



DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday 30 May 2023

ENSURING EXCELLENCE IN GOVERNANCE
ACCOUNTABLE AND TRANSPARENT DECISION-MAKING
INCLUSIVE ENGAGEMENT, PLANNING AND PARTNERSHIPS
CELEBRATING OUR COMMUNITIES



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY 30 MAY 2023 COMMENCING AT 10:00A.M.**

Mayor Cr Kerr opened the meeting at 10:00am by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on Tuesday 30 May 2023 at the Mossman Council Chambers.

This Ordinary Meeting of Council is being Live Streamed on Council's Website and will also be available for others to watch at a later time.

Cr Kerr acknowledged the Kuku Yalanji people who are the Traditional Custodians of the Land on which this meeting is being held and paid respect to their Elders past, present and emerging, and extended that respect to other Indigenous Australians who may be listening or watching this morning.

**DOUGLAS SHIRE COUNCIL
ORDINARY MEETING
TUESDAY 30 MAY 2023
10:00AM
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1. ATTENDANCE & APOLOGIES

1.1. PRESENT

Cr Michael Kerr (Mayor), Cr Lisa Scomazzon (Deputy Mayor), Cr Peter McKeown, Cr Abigail Noli, Cr Roy Zammataro

1.2. APOLOGIES

There were no apologies.

1.3. OFFICERS IN ATTENDANCE

Rachel Brophy (Chief Executive Officer), Lisa Golding (Manager People and Community Services), Tara Killeen (Chief Financial Officer), Ross Higgins (Acting Manager Governance), Scott Hahne (Manager Project Office), Sean O'Connor (Procurement Coordinator), Liz Potter (Procurement Administration Officer), Peter White (Coordinator Water and Wastewater), Sara Roberts (Team Leader Property Services), Peter Logan (Coordinator Public Spaces), Neil Beck (Team Leader Planning), Jenny Elphinstone (Senior Planning Officer), Colin Chalmers (Team Leader Asset Management), Marcus Wilson (Senior Media and Communications Officer), Tarren Woodhams (Digital Communications Officer), Natalie Crimmins (Senior Governance Officer).

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil.

3. MAYORAL MINUTES

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING

4.1. CONFIRM MINUTES - ORDINARY MEETING HELD 26 APRIL 2023

Moved Cr Noli

Seconded Cr Scomazzon

Resolution 1.

1. That the Unconfirmed Minutes of the Ordinary Meeting held Wednesday 26 April 2023 be **AMENDED** as follows:
The resolution at section 5.8 be amended to read "That Council notes the progress of the Capital Works Program for the period January to March 2023".

Resolution 2.

2. That the Minutes of the Ordinary Meeting held Wednesday 26 April 2023 as amended be confirmed.

Carried Unanimously

5. OFFICERS REPORTS

5.1. FINANCIAL REPORTS APRIL 2023

Moved Cr Scomazzon

Seconded Cr Noli

That Council notes the Financial Reports, comprising of the Statement of Comprehensive Income and the Statement of Financial Position for April 2023.

Carried Unanimously

5.2. REGISTER OF SOLE AND SPECIALISED SUPPLIERS 2023-2024 FY

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council resolves to:

- 1. Approve the attached register of sole and specialised suppliers under s 235 (a) and (b) of the Local Government Regulation 2012 for the supply of equipment and services, for the 2023-2024 financial year.*
- 2. Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to Sole Suppliers subject to Council's normal procurement policies and practices.*

Carried Unanimously

5.3. AUDIT COMMITTEE CHARTER

Moved Cr Scomazzon

Seconded Cr Kerr

That Council adopts the Audit Committee Charter as presented.

Carried Unanimously

5.4. OPERATIONAL PLAN 2023-2024

Moved Cr Noli

Seconded Cr Scomazzon

That Council adopts the Operational Plan 2023-2024.

Carried Unanimously

5.5. SUB METERING (WATER) POLICY

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council adopts the sub-metering (water) policy.

