposes associated with the approved use must not occur via Council’s road network and Easement X on SP121857 in Lot 36 on RP749582. Land based access is restricted to the residential use of the land only. The Integrated Environmental Management System (IEMS report required by conditions of this approval must reflect these requirements and all persons or entities who access the land must be made aware of the access requirements for the site.
8. To prevent contamination of stormwater and tidal waters, all works, repairs and surface preparation activities, including scraping of hulls, sanding, abrasive blasting and painting anti-fouling, fibre glassing, welding and fabrications, are to be conducted only within the Approved Work Area as identified in the Integrated Environmental Management System (IEMS). Vessel Maintenance, as defined in the approved IEMS, does not include salvaging, recycling or decommissioning of vessels or any like activities.

Water Supply

9. **Water storage tank(s) with a minimum capacity not less than 30,000 litres must be installed prior to Commencement of Use. Such water tanks must be provided with:**
 - a. **Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than 1mm aperture mesh of substantial construction and installed in such manner as not to cause or accelerate corrosion; or**
 - b. **Flap valve at every opening of the tank or other receptacle; or**
 - c. **Other approved means for preventing the ingress or egress of mosquitoes; and**
 - d. **Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40cm; and**
 - e. **The water tank(s) shall be fitted with a 50mm ball valve with a camlock fitting.**

The above works must be installed prior to Commencement of Use.

On-site Effluent Disposal

10. **The method of on-site effluent disposal must be in accordance with the Plumbing and Drainage Act 2018. A wastewater consultant must be engaged in order to confirm the location of existing trenches. If the trenches are found to be located on adjoining land, trenches are to be relocated on to the subject site. Details of the wastewater treatment system must be approved by the Chief Executive Officer prior to Commencement of Use.**

Refuse Storage

11. **The development is to be serviced by a private waste collection contractor.**

The refuse bin enclosure is to be in accordance with Council requirements and designed to accommodate bulk bins. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Cairns Regional Council. The refuse bin enclosure is to be roofed and banded and fitted with a bucket trap.

Integrated Environmental Management System (IEMS)

12. **All relevant site management information must be documented in a single Integrated Environmental Management System (IEMS) report. The IEMS must include, but is not limited to the Site Based Stormwater Management Plan (SBSMP) and Environmental Audit Report for the management of all**

activities authorised under this approval and the associated environmental authority for ERA 49 Boat Maintenance or Repair. The IEMS must identify all sources of potential or actual environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources, each environmental receptor that could be impacted; and what actions will be taken to prevent the likelihood of environmental harm being caused. The IEMS must:

- a. Identify control measures that minimise the potential for environmental harm;
- b. Detail operational procedures for all activities authorised under this approval;
- c. Detail corrective actions, mitigation measures and ameliorants;
- d. Detail emergency plans and procedures, including but not limited to flood emergency management, procedures and preparedness;
- e. Detail incident management procedures; and
- f. Document appropriate record keeping procedures.

The IEMS must be prepared by a suitably qualified and experienced person and must be prepared/collated to the satisfaction of the Chief Executive Officer of Cairns Regional Council. The IEMS must be provided for Council endorsement within four (4) months of this approval taking effect.

Acid Sulfate Soils

13. In the event that acid sulfate soils are encountered, the applicant is to ensure the site is managed in accordance with requirements of the Queensland Acid Sulfate Technical Manual. In addition, an ASS/PASS Management Plan prepared by a suitably qualified professional is to be submitted to Council within seven (7) days, should site excavations identify the presence of acid sulphate soils.

Lawful Point of Discharge

14. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream, in accordance with the *Queensland Urban Drainage Manual, Fourth Edition (2016)*.

Concentration of Stormwater

15. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.

Drainage

16. All water from the washdown area must be directed to an appropriate oil/water separator and solids trap before being released.

Erosion and Sediment Control

17. The management and control of Stormwater, Erosion and Sediment must be undertaken in accordance with the Stormwater Management Plan and the Site Based Management Plan. Erosion and sediment control measures are to be installed prior to the commencement of earthworks.

Boundary Treatments

18. Prior to the Commencement of Use, construct a chain wire, weldmesh or similar permeable weather resistant boundary fence with a minimum height of 1.8m along all landward boundaries of the site (generally northern, eastern and southern boundaries), with the exception of the vehicle access. An identification survey is to be undertaken by an appropriately qualified Surveyor to accurately identify the location and extent of the relevant property boundaries prior to commencement of construction of the fence.

Flood Levels

19. All new electrical fixtures, including any on the lower levels of the Dwelling House on site, are to be located at a level above the 1% AEP storm tide inundation event level for the land.
20. Storage of all fuel, chemicals and hazardous substances must be undertaken in accordance with Part 6.6 of the approved IEMS and stored above the 1% AEP storm tide inundation event level for the land.

PART B: OPERATIONAL WORK - PRESCRIBED TIDAL WORK (PONTOON, JETTY, BOAT RAMP & REVETMENT WALL)

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan Prepared by Thirkell Consulting Engineers and Building Design	Dwg. No. BD01 Rev. P3	24/06/2022
Pontoon Floor Plan Prepared by Thirkell Consulting Engineers and Building Design	Dwg. No. BD02 Rev. P3	24/06/2022

Existing Slipway Section Prepared by Thirkell Consulting Engineers and Building Design	Dwg. No. S04, Rev. P2	24/06/2022
Revetment Wall Section Prepared by Thirkell Consulting Engineers and Building Design	Dwg. No's. S05 Rev. P2 & S06 Rev. P2	24/06/2022
Boat Ramp Floor Plan and Section Prepared by Thirkell Consulting Engineers and Building Design	Dwg. No. S07, Rev. P2	24/06/2022

Assessment Manager Conditions

Lapse of approval

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Generally in Accordance

2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

3. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

General

4. This Development Permit for Operational Work (Prescribed Tidal Work) covers the installation of the jetty, pontoon, boat ramp and existing central revetment wall as shown in the approved plans. All works not explicitly covered by this approval must be covered by a separate Development Permit for Operational Works.

Associated approvals

- 5. This development permit must be read in conjunction with:**
 - a. Part A – Material Change of Use for Marine Industry;**
 - b. Part C – Material Change of Use for an ERA 49: Boat Maintenance or Repair; and**
 - c. Part D – Environmental Authority associated with ERA 49: Boat Maintenance or Repair.**

Construction

- 6. The applicant/owner must:**
 - a. Ensure that construction of the works is carried out only by means of suitable plant and equipment and that measures are taken to limit turbidity in tidal waters as a result of the construction; and**
 - b. Ensure that disturbance to the bed and banks of the waterway is kept to a minimum; and**
 - c. Take all appropriate measures to minimise pollution of tidal waters as a result of silt runoff and discharge of other contaminants such as fuel, oil and hydraulic fluid to the waterway during construction of the works.**
 - d. The developer shall be held responsible for any rectification works required to clean up dust, pollutants and sediments that may leave the site as a result of construction activities.**
 - e. The developer or their representative shall be responsible for communicating with third parties affected by any dust, pollutants or sediment leaving the site as a result of any construction activity that is associated with the project site.**
- 7. All reasonable and practicable measures must be taken to prevent pollution entering existing creeks, waterways or drainage lines, as a result of silt run-off, oil and grease spills from any machinery. Wastewater as a result of cleaning equipment must not be discharged directly or in-directly to any watercourses, stormwater systems or private properties (in accordance with the requirements of the Environmental Protection Act (1994), the FNQROC Development Manual and Best Practice Erosion & Sediment Control – IECA Australasia, November 2008).**

Acid Sulfate Soils

8. In the event that acid sulfate soils are encountered, the applicant is to ensure the site is managed in accordance with requirements of the Queensland Acid Sulfate Technical Manual and State Planning Policy SPP2/02. In addition, an ASS/PASS Management Plan is to be submitted to Council within seven (7) days, should site excavations identify the presence of acid sulphate soils.
9. Ensure acid sulfate soils are managed so that contaminants are not directly or indirectly released as a result of the construction activity to any waters or the bed and banks of any waters.
10. The use must not cause, or be likely to cause, environmental harm resulting from the release of contaminants, dust, noise or sediments from the site. Appropriate Erosion and Sediment Control (ESC) measures must be installed and maintained for the duration of the works or until all exposed areas have been fully stabilized.

