



DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday 27 September 2022

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

DOUGLAS
SHIRE COUNCIL

Rachel Brophy
CHIEF EXECUTIVE OFFICER



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY 27 SEPTEMBER 2022 COMMENCING AT 10:00A.M.**

Mayor Cr Kerr opened the meeting at 10.04am by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on Tuesday, 27 September 2022 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 27 SEPTEMBER 2022
10:00 AM
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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 (via teleconference)

1.2. APOLOGIES

Nil

1.3. OFFICERS IN ATTENDANCE

Rachel Brophy (Chief Executive Officer), Lisa Golding (Manager People and Community Services), Tara Killeen (Chief Financial Officer), Juanita Warner (Manager Governance), Paul Hoyer (Manager Environment and Planning), Jonathan Ward (Manager Water and Wastewater), Scott Hahne (Manager Project Office), Natasha Murray (Manager Infrastructure), Brenda Jang (Executive Assistant), Tom Volling (Senior Media and Communications Officer), Wayne Kristalyn (Project Manager), Peter Logan (Coordinator Open Spaces), Daniel Favier (Project Manager Open Spaces), Neil Beck (Team Leader Planning), Jenny Elphinstone (Senior Planning Officer), Daniel Lamond (planning Officer), Melissa Mitchell (Sustainability Officer), Renee Ker (Team Leader Community and Economic Development), Sara Roberts (Coordinator Environmental Health and Local Laws), Nicola Learmond (Technical Officer Resource Management), Pieter Kleinhans (Coordinator Civil Operations)

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 30 AUGUST 2022

REPORT AUTHOR Brenda Jang, Executive Assistant to the CEO

Moved Cr Scomazzon

Seconded Cr McKeown

That the Minutes of the Ordinary Meeting held Tuesday 30 August 2022 be confirmed.

Carried Unanimously

5. OFFICERS REPORTS

5.1. AUDIT COMMITTEE MEETING MINUTES - 16 MAY 2022

REPORT AUTHOR Juanita Warner, Manager Governance

Moved Cr Scomazzon

Seconded Cr McKeown

That Council note the confirmed minutes of the Audit Committee Meeting held on 16 May 2022.

Carried Unanimously

5.2. FINANCIAL REPORT AUGUST 2022

REPORT AUTHOR Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr Scomazzon

That Council notes the Financial Report for August 2022.

Carried Unanimously

5.3. SOLE SPECIALISED SUPPLIER REGISTER 2022-23

REPORT AUTHOR Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr Scomazzon

That Council resolves to:

- 1. Approve the additional proposed suppliers attached as nominated sole and/or specialised service providers under s 235(a) and (b) of the Local Government Regulation, 2012 for the supply of equipment and services, for the remainder of the current 2022-23 financial year.*
- 2. Approve the removal of proposed suppliers attached as nominated sole and/or specialised service providers under s 235(a) and (b) of the Local Government Regulation, 2012 for the supply of equipment and services, for the remainder of the current 22-23 financial year.*
- 3. 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

5.4. TENDER FOR OPERATION & MAINTENANCE OF KILLALOE TRANSFER STATION & LANDFILL

REPORT AUTHOR Nicola Learmond, Technical Officer Resource Management

Moved Cr Scomazzon

Seconded Cr McKeown

That Council:

- 1. awards Contract 2022-049 – Operations & Maintenance of Killaloe Transfer Station & Landfill to Remondis Australia Pty Ltd & FGF Developments No 1 Pty Ltd (ABN 60 323 019 152) for \$8,798,034.21 (GST exclusive); and*
- 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 contract.*

Carried Unanimously

5.5. TENDER FOR MOSSMAN SPLASH PARK

REPORT AUTHOR Scott Hahne, Manager Projects

Moved Cr Scomazzon

Seconded Cr Noli

That Council:

- 1. resolves to award Contract WO5843 – Mossman Splash Park Design & Construct to Urban Play Pty Ltd (ABN 87 569 981 10) for \$150,659.30 (GST exclusive) for water play equipment supply;*
- 2. resolves to award Contract WO5843 – Mossman Splash Park Design & Construct to Aquatic Project Solutions Pty Ltd (ABN 66 625 525 813) for \$405,935.18 (GST exclusive) for splash pad, water treatment plant, hydraulic supply & install and water play equipment install; and*
- 3. 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 contract.*