Carried Unanimously

5.6. CONTRACT AWARD 2023-048 FOR LIFEGUARD SERVICES 2023

Moved Cr Noli

Seconded Cr McKeown

That Council:

1. *Resolves to award Contract 2023-048 Lifeguard Services Fourmile Beach to Surf Life Saving Queensland (ABN: 27 360 485 381) for \$347,810.10*
2. *Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters in relation to this contractual arrangement.*

Carried Unanimously

5.7. EXPIRING TRUSTEE PERMIT FOR MARINE RESCUE SERVICES 2023 LOT 51 SP288958 WHARF ST PORT DOUGLAS

Moved Cr Zammataro

Seconded Cr Scmazzon

That Council:

1. *Offers a further Trustee Permit to Queensland Fire and Emergency Services (QFES) over Lot 51 on SP288958, Wharf Street Port Douglas, to provide marine rescue services from Ellis Beach to the Hope Islands, and store flares and associated flammable materials:*
 - i) *For a term of 12 months commencing from 30 April 2023 and expiring 29 April 2024, or until such time as the dispute between the Marine Rescue Douglas Shire Inc (MRDSI) and the Australian Volunteer Coast Guard Association (AVCGA) is resolved and a trustee lease is formally in place;*
 - ii) *Utilising the terms and conditions of the Standard Terms Document registered under dealing number 720830775 and s 3 of Land Regulations 2020; and*
 - iii) *Rent for the term of the Trustee Permit to be waived.*
2. *Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise all matters in relation to the Trustee Permit.*

Carried Unanimously

5.8. COUNCIL LANDOWNER CONSENT - 69 TEA TREE RD DIWAN - COW BAY PRIMARY HEALTH CARE CENTRE

Moved Cr Scmazzon

Seconded Cr McKeown

That Council:

1. Provides landowner consent for any development applications associated with a Material Change of Use (Health Care Services with ancillary staff accommodation and helipad) for the Cow Bay Primary Health Care Centre;
2. Consents to the development application, once submitted, being determined by delegated authority; and
3. Delegates authority to the Chief Executive Officer under s257 of the Local Government Act 2009 to finalise all matters in relation to the above.

Carried Unanimously

5.9. COMBINED DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE - 4 DWELLING HOUSES & RECONFIGURING A LOT (2 LOTS INTO 4 LOTS) - 69-73 MURPHY STREET PORT DOUGLAS

Moved Cr Noli

Seconded Cr McKeown

That Council approves the development application for a Combined Application for Dwelling Houses and Reconfiguring a Lot (2 Lots into 4 Lots) over land described as Lot 2 on RP724386 & Lot 516 on PTD2094, subject to the following:

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
Architectural Plans		
Cover Sheet	DA-01	19.05.23
Site Plan	DA-02	19.05.23
Ground Floor Level	DA-03	19.05.23
First Floor Level	DA-04	19.05.23
Second Floor Level	DA-05	19.05.23
Third Floor Level	DA-06	19.05.23
Roof Level	DA-07	19.05.23
Section 01	DA-08	19.05.23
Section 02	DA-09	19.05.23
Section 03	DA-10	19.05.23
Section 04	DA-11	19.05.23

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Section 05</i>	<i>DA-12</i>	<i>19.05.23</i>
<i>Section 06</i>	<i>DA-13</i>	<i>19.05.23</i>
<i>Section L1</i>	<i>DA-14</i>	<i>19.05.23</i>
<i>Section L2</i>	<i>DA-15</i>	<i>19.05.23</i>
<i>Elevations</i>	<i>DA-16</i>	<i>19.05.23</i>
<i>Elevations</i>	<i>DA-17</i>	<i>19.05.23</i>
<i>Elevations</i>	<i>DA-18</i>	<i>19.05.23</i>
<i>Areas Analysis</i>	<i>DA-19</i>	<i>19.05.23</i>
<i>Finishes Visualisations</i>	<i>DA-20</i>	<i>19.05.23</i>
<i>Finishes Visualisations</i>	<i>DA-21</i>	<i>19.05.23</i>
<i>Park Perspective</i>	<i>DA-22</i>	<i>19.05.23</i>
<i>Car Park Perspective</i>	<i>DA-23</i>	<i>19.05.23</i>
Civil Plans		
<i>Cover Page & Locailty Plan</i>	<i>22031-C001</i>	<i>23.02.23</i>
<i>Project Notes</i>	<i>22031-C002</i>	<i>23.02.23</i>
<i>Demolition & Vegetation Clearing Extents Plan</i>	<i>22031-C003</i>	<i>23.02.23</i>
<i>General Arrangement Plan</i>	<i>22031-C004</i>	<i>23.02.23</i>
<i>Bulk Earthworks Plan</i>	<i>22031-C005</i>	<i>23.02.23</i>
<i>Site Sections</i>	<i>22031-C006</i>	<i>23.02.23</i>
<i>Driveway & Drainage Plan</i>	<i>22031-C007</i>	<i>23.02.23</i>
<i>Driveway Section & Details</i>	<i>22031-C008</i>	<i>23.02.23</i>
<i>Drainage Longsections</i>	<i>22031-C009</i>	<i>23.02.23</i>
<i>Drainage Details</i>	<i>22031-C010</i>	<i>23.02.23</i>
<i>Water & Sewer Service Plans</i>	<i>22031-C011</i>	<i>23.02.23</i>
<i>Water & Sewer Longsections</i>	<i>22031-C012</i>	<i>23.02.23</i>
<i>Water & Sewer Details</i>	<i>22031-C013</i>	<i>23.02.23</i>
<i>Erosion & Sedimentation Control Strategy</i>	<i>22031-C014</i>	<i>23.02.23</i>
<i>Erosion & Sediment Control Details</i>	<i>22031-C015</i>	<i>23.02.23</i>