Debris

11. The applicants/owner must remove any material deposited outside the alignment of the works shown on the approved plans, or any debris that falls or is deposited on the tidal lands or into tidal waters during construction of the works.
12. The bed and banks of the waterway must be clear of all debris for a minimum distance of 15 metres around the site of the works.

PART C: MATERIAL CHANGE OF USE FOR AN ENVIRONMENTALLY RELEVANT ACTIVITY (ERA) 49: BOAT MAINTENANCE AND REPAIR

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

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Lapse of approval

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Generally in Accordance

2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within technical reports; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

3. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Associated approvals

4. This development permit must be read in conjunction with:
 - a. Part A - Development Permit for Material Change of Use for Marine Industry;
 - b. Part B – Development Permit for Operational Work (Prescribed Tidal Works) for Boat Ramp, Pontoon, Jetty and Revetment Wall; and
 - c. PART D - Environmental Authority for ERA 49: Boat Maintenance or Repair.

PART D: ENVIRONMENTAL AUTHORITY FOR ENVIRONMENTALLY RELEVANT ACTIVITY (ERA) 49: BOAT MAINTENANCE AND REPAIR

SCHEDULE A - GENERAL CONDITIONS

Financial Assurance

- A1: The holder of the environmental authority must submit the required amount of financial assurance to the administering authority prior to carrying out any activities on the Licenced Place. If the activities that are being carried out by the holder of the environmental authority are altered so as to cause a change in the category of total area of disturbance, the

holder of the environmental authority must submit an application to amend their financial assurance to the administering authority. If an application is lodged to transfer the environmental authority to another person or company, the proposed transferee must submit the required financial assurance prior to the transfer taking effect.

Note 1 – The Financial Assurance must be calculated in accordance with Guideline for Estimated Rehabilitation Cost under the *Environmental Protection Act 1994* and supporting Estimated Rehabilitation Cost Calculator published by the Department of Environment and Science.

Note 2 - Chapter 5, Part 12, Division 2 of the Environmental Protection Act 1994 requires that the holder of the environmental authority gives the administering authority a financial assurance in a form acceptable to the administering authority. When necessary, the holder of the environmental authority must submit an application to amend their financial assurance under section 302 of the Environmental Protection Act 1994. The holder of the environmental authority must lodge a single financial assurance with Cairns Regional Council. The financial assurance will consist of two components:

- a. An amount to cover the potential costs to Cairns Regional Council of rehabilitating areas disturbed by activities on the Licenced Place should the environmental authority holder failure to do so; and
- b. An amount to cover the potential costs to Cairns Regional Council of demolishing and removing for the purpose of rehabilitating disturbed areas or restoring property improvements disturbed by activities on the Licenced Place.

Access to Copy of Environmental Authority

- A2. A copy of this licence must be kept in a location readily accessible to personnel carrying out the activity.
- A3. The licensee shall ensure that any person(s) responsible for the carrying out of the environmentally relevant activities are familiar with the conditions of this licence as they relate to the person's responsibilities.

Records

- A4. Any record or document required to be kept by a condition of this licence must be kept at the licensed place for a period of at least five (5) years and be available for examination by an authorised person.
- A5. The licensee must keep a logbook of vessels which have boat maintenance or repair activities undertaken at the licensed place.

The logbook must specify:

- a. name and contact details of vessel owner; and
- b. name of vessel, location(s) and date(s) stored at the licensed place.

Alterations

A6. No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this environmental authority.

An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant to be released into the environment.

Integrated Environmental Management System (IEMS)

A7. The licensee must:

- a. Develop and implement an Integrated Environmental Management System which provides for the following functions:

 - a. monitor the releases of contaminants into the environment and an environmental assessment of the releases;**
 - b. staff training and awareness of environmental issues;**
 - c. the conduct of environmental and energy audits;**
 - d. waste prevention, treatment and disposal;**
 - e. a program for continuous improvement; and**
 - f. reporting arrangements on the effectiveness of the environmental management of the activities.****
- b. lodge a draft IEMS with Cairns Regional Council for review and comment;**
- c. have due regard to draft IEMS comments made by Council in the finalisation of the IEMS; and**
- d. have commenced implementation of the IEMS.**

A8. The licence holder must submit details of any amendment to the IEMS to the administering authority with the Annual Return which immediately follows the enactment of any such amendment.

A9. A copy of the IEMS must be kept in a location readily accessible to the personnel carrying out the environmentally relevant activity.

SCHEDULE B - AIR DISCHARGE CONDITIONS

General

B1. Thinners, paints including anti-fouling paints, solvents and other volatile substances utilised by the licensee in undertaking the licensed activity must be stored in sealed containers to prevent the discharge of volatile organic compounds to the atmosphere.

B2. The licensee must not carry out incineration or open burning.

Abrasive Blasting

- B3.** The licensee must ensure that abrasive blasting is not carried out at the licensed place unless all wastes generated, including blast agent and paint debris, are contained and collected for storage, treatment, recycling and/or disposal.
- B4.** The licensee must ensure that all abrasive blasting operations carried out at the licensed place are undertaken:
- a. on a sealed surface, or using a containment system or structure which prevents abrasive wastes from entering stormwater or marine water;
 - b. in such a manner as to ensure no visible abrasive media or dust escapes from the licensed place;
 - c. in accordance with any handling recommendations from abrasive media manufacturers; and
 - d. by other methods which are approved in writing by Cairns Regional Council which prevent contamination of surrounding areas.

Spray Painting

- B5.** The licensee must ensure that, where possible, the application of paint, including antifouling paint, is carried out using brushes or rollers.
- B6.** The licensee must ensure that any spray painting, including spraying of anti-fouling paint, is carried out:
- a. using airless, air assisted airless and electrostatic spray guns for the application of antifouling paint below the waterline;
 - b. using high pressure, airless and air assisted airless spray guns for spray painting top sides and decks;
 - c. using a containment system or structure which prevents or minimises paint overspray and the escape of waste materials for the duration of the operation; and
 - d. in accordance with any handling recommendations from accredited paint manufacturers.

SCHEDULE C – STORMWATER MANAGEMENT

- C1.** The licensee must ensure that uncontaminated stormwater is diverted away from waste bins or areas where spent abrasive media, oil, lubricants, thinners, paint (including anti-fouling paints) paint debris and contaminated or spent solvent are stored.
- C2.** The licensee must not allow any direct or indirect release of stormwater contaminated with spent abrasive, paint debris, paint (including anti-fouling paint), solvents or metals from the licensed place to the stormwater system or marine environment.
- C3.** The licensee must ensure that stormwater is not discharged to the sewerage system.

- C4. The licensee must ensure that any spillage of potential contaminants including oil, paint (including anti-fouling paints) spent abrasive media and solvents are:**
- a. cleaned up promptly; and
 - b. cleaned up using an absorbent material; and
 - c. that the used absorbent material is isolated before disposal in a waste bin.
- C5. To prevent contamination of stormwater and tidal waters, the licensee must ensure that no potential contaminants, including paint debris, abrasive blasting waste, and other wastes generated from boat maintenance and repairing activities accumulate on or below the average high-water mark.**

Storage Area Bunding

- C6. The licensee must ensure that there is an area designated for the storage of potential contaminants (including oils, greases, fuels, acids, paints, thinners and cleaning solvents) as well as waste generated from undertaking the activities (including waste oil, spent abrasive media, thinners, paints (including anti-fouling paint), solvents and other volatile substances).**
- C7. The licensee must ensure that all designated storage areas as specified in condition number (C6) are:**
- a. contained within a secure, covered area away from through traffic;
 - b. bunded* in accordance with Australian Standard AS1940;
 - c. constructed and maintained to be impervious to the materials being stored within the bund; and
 - d. located in areas not susceptible to inundation from marine waters.

