

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL HELD  
AT THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT STREET, MOSSMAN ON  
TUESDAY, 01 AUGUST 2017, COMMENCING AT 10.00AM**

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Linda Cardew (Chief Executive Officer), Darryl Cress (General Manager Corporate Services), Nicholas Wellwood (General Manager Operations), Joanne Jacobson (Manager Governance), Kerrie Hawkes (Executive Officer), Paul Hoye (Manager Sustainable Communities), Michael Kriedemann (Manager Infrastructure), Simon Clarke (Planning Coordinator), Robert Donovan (Senior Property Officer), Peter White (Coordinator Water and Wastewater), Michael Matthews (Project Engineer), Graham Busby (Property Officer), Daniel Lamond (Planning Officer), Nicola Learmond (Sustainability Officer) Jenny Elphinstone (Senior Planning Officer), Lloyd Nunns (Senior Procurement Officer), Peter Tonkes (Coordinator Civil Operations), Peter Logan (Coordinator Public Spaces), Wendy Levy (Communications and Engagement Officer), Brenda Jang (Executive Assistant), and Fionnuala Blayney (Executive Assistant).

ACKNOWLEDGEMENT OF COUNTRY

Cr Leu acknowledged the Kuku Yalanji people who are the Traditional Custodians of the Land and paid respect to their Elders both past and present and extended that respect to other Indigenous Australians present.

APOLOGIES

No apologies.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Leu declared a conflict of interest in relation to item 9.2 and proposed to leave the room while the matter was being considered.

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

**ORDINARY MEETING HELD ON 11 JULY 2017**

**Moved** Cr Noli

**Seconded** Cr Carey

*“That the Minutes of the Ordinary Meeting held on Tuesday 11 July 2017, be confirmed”*

**Carried** Unanimously

5. AGENDA ITEMS

- 5.1. 59R CREES ROAD CRAIGLIE RECONFIGURATION OF LOT  
**Jenny Elphinstone, Senior Planning Officer**  
**Paul Hoye, Manager Sustainable Communities**

**Moved** Cr Noli

**Seconded** Cr Carey

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*“That Council refuse the development application for reconfiguration of a lot, one lot into two (2) lots, over land described as Lot 144 on SP113652, located at 59R Crees Road, Craiglie, on the following grounds:*

1. *The proposed development does not comply with the 2006 Douglas Shire Planning Scheme (as amended) codes: Rural Areas and Rural Settlements Locality Code; the Rural Planning Area Code; and the Reconfiguration of a Lot Code for a Rural Planning Area. 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 and Class B Agricultural Land Classification. The development is incapable of being conditioned to achieve compliance with the required codes;*
2. *The development is inconsistent with the proposed 2017 Douglas Shire Planning Scheme in regards to: the Rural Zone Code; the Landscape Values Overlay Code; the Environment Performance 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 2016, and the State Planning Policy 2017;*
4. *There is no identified need for the smaller lots in the rural area in order to achieve the outcomes of: the State Planning Policy 2016, the State Planning Policy 2017, the Far North Queensland Regional Plan 2009-2031, the current Planning Scheme or the proposed Planning Scheme; and*
5. *There are insufficient grounds to justify approval despite the conflicts with the State Planning Policy 2016, the State Planning Policy 2017, the Far North Queensland Regional Plan 2009-2031, the current Planning Scheme and the proposed Planning Scheme.”*

**Carried** Unanimously

- 5.2. REQUEST TO CHANGE AND EXTEND MCU DEVELOPMENT  
APPROVAL 20-30 LANGLEY ROAD PORT DOUGLAS  
Jenny Elphinstone, Senior Planning Officer

**Moved** Cr Noli

**Seconded** Cr Leu

*“A. That Council approves the request to change the conditions of the Development Permit for a Material Change of Use for Holiday accommodation and Multi-Unit Housing over land described as Lot 5 on RP804926, located at 20-30 Langley Road, Port Douglas, whereby:*

1. *The following condition is included in the Amended Negotiated Decision Notice, Assessment Manager Conditions:*
  54. *Minimum Fill and Floor Levels For Climate Change  
All habitable floor levels must be located above 3.87m AHD as identified in the BMT-WBM Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 which identified the 1% AEP storm tide event as 3.87m AHD having regard to a 0.8m sea level rise and intensity of cyclonic action;*

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AND

2. All other requirements of the Amended Negotiated Decision Notice dated 18 May 2013 and the originating Negotiated Decision Notice dated 2 October 2009 remain unchanged; and
- B. That Council approves the request to extend the relevant period for the Development Permit for a Material Change of Use for Holiday accommodation and Multi-Unit Housing over land described as Lot 5 on RP804926, located at 20-30 Langley Road, Port Douglas, for four years up to and including 2 October 2021.”