Assessment Manager Conditions & Advices

1. *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; 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

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

Staging of Development

3. *The proposed staging of the development as detailed in the development application is not approved. All development to take place on the site must be undertaken at or around the same time. All construction and landscaping works associated with the development of all dwellings must be completed prior to the Commencement of Use.*

The reconfiguration of the land is to take place following the Commencement of Use.

Road Closure

4. *The Applicant must make application to Department of Resources to permanently close that area of the Murphy Street road reserve that has been reprofiled and stabilised as detailed in the civil design drawings prepared by Progression Design & Development.*

The road closure application must be submitted to Department of Resources following the commencement of site works.

Amended Plan

5. *The access driveway design is to be revised to comply with the FNQROC Development Manual and good engineering design. The following design parameters must be addressed:*
 - a. *The width of the driveway must be sufficient for one-way traffic movement, provided a Traffic Management Plan for managing right of way for the driveway is prepared and approved by the Chief Executive Officer;*
 - b. *The horizontal geometry must be designed based on the swept path turn templates for the B99 vehicle and must also demonstrate practical access for a medium rigid vehicle per the dimensions in AS2890.1;*
 - c. *The inside gradient of any bends must not exceed 20%; The driveway surface must include suitable roughening treatment determined by the certifying engineer for any sections of the driveway with a gradient above 16%. The surface roughening is to be to the satisfaction of the Chief Executive Officer;*
 - d. *The roadside safety barriers and retaining wall treatments are to be detailed and approved by Council with consideration to be given to visual impact. Council's approval may require additional visual amelioration treatments to address visual impact;*
 - e. *The southern most projection of the driveway must not extend further than the limit shown on the Progression Design and Documentation Drawing 22031-C007.*

The revised plans must be certified by an RPEQ as part of Operational Works application for the driveway, earthworks and retaining walls in the road reserve.

The section of private access driveway and landscaping treatments within the unconstructed road reserve will not become a Council asset and will never be maintained by Council. The ongoing maintenance obligation of the driveway in the road reserve remains with the property owner/s.

Operational Works

- 6. An Operational Works Approval is required for the water, sewer, stormwater, earthworks and driveway associated with the development. The application for Operational Works must include, but not be limited to, the following:*
 - a. Decommissioning of the existing services within the site including demolition and removal of redundant services;*
 - b. Drainage works nominated as detailed in conditions of approval and any additional works confirmed by the local drainage study;*
 - c. Earthworks internal and external to the site;*
 - d. Required external works within the road reserve for the driveway and retaining walls and Murphy Street;*
 - e. Water and sewerage works required to provide additional capacity (where required) to enable connectivity of the site to Council's system without impacting existing levels of service.*

Such works must be completed in accordance with approved plans and to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Road Condition Survey

- 7. Prior to any works occurring on the site, the applicant is to prepare a road condition report of the proposed road haulage route(s) from the site to the approved disposal site(s). The report is to identify relevant existing defects or problems with the roadway along the identified route. On completion of the works, the haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.*

Building Colours & Finishes

- 8. A submission detailing the colours of all the external walls and structures is to be submitted for endorsement by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The use of lighter colours and material finishes such as the nominated REN-1, REN-2 & RET-1 as detailed in the existing development approval are to be avoided for upper storeys of the development.*