Carried Unanimously

5.6. TENDER FOR GRADER RENEWAL

REPORT AUTHOR

Pieter Kleinhans, Coordinator Civil Operations

Moved Cr Noli

Seconded Cr McKeown

That Council resolves to:

1. *purchase the Komatsu GD555-5 Motor Grader from Komatsu Australia Pty Ltd ABN: 71 143 476 626; and*
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 associated with the contract.*

Carried Unanimously

5.7. WANGETTI TRAIL TENURE ARRANGEMENT & UPDATE – SEPTEMBER 2022

REPORT AUTHOR

Paul Hoyer, Manager Environment and Planning

Moved Cr Noli

Seconded Cr Scomazzon

That Council:

1. *Enters into a joint trustee lease with Cairns Regional Council and the State of Queensland (represented by the Department of Tourism, Innovation and Sport) (trustee lessee) over part of reserve for recreation (recreation facility) purposes R899 described as Lot 31 on SP129117 held under joint trusteeship with the Cairns Regional Council, subject to the following terms and conditions:*
 - a) *For purposes of construction of a recreation trail and associated infrastructure for the Wangetti Trail project;*
 - b) *For a term of three years to commence on a date to be determined;*
 - c) *The areas described as leases A and B on sketch plan PR151463_01 (copy at attachment 2) being part of Lot 31 on SP129117;*
 - d) *Rent \$1.00 if demanded; and*
 - e) *Lessee being responsible for fees to register the trustee lease.*
2. *At such time as all parties have entered into the trustee lease, Douglas Shire Council, as joint trustee, apply under the Land Act 1994 to resign as trustees of Lot 31 SP 129117 on reserve for recreation purposes R899.*

3. *Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate and finalise matters relating to the trustee lease, including negotiations for the operation and maintenance agreement for the Wangetti Trail.*

Carried Unanimously

5.8. RECONFIGURING A LOT - 2 ANDREWS STREET NEWELL BEACH

REPORT AUTHOR

Neil Beck, Team Leader Planning

Moved Cr McKeown

Seconded Cr Noli

That Council approves the development application for reconfiguration of a lot, (Stage 1 & Stage 2) for residential lots, road and a balance lot over land described as Lot 51 on SP168537 located at 2 Andrews Close, Newell Beach 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
Proposed Reconfiguration (Stage 1)	Plan No. 34678/003 Issue A	23/12/2020
Proposed Reconfiguration (Stage 1)	Plan No. 34678/004 Issue C	19/08/2022
Technical Report		
Newell Beach Flood Study prepared by Bligh Tanner	Job No. 2021.0566	2/08/2022

ASSESSMENT MANAGER CONDITIONS & ADVICES

The approval is subject to the following conditions and advices

Assessment Manager Conditions

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 the approval of the Plan of Survey, except where specified otherwise in these conditions of approval.*

Lot Layout

3. *The lot layout plan must be revised and provided to the satisfaction of the Chief Executive Officer prior to the lodgement of the application for operational work, generally in accordance with the Brazier Motti Plan No. 34678/004 Issue C dated 19 August 2022 and amended to detail:*
 - a. *Allotments 8 – 13 to be reconfigured to provide less than 6 allotments to be endorsed by the Chief Executive Officer; and*
 - b. *Provide a corridor to accommodate the water main to connect from Coulthard Close to Pacific Street as required by conditions of this Development Permit. The water main must be contained within an easement;*

Water Supply Infrastructure Plan

4. *A detailed Water Supply infrastructure plan and supporting information including hydraulic network analysis must be submitted demonstrating how the development will be serviced from Council's Infrastructure.*

The detailed Water Supply plan is to demonstrate the capacity of the existing network to service the development in accordance with the standards of service specified within the FNQROC Development Manual. In particular, the Masterplan must:

- a. *identify the water supply network catchment or catchments that the development relies upon;*
- b. *provide a detailed hydraulic network analysis and supporting calculations which demonstrate any augmentations or upgrades required to existing water supply infrastructure to ensure the required standard of service is achieved for the development;*
- c. *identify the connection points and land tenure arrangements for new and existing infrastructure required to ensure an adequate standard of service is achieved for the development;*
- d. *Provide a loop main connecting Pacific Street to Coulthard Close to ensure adequate pressure and reliability of supply.*

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

Water Supply Works

- 5 *A Development Approval for Operational Work must be obtained for the design and construction of all internal and external water supply infrastructure that is required to ensure an adequate standard of service is achieved for the development.*

As part of any such Development Application, evidence must be provided that the development does not adversely affect the water supply to external properties adjacent to the development.