**Carried** Unanimously

- 5.3. REQUEST FOR PERMISSIBLE CHANGE TO PLANNING APPROVAL  
24 MUDLO STREET, PORT DOUGLAS  
Daniel Lamond, Planning Officer

**Moved** Cr Leu

**Seconded** Cr Carey

“That Council approves the Request for Permissible Change to the combined development application for reconfiguring a lot and material change of use for multi-unit housing, over land described as Lot 60 on PTD20911, located at 24 Mudlo Street PORT DOUGLAS, 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
Site	Sheet 1, Prepared by Nathan Verri.	19 July 2016
Site Plan-Proposed	Revision ISOA3, Sheet 00. Prepared by Nathan Verri Masters of Design and Building.	29 June 2017
Floor Plans	Sheet 2, Prepared by Nathan Verri.	19 July 2016
Floor Plans- Typical Villa Layout	Revision ISOA3, Sheet 03. Prepared by Nathan Verri Masters of Design and Building.	29 June 2017
Elevations	Sheet 3, Prepared by Nathan Verri.	19 July 2016
Elevations	Revision ISOA3, Sheet 04. Prepared by Nathan Verri Masters of Design and Building.	29 June 2017
Area Plan General	Sheet 4, Prepared by Nathan Verri.	19 July 2016
Area Plan Site Cover	Sheet 5, Prepared by Nathan Verri.	19 July 2016
Area Plan Gross Floor Area	Sheet 6, Prepared by Nathan Verri.	19 July 2016
3D Views NE & NW	Sheet 7, Prepared by Nathan Verri.	19 July 2016
3D Views SE & SW	Sheet 8, Prepared by Nathan Verri.	19 July 2016

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Drawing or Document	Reference	Date
<b>Pictorial NE &amp; NW</b>	<b>Sheet 9, Prepared by Nathan Verri.</b>	<b>19 July 2016</b>
<b>Pictorial SE &amp; SW</b>	<b>Sheet 10, Prepared by Nathan Verri.</b>	<b>19 July 2016</b>
<b>Tree Location Survey</b>	<b>Drawing No. 134551-2. Plan prepared by RPS Australia East Pty Ltd.</b>	<b>23 June 2017</b>

**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.
  - c. 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.

*Air-conditioning Screens*

3. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

*Damage to Council Infrastructure*

4. 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, the applicant/owner must notify Council immediately of the effected infrastructure and have it repaired or replaced at no cost to Council.

*Water Supply and Sewerage Works External*

5. 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 provide adequate water supply to the development. The extension of the water main must have regard to the ultimate configuration of the development;
  - b. Augment existing sewer main to ensure each proposed unit is adequately controlled by sewer;
  - c. Upgrade to the extent necessary water supply and sewer connections to cater for the demand of the development;

The external works outlined above constitute Operational Works. Approval for Operational Works must be obtained prior to the issue of a Development Permit for Building Work. Such works must be designed and constructed in accordance with the FNQROC Development Manual. All works must be completed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

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*Vehicle Parking*

6. *The car parking layout 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.*

*Lighting*

7. *All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.*

*Protection of Significant Street Trees*

8. *Undertake a survey identifying the street trees at the Beryl Street verge. Indicate the diameter, canopy cover and root sprawl of the significant street trees. Detail how the proposed access to each dwelling relates to each of the significant street trees and how this may effect a consequent amendment to design.  
An investigation to develop the most appropriate driveway access and to determine the least impact on the significant street trees within the road reserve of Beryl Street must be undertaken by an appropriately qualified arborist. Regard must be given to Australian Standard 4970-2009/Amdt 1-2010 (Protection of Trees on Development Sites). This investigation will be paramount in determining driveway access and footpath development. A plan detailing the above requirements must be submitted to Council for endorsement by the Chief Executive Officer prior to the issue of the development permit for building work.*