Water Supply and Sewerage Works External

- 9. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:*

- a. *Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage;*
- b. *Augment existing sewers or construct new sewer to accommodate the development. If connection is proposed to the existing sewer on the north western boundary, detailed plans are to be provided showing levels, capacity and existing sewerage demands through to the pump station downstream of the site. Alternatively, a new sewer connection will need to be designed through to the pump station. The connection point is to be into the existing incoming sewer and not into the pump station. The design is to be in accordance with the FNQROC Development Manual and submitted for Operational Works approval;*
- c. *Design and Construct the external water main within the Esplanade road reserve from Macrossan Street to Murphy Street, generally in accordance with the concept shown on the Progression Design and Documentation Drawing 22031-C011, except that the water main must be realigned to be outside the footprint of the driveway cut batter;*

The external works outlined above require Operational Works approval from Council.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

Water Supply and Sewerage Works Internal

10. Undertake the following water supply and sewerage works internal to the subject land:

- a. *Provide a single internal sewer connection to each lot which must be clear of any buildings or structures. The sewer within Lot 2 must be contained within an easement in favour of Douglas Shire Council in accordance with the requirements of the FNQROC Development Manual or realigned to be within proposed Lot 3.*
- b. *Provide a water connection and water meter to each lot with the water meters to be in a common area within the site near the top of the driveway with suitable access for Council. The applicant will need to provide to separate bypass main with capacity for firefighting. The bypass arrangements are to be nominated for approval by Council.*

Note: Council does not guarantee the pressure in its external water network beyond the minimum pressures nominated under FNQROC Development Manual. Where the building classification or use require greater pressures, these must be addressed by on-site measures as required to suit the building approval requirements. All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the Application for survey plan endorsement or Commencement of Use whichever is the sooner.

Sewerage Decommissioning

11. *At the time of demolition, any redundant sewer connections must be capped. Council must be provided with written notice of the relevant affected connections within 20 business days of the capping of such connection(s) occurring.*

12. *Where altering existing sewer mains or construction of new sewer main, provide CCTV inspections of sewers both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use.*

Damage to Council Infrastructure

13. *In the event that any part of Council's existing sewer, water or road infrastructure is damaged as a result of construction activities occurring on the site including but not limited to; mobilisation of heavy construction equipment; stripping; and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.*

General External Works

14. *Undertake the following external works:-*

- a. Provide a full detail design for the driveway and reprofiling works in the verge including landscaping treatments and pedestrian access. No part of the driveway must be steeper than 20% grading. The current concept designs will need to be amended to comply with this requirement on the inside of the bends;*

- b. The detail design in a. above must include sufficient details on the local drainage, verge grading, concrete pathway grades and crossfall. The applicant is to ensure that the development complies with the requirements of AS2890.6, and other all-abilities access provisions to the extent applicable for this development.*

The plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. All works must be carried out in accordance with the approved plan prior to the issue of a Commencement of the Use.

Esplanade Impact

15. *The applicant is to prepare a landscaping and rehabilitation plan to manage the significant impact on the safety, utility and condition of the Esplanade during construction and at completion of the works. At a minimum, the Esplanade Road and car park area must be resurfaced with an AC overlay and the verges are to be reinstated to a full grass cover. This will include levelling, topsoiling and turfing all disturbed areas outside the roadway. The applicant must also nominate new and replacement planting to ameliorate the impacts of the construction and the development in consultation with Open Spaces.*

Landscape plans for the entire development are to be updated and resubmitted for approval at the time of seeking a Development Permit for Operational Works.

Drainage Study of Site

16. *Undertake a local drainage study of the site to provide the drainage calculations to support the proposed pipe system included in the Progression Design and Documentation Drawing 22031-C007.*

The study is to verify:

- a. The contributing catchment boundaries for the existing stormwater pipe system;*

- b. *The conveyance path and flow characteristics for the 100 year ARI flood event in relation to the site both pre- and post-development;*
- c. *Primary and secondary peak flow volumes for the 5, 10 and 100 year ARI rainfall events;*
- d. *Proposed pipe infrastructure sizes and capacity compared with the peak flows.*
- e. *Identify any requirement for amendments to the drainage easements;*
- f. *Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.*
- g. *Lawful point of discharge.*

The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Drainage Easements (General Drains)

17. *A Drainage Easement having a minimum width of 3 metres along the entire length of north western boundary must be granted in favour of Council. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council.*
The approved easement documents must be lodged and registered with the Department of Resources prior to the Commencement of Use.