****NOTE: Tank storage – 110% of the capacity of the largest tank;***

Package storage – 100% of the capacity of the largest container plus 25% of the total storage volume.

Tank – Container having a capacity larger than 250 L.

Package – Container having a capacity of 250 L or less.

- C8. The licensee must have an adequate spill kit, including a supply of absorbent material in an accessible location, sufficient to contain all of the largest container of liquid not stored within a bunded area, in the event of a spillage of a potential contaminant at the licensed place.**
- C9. The licensee must ensure that contaminated stormwater captured within any bunded area is disposed of at premises whose operator is licensed under the Environmental Protection Act 1994 to receive such wastes.**
- C10. The licensee must ensure that all regulated wastes stored at the licensed place are transported to:**

- a. a waste disposal facility whose operator is licensed to receive and treat and / or dispose of regulated waste; and
- b. such a facility by a licensed regulated waste transporter, where regulated waste exceeds 250 kg per load.

SCHEDULE D - WASTEWATER CONDITIONS

Vessel Surface Cleaning

- D1. Where practicable, marine organisms must be removed from vessels by scraping rather than high pressure water blasting.
- D2. The licensee must ensure that wastewater pre-treatment works are installed at the licensed place to direct and pre-treat all Vessel washdown waste waters generated from the vessel washdown area to sewer for the duration of all vessel washdown operations.
- D3. The licensee must ensure that all vessels maintained, repaired and/or stored at the licensed place are washed down only within the designated Vessel Washdown area.
- D4. The licensee must ensure that the level of accumulated marine organisms, sediment and sludge collected within sewer pre-treatment units is monitored in accordance with a routine operating procedure.
- D5. The licensee must ensure that the wastes specified in condition (D4) are removed from the licensed place by a licensed regulated waste transporter for disposal in accordance with a routine operating procedure in order to:
 - a. ensure that the pre-treatment unit is operating to its optimum design efficiency; and
 - b. prevent overflow of wastes out of the unit.
- D6. The licensee must ensure that waste waters discharged to sewer from the Vessel Washdown area are released in accordance with a trade waste agreement with Cairns Regional Council.
- D7. Records of any trade waste agreement with Cairns Regional Council for discharge of wastes from the licensed places to sewers must be made available for inspection by an Authorised Person on request at any reasonable time.
- D8. The licensee must carry out a program to advise all existing and new users of the Licenced Place that they must not release sewage, oils, chemical spirits, inflammable liquids and bilge wastes to any waters within/adjacent to the Licenced Place.

SCHEDULE E – LAND MANAGEMENT

- E1. The licensee must ensure that engines and other metal parts with any residual oil or grease are stored undercover, on a sealed surface, in such a manner as to prevent oil, grease and other contaminants entering the soil.

SCHEDULE F – NOISE MANAGEMENT

Emission of Noise

- F1. In the event of a complaint made to the administering authority (which is neither frivolous or vexatious) about noise generated in carrying out the environmentally relevant activity, and the noise is considered by the administering authority to be an unreasonable noise, the holder of this environmental authority must take steps to ensure that it is no longer an unreasonable noise.**

SCHEDULE G - WASTE MANAGEMENT

General

- G1. The licensee must not:**

- a. burn waste at or on any licensed place covered by this environmental authority unless otherwise authorised by this licence; nor**
- b. allow waste to burn or be burnt at or on any licensed place covered by this licence unless otherwise authorised by the administering authority; nor**
- c. remove waste from any licensed place covered by this licence and burn such waste elsewhere except in accordance with the requirements of the Environmental Protection Act 1994.**

Waste Storage

- G2. The licensee must ensure that waste oil collection receptacles and facilities are provided at the site.**
- G3. The licensee must ensure that waste oil receptacles are emptied as often as is necessary to provide sufficient capacity for continued use.**

Signage

- G4. The licensee must install and maintain adequate signs in prominent positions which will provide, at least, the following information:**
- a. advice that discharging wastes to Licenced Place waters is strictly prohibited; and**
 - b. advice on the waste reception services available and their location; and**
 - c. emergency procedures and/or contacts for the containment and ‘clean-up’ of spills.**
- G5. The licensee must ensure that clearly labelled litter bins, fitted with hinged lids and placed in prominent positions are provided at the Licenced Place.**
- G6. An area must be set aside for the segregation and storage of recyclable solid wastes.**

G7. Reasonable and practicable steps must be taken to ensure recyclable waste is not deposited in the general waste stream. Such steps may include the provision of receptacles and suitable signage.

Battery Storage

G8. The licensee must ensure that waste batteries are stored in a covered area on the licensed place.

Spills

G9. Spill equipment including but not limited to absorbent material must be maintained and stored on the licensed place.

G10. Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable using the spill equipment. Spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or waters.

G11. The licensee must cause the absorbent materials used to clean up any spillage to be disposed of only at premises whose operator is licensed under the Environmental Protection

Off Site Movement of Regulated Wastes

G12. Where regulated waste is removed from the licensed place (other than by a release as permitted under another schedule of this licence), the licensee must monitor and keep records of the following:

- a. the date, quantity and type of waste removed;**
- b. name of the waste transporter that removed the waste; and**
- c. the intended treatment/disposal destination of the waste.**

Note: Records of documents maintained in compliance with a waste tracking system established under the *Environmental Protection Act 1994* or any other law for regulated waste will be deemed to satisfy this condition.

G13. The licensee must ensure that disused oil, paint (including anti-fouling paints) and thinner drums are drained, sealed and stored in a covered area on a sealed surface prior to being:

- a. sent to a metal recycling agent; or**
- b. returned to the drum supplier; or**
- c. disposed of at a waste disposal facility whose operator is licensed in accordance with the Environmental Protection Act 1994.**

G14. The licensee must ensure that any abrasive blasting waste and material generated from scraping of hulls and high pressure vessel washing, including paint and organic marine growth, are:

- a. isolated and collected as soon as practicable during or after generation of such waste in a covered and sealed area prior to disposal; and
- b. stored in such a manner which prevents stormwater contamination and dust nuisance; and
- c. transported by a licensed regulated waste transporter where regulated waste loads exceed 250 kg; and
- d. disposed of at a waste disposal facility whose operator is licensed to accept such waste; and
- e. records in relation to conditions G14 (c) and G14 (d) must be kept at the licensed place and provided to an Authorised Person upon request.

SCHEDULE H - MONITORING AND REPORTING

Complaint Recording

H1. All complaints received by the licensee relating to releases of contaminants from activities undertaken at the licensed place must be recorded and kept with the following details:

- a. time, date and nature of complaint;
- b. type of communication (telephone, letter, personal etc.);
- c. name, contact address and contact telephone number of complainant/s

(Note: If the complainant does not wish to be identified then “Not identified” is to be recorded);

- d. response and investigation undertaken as a result of the complaint;
- e. name of person responsible for investigating complaint; and
- f. action taken as a result of the complaint investigation and signature of responsible person.

Report Submission

H2. The licensee must ensure that any monitoring results generated through the implementation of the IEMS specified in condition number (A6) of this licence are submitted to Cairns Regional Council in accordance with the annual return requirements of the Environmental Protection Act 1994.

Notification of Emergencies and Incidents

H3. Where the licensee has not given notification to Council under section 37 of the Environmental Protection Act, as soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this licence, the licensee must advise Council of the release by telephone or facsimile or submission of a program notice in accordance with Section 101 of the Act.

H4. Where the licensee has not given notification to Council under section 37 of the Environmental Protection Act, the notification of emergencies or incidents as required by condition number (H3) must, unless a program notice in accordance with Section 101 of the Act is submitted, include but not be limited to the following:

- a. details of the Licensee;
- b. the location of the emergency or incident;
- c. the number of the environmental authority;
- d. the name and telephone number of the designated contact person;
- e. the time of the release;
- f. the time the holder of this environmental authority became aware of the release;
- g. the suspected cause of the release;
- h. the environmental harm and or environmental nuisance caused, threatened, or to be caused by the release; and
- i. actions taken to prevent any further release and mitigate any environmental harm and or environmental nuisance caused by the release.