*External Works*

9. *Undertake the following works external to the land at no cost to Council:*
  - a. *Provide three vehicle crossovers and aprons to Beryl Street. The location and design of the access must not detrimentally impact on the significant street trees on the road verge of Beryl Street. The location and the design of vehicle access to the site will be in accordance with advice and recommendations of an appropriately qualified arborist to ensure the health of the trees as detailed in other conditions of the Development Permit;*
  - b. *Undertake planting of a 600mm wide garden bed with appropriate species along the exterior edge of the perimeter fence on the Mudlo and Beryl Street road reserve.*
  - c. *Construct a 1500mm wide concrete footpath across the Beryl Street frontage in accordance with the FNQROC Development Manual. The footpath must not detrimentally impact on the significant street trees on the road verge of the street.*
  - d. *Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.*

*Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size of the above works must be endorsed by the Chief Executive Officer. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.*

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*Timing of Lot Reconfiguration*

10. *The development of the multi-unit housing component of the application must be complete prior to Council endorsement of survey plans.*

*Demolish Structures*

11. *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 Commencement of Use.*

*Stockpiling and Transportation of Fill Material*

12. *Soil excavated from the site 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;*
- b. *before 7:00 am or after 6:00 pm Monday to Friday;*
- c. *before 7:00 am or after 1:00 pm Saturdays; or*
- d. *on Sundays or Public Holidays.*

*Emissions*

13. *Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.*

*Storage of Machinery and Plant*

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

*Landscaping Plan*

15. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must detail the following:*

- a. *Deep planting of setback areas and planter beds within the development;*
- b. *Landscaping of areas and treatments external to the development as detailed in conditions of approval;*
- c. *Include 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.*

*Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.*

*Lawful Point of Discharge*

16. *All stormwater from the property must be directed to a lawful point of discharge being Mudlo Street or Beryl Street, such that it does not adversely effect surrounding properties or properties downstream from the development.*

*Ponding and/or Concentration of Stormwater*

17. *The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.*

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*Minimum Fill and Floor Level*

18. All floor levels in all buildings must be located 300mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

*Sediment and Erosion Control*

19. Soil and water management measures 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).

*Refuse Storage Area*

20. The refuse bin enclosure must be roofed, bunded, and connected to sewer with a bucket trap. A hose cock fitting must also be provided to the refuse facility.

*Construction Signage*

21. 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 located 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;
- b. Architect/Building Designer;
- c. Builder;
- d. Civil Engineer;
- e. Civil Contractor;
- f. Landscape Architect.

*Sediment and Erosion Control*

22. Soil and water management measures 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).

*Boundary Fence Height*

23. Advice is to be sought by an RPEQ certified traffic engineer or equivalent pertaining to the perimeter fence height at the corner of Mudlo and Beryl Street. The advice is to determine whether the fence needs to be truncated or lowered.

*Plan of Subdivision*

24. A Plan illustrating the future reconfiguration of the lot must be submitted to Council for endorsement by the Chief Executive Officer prior to the issue of a development permit for building work.

*Limitation of Approval*

25. This approval does not include the configuration of the footpath or on street landscaping works as detailed on Site Plan- Proposed dated 29 June 2017, prepared by Nathan Verri Masters of Design and Building.

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*RECONFIGURATION OF A LOT  
APPROVED DRAWING(S) AND / OR DOCUMENT(S)*

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

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
<b>Sub-division plan to be provided</b>	<b>TBA</b>	<b>TBA</b>

**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 Commencement of Use, except where specified otherwise in these conditions of approval.*

*Fire Separation*

3. *The boundary placement between each dwelling must be in accordance with the National Construction Code and in particular, the building setbacks from the side boundaries must comply with the fire regulations within the code.*

*Timing of Lot Reconfiguration*

4. *The development of the Multi-Unit Housing component of the application must be complete prior to Council endorsement of survey plans*

**ADVICE**

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the Sustainable Planning Act 2009.*
2. *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.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

*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 Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.*

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

*Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to*



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*make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.*

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

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

5. *For information relating to the Sustainable Planning Act 2009 log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).*

**LAND USE DEFINITIONS\***

*In accordance with the Douglas Shire Planning Scheme 2006, the approved land use of Multi-Unit Housing is defined as:*

*Multi-Unit Housing*

*Means the use of premises comprising two or more dwelling units on one lot for residential purposes. The use includes accommodation commonly described as:*