Plan of Drainage Works

18. *The subject land must be drained generally in accordance with Progression Design and Documentation Drawing 22031-C007 to the satisfaction of the Chief Executive Officer. In particular,*
- a. *Provision of Stormwater line 1/EX1 to 2/3 along the western boundary;*
 - b. *Connection of existing western drainage pipe into new pit 2/3;*
 - c. *Provision of sufficient pipe and overland flow capacity to convey the 1%AEP event from the south-west corner of the site (Pit 2/3) through to Julian Park.*
 - d. *Overland swale drain along the south western boundary and connecting to the Esplanade road reserve.*
 - e. *Unless otherwise approved by Council, the drainage system from the development must incorporate a stormwater quality improvement devices (SQID) internal to the site. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system and be positioned to provide appropriate access for maintenance equipment.*

Geotechnical Investigation / Design

19. *An updated geotechnical assessment by a qualified and experienced geotechnical consultant must be submitted with the application for Operational Works, with a final geotechnical report to be endorsed by the Chief Executive Officer prior to the*

Commencement of Use.

- a. *The updated geotechnical assessment must address the recommendations In the Geo Design letter dated 5 October 2021 and the Geo Design Report dated 29 October 2020 including but not limited to:*
 - *A revised and updated geotechnical report should be prepared based on the final architectural designs and consider footings, stability and construction recommendations;*
 - *The updated geotechnical report may require the completion of additional fieldwork;*
 - *A detailed slope stabilisation design should be adopted for the Murphy Street batter that decreases the risk to the proposed development and Murphy Street;*
 - *Retaining works or slope retention systems may be required on other batters or natural slopes subject to a review of the final design;*
 - *Drainage works are considered essential to the successful completion of the works to minimise potential sediment and erosion issues together with decreasing the risks of instability.*
- b. *The updated geotechnical assessment must address the cut batter along the northern boundary, and provide specific details on the staging of work and control measures required on this batter to maintain the safety of the site to enable work activities to be undertaken within the site;*
- c. *Geotechnical details to be submitted include, but are not limited to, the following:*
 - *Details of the specific means of supporting or retaining to be used. This must include geotechnical specifications identifying the required treatments at specific times, heights on the batter and the location within the site;*
 - *Drawings (plans, longitudinal and cross sections) clearly showing the extent of the proposed treatments at each location;*
 - *Methods to be used to minimise the visual impact (where not included within the building); and*
 - *Elevations showing the visual impact when viewed from vantage points and duration that the treatment is expected to be exposed to public view.*

All works identified must be supervised by the geotechnical consultant to ensure that the site works are undertaken in a manner that maintains a low to very low risk rating in accordance with AGS Guidelines. The supervising geotechnical assessment must provide a final geotechnical report confirming that the constructed works comply with the approved designs. The final report must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

20. *The geotechnical report must include designs and treatments for the site for temporary works and for the staging of construction. The temporary works are to be certified by a suitably qualified RPEQ and must be supervised by the geotechnical consultant to*

ensure that the siteworks are undertaken in a manner that maintains a low to very low risk rating in accordance with AGS Guidelines.

Where the proposed temporary or permanent geotechnical design solution requires soil nails, the extent of the nails must not extend beyond the property boundary without written consent from the adjacent landowner. The design must fully disclose the extent, depth and potential impact on future development of adjoining land so that the owner provides informed consent to any encroachment. As-constructed details of the geotechnical solution are to be provided to Council and records must be kept by the applicant/land owner and provided to future owners/body corporate. Certification from the RPEQ that the works have been undertaken in accordance with the approved plans and recommendations of the geotechnical investigation and compliance with the conditions is required prior to the Commencement of Use.

Construction Management Plan for Earthworks

21. *The site development requires excavation and earthworks and will require material to be imported and exported from the site with access through the Esplanade road and car park area.*

The applicant is to prepare a traffic management plan and detail the controls necessary to manage the impacts for movement of materials to and from the site. The plan must nominate the type and number of truck movements required including total truck movements, daily truck movements and management of movements throughout the day.

The construction management plan must also identify the access construction at the earthworks stage and confirm the pavement material and sealing requirements for a safe and serviceable access into the construction site without impacting neighbouring properties.

The final earthworks design is to be lodged with the application for a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans prior to the Commencement of Use.

