

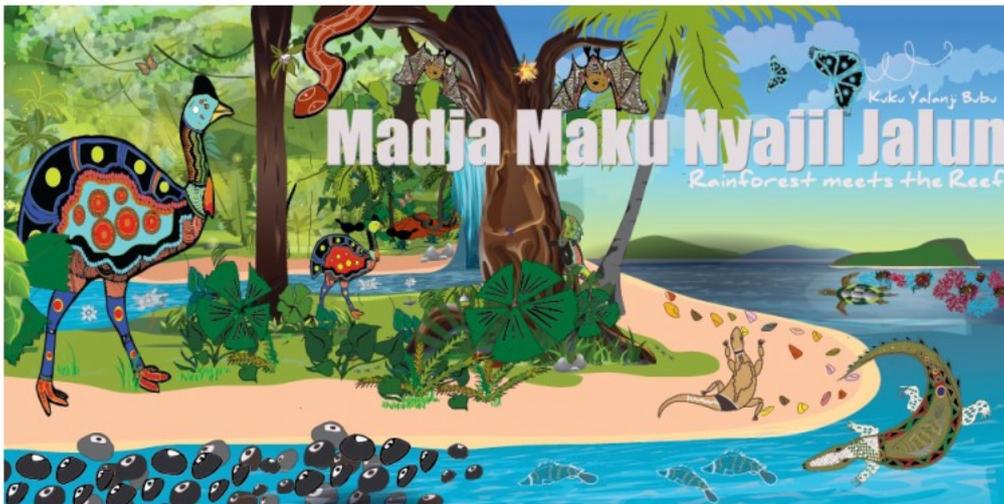
DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 3 December 2019

ENSURING EXCELLENCE IN GOVERNANCE
ACCOUNTABLE AND TRANSPARENT DECISION-MAKING
ENGAGING, PLANNING, PARTNERING
CELEBRATING OUR COMMUNITIES



Douglas Shire Council would like to show its appreciation by acknowledging local indigenous artists Lenice Schonenberger, Loretta Pierce (Lenoy) and Ronald Bamboo for providing the cover artwork entitled "**Daintree Ferry**"

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

Mayor Cr Leu opened the Meeting by advising the audience that the meeting is being recorded and that the recordings will be posted onto Council's website along with the minutes.

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.

1. ATTENDANCE

PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey (via teleconference), Cr Michael Kerr, Cr Roy Zammataro,

OFFICERS IN ATTENDANCE

Mark Stoermer (Chief Executive Officer), Michael Kriedemann (Executive Manager Infrastructure), Paul Hoyer (Manager Environment and Planning), Neil Beck (Team Leader Planning), Jenny Elphinstone (Senior Planning Officer), Scott Hahne (Manager Project Office), Gabriel Nucifora (Project Manager), Lisa Golding (Team Leader Community and Economic Development), Robert Donovan (Team Leader Property), Paul Smyth (Events Officer), Sandeep Tut (Acting Chief Financial Officer), Juanita Holden (Acting Manager Governance), Tom Volling (Senior Media and Communications Officer) and Brenda Jang (Executive Assistant).

APOLOGIES

Nil

2. MAYORAL MINUTE

Moved Cr Leu

"That Council resolve to allow Cr Carey to attend the Ordinary Meeting today via teleconference."

BACKGROUND

Cr Carey is currently absent from the Douglas Shire but able to attend the meeting via teleconference.

In accordance with Section 276 of the *Local Government Regulation 2012*, a local government may approve for a Councillor to attend a Council Meeting via teleconference.

Carried Unanimously

3. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Leu declared that she has a conflict of interest in Closed Session Item 9.1 "Australian Day Awards 2020" (as defined by section 175D of the *Local Government Act 2009*) due to Cr Leu being involved with the Association related to nomination 9.1.15.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

Cr Leu will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

4.1 CONFIRMATION OF MINUTES OF SPECIAL MEETING HELD ON MONDAY, 11 NOVEMBER 2019

Moved Cr Zammataro

Seconded Cr Kerr

“That the Minutes of the Special Meeting held on Monday, 11 November 2019 be confirmed.”

Carried Unanimously

4.2 CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD ON TUESDAY, 12 NOVEMBER 2019

Moved Cr Kerr

Seconded Cr Noli

“That the Minutes of the Ordinary Meeting held on Tuesday, 12 November 2019 be confirmed.”