- *duplexes;*
- *flats;*
- *home units;*
- *apartments;*
- *townhouses;*
- *villa houses; or*
- *a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished if a freestanding replica or converts to its intended use within the complex.*

*\*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** Unanimously

- 5.4. MATERIAL CHANGE OF USE (11 UNITS) 2-4 ST CRISPINS AVE PORT DOUGLAS  
Daniel Lamond, Planning Officer

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*"That Council approves the development application for Multi-unit Housing (11 units) over land described as Lot 25 on RP747342, located at 2-4 St Crispins Avenue PORT DOUGLAS, subject to the following:*

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

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Drawing or Document	Reference	Date
Ground Floor Plan	Plan prepared by Hunt Design, Sheet 1. 1:200 @A3	14 June 2017
First Floor Plan	Plan prepared by Hunt Design, Sheet 2. 1:200 @A3	14 June 2017
Basement Plan Car park	Plan prepared by Hunt Design, Sheet 3. 1:200 @A3	14 June 2017
Roof Plan	Plan prepared by Hunt Design, Sheet 4. 1:200 @A3	14 June 2017
North Elevation, West Elevation	Plan prepared by Hunt Design, Sheet 5. 1:200 @A3	14 June 2017
East Elevation, South Elevation	Plan prepared by Hunt Design, Sheet 6. 1:200 @A3	14 June 2017
Typical Apartment Layout	Plan prepared by Hunt Design, Sheet 7. 1:100 @A3	14 June 2017
View St Crispins Ave	Plan prepared by Hunt Design, Sheet 9.	14 June 2017
Alfresco Area	Plan prepared by Hunt Design, Sheet 10.	14 June 2017
Pool View	Plan prepared by Hunt Design, Sheet 11.	14 June 2017
Side View	Plan prepared by Hunt Design, Sheet 12.	14 June 2017
View P. Douglas Rd Corner	Plan prepared by Hunt Design, Sheet 13.	14 June 2017
Street View	Plan prepared by Hunt Design, Sheet 14.	14 June 2017
Landscape Concept Plan	Plan prepared by AS Design. 1659-L-SD01 Rev 1. 1:200 @A3	Submitted to Council 5 July 2017

**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 Commencement of Use, except where specified otherwise in these conditions of approval.*

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*Amendment to Design*

3. *The layout of the proposed development must be amended to accommodate the following changes:-*
  - a. *Detail any above ground transformer cubicles and/or electrical sub-station required to service the development. Such facilities are to be positioned so that they do not detract from the appearance of the streetscape.*
  - b. *Provide a refuse storage area which makes provision for commercial bins which are of sufficient size and capacity to service the development. Suitable access must also be provided to allow access to the facility to enable the bins to be emptied.*
  - c. *The on-street paved pedestrian access path must not be constructed on the road verge. This may be constructed up to the road frontage boundary.*

*Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.*

*Air-conditioning Screens*

4. *Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.*

*Damage to Council Infrastructure*

5. *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, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council.*

*Water Supply and Sewerage Works Internal*

6. *Undertake the following water supply and sewerage works internal to the subject land:*
  - a. *The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;*
  - b. *Water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008;*
  - c. *Upgrade to the extent necessary water supply and sewer connections to cater for the demand of the development;*
  - d. *The sewer connection must be a minimum of 1.5 metres away from the swimming pool and clear of the zone of influence from the footings and foundations of any building/structure.*

*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 Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.*

*Vehicle Parking*

7. *The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of seventeen (17) spaces unless otherwise amended by conditions of this Development Permit. The car parking layout 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,*

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*all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.*

**Lighting**

8. *All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.*

**External Works**

9. *Undertake the following works external to the land at no cost to Council:*
- a. *Provide a vehicle crossover and apron to St. Crispins Avenue, designed and constructed in accordance with the FNQROC Development Manual standard drawings S1015 and S1110. The vehicle crossing and driveway is to have a maximum width at the kerbside flare of 6000mm.*
  - b. *Detail if any modification to the existing road verge is proposed in order to achieve a lawful point of discharge to the development and adequate cover of stormwater infrastructure;*
  - c. *Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.*

**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 Commencement of Use.*

**Stockpiling and Transportation of Fill Material**

11. *Soil excavated from the site 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;*
  - b. *before 7:00 am or after 6:00 pm Monday to Friday;*
  - c. *before 7:00 am or after 1:00 pm Saturdays; or*
  - d. *on Sundays or Public Holidays.*

**Emissions**

12. *Dust emissions or other air pollutants, including odours, 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.*

**Lawful Point of Discharge**

14. *All stormwater from the property must be directed to a lawful point of discharge being Davidson Street such that it does not adversely affect surrounding properties or properties downstream from the development.*

**Ponding and/or Concentration of Stormwater**

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

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*Minimum Fill and Floor Levels*

16. All floor levels in all buildings must be located 300 mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with the FNQROC Development Manual and Planning Scheme requirements.