Traffic Management

22. *Conduct a Risk Management Assessment of all safety risks likely to arise during undertaking works on the road including the setting up, operating, changing and dismantling of a traffic guidance scheme. This assessment is to consider the general behaviour of road users, cyclists and pedestrians.*

*Where the Risk Management Assessment determines works will impact the normal operations of the Local Government Managed Areas and Roads, the applicant must implement a Traffic Guidance Scheme and a copy of the plans **must be submitted to** Council prior to implementation of the Traffic Guidance Scheme.*

Note: Where the Local Government Road is required to be partially or fully closed, please note that additional permits and approvals may be required. Please see Further Advice notes attached to this Permit.

Sequencing Plan for Earthworks

23. *The site work requires geotechnical stabilisation and heavy earthworks. The applicant is to provide a work sequencing plan including temporary access construction to demonstrate how the site will be accessed without creating an unacceptable safety and public nuisance issue in the Esplanade road reserve and Jalun Park area.*

The sequencing plan must demonstrate the scope of works at each work stage and the type of equipment that will be required to access the site including the mobilisation and demobilization of that equipment.

The temporary access will need to be suitably designed and constructed including surfacing, to provide an acceptable controlled access point to the site.

The sequencing plan must be integrated with the construction management plan and the traffic impact assessment. A draft of the sequencing plan must be included with the operational works application and will be a requirement of any future approvals that the contractor finalises the plan based on the approved draft plan.

Stockpiling and Transportation of Fill Material

24. *Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.*

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times; or*
 - b. before 7:00 am or after 6:00 pm Monday to Friday; or*
 - c. before 7:00 am or after 1:00 pm Saturdays; or*
 - d. on Sundays or Public Holidays.*
25. *Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.*

Storage of Machinery and Plant

26. *The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.*

Landscape Plan

27. *The site and external areas must be landscaped generally in accordance with the previously approved Landscape Plans prepared by Myles Baldwin Design dated 12 July 2022 subject to the following requirements. An amended landscape plan/s must be provided which shows:-*
- a. The retention of the Calophyllum tree located in the unconstructed road reserve which is earmarked for removal unless otherwise approved at the time of assessing the Landscape Plans;*
 - b. The Landscape Plan is to detail protection measures to be installed for vegetation to be retained. Protection measures are to be in accordance with AS 4970-2009;*
 - c. Further detail on the proposed refuse facility located in the unconstructed road reserve in terms of building material, finishes and screening. The refuse facility is to be of a high quality and be appropriately screened;*
 - d. Landscaping and deep planting of cut and fill areas and other disturbed areas as a consequence of installing services and construction works external to site;*
 - e. Undertaking deep planting of building setback areas and areas adjacent the*

driveway to soften the appearance of the driveway and provide visual relief of the building when viewed from foreshore and park areas;

- f. Deep landscaping of the setback area adjacent Dwelling 3 & Dwelling 4 to screen the building piers overtime. Landscaping is also permitted within Lot 1 on RP724386 following the installation of the new stormwater pipe to create an effective buffer between the development and the existing buildings.*
- g. Detail ground preparation and removal of any unsuitable material. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth;*
- h. Reinstatement works external to the site as required by conditions of this approval;*
- i. Species to have regard to Council's Planning Scheme Policy SC6.7 Landscaping;*
- j. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.*

The Landscape Plan must be endorsed by the Chief Executive Officer at the time of seeking a Development Permit for Operational Works. All landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use and maintained at all times to the satisfaction of the Chief Executive Officer.

Refuse Bin Enclosure

- 28. Any required refuse bin enclosure or bin hardstand is to be documented on the operational works plans. The bins must not be placed in front of the existing units on the Esplanade and must be positioned to not detract from the appearance of the streetscape.*

Details of the refuse storage must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Operational Works.

Vehicle Parking

- 29. In addition to the onsite vehicle parking in each lot, a minimum of two (2) car parking spaces must be provided within the common access. The car parking must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked and these attributes must be maintained for the life of the development.*

Sediment and Erosion Control

- 30. All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual. A copy of the contractors Erosion and Sediment Control Plan (ESCP) is to be submitted to Council prior to the issue of a Development Permit for Operational Work. Measures nominated in the ESCP must be implemented prior to commencement of any earthworks. The ESC Plan must address the Institution of Engineers' Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual.*

Existing Services

31. *Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:*
- a. Relocate the services to comply with this requirement; or*
 - b. Arrange registration of necessary easements over services located within another lot prior to Commencement of Use.*

Electricity Supply

32. *Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided and accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.*

Above Ground Transformer Cubicles / Electrical Sub-Stations

33. *Any required above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of the road frontage and footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind suitable screening, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Operational Work.*