Water supply works required to ensure an adequate standard of service is achieved for the development must be designed and constructed at no cost to 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 the issue of a Compliance Certificate for the Plan of Survey.

On-Site Effluent Disposal

6. *The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the construction of dwellings on each of the proposed allotments.*

Acid Sulfate Soil Investigation

7. *Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) or updated version of document produced by Department of Environment and Resource Management, (Previously DNRW – QASSIT), and State Planning Policy 2/02 – 'Planning and Managing Development involving Acid Sulfate Soils'. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.*

Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRW – QASSIT: 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRW: 'Queensland Acid Sulfate Soil Technical Manual' (2002), including Soil Management Guidelines (updated Feb 2003), which must be prepared to the satisfaction of the Chief Executive Officer.

Drainage Study of Site

8. *The development is to be undertaken in accordance with the findings and recommendations of the Bligh Tanner Report on Newell Beach Flood Study Dated 2 August 2022, except where modified by the conditions.*

The applicant is to undertake additional local drainage calculations and reporting for the design of the internal road and stormwater drainage system and for the rear allotment drains. The supporting calculations are to confirm that the peak flows from the shorter duration rainfall events are contained within the drains and drainage easements.

In relation to the local drainage elements, the additional calculations are to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the further advice must address the following:

- a. *The contributing catchment boundaries to the local drains;*

- b. *The depth, velocity and extent of the 100-year ARI peak runoff flows in the allotment catch drain post-development. Based on the drain operation, confirm the extent of the drainage easements;*
- c. *Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.*
- d. *Confirmation of the severe impact assessment for the scenario where the crossroad culverts are blocked.*

The report on the local drainage elements must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Earthworks

9. *The development is to be undertaken generally in accordance with Civil Walker drawings 214-001-SK03 and SK04 (Revision 1) except as follows:*
 - a. *Unless otherwise approved following the severe impact assessment findings and detailed flood calculations for local drains, the levels on lots 1, 2, 20 and 21 are to be amended as follows:*
 - i. *Within 1m of the lot frontage the lot level must achieve a minimum earthworks level of 3.5m AHD. A small batter along the frontage of lots is to be provided to transition from the verge level to this minimum level.*
 - ii. *The rear allotment level is to be a minimum of 3.7m AHD;*

Demolish Structures

10. *All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to the issue of a Compliance Certificate for the Plan of Survey.*

Stockpiling and Transportation of Fill Material

11. *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.*

12. *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

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

Drainage Construction

14. *The applicant / owner must undertake the development of the land in accordance with the findings of the Drainage Study dated 2 August 2022 prepared by Bligh Tanner and generally in accordance with Civil Walker drawings 214-001-SK03 and SK04 (Revision 1) except where modified by the conditions.*

Drainage Easements

15. *Drainage Easements as nominated in the Bligh Tanner Drainage Study, dated 2 August 2022, 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 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. The easement document must nominate that the maintenance obligations for the easement resides with the respective property owners.*

Lawful Point of Discharge

16. *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 from the development to the requirements and satisfaction of the Chief Executive Officer.*

Plan of Drainage Works

17. *The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,*
- a. *Drainage infrastructure in accordance with the FNQROC Development Manual*
 - b. *The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:*
 - i. *End-of-line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.*
 - ii. *SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.*
 - iii. *The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.*
 - iv. *SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.*
 - c. *All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event; and*

- d. *Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).*
- e. *The current earthworks concept on Civil Walker Drawing 214-001-SK03 drawings indicate the open drain at the rear of lots 1 to 9 to have a very flat grade in the order of 0.25%. This drain must be provided with a concrete invert for its full length. Detailed flow calculations must confirm that the drain profile can contain the 1%AEP runoff from the local catchment.*

The concrete invert must extend along the northern side of Lot 1 to the cross culvert apron, and must extend west from the culvert outlet to the western boundary of the easement in Lot 21.