*Sediment and Erosion Control*

17. Soil and water management measures 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).

*Refuse Storage Area*

18. An enclosed area of suitable size must be provided at ground level to store the number of bulk bins required to service the site. Bulk bins are required to service the site.

The area must:

- Have a floor which is raised, imperviously sealed and suitably drained to Council's sewer, via an approved collection device, and with the front edge ramped to allow easy servicing of the bulk bins;
- Be roofed to prevent stormwater ingress;
- Have a suitable hosecock with hose attached, located on an external front corner of the enclosure with a reduced pressure zone device;
- 

*Details of Development Signage*

19. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

*Construction Signage*

20. 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 located 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.

*Acid Sulfate Soil Investigation*

21. 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 the Department of Natural Resources and Mines (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

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*in accordance with the most recent requirements of the DNRM: '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.*

*Landscaping Plan*

22. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must detail the following:*

- a. *Further planting of appropriate trees and shrubs within established gardens beds along the frontage of the site having regard to Planning Scheme Policy No 7;*
- b. *Deep planting of setback areas and planter beds within the development;*
- c. *Provide fencing details (materials and finishes), particularly with respect to any fencing fronting St Crispins Avenue;*
- d. *Deep planting of the front setback area to provide for an attractive street appearance and to soften building bulk;*
- e. *Landscaping of areas and treatments external to the development as detailed in conditions of approval;*
- f. *Include 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.*

*Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer*

**REFERRAL AGENCY CONDITIONS & REQUIREMENTS**

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)	SDA-0317-038115	10 April 2017	MCUC1957_2017

*Refer to Attachment 2: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).*

**ADVICE**

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the Sustainable Planning Act 2009.*
2. *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.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*
4. *The refuse storage area design to be amended should be informed by Councils waste contract service capabilities at the time.*

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*Infrastructure Charges Notice*

1. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

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

*Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.*

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

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

2. For information relating to the Sustainable Planning Act 2009 log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).

**LAND USE DEFINITIONS\***

*In accordance with the Douglas Shire Planning Scheme 2006, the approved land use of Multi-Unit Housing is defined as:*

*Means the use of premises comprising two or more dwelling units on one lot for residential purposes.*

*The use includes accommodation commonly described as:*

- duplexes;
- flats;
- home units;
- apartments;
- townhouses;
- villa houses; or
- a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished if a freestanding replica or converts to its intended use within the complex.

*\*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** Unanimously

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5.5 REQUEST FOR PERMISSIBLE CHANGE FOR BUSINESS FACILITIES  
AT 19 WARNER STREET PORT DOUGLAS  
**Simon Clarke Planning Coordinator**

**Moved** Cr Leu

**Seconded** Cr Carey

*“That Council approves the request for a permissible change for Business Facilities over land described as Lot 31 on PTD20910, located at 19 Warner Street Port Douglas, 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
Site Plan	<u>966_CD A-002</u>	<u>1 June 2017</u>
Ground Floor Plan	<u>966_SD A-101 Rev 6</u>	<u>10 October 2016</u>
	<u>966_CD A-101 Rev 1</u>	<u>1 June 2017</u>
Level 1 Plan	<u>966_SD A-102 Rev 6</u>	<u>10 October 2016</u>
	<u>966_CD A-102 Rev 1</u>	<u>1 June 2017</u>
Roof Plan	<u>966_SD A-103 Rev 6</u>	<u>10 October 2016</u>
	<u>966_CD A-103 Rev 1</u>	<u>1 June 2017</u>
Elevations	<u>966_SD A-401 Rev 6</u>	<u>10 October 2016</u>
	<u>966_CD A-401</u>	<u>1 June 2017</u>
Elevations	<u>966_CD A-402</u>	<u>1 June 2017</u>
Sections	<u>966_SD A-501 Rev 6</u>	<u>10 October 2016</u>
	<u>966_CD A-501</u>	<u>1 June 2017</u>
3D Perspective	<u>966_SD A-901 Rev 6</u>	<u>11 October 2016</u>
	<u>966_CD A-901</u>	<u>1 June 2017</u>