Electricity and Telecommunications

34. *Written evidence of negotiations with the telecommunication authority must be submitted to Council stating that a telecommunications service will be provided to the development prior to approval and dating of the Survey Plan.*

Street Lighting

35. *The following arrangements for the installation of upgraded street lighting within the Esplanade Road Reserve must be provided prior to Commencement of the Use:*
- a. Prior to the issue of a development permit for Operational Works a Rate 2 lighting scheme is to be prepared by an Ergon Energy approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined for an Access Street per the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.*

The lighting scheme must show a new light pole supplied by underground power and located to identify the driveway entry point onto the Esplanade roadway and parking areas. The new "flag light" is to be located to avoid conflicts with the existing stormwater pipes and inlet pits and other services and the proposed refuse facility.

The existing light pole north east from the driveway connection point and the overhead power supply are to be decommissioned and removed.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the driveway entry/exit point assessed as an “intersection”.

- b. Prior to the Commencement of the Use provide evidence that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.*

Construction Signage

- 36. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:*
 - a. Developer;*
 - b. Project Coordinator;*
 - c. Architect / Building Designer;*
 - d. Builder;*
 - e. Civil Engineer;*
 - f. Civil Contractor;*
 - g. Landscape Architect*

Easements

- 37. Create an access and services easement as detailed on the approved plans. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Resources in conjunction with the Plan of Survey.*
- 38. Create a support easement over that area of the land comprising the stabilised cut batter adjacent the Murphy Street Road Reserve to reflect the reliance of the road reserve on land contained within the site. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Resources in conjunction with the Plan of Survey.*

Advices

- 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 sections 85(1)(b) and 71 of the Planning Act 2016.*
- 2. The Douglas Shire Council area is subject to water restrictions during dry season months that may limit and/or restrict the use of Council water for landscaped areas. Council recommends water harvesting and water saving devices to be included to cater for the dry season periods.*
- 3. 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.*

4. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. In particular, the use of the adjacent sidewalk area is subject to a Local Law approval for outdoor dining. The use of the sidewalk area for outdoor dining is subject to a Local Laws approval.*
5. *A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Infrastructure Charges Notice will be provided under cover of a separate letter.*

The amount in the Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Planning Team at Council for review of the charge amount prior to payment.

The time when payment is due is contained in the Infrastructure Charges Notice.

6. *For information relating to the Planning Act 2016 log on to www.dsdip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.*

REASONS FOR DECISION

The reasons for this decision are:

1. *Sections 60, 62 and 63 of the Planning Act 2016:*
 - a. *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
 - b. *to ensure compliance with the Planning Act 2016.*
2. *Findings on material questions of fact:*
 - a. *the development application was properly lodged to the Douglas Shire Council on 27 March 2023 under s51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
 - b. *the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.*
3. *Evidence or other material on which findings were based:*
 - a. *the development triggered assessable development under the Assessment Table associated with the Tourist Accommodation Zone Code;*
 - b. *Council undertook an assessment in accordance with the provisions of s60,*

s62 and s63 of the Planning Act 2016; and

c. the applicant's reasons have been considered and the following findings are made:

- i. *The proposed use and built form is an acceptable outcome for the site which in in keeping with similar building heights and building setbacks of adjoining development. Plans of development have been modified during the assessment process to adequately address concerns raised over building height and vehicle access to the site; and*
- ii. *Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.*

Non Compliance with Assessment Benchmarks

Benchmark Reference	Alternative Measure/Comment
<i>Tourist Accommodation Zone</i>	<p><i>The development does not meet the assessment benchmarks of AO1 and AO2 of the code as it relates to building height, setbacks, and site cover. However, the development is considered to meet the corresponding Performance Outcomes, as the development:</i></p> <ol style="list-style-type: none"> <i>(a) is of a similar height to the adjoining development to west being 67 Murphy Street;</i> <i>(b) is located on an existing benched site established as a result of previous quarry activities;</i> <i>(c) Flag staff hill forms the back drop of the development with building heights and building setbacks remaining consistent with existing building heights and established building setbacks along Murphy Street;</i>
	<p><i>(d) provides acceptable building setbacks from the unconstructed road reserve. The presence of the driveway and landscaping treatments will achieve visual relief of the building when viewed from areas external to the site.</i></p> <p><i>The development does not meet the assessment benchmarks of AO3.1 which limits the length of building to 30m. The development meets the corresponding Performance Outcome as the site is at the end of Murphy Street with the building façade of Dwelling 1 facing the vegetated bank of Flagstaff Hill.</i></p>