H5. Where the licensee has not given notification to Council under section 37 of the Environmental Protection Act, not more than fourteen (14) days following the initial notification of an emergency or incident, the licensee must provide written advice of the information supplied in accordance with condition number (H4) in addition to:

- a. proposed actions to prevent a recurrence of the emergency or incident; and
- b. outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance.

SCHEDULE I - DEFINITIONS

I1. For the purposes of the licence, any term not otherwise defined in Schedule I of this licence has the meaning conferred to that term in the Act or in the absence of a meaning in the Act, has the meaning conferred to that term in its common use.

I2. In the event of any inconsistency arising between the meaning of any term provided in Schedule I of this licence and the meaning in the Act or any common usage of that term, the meaning conferred in Schedule I will apply.

I3. For the purposes of the licence the following definitions apply:

“Act” means the Environmental Protection Act 1994.

“application” means the application for transfer of an environmental authority in relation to the licensed activity received and dated 15 June 2018 (including any amendments to the application submitted by the

licensee) and all plans specifications and information submitted with the application or provided to the Council in response to a request from the Council for additional information.

“authorised person” means a person appointed under the Act by the Chief Executive Officer of the Council.

“Administering Authority” means Cairns Regional Council and its successors.

“licensee” means Cairns Boat Yard.

“licensed activity” means the environmentally relevant activities to which this licence relates.

“licence conditions” means the conditions set out in Schedules A to I of this licence.

“licensed place” means 69R Lee Yan Road, East Trinity Qld 4871.

“personnel” means those persons or entities used by the licensee in carrying out the licensed activity, either directly or indirectly and includes without limitation employees, agents, contractors and sub-contractors.

FURTHER ADVICE

Planning Laws

1. Information relating to the *Planning Act 2016* (Qld), *Planning Regulation 2017* (Qld) and Development Assessment Rules is located on the Queensland Government’s planning website - <https://planning.statedevelopment.qld.gov.au>.

Definitions

2. All terms used in this development approval have those definitions as defined under the *Planning Act 2016* (Qld) and *Planning Regulation 2017* (Qld) (as at the date of the approval), Queensland Development Code and CairnsPlan 2016.

To the extent of any inconsistency, the order of precedence of the above instruments is as follows:

- a. *Planning Act 2016* (Qld);
- b. *Planning Regulation 2017* (Qld);
- c. Queensland Development Code;
- d. CairnsPlan 2016.

FNQROC Development Manual

3. **Access to the *FNQROC Development Manual*, Local Laws, CairnsPlan 2016 and other referenced planning scheme policies are located on Council's website – www.cairns.qld.gov.au.**

Road Licence/Permit

4. **The operator of the approved use, Environmentally Relevant Activity 49 and associated Environmental Authority must obtain and maintain a suitable form of tenure over the esplanade adjacent to the site.**

Cyclone Watch Site Management

5. **All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.**

Building Work

6. **This approval does not approve or authorise the construction of building work. A Development Permit for Building Work must be obtained in order for construction to commence.**

Future Compliance

7. **This approval does not negate the requirement for compliance of any future use with CairnsPlan 2016 or any future in force planning schemes, all other relevant Local Laws and other statutory requirements.**

Weeds, Pest Animals and Ants

8. **Biosecurity Queensland of the Department of Agriculture and Fisheries leads the Queensland Government's efforts to prevent, respond to and recover from pests and diseases threatening agricultural prosperity, the environment, social amenity and human health. All landscape materials, including but not limited to, soils, mulch, grass, gravel, potted or ground plants, pavers and timber used in landscape treatments must be free from weeds, pest animals and ants.**

Yellow Crazy Ants

9. **Yellow crazy ants are designated as invasive biosecurity matter under the *Biosecurity Act 2014* (Qld). All parties (whether landholders or not) are required to take all reasonable measures to prevent the movement of yellow crazy ants. This includes restrictions on the movement of any materials deemed to be infested with yellow crazy ants.**

For further information contact the Department of Environment and Science – <https://www.daf.qld.gov.au/business-priorities/biosecurity/policy-legislation-regulation/biosecurity-act-2014/biosecurity-matter-report/restricted-matter>.

Environmental Nuisance

10. Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act 1994* (Qld) to any sensitive receptor as stated within Schedule 1 of the *Environmental Protection (Noise) Policy 2019* (Qld).

Noise from air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would in the opinion of an Authorised Person (officer) of Council, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994* (Qld).

Advice Statement for EPBC Act

11. 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 of the Environment, Water, Heritage and the Arts website www.environment.gov.au/epbc EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct. 2009).

Dust Nuisance

12. The Applicant is to ensure that all steps are taken to minimise the amount of dust emanating from the site and environs.

Noise

13. Noise levels from the site, must not emanate from the subject land to a degree that would create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994*.

Water Management Quantity/Quality

14. Water Contamination from the site, must not emanate from the subject land to a degree that would create an environmental nuisance having regard to the provisions of Chapter 8 Part 3C of the *Environmental Protection Act 1994*.

LAND USE DEFINITIONS*

In accordance with Schedule 24 of the *Planning Regulation 2017*, and CairnsPlan 2016 the approved land use of Marine Industry is defined as:

“Premises used for waterfront based marine industries involved in any activity relating to the manufacturing, storage, repair or servicing of vessels and maritime infrastructure. The use may include the provision of fuel and disposal of waste.”

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

carried with Councillors Eden and Pyne voting against the motion

Mr David Wah Day addressed the meeting at 9.28am

3. COMBINED APPLICATION FOR MATERIAL CHANGE OF USE FOR MARINE INDUSTRY AND ENVIRONMENTALLY RELEVANT ACTIVITY (ERA) 49: BOAT MAINTENANCE OR REPAIR, OPERATIONAL WORK FOR PRESCRIBED TIDAL WORK – BOAT RAMP AND ENVIRONMENTAL AUTHORITY FOR ERA 49 – 69R LEE YAN ROAD, ESPLANADE AND LAND BELOW HIGH-WATER MARK ADJACENT TO 69R LEE YAN ROAD, EAST TRINITY – DIVISION 1 5
8/30/345 | #7195295

MOLLER / OLDS

That Council approves the Development Application seeking a Development Permit for a Material Change of Use for Marine Industry and Environmentally Relevant Activity (ERA) 49: Boat Maintenance or Repair, Operational Work (Prescribed Tidal Work) and approves the issue of an Environmental Authority for ERA 49: Boat Maintenance or Repair over land described as 69R Lee Yan Road, East Trinity, located at Lot 56 on NR2045, subject to the following:

PART A: MATERIAL CHANGE OF USE (MARINE INDUSTRY)

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means the drawings and documents identified in A, B and C below:

Drawing or Document	Reference	Date
Site Layout Plan	Dwg. No. 016-2101-01-CI-DRG-0001 Revision A prepared by 5KF	9 Nov 2021

Assessment Manager Conditions

Lapse of approval

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Generally in Accordance

2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within technical reports; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

3. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Notice of Intention to Commence Use

4. Prior to the Commencement of Use on the site, written notice must be given to Council that the development fully complies with this Development Permit. Please return the attached "*Notice of Intention to Commence Use*" form when the use has commenced (attached at Appendix 2).