**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 Commencement of Use, except where specified otherwise in these conditions of approval.*

*Water Supply and Sewerage Works Internal*

3. *Undertake the following water supply and sewerage works internal to the subject land:-*
  - a. *The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;*

*All the above works must be designed and constructed in accordance with the FNQROC Development Manual.*

*The plan of works must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.*



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*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.*

*Refuse Storage*

4. *The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.*

*Advertising Signage*

5. *All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to Commencement of Use, whichever occurs first.*

*External Works*

6. *Undertake the following works external to the land at no cost to Council:*
  - a. *Upgrade the Grant and Warner Street frontages generally in accordance with Ground Floor Plan 966\_SD A-101 Rev 6, dated 10 October 2016 including relocation of light/power pole/s, electrical infrastructure, at the front of the subject land, where required, to accommodate the development and the raised sections of walkways/planter beds;*
  - b. *Provide underground stormwater infrastructure that integrates with existing infrastructure;*
  - c. *Provide kerb and channel along the Warner Street frontage;*
  - d. *Provide road widening along the Warner Street frontage;*

*The abovementioned works must be designed to take into account the existing tree at the corner of Grant and Warner Streets which is required to be retained in accordance with Condition 14a.*

*All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities (i.e. the provision of temporary kerb ramps if pedestrian diversions are necessary).*

*The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.*

*Lawful Point of Discharge*

7. *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, all to the requirements and satisfaction of the Chief Executive Officer.*

*Minimum Fill and Floor Levels*

8. *All floor levels in all buildings must be 3.1 metres AHD. The applicant is to acknowledge in writing that this level may not achieve full Q100 flood immunity and devise an action plan, prior to the issue of a Development Permit for Building Work, to manage and prevent flood water from entering the building in an extreme weather event.*

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*Vehicle Parking*

9. *A minimum of thirteen (13) car parking spaces are to be provided on-site including one space for wheel-chair accessible parking. In addition, four (4) on-street car parking spaces are to be provided in Warner Street. Car parking design must comply with the relevant Australian Standards, with all parking, driveway and vehicular manoeuvring areas being imperviously sealed, drained and line marked.*

*Awnings*

10. *The proposed awnings are to be designed to provide shade to the footpath below (i.e. minimise glass or translucent materials). Details are to be agreed in writing prior to the issue of a Development Permit for Building Work.*

*Protection of Landscaped Areas from Parking*

11. *Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.*

*Bicycle Racks*

12. *Provide two on-site bicycle racks at the rear of the premises. The bicycle parking area must be constructed prior to Commencement of Use.*

*Lighting*

13. *All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.*

*Landscaping Plan*

14. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:*
- a. *The existing tree on the corner of Grant and Warner Street being retained and details of how this tree will be protected during works;*
  - b. *Street planting including street trees and planter boxes to both road frontages (i.e. lush tropical plantings of vegetation appropriate to the character of Port Douglas), using appropriate species with regard to any site constraints including underground services. All plants must be selected in accordance with Planning Scheme Policy No.7, with particular emphasis on appropriate species for Port Douglas;*
  - c. *Details of any fencing proposed at the rear of the premises;*
  - d. *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.*

*Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer.*

*The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.*

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*Construction Access*

15. *Vehicular access to the site for construction and demolition purposes must be provided from Grant Street only, unless authorised by the Chief Executive Officer.*

*Air-Conditioning Screens*

16. *Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.*

*Stockpiling and Transportation of Fill Material*

17. *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;*
  - b. *before 7:00 am or after 6:00 pm Monday to Friday;*
  - c. *before 7:00 am or after 1:00 pm Saturdays; or on Sundays or Public Holidays.*
18. *Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.*

*Storage of Machinery and Plant*

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

*Sediment and Erosion Control*

20. *Soil and water management measures 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).*

*Health Requirements*

21. *Noise from air-conditioning units, service equipment, swimming pool pumps or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the Environmental Protection Act 1994.*

*Damage to Infrastructure*

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

**ADVICE**

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of the Sustainable Planning Act 2009.*

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2. *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.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

*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 Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.*
5. *The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.*

*Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.*

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*For information relating to the Sustainable Planning Act 2009 log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au)”*