Carried Unanimously

5.10. DEVELOPMENT APPLICATION FOR RECONFIGURING 2 LOTS INTO 3 LOTS AT 188 FERRERO ROAD, CRAIGLIE

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council refuses the development application for Reconfiguring a Lot (Two lots into three lots and access easement) over land described as Lot 5 on SP161461 and Lot 11 on N157371, on the following grounds:

- 1. The development creates lots which are not of an appropriate size and configuration to retain and sustain the utility and productive capacity of the land for rural purposes. The proposed development will fragment rural land, in particular good quality agricultural land that is identified as Class A Agricultural Land Classification. The development is incapable of being conditioned to achieve compliance with the required codes;*
- 2. The development is inconsistent with the 2018 Douglas Shire Planning Scheme version 1.0 with regard to the Rural Zone Code and the Reconfiguring A Lot Code. The development is incapable of being conditioned to achieve compliance with the required codes;*
- 3. The fragmentation of agricultural land and the size and configuration of the proposed lots is development that is inconsistent with the Far North Queensland Regional Plan 2009-2031, the State Planning Policy 2017 and the Planning Scheme. There is no identified need for the smaller lots in the rural area in order to achieve the outcomes of: the State Planning Policy 2017, the Far North Queensland Regional Plan 2009-2031 or the 2018 Douglas Shire Planning Scheme version 1.0;*
- 4. There are insufficient grounds to justify approval despite the conflicts with the State Planning Policy 2017, the Far North Queensland Regional Plan 2009-2031 and the 2018 Douglas Shire Planning Scheme version 1.0.*

Findings on material questions of fact:

- 1. The application was properly lodged to the Douglas Shire Council on the 29 March 2021 under s 51 of the Planning Act 2016 and included a planning report.*

Evidence or other material on which findings were based:

- 1. Council undertook an investigation of assessment of the development, against the State Development Requirements and the 2018 Douglas Shire Council Planning Scheme in making its assessment manager decision; and*
- 2. Council undertook an assessment in accordance with the provisions of section 60 of the Planning Act 2016.*

Carried Unanimously

6. NOTICES OF MOTION

6.1. DAINTREE FERRY

Mayor Kerr advised that the receipt of the Notice of Motion submitted by Cr Zammataro has not allowed for sufficient time for it to be dealt with at today's meeting, as per the Local Government Act 2009, therefore Item 6.1 Daintree Ferry will not be tabled.

Cr Kerr invited Cr Zammataro to re-submit the Notice of Motion in writing prior to the next Ordinary Meeting of Council.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr McKeown **Seconded** Cr Noli

That Council resolves to move into Closed Session to discuss the following matters:

- 9.1 *Confidential 254J(3)(g) Local Government Regulation 2012 - Acquisition of land by Queensland Health - New Cow Bay Health Clinic*

Carried Unanimously

(The Meeting moved into Closed Session at 10:29am)

OUT OF CLOSED SESSION

Moved McKeown **Seconded** Scomazzon

That Council resolves to move out of Closed Session.

Carried Unanimously

(The Meeting moved out of Closed Session at 10:31am)

9.1. CONFIDENTIAL 254J (3)(G) LOCAL GOVERNMENT REGULATION 2012 - ACQUISITION OF LAND BY QUEENSLAND HEALTH - NEW COW BAY HEALTH CLINIC

This report is CONFIDENTIAL in accordance with the s 254J(3)(g) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter relating to negotiations relating to a commercial matter involving the Council for which a public discussion would be likely to prejudice the interests of the Council.

Moved Cr Scomazzon **Seconded** Cr McKeown

That Council:

- 1. Resolves to delegate its power pursuant to s 257 and s 262 of the Local Government Act 2009 to the Chief Executive Officer to enter into negotiations for the sale of*

approximately 10,685m² of land, being part of Lot 45 on RP739764, 69 Tea Tree Road, Diwan to Queensland Health; and

- 2. Authorises the Chief Executive Officer to delegate the exercise of powers to Council's Legal Services to act on behalf of Council and enter into a Sale Contract for a purchase price being market value determined by a registered valuer; and*
- 3. Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the above matter.*

Carried Unanimously

10. MEETING CLOSURE

The meeting closed at 10:33am.

CONFIRMED THIS 27TH DAY OF JUNE 2023.


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MAYOR/CHAIR