Landscape Plan

- 18. *Undertake landscaping of the site and street frontages of new roads in accordance with FNQROC Development Manual and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:*
 - a. *Planting of the footpath with trees, using appropriate species with consideration to be given to creating an individual sense of place and character to the estate;*
 - b. *The provision of suitable shade trees;*
 - c. *Species to have regard to the Planning Scheme Policy No.SC6.7 Landscaping; and*
 - d. *Road verges to be seeded and grassed with turf adjacent back of kerb and placed in strip at right angles to kerb;*

Permanent irrigation or any other embellishments are not permitted.

Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect / Designer.

One (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to the lodgement of the Survey Plan with Council for endorsement and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

- 19. *A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).*

Existing Services

20. *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, or in conjunction with, the lodgement of a Compliance Certificate for the Plan of Survey creating the lot.*

Electricity Supply

21. *Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer 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.*

Electricity and Telecommunications

22. *Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.*

Street Lighting

23. *The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the issue of a Compliance Certificate for the Plan of Survey:*
- 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 from 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 light pole locations that align with property boundaries that represent the permitted design spacing and demonstrates no conflicts with stormwater, kerb inlet pits and other services.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:

- *Intersections*
- *Pedestrian Refuges*
- *Cul-de-sacs*
- *LATM Devices (Including Roundabouts)*

LATM Devices are to be shown on the civil layout design, the electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.

- b. Prior to the issue of a Compliance Certificate for the Plan of Survey written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.*

Advices

- 1. This approval, granted under the provisions of the Planning Act 2016, shall lapse four (4) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the Planning Act 2016.*
- 2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.*
- 3. For information relating to the Planning Act 2016, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.*

Infrastructure Charges Notice

- 4. 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, refer to Attachment 3. 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 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.

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 3 June 2021 under section 51 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 Low density residential zone code;*
 - b. *Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and*
 - c. *the applicant's reasons have been considered and the following findings are made:*
 - i. *The proposed development is consistent with the established pattern of development in Coulthard Close despite not complying with the minimum lot size for unsewered land in the Low density residential zone;*
 - ii. *Conditions of approval require Lots 8-13 to be reconfigured into 4 allotments to increase the utility of the residential allotments and to meet the assessment benchmarks of the Low density residential zone with respect to minimum road frontage requirements and the ROL code with respect to number of allotments accessed via a cul-de-sac.*

4. *Compliance with Assessment Benchmarks.*

The development complies with the benchmarks as per the summary provided in Reasons For Decision in particular Item 3c.

Carried Unanimously

5.9. MINOR CHANGE TO MATERIAL CHANGE OF USE (RESTAURANT, SHOPPING FACILITY, HOLIDAY ACCOMMODATION & MULTI-UNIT HOUSING) 49 MACROSSAN STREET PORT DOUGLAS

REPORT AUTHOR

Jenny Elphinstone, Senior Planning Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council approves the application for a minor change for the Combined Application Material Change of Use for Restaurant, Shopping Facilities, Multi-Unit Housing and Holiday Accommodation over land described as Lot 410 on PTD2091, located at 49 Macrossan Street, Port Douglas, whereby:

1. *The table of Approved Drawing(s) and / or Document(s) is amended as follows:*

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
Floor Plans	Prepared by TPG Architects, 49 Macrossan Street, Reference WLP-01 DA-100H dated December 2017 (Council electronic Document ID: 838319) Reference <u>JSB-DA.01 Revision D</u> dated August 2022 (Council document ID: <u>1107365</u>) and amended as per Condition 3.	To be determined
Sections and Elevations	Prepared by TPG Architects, 49 Macrossan Street, Reference WLP-01 DA-101D (Council electronic Document ID: 838319) Reference <u>JSB-DA.02 Revision D</u> and <u>DA.03 Revision C</u> (Council document ID <u>1107365</u>).	December 2017 <u>July 2022</u>
Vehicle Swept Path Drawings	Prepared by CMG Consulting Engineers, Sheets 1 of 2 and 2 of 2 (Council electronic Document ID: 838319)	4 December 2017
Landscape Design Concept	Prepared by Andrew Proust Landscape Architect, Project 1238, Demolition Plan - Tree removal and Palm Retention Survey LA-E.01 and Landscape Concept Plan LA-P.01	5 December 2017