Associated approvals

5. This development permit must be read in conjunction with:
 - a. PART C - Development Permit for Material Change of Use for Environmentally Relevant Activity (ERA) 49: Boat Maintenance or Repair;

- b. **PART D - Environmental Authority for ERA 49: Boat Maintenance or Repair; and**
- c. **PART B - Development Permit for Operational Work (Prescribed Tidal Works) for Boat Ramp, Pontoon, Jetty and Revetment Wall.**

Limitations of Use

- 6. **The owner/operator must have a current approval for ERA 49 Boat Maintenance or Repair, prior to Commencement of Use and at all times the use is being carried out on the land.**
- 7. **All access associated with the approved Marine Industry use, including customers, suppliers/deliveries and service providers must occur via Trinity Inlet only (i.e. via water). Access to the land for purposes associated with the approved use must not occur via Council's road network and Easements X and Z on SP121857 in Lot 36 on RP749582. Land based access is restricted to the residential use of the land only. The Integrated Environmental Management System (IEMS) report required by conditions of this approval must reflect these requirements and all persons or entities who access the land must be made aware of the access requirements for the site.**
- 8. **To prevent contamination of stormwater and tidal waters, all repairs and surface preparation activities, including scraping of hulls, sanding, abrasive blasting and painting, are to be conducted on the fully sealed surface at the top of the boat ramp, such that no part of any vessel being actively worked on extends beyond the sealed surface.**

Water Supply

- 9. **Water storage tank(s) with a minimum capacity not less than 30,000 litres must be installed prior to Commencement of Use. Such water tanks must be provided with:**
 - a. **Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than 1mm aperture mesh of substantial construction and installed in such manner as not to cause or accelerate corrosion; or**
 - b. **Flap valve at every opening of the tank or other receptacle; or**
 - c. **Other approved means for preventing the ingress or egress of mosquitoes; and**
 - d. **Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40cm; and**

- e. **The water tank(s) shall be fitted with a 50mm ball valve with a camlock fitting.**

The above works must be installed prior to Commencement of Use.

On-site Effluent Disposal

- 10. **The method of on-site effluent disposal must be in accordance with the Plumbing and Drainage Act 2018. A wastewater consultant must be engaged in order to confirm the location of existing trenches. If the trenches are found to be located on adjoining land, trenches are to be relocated on to the subject site. Details of the wastewater treatment system must be approved by the Chief Executive Officer prior to Commencement of Use.**

Refuse Storage

- 11. **The development is to be serviced by a private waste collection contractor.**

The refuse bin enclosure is to be in accordance with Council requirements and designed to accommodate bulk bins. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Cairns Regional Council. The refuse bin enclosure is to be roofed and bunded and fitted with a bucket trap.

Integrated Environmental Management System (IEMS)

- 12. **All relevant site management information must be documented in a single Integrated Environmental Management System (IEMS) report. The IEMS must include, but is not limited to the Site Based Management Plan (SBMP), Site Based Stormwater Management Plan (SBSMP) and SBSMP Implementation Plan for the management of all activities authorised under this approval and the associated environmental authority for ERA 49 Boat Maintenance or Repair. The IEMS must identify all sources of potential or actual environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources, each environmental receptor that could be impacted; and what actions will be taken to prevent the likelihood of environmental harm being caused. The IEMS must:**
 - a. **Identify control measures that minimise the potential for environmental harm;**
 - b. **Detail operational procedures for all activities authorised under this approval;**
 - c. **Detail corrective actions, mitigation measures and ameliorants;**
 - d. **Detail emergency plans and procedures, including but not limited to flood emergency management, procedures and preparedness;**

- e. Detail incident management procedures; and
- f. Document appropriate record keeping procedures.

The IEMS must be prepared by a suitably qualified and experienced person and must be prepared/collated to the satisfaction of the Chief Executive Officer of Cairns Regional Council. The IEMS must be provided for Council endorsement within four (4) months of this approval taking effect.

Acid Sulfate Soils

- 13. In the event that acid sulfate soils are encountered, the applicant is to ensure the site is managed in accordance with requirements of the Queensland Acid Sulfate Technical Manual. In addition, an ASS/PASS Management Plan prepared by a suitably qualified professional is to be submitted to Council within seven (7) days, should site excavations identify the presence of acid sulphate soils.

Lawful Point of Discharge

- 14. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream, in accordance with the *Queensland Urban Drainage Manual, Fourth Edition (2016)*.

Concentration of Stormwater

- 15. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.

Drainage

- 16. All water from the washdown area must be directed to an appropriate oil/water separator and solids trap before being released.

Erosion and Sediment Control

- 17. The management and control of Stormwater, Erosion and Sediment must be undertaken in accordance with the Stormwater Management Plan and the Site Based Management Plan. Erosion and sediment control measures are to be installed prior to the commencement of earthworks.

Boundary Treatments

- 18. Prior to the Commencement of Use, construct a chain wire, weldmesh or similar permeable weather resistant boundary fence with a minimum height of 1.8m along all boundaries of the site that are common with adjoining Lot 36 on RP749582, with the exception of the vehicle access. An identification survey is to be undertaken by an appropriately qualified

Surveyor to accurately identify the location and extent of the relevant property boundaries prior to commencement of construction of the fence.

Flood Levels

19. All new electrical fixtures, including any on the lower levels of the Dwelling House on site, are to be located at a level above the 1% AEP storm surge extent.
20. Storage of all fuel, chemicals and hazardous substances must be within the Shed and above the storm tide line (3.15m AHD).

PART B: OPERATIONAL WORK - PRESCRIBED TIDAL WORK

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Site Layout Plan	Dwg. No. 016-2101-01-CI-DRG-0001 Revision A prepared by 5KF	9 Nov 2021

Assessment Manager Conditions

Lapse of approval

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Generally in Accordance

2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

3. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

General

4. This Development Permit for Operational Works (Prescribed Tidal Work) covers the installation of a boat ramp as shown in the approved plans. All works not explicitly covered by this approval must be covered by a separate Development Permit for Operational Works.

Associated approvals

5. This development permit must be read in conjunction with:
 - a. Part A – Material Change of Use for Marine Industry;
 - b. Part C – Material Change of Use for an ERA 49: Boat Maintenance or Repair; and
 - b. Part D – Environmental Authority associated with ERA 49: Boat Maintenance or Repair.

Construction

6. The applicant/owner must:
 - a. Ensure that construction of the works is carried out only by means of suitable plant and equipment and that measures are taken to limit turbidity in tidal waters as a result of the construction; and
 - b. Ensure that disturbance to the bed and banks of the waterway is kept to a minimum; and
 - c. Take all appropriate measures to minimise pollution of tidal waters as a result of silt runoff and discharge of other contaminants such as fuel, oil and hydraulic fluid to the waterway during construction of the works.
 - d. The developer shall be held responsible for any rectification works required to clean up dust, pollutants and sediments that may leave the site as a result of construction activities.
 - e. The developer or their representative shall be responsible for communicating with third parties affected by any dust, pollutants or sediment leaving the site as a result of any construction activity that is associated with the project site.

7. All reasonable and practicable measures must be taken to prevent pollution entering existing creeks, waterways or drainage lines, as a result of silt run-off, oil and grease spills from any machinery. Wastewater as a result of cleaning equipment must not be discharged directly or in-directly to any watercourses, stormwater systems or private properties (in accordance with the requirements of the Environmental Protection Act (1994), the FNQROC Development Manual and Best Practice Erosion & Sediment Control – IECA Australasia, November 2008).

Acid Sulfate Soils

8. In the event that acid sulfate soils are encountered, the applicant is to ensure the site is managed in accordance with requirements of the Queensland Acid Sulfate Technical Manual and State Planning Policy SPP2/02. In addition, an ASS/PASS Management Plan is to be submitted to Council within seven (7) days, should site excavations identify the presence of acid sulphate soils.
9. Ensure acid sulfate soils are managed so that contaminants are not directly or indirectly released as a result of the construction activity to any waters or the bed and banks of any waters.
10. The use must not cause, or be likely to cause, environmental harm resulting from the release of contaminants, dust, noise or sediments from the site. Appropriate Erosion and Sediment Control (ESC) measures must be installed and maintained for the duration of the works or until all exposed areas have been fully stabilized.

Debris

11. The applicants/owner must remove any material deposited outside the alignment of the works shown on the approved plans, or any debris that falls or is deposited on the tidal lands or into tidal waters during construction of the works.
12. The bed and banks of the waterway must be clear of all debris for a minimum distance of 15 metres around the site of the works.