**Carried** Unanimously

- 5.6. PRELODGE MENT ENQUIRY FOR PROPOSED EXTENSION TO THE  
COMBINED CLUB 7 ASHFORD AVENUE PORT DOUGLAS  
Simon Clarke Planning Coordinator

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council defers the prelodgement enquiry to allow additional time to consider whether there are any options for alternative car parking arrangements for the proposed development.”*

**Carried** Unanimously

- 5.7. WANGETTI TRAIL CONCEPT  
Paul Hoye, Manager Sustainable Communities

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council:*

1. *Notes the Wangetti Trail interim feasibility report and supports the ongoing development of the concept; and*

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2. *Agrees to participate in a joint Project Working Group with staff from Cairns Regional Council and nominates the Manager Sustainable Communities as Council's representative on the group; and*
3. *Supports the participating in preliminary evaluation proposed by the Department of Infrastructure, Local Government and Planning. ”*

**Carried** Unanimously

- 5.8. REEF 2050 PLAN SUBMISSION TO GBRMPA  
Nicola Learmond, Sustainability Officer

**Moved** Cr Carey

**Seconded** Cr Noli

*“That Council resolves to support and submit the attached Reef 2050 Plan Submission to the Great Barrier Reef Marine Park Authority with amendments made as discussed verbally at the 1 August meeting.”*

**Carried** Unanimously

- 5.9. FURTHER LEASE TO MOSSMAN BOAT & FISHING CLUB INC. OVER  
PART OF LOT 382 ON SR864, RANKIN STREET NEWELL  
Graham Busby, Property Officer

**Moved** Cr Noli

**Seconded** Cr Carey

*“That Council:*

1. *Offers a further trustee lease to the Mossman Boat & Fishing Club Incorporated (lessee) over an area of approximately 800m<sup>2</sup> of lot 382 on SR864, Rankin Street Newell, for the purpose of a boat storage, a clubhouse and related community use, subject to but not limited to the following terms and conditions:*
  - a. *for a term of ten (10) years to commence from a date to be determined;*
  - b. *rent for the first year of the term to be \$110.00 (including GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
  - c. *lessee to be responsible for all rates and charges , including any costs of water usage on the premises;*
  - d. *lessee to be responsible for all reasonable costs associated with the preparation and registration of the lease;*
  - e. *the terms and conditions in Council's Standard Terms Document for Trustee Leases, registered under dealing number 717940164.*
2. *Delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to determine and finalise any and all matters associated with the lease.”*

**Carried** Unanimously

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5.10. DELEGATIONS COUNCIL TO CEO UPDATES

**Mandy Boyle, Senior Governance Officer  
Joanne Jacobson ( Governance Manager)**

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“That Council resolves to delegate, under Section 257(1)(b) of the Local Government Act 2009, the authority as listed in Attachment 1 of this report to the Chief Executive Officer.”*

**Carried** Unanimously

5.11. ABORIGINAL CULTURAL HERITAGE GENERAL POLICY

**Michael Matthews, Project Engineer  
Peter Tonkes, Civil Works Coordinator**

**Moved** Cr Carey

**Seconded** Cr Zammataro

*“That Council adopts the Aboriginal Cultural Heritage Policy.”*

**Carried** Unanimously

5.12. PROPOSED AMENDMENT TO THE FNQROC DEVELOPMENT  
MANUAL PLANNING SCHEME POLICY

**Michael Kriedemann, Manager Infrastructure Services**

**Moved** Cr Noli

**Seconded** Cr Leu

*“That Council resolves to:*

- 1. amend the FNQROC Development Manual Planning Scheme Policy in accordance with Section 22 of the Planning Act 2016 and Chapter 3 Minister’s rules for making and amending a planning scheme policy; and*
- 2. proceed to public consultation of the proposed amendments as required under Chapter 3 Minister’s rules for making and amending a planning scheme policy.”*

**Carried** Unanimously

5.13. WATER AND WASTEWATER QUARTERLY REPORT FOR PERIOD  
ENDING 30 JUNE 2017

**Peter White, Coordinator Water and Wastewater  
Nicholas Wellwood, General Manager Operations**

**Moved** Cr Carey

**Seconded** Cr Zammataro

*“It is recommended that the Quarterly Report of the Water and Wastewater branch for the period ending 30 June 2017 be received and noted.”*

**Carried** Unanimously

6. NOTICES OF MOTION

Nil.