2. *All other requirements of the Decision Notice dated 24 April 2018 remain unchanged.*
3. *An Amended Infrastructure charges notice issue.*
4. *The reasons for the decision are as follows:*
 1. *Sections 78, 78A, 79, 81, 81A and 83 of the Planning Act 2016:*
 - a. *to ensure the development satisfies the benchmarks of the 2006 Douglas Shire Planning Scheme (as amended) and having regard to 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 23 August 2023 under s78, s78A, s79 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
 - b. *The application is for a minor change, being a minor change consistent with Schedule 2 of the Planning Act 2016;*
 - c. *the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy, 2006 Douglas Shire Planning Scheme (as amended), the 2018 Douglas Shire Planning Scheme Version 1.0 and the grounds of the properly made submission 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 centre Planning Area of the Port Douglas and Environs Locality;*
 - b. *Council undertook an assessment in accordance with the provisions of s81, s81A and s83 of the Planning Act 2016; and*
 - c. *the applicant's reasons have been considered and the following findings are made:*
 - i. *Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.*

Carried Unanimously

6. NOTICES OF MOTION

6.1. NOTICE OF MOTION - MAIL DELIVERY TO COOYA BEACH

PROCEDURAL MOTION

Moved Cr Noli

Seconded Cr Kerr

1. *Call for an update to the 29 March 2022, Notice of Motion:*

By Douglas Shire Council contacting Australia Post on behalf of the residents of Cooya Beach and respectfully requesting the following 7 questions be answered.

1. *How many voting forms were distributed?*
 2. *How were they distributed?*
 3. *How many votes in total were received?*
 4. *How many voted yes?*
 5. *How many voted no?*
 6. *How was delivery of voting forms verified against the number of households?*
 7. *How was the final percentage calculated?*
2. *Encourage residents of Cooya beach to contact The Hon. Warren Entsch MP on their behalf to lobby the Share Ministers of Australia post, The Hon. Senator, Katy Gallagher and The Hon. Michelle Rowland MP to take further action to have mail delivery to Cooya Beach.*

Carried Unanimously

7. URGENT BUSINESS

Nil

8. PETITIONS

8.1. PETITION - PEDESTRIAN CROSSING OR SLOW DOWN LIGHTS SATURDAY MOSSMAN MARKETS

REPORT AUTHOR Juanita Warner, Manager Governance

Moved Cr Kerr

Seconded Cr Scomazzon

The petition regarding the pedestrian crossing or slow down lights, Saturday Mossman Markets, be received.

Carried Unanimously

9. CLOSED SESSION

Moved Cr Scomazzon

Seconded Cr McKeown

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

9.1 *Commercial Matter S 254J 3 G - Aged Care Stage 2 Mossman*

Carried Unanimously

(Meeting moved into Closed Session at 10.39am)

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council resolves to move out of Closed Session

Carried Unanimously

(Meeting moved out of Closed Session at 10.43am.)

9.1. COMMERCIAL MATTER S 254J 3 G - AGED CARE STAGE 2 MOSSMAN

Moved Cr McKeown

Seconded Cr Scomazzon

That Council resolves:

1. *To accept the offer from Cooloola Waters Holdings Pty Ltd for the purchase of the property described as Lot 2 on SP295098 for the development of a Retirement Facility to take place over land in accordance with s 228 of the Local Government Regulation 2012,*

and subject, but not limited to:

- a) *The site being utilised solely for the construction and operation of a Retirement Facility;*
 - b) *Cooloola Waters Holdings Pty Ltd entering into a Development Lease with Douglas Shire Council prior to the commencement of construction, with the transfer of the site to be undertaken on completion of the construction of each stage of development and in accordance with the requirements of the Development Lease.*
 - c) *Lot 2 remaining unencumbered to facilitate financing arrangements or the like;*
 - d) *The lodgement of a development application for a Retirement Facility over the site.*
 - e) *That infrastructure charges are calculated in accordance with Council's Infrastructure Charges Resolution whereby the charge is capped at \$10,000 per unit. The charges will be indexed overtime.*
2. *to delegate authority to the Chief Executive Officer under the Local Government Act 2009 to negotiate, determine and finalise any and all matters associated with the sale of the property.*

Carried Unanimously

10. MEETING CLOSURE

The meeting closed at 10.48am

CONFIRMED THIS 25TH DAY OF OCTOBER 2022.



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MAYOR/CHAIR