PART C: MATERIAL CHANGE OF USE FOR AN ENVIRONMENTALLY RELEVANT ACTIVITY (ERA) 49: BOAT MAINTENANCE AND REPAIR

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Site Layout Plan	Dwg. No. 016-2101-01-CI-DRG-0001 Revision A prepared by 5KF	9 Nov 2021

Lapse of approval

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Generally in Accordance

2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within technical reports; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

3. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Associated approvals

4. This development permit must be read in conjunction with:
 - a. Part A - Development Permit for Material Change of Use for Marine Industry;
 - b. Part B – Development Permit for Operational Work (Prescribed Tidal Works) for Boat Ramp, Pontoon, Jetty and Revetment Wall; and
 - c. PART D - Environmental Authority for ERA 49: Boat Maintenance or Repair.

PART D: ENVIRONMENTALLY RELEVANT ACTIVITY (ERA) 49 (BOAT MAINTENANCE OR REPAIR)

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

Drawing or Document	Reference	Date
Site Layout Plan	Dwg. No. 016-2101-01-CI-DRG-0001 Revision A prepared by 5KF	9 Nov 2021

SCHEDULE A - GENERAL CONDITIONS

Financial Assurance

A1: The holder of the environmental authority must submit the required amount of financial assurance to the administering authority prior to carrying out any activities on the Licenced Place. If the activities that are being carried out by the holder of the environmental authority are altered so as to cause a change in the category of total area of disturbance, the holder of the environmental authority must submit an application to amend their financial assurance to the administering authority. If an application is lodged to transfer the environmental authority to another person or company, the proposed transferee must submit the required financial assurance prior to the transfer taking effect.

Note 1 – The Financial Assurance must be calculated in accordance with Guideline for Estimated Rehabilitation Cost under the *Environmental Protection Act 1994* and supporting Estimated Rehabilitation Cost Calculator published by the Department of Environment and Science.

Note 2 - Chapter 5, Part 12, Division 2 of the Environmental Protection Act 1994 requires that the holder of the environmental authority gives the administering authority a financial assurance in a form acceptable to the administering authority. When necessary, the holder of the environmental authority must submit an application to amend their financial assurance under section 302 of the Environmental Protection Act 1994. The holder of the environmental authority must lodge a single financial assurance with Cairns Regional Council. The financial assurance will consist of two components:

- a. An amount to cover the potential costs to Cairns Regional Council of rehabilitating areas disturbed by activities on the Licenced Place should the environmental authority holder failure to do so; and
- b. An amount to cover the potential costs to Cairns Regional Council of demolishing and removing for the purpose of rehabilitating disturbed areas or restoring property improvements disturbed by activities on the Licenced Place.

Access to Copy of Environmental Authority

- A2. A copy of this licence must be kept in a location readily accessible to personnel carrying out the activity.**
- A3. The licensee shall ensure that any person(s) responsible for the carrying out of the environmentally relevant activities are familiar with the conditions of this licence as they relate to the person's responsibilities.**

Records

- A4. Any record or document required to be kept by a condition of this licence must be kept at the licensed place for a period of at least five (5) years and be available for examination by an authorised person.**
- A5. The licensee must keep a logbook of vessels which have boat maintenance or repair activities undertaken at the licensed place.**

The logbook must specify:

- a. name and contact details of vessel owner; and**
- b. name of vessel, location(s) and date(s) stored at the licensed place.**

Alterations

- A6. No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this environmental authority.**

An example of a substantial increase in the risk of environmental harm is an increase of 10% or more in the quantity of the contaminant to be released into the environment.

Integrated Environmental Management System (IEMS)

- A7. The licensee must:**
 - a. Develop and implement an Integrated Environmental Management System which provides for the following functions:**
 - a. monitor the releases of contaminants into the environment and an environmental assessment of the releases;**
 - b. staff training and awareness of environmental issues;**
 - c. the conduct of environmental and energy audits;**
 - d. waste prevention, treatment and disposal;**
 - e. a program for continuous improvement; and**
 - f. reporting arrangements on the effectiveness of the environmental management of the activities.**
 - b. lodge a draft IEMS with Cairns Regional Council for review and comment;**

- c. have due regard to draft IEMS comments made by Council in the finalisation of the IEMS; and
 - d. have commenced implementation of the IEMS.
- A8. The licence holder must submit details of any amendment to the IEMS to the administering authority with the Annual Return which immediately follows the enactment of any such amendment.**
- A9. A copy of the IEMS must be kept in a location readily accessible to the personnel carrying out the environmentally relevant activity.**

SCHEDULE B - AIR DISCHARGE CONDITIONS

General

- B1. Thinners, paints including anti-fouling paints, solvents and other volatile substances utilised by the licensee in undertaking the licensed activity must be stored in sealed containers to prevent the discharge of volatile organic compounds to the atmosphere.**
- B2. The licensee must not carry out incineration or open burning.**

Abrasive Blasting

- B3. The licensee must ensure that abrasive blasting is not carried out at the licensed place unless all wastes generated, including blast agent and paint debris, are contained and collected for storage, treatment, recycling and/or disposal.**
- B4. The licensee must ensure that all abrasive blasting operations carried out at the licensed place are undertaken:**
- a. on a sealed surface, or using a containment system or structure which prevents abrasive wastes from entering stormwater or marine water;
 - b. in such a manner as to ensure no visible abrasive media or dust escapes from the licensed place;
 - c. in accordance with any handling recommendations from abrasive media manufacturers; and
 - d. by other methods which are approved in writing by Cairns Regional Council which prevent contamination of surrounding areas.

Spray Painting

- B5. The licensee must ensure that, where possible, the application of paint, including antifouling paint, is carried out using brushes or rollers.**
- B6. The licensee must ensure that any spray painting, including spraying of anti-fouling paint, is carried out:**
- a. using airless, air assisted airless and electrostatic spray guns for the application of antifouling paint below the waterline;
 - b. using high pressure, airless and air assisted airless spray guns for spray painting top sides and decks;

- c. using a containment system or structure which prevents or minimises paint overspray and the escape of waste materials for the duration of the operation; and
- d. in accordance with any handling recommendations from accredited paint manufacturers.

SCHEDULE C – STORMWATER MANAGEMENT

- C1.** The licensee must ensure that uncontaminated stormwater is diverted away from waste bins or areas where spent abrasive media, oil, lubricants, thinners, paint (including anti-fouling paints) paint debris and contaminated or spent solvent are stored.
- C2.** The licensee must not allow any direct or indirect release of stormwater contaminated with spent abrasive, paint debris, paint (including anti-fouling paint), solvents or metals from the licensed place to the stormwater system or marine environment.
- C3.** The licensee must ensure that stormwater is not discharged to the sewerage system.
- C4.** The licensee must ensure that any spillage of potential contaminants including oil, paint (including anti-fouling paints) spent abrasive media and solvents are:
 - a. cleaned up promptly; and
 - b. cleaned up using an absorbent material; and
 - c. that the used absorbent material is isolated before disposal in a waste bin.
- C5.** To prevent contamination of stormwater and tidal waters, the licensee must ensure that no potential contaminants, including paint debris, abrasive blasting waste, and other wastes generated from boat maintenance and repairing activities accumulate on or below the average high-water mark.

Storage Area Bunding

- C6.** The licensee must ensure that there is an area designated for the storage of potential contaminants (including oils, greases, fuels, acids, paints, thinners and cleaning solvents) as well as waste generated from undertaking the activities (including waste oil, spent abrasive media, thinners, paints (including anti-fouling paint), solvents and other volatile substances).
- C7.** The licensee must ensure that all designated storage areas as specified in condition number (C6) are:
 - a. contained within a secure, covered area away from through traffic;
 - b. bunded* in accordance with Australian Standard AS1940;
 - c. constructed and maintained to be impervious to the materials being stored within the bund; and

- d. located in areas not susceptible to inundation from marine waters.

**NOTE: Tank storage – 110% of the capacity of the largest tank;*

Package storage – 100% of the capacity of the largest container plus 25% of the total storage volume.

Tank – Container having a capacity larger than 250 L.

Package – Container having a capacity of 250 L or less.