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7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

**Moved** Cr Carey

**Seconded** Cr Zammataro

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

- 9.1. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATIONS 2012  
STAGE 2 FLAGSTAFF HILL WALKING TRACK TENDER
- 9.2. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATIONS 2012  
TOURISM PORT DOUGLAS DAINTREE RESOURCE AND PERFORMANCE  
AGREEMENT
- 9.3. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATIONS 2012  
PORT DOUGLAS EVENT MANAGEMENT RESOURCE AND PERFORMANCE  
AGREEMENT
- 9.4. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATIONS 2012  
USM EVENTS RESOURCE AND PERFORMANCE AGREEMENT

**Carried** Unanimously

Cr Leu Declared a conflict of interest in item 9.2 and left the room at 11.32am

Cr Noli took the chair

Cr Leu re-entered the room at 11.35am

Cr Leu resumed the chair

OUT OF CLOSED SESSION

**Moved** Cr Kerr

**Seconded** Cr Carey

*“That Council resolves to move out of Closed Session.”*

**Carried** Unanimously

- 9.1. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT  
REGULATIONS 2012 STAGE 2 FLAGSTAFF HILL WALKING TRACK  
TENDER  
Peter Logan, Coordinator Public Spaces

**Moved** Cr Leu

**Seconded** Cr Carey

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*That Council resolves to:*

- 1. enter into contract 2017 - 048 Flagstaff Hill Walking Trail Stage 2 with Eco Civil Solutions;*
- 2. delegate authority to the Chief Executive Officer in accordance with Section 257(1)b of the Local Government Act 2009 to negotiate, finalise and execute any and all matters associated with the contract.*

**Carried** Unanimously

Cr Leu Declared a conflict of interest in item 9.2 and left the room at 12.06pm

Cr Noli took the chair

9.2. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT  
REGULATIONS 2012 TOURISM PORT DOUGLAS DAINTREE  
RESOURCE AND PERFORMANCE AGREEMENT  
**Kerrie Hawkes, Executive Officer**

**Moved** Cr Carey

**Seconded** Cr Kerr

*“That Council resolves:*

- 1. to support Tourism Port Douglas Daintree with funding of \$481,186 (ex GST) applying an annual indexation of 1.5% per year for a term of three (3) years with a Resource and Performance Agreement dated 1 July 2017 to 30 June 2020;*
- 2. that the Mayor represents Douglas Shire Council on the Tourism Port Douglas Daintree Board of Directors in recognition of the significance of tourism and destination marketing of the region and the influences on economic growth; and*
- 3. delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the execution of the Resource and Performance Agreement.”*

**Carried** Unanimously

Cr Leu re-entered the room at 12.07pm

Cr Leu resumed the chair



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- 9.3. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT  
REGULATIONS 2012 PORT DOUGLAS EVENT MANAGEMENT  
RESOURCE AND PERFORMANCE AGREEMENT  
**Kerrie Hawkes, Executive Officer**

**Moved** Cr Zammataro

**Seconded** Cr Kerr

“That Council resolves to:

1. support Port Douglas Event Management with funding of \$20,000 each year (ex GST) subject to the compliance of all terms and the satisfactory attainment of all KPIs, for a term of three (3) years with a Resource and Performance Agreement dated 1 August 2017 to 31 December 2020;
2. provide \$10,000 in-kind support for each year of the term of the agreement; and
3. delegate authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the execution of the Resource and Performance Agreement.

**Carried** Unanimously

- 9.4. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT  
REGULATIONS 2012 USM EVENTS RESOURCE AND PERFORMANCE  
AGREEMENT  
**Kerrie Hawkes, Executive Officer**

**Moved** Cr Carey

**Seconded** Cr Noli

“That Council resolves to:

1. *approve the request to amend the current Resource and Performance Agreement to change the structure of the Douglas events to remove the Coral Coast Triathlon and the RRR mountain bike event and replace with a multi-day mountain bike race subject to naming rights for the event: Douglas Shire Reef to Reef (R2R); and*
2. *delegate authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters in relation to the above Agreement and MOU.”*

**Carried** Unanimously

**CLOSURE OF MEETING**

The meeting closed at 12.07pm

**CONFIRMED THIS DAY OF 2017**

.....  
**MAYOR/CHAIR**