- C8. The licensee must have an adequate spill kit, including a supply of absorbent material in an accessible location, sufficient to contain all of the largest container of liquid not stored within a bunded area, in the event of a spillage of a potential contaminant at the licensed place.
- C9. The licensee must ensure that contaminated stormwater captured within any bunded area is disposed of at premises whose operator is licensed under the Environmental Protection Act 1994 to receive such wastes.
- C10. The licensee must ensure that all regulated wastes stored at the licensed place are transported to:
- a. a waste disposal facility whose operator is licensed to receive and treat and / or dispose of regulated waste; and
 - b. such a facility by a licensed regulated waste transporter, where regulated waste exceeds 250 kg per load.

SCHEDULE D - WASTEWATER CONDITIONS

Vessel Surface Cleaning

- D1. Where practicable, marine organisms must be removed from vessels by scraping rather than high pressure water blasting.
- D2. The licensee must ensure that wastewater pre-treatment works are installed at the licensed place to direct and pre-treat all Vessel washdown waste waters generated from the vessel washdown area to sewer for the duration of all vessel washdown operations.
- D3. The licensee must ensure that all vessels maintained, repaired and/or stored at the licensed place are washed down only within the designated Vessel Washdown area.
- D4. The licensee must ensure that the level of accumulated marine organisms, sediment and sludge collected within sewer pre-treatment units is monitored in accordance with a routine operating procedure.
- D5. The licensee must ensure that the wastes specified in condition (D4) are removed from the licensed place by a licensed regulated waste transporter for disposal in accordance with a routine operating procedure in order to:
- a. ensure that the pre-treatment unit is operating to its optimum design efficiency; and
 - b. prevent overflow of wastes out of the unit.

- D6. The licensee must ensure that waste waters discharged to sewer from the Vessel Washdown area are released in accordance with a trade waste agreement with Cairns Regional Council.**
- D7. Records of any trade waste agreement with Cairns Regional Council for discharge of wastes from the licensed places to sewers must be made available for inspection by an Authorised Person on request at any reasonable time.**
- D8. The licensee must carry out a program to advise all existing and new users of the Licenced Place that they must not release sewage, oils, chemical spirits, inflammable liquids and bilge wastes to any waters within/adjacent to the Licenced Place.**

SCHEDULE E – LAND MANAGEMENT

- E1. The licensee must ensure that engines and other metal parts with any residual oil or grease are stored undercover, on a sealed surface, in such a manner as to prevent oil, grease and other contaminants entering the soil.**

SCHEDULE F – NOISE MANAGEMENT

Emission of Noise

- F1. In the event of a complaint made to the administering authority (which is neither frivolous or vexatious) about noise generated in carrying out the environmentally relevant activity, and the noise is considered by the administering authority to be an unreasonable noise, the holder of this environmental authority must take steps to ensure that it is no longer an unreasonable noise.**

SCHEDULE G - WASTE MANAGEMENT

General

- G1. The licensee must not:**
- a. burn waste at or on any licensed place covered by this environmental authority unless otherwise authorised by this licence; nor**
 - b. allow waste to burn or be burnt at or on any licensed place covered by this licence unless otherwise authorised by the administering authority; nor**
 - c. remove waste from any licensed place covered by this licence and burn such waste elsewhere except in accordance with the requirements of the Environmental Protection Act 1994.**

Waste Storage

- G2. The licensee must ensure that waste oil collection receptacles and facilities are provided at the site.**
- G3. The licensee must ensure that waste oil receptacles are emptied as often as is necessary to provide sufficient capacity for continued use.**

Signage

- G4.** The licensee must install and maintain adequate signs in prominent positions which will provide, at least, the following information:
- a. advice that discharging wastes to Licenced Place waters is strictly prohibited; and
 - b. advice on the waste reception services available and their location; and
 - c. emergency procedures and/or contacts for the containment and 'clean-up' of spills.
- G5.** The licensee must ensure that clearly labelled litter bins, fitted with hinged lids and placed in prominent positions are provided at the Licenced Place.
- G6.** An area must be set aside for the segregation and storage of recyclable solid wastes.
- G7.** Reasonable and practicable steps must be taken to ensure recyclable waste is not deposited in the general waste stream. Such steps may include the provision of receptacles and suitable signage.

Battery Storage

- G8.** The licensee must ensure that waste batteries are stored in a covered area on the licensed place.

Spills

- G9.** Spill equipment including but not limited to absorbent material must be maintained and stored on the licensed place.
- G10.** Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable using the spill equipment. Spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or waters.
- G11.** The licensee must cause the absorbent materials used to clean up any spillage to be disposed of only at premises whose operator is licensed under the Environmental Protection

Off Site Movement of Regulated Wastes

- G12.** Where regulated waste is removed from the licensed place (other than by a release as permitted under another schedule of this licence), the licensee must monitor and keep records of the following:
- a. the date, quantity and type of waste removed;
 - b. name of the waste transporter that removed the waste; and
 - c. the intended treatment/disposal destination of the waste.

Note: Records of documents maintained in compliance with a waste tracking system established under the *Environmental Protection*

Act 1994 or any other law for regulated waste will be deemed to satisfy this condition.

- G13. The licensee must ensure that disused oil, paint (including anti-fouling paints) and thinner drums are drained, sealed and stored in a covered area on a sealed surface prior to being:**
- a. sent to a metal recycling agent; or**
 - b. returned to the drum supplier; or**
 - c. disposed of at a waste disposal facility whose operator is licensed in accordance with the Environmental Protection Act 1994.**
- G14. The licensee must ensure that any abrasive blasting waste and material generated from scraping of hulls and high pressure vessel washing, including paint and organic marine growth, are:**
- a. isolated and collected as soon as practicable during or after generation of such waste in a covered and sealed area prior to disposal; and**
 - b. stored in such a manner which prevents stormwater contamination and dust nuisance; and**
 - c. transported by a licensed regulated waste transporter where regulated waste loads exceed 250 kg; and**
 - d. disposed of at a waste disposal facility whose operator is licensed to accept such waste; and**
 - e. records in relation to conditions G14 (c) and G14 (d) must be kept at the licensed place and provided to an Authorised Person upon request.**

SCHEDULE H - MONITORING AND REPORTING

Complaint Recording

- H1. All complaints received by the licensee relating to releases of contaminants from activities undertaken at the licensed place must be recorded and kept with the following details:**
- a. time, date and nature of complaint;**
 - b. type of communication (telephone, letter, personal etc.);**
 - c. name, contact address and contact telephone number of complainant/s**

(Note: If the complainant does not wish to be identified then “Not identified” is to be recorded);
 - d. response and investigation undertaken as a result of the complaint;**
 - e. name of person responsible for investigating complaint; and**

- f. action taken as a result of the complaint investigation and signature of responsible person.

Report Submission

- H2. The licensee must ensure that any monitoring results generated through the implementation of the IEMS specified in condition number (A6) of this licence are submitted to Cairns Regional Council in accordance with the annual return requirements of the Environmental Protection Act 1994.

Notification of Emergencies and Incidents

- H3. Where the licensee has not given notification to Council under section 37 of the Environmental Protection Act, as soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this licence, the licensee must advise Council of the release by telephone or facsimile or submission of a program notice in accordance with Section 101 of the Act.

- H4. Where the licensee has not given notification to Council under section 37 of the Environmental Protection Act, the notification of emergencies or incidents as required by condition number (H3) must, unless a program notice in accordance with Section 101 of the Act is submitted, include but not be limited to the following:

- a. details of the Licensee;
- b. the location of the emergency or incident;
- c. the number of the environmental authority;
- d. the name and telephone number of the designated contact person;
- e. the time of the release;
- f. the time the holder of this environmental authority became aware of the release;
- g. the suspected cause of the release;
- h. the environmental harm and or environmental nuisance caused, threatened, or to be caused by the release; and
- i. actions taken to prevent any further release and mitigate any environmental harm and or environmental nuisance caused by the release.

- H5. Where the licensee has not given notification to Council under section 37 of the Environmental Protection Act, not more than fourteen (14) days following the initial notification of an emergency or incident, the licensee must provide written advice of the information supplied in accordance with condition number (H4) in addition to:

- a. proposed actions to prevent a recurrence of the emergency or incident; and

- b. outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance.

SCHEDULE I - DEFINITIONS

11. For the purposes of the licence, any term not otherwise defined in Schedule I of this licence has the meaning conferred to that term in the Act or in the absence of a meaning in the Act, has the meaning conferred to that term in its common use.
12. In the event of any inconsistency arising between the meaning of any term provided in Schedule I of this licence and the meaning in the Act or any common usage of that term, the meaning conferred in Schedule I will apply.

13. For the purposes of the licence the following definitions apply:

“Act” means the Environmental Protection Act 1994.

“application” means the application for transfer of an environmental authority in relation to the licensed activity received and dated 15 June 2018 (including any amendments to the application submitted by the licensee) and all plans specifications and information submitted with the application or provided to the Council in response to a request from the Council for additional information.

“authorised person” means a person appointed under the Act by the Chief Executive Officer of the Council.

“Administering Authority” means Cairns Regional Council and its successors.

“licensee” means Cairns Boat Yard.

“licensed activity” means the environmentally relevant activities to which this licence relates.

“licence conditions” means the conditions set out in Schedules A to I of this licence.

“licensed place” means 69R Lee Yan Road, East Trinity Qld 4871.

“personnel” means those persons or entities used by the licensee in carrying out the licensed activity, either directly or indirectly and includes without limitation employees, agents, contractors and sub-contractors.

FURTHER ADVICE

Planning Laws

1. Information relating to the *Planning Act 2016* (Qld), *Planning Regulation 2017* (Qld) and Development Assessment Rules is located on the Queensland Government’s planning website - <https://planning.statedevelopment.qld.gov.au>.

Definitions

2. All terms used in this development approval have those definitions as defined under the *Planning Act 2016* (Qld) and *Planning Regulation 2017* (Qld) (as at the date of the approval), Queensland Development Code and CairnsPlan 2016.

To the extent of any inconsistency, the order of precedence of the above instruments is as follows:

- a. *Planning Act 2016* (Qld);
- b. *Planning Regulation 2017* (Qld);
- c. Queensland Development Code;
- d. CairnsPlan 2016.

FNQROC Development Manual

3. Access to the *FNQROC Development Manual*, Local Laws, CairnsPlan 2016 and other referenced planning scheme policies are located on Council's website – www.cairns.qld.gov.au.

Road Licence/Permit

4. The operator of the approved use, Environmentally Relevant Activity 49 and associated Environmental Authority must obtain and maintain a suitable form of tenure over the esplanade adjacent to the site.

Cyclone Watch Site Management

5. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.

Building Work

6. This approval does not approve or authorise the construction of building work. A Development Permit for Building Work must be obtained in order for construction to commence.

Future Compliance

7. This approval does not negate the requirement for compliance of any future use with CairnsPlan 2016 or any future in force planning schemes, all other relevant Local Laws and other statutory requirements.

Weeds, Pest Animals and Ants

8. Biosecurity Queensland of the Department of Agriculture and Fisheries leads the Queensland Government's efforts to prevent, respond to and recover from pests and diseases threatening agricultural prosperity, the

environment, social amenity and human health. All landscape materials, including but not limited to, soils, mulch, grass, gravel, potted or ground plants, pavers and timber used in landscape treatments must be free from weeds, pest animals and ants.

Yellow Crazy Ants

9. Yellow crazy ants are designated as invasive biosecurity matter under the *Biosecurity Act 2014* (Qld). All parties (whether landholders or not) are required to take all reasonable measures to prevent the movement of yellow crazy ants. This includes restrictions on the movement of any materials deemed to be infested with yellow crazy ants.

For further information contact the Department of Environment and Science – <https://www.daf.qld.gov.au/business-priorities/biosecurity/policy-legislation-regulation/biosecurity-act-2014/biosecurity-matter-report/restricted-matter>.

Environmental Nuisance

10. Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act 1994* (Qld) to any sensitive receptor as stated within Schedule 1 of the *Environmental Protection (Noise) Policy 2019* (Qld).

Noise from air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would in the opinion of an Authorised Person (officer) of Council, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994* (Qld).

Advice Statement for EPBC Act

11. 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 of the Environment, Water, Heritage and the Arts website www.environment.gov.au/epbc EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct. 2009).

Dust Nuisance

12. The Applicant is to ensure that all steps are taken to minimise the amount of dust emanating from the site and environs.

Noise

- 13. Noise levels from the site, must not emanate from the subject land to a degree that would create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the Environmental Protection Act 1994.

Water Management Quantity/Quality

- 14. Water Contamination from the site, must not emanate from the subject land to a degree that would create an environmental nuisance having regard to the provisions of Chapter 8 Part 3C of the Environmental Protection Act 1994.

LAND USE DEFINITIONS*

In accordance with Schedule 24 of the *Planning Regulation 2017*, and CairnsPlan 2016 the approved land use of Marine Industry is defined as:

“Premises used for waterfront based marine industries involved in any activity relating to the manufacturing, storage, repair or servicing of vessels and maritime infrastructure. The use may include the provision of fuel and disposal of waste.”

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

carried with Councillors Eden and Pyne voting against the motion

4. PROPOSED AMENDMENT TO CAIRNSPLAN 2016 PLANNING SCHEME POLICY – FNQROC DEVELOPMENT MANUAL 6
70/6/1 | #7232065

OLDS / COGHLAN

That Council:

- 1. Resolves to amend the CairnsPlan 2016 Planning Scheme Policy FNQROC Regional Development Manual; and

2. Resolves to undertake public consultation on the proposed amendments to CairnsPlan 2016 Planning Scheme Policy FNQROC Regional Development Manual in accordance with the requirements for a Qualified State Interest Amendments in the Minister’s Guidelines and Rules under the *Planning Act 2016*.

carried unanimously

5. LOCAL LAW AMENDMENTS 7

71/3/1 | #7215473

ZEIGER / VALLELY

That Council:

1. Resolves to propose to make the amendments to each of the following local laws and subordinate local laws (“Proposed Local Law Amendments”):
 - a. *Local Law No. 1 (Administration) 2016;*
 - b. *Local Law No. 2 (Animal Management) 2016;*
 - c. *Subordinate Local Law No. 2 (Animal Management) 2019;*
 - d. *Local Law No. 3 (Community & Environment) 2016;*
 - e. *Subordinate Local Law No. 3 (Community & Environment) 2016;*
 - f. *Local Law No. 5 (Temporary Homes) 2016;*
 - g. *Local Law No. 6 (Camping Grounds, Caravan Parks and Share Facilities Accommodation) 2016;*
 - h. *Local Law No. 7 (Human Remains and Cemeteries) 2016;*
 - i. *Local Law No. 8 (Swimming Pools) 2016;*
 - j. *Local Law No. 9 (Temporary Entertainment Events) 2016;*
 - k. *Local Law No. 10 (Cane Railways) 2016;*
 - l. *Local Law No. 11 (Local Government Controlled Areas and Roads) 2016;*
 - m. *Subordinate Local Law No. 11 (Local Government Controlled Areas and Roads) 2016;*
 - n. *Local Law No. 12 (Parking) 2016;*
 - o. *Subordinate Local Law No. 12 (Parking) 2016; and*
 - p. *Local Law No. 14 (Town Water) 2016;*
2. Resolves to propose to make new *Local Law No. 15 (Waste Management) 2023* (“the New Local Law”);
3. Resolves to consult with relevant State government entities about the overall State interest in the Proposed Local Law Amendments and the New Local Law pursuant to section 29A of the *Local Government Act 2009* (“State Interest Check”);
4. Revolves to undertake public consultation in relation to the Proposed Local Law Amendments and the New Local Law contained in Attachment 1 in accordance with the process contained in this report;

5. Resolves to undertake consultation with regard to any anti-competitive provisions identified within the Proposed Local Law Amendments and the New Local Law through the Public Interest Test Plan; and
6. Notes that a further report will be provided following the completion of the State Interest Check and public consultation period and consideration of the submissions received throughout that period.

carried unanimously

THE MEETING CLOSED AT 9.55 AM

CONFIRMED THIS 13th DAY OF SEPTEMBER 2023



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CHAIR



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CHIEF EXECUTIVE OFFICER