Carried Unanimously

5. AGENDA ITEMS

5.1. MATERIAL CHANGE OF USE FOR SHORT-TERM ACCOMMODATION (MOTEL) WITH ANCILLARY USES AT 20 WARNER STREET, PORT DOUGLAS

Jenny Elphinstone, Senior Planning Officer

Moved Cr Leu

Seconded Cr Noli

“That Council approves the development application for a Material Change of Use for Short-Term Accommodation (Motel) with ancillary uses of Food and Drink Outlet / Bar over land described as Lot 1 on RP718896, part of Lot 1 on SP267838 and Easements B and C on SP154579, 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:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Site Context</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.03, Revision C</i>	<i>1 October 2019</i>
<i>Site Survey</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.04, Revision C</i>	<i>1 October 2019</i>
<i>Site Imagery</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.05, Revision C</i>	<i>1 October 2019</i>
<i>Site Survey – Adjoining Building Heights</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.06, Revision C</i>	<i>1 October 2019</i>

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
Site analysis	Wolveridge Architects Project 18 007, Drawing P-01.07, Revision C	1 October 2019
Site & Roof Plan	Wolveridge Architects Project 18 007, Drawing P-02.01, Revision C	1 October 2019
Ground Floor	Wolveridge Architects Project 18 007, Drawing P-02.02, Revision C, dated 1 October 2019 and as amended by Condition 3.	To be determined.
First Floor	Wolveridge Architects Project 18 007, Drawing P-02.03, Revision C	1 October 2019
Second Floor	Wolveridge Architects Project 18 007, Drawing P-02.04, Revision C	1 October 2019
Third Floor	Wolveridge Architects Project 18 007, Drawing P-02.05, Revision C	1 October 2019
Micro Hotel – Section Perspective	Wolveridge Architects Project 18 007, Drawing P-02.07, Revision C	1 October 2019
Micro Hotel – Plan & Interior	Wolveridge Architects Project 18 007, Drawing P-02.09, Revision C	1 October 2019
Massing Areas	Wolveridge Architects Project 18 007, Drawing P-02.10, Revision C	1 October 2019
Ventilation Diagram	Wolveridge Architects Project 18 007, Drawing P-02.11, Revision C	1 October 2019
Breezeway Gates Elevation & Details	Wolveridge Architects Project 18 007, Drawing P-02.12, Revision C	1 October 2019
Streetscape Elevation	Wolveridge Architects Project 18 007, Drawing P-03.01, Revision C	1 October 2019
Elevations	Wolveridge Architects Project 18 007, Drawing P-03.02, Revision C	1 October 2019
Elevation & Section-Longitudinal	Wolveridge Architects Project 18 007, Drawing P-03.03, Revision C	1 October 2019
Materials Schedule	Wolveridge Architects Project 18 007, Drawing P-03.04, Revision C	1 October 2019
Revised Façade – Exterior Views	Wolveridge Architects Project 18 007, Drawing P-03.11, Revision C	1 October 2019
Revised Façade – Section	Wolveridge Architects Project 18 007, Drawing P-03.12, Revision C	1 October 2019
Perspectives	Wolveridge Architects Project 18 007, Drawing P-05.02, Revision C	1 October 2019

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>AS2680 B99 Design Vehicle Swept Paths</i>	<i>Rogers Consulting Engineers, Project 180307, Drawing SK20 Sheet 1 of 2, Revision P2</i>	<i>19 August 2019.</i>
<i>AS2680 B99 Design Vehicle Swept Paths</i>	<i>Rogers Consulting Engineers, Project 180307, Drawing SK21 Sheet 2 of 2, Revision P5</i>	<i>4 September 2019.</i>
<i>Civil Works Preliminary Carpark Levels</i>	<i>Rogers Consulting Engineers, Project 180307, Drawing SK30, Revision P1 dated 27 August 2019 and as amended by Condition 3</i>	<i>To be determined</i>
<i>Landscape Plan</i>	<i>Hortulus Australia Pty Ltd, Job No: SN-D18 A, Drawings LS-01 to LS-04, Issue B dated 25 January 2019 and as amended by Condition 3.</i>	<i>To be determined.</i>

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.*

Amended Plan

3. *The proposed development must be generally in accordance with the plans, prepared by Wolveridge Architects, Rogers Consulting Engineers and Hortulus Australia Pty (Council electronic document D#927624) and as amended to accommodate the following:*
 - a. *Delete car parking space No.10 and replace with service area facilities;*
 - b. *Include traffic islands on the road that provide sufficient sight views for exiting vehicles and accommodate the angle parking design;*
 - c. *Design on-street car parking at approximately 45° angle, rather than 90° angle, on the adjacent area of Warner Street;*
 - d. *Upgrade the street lighting to Warner Street adjacent to the property;*
 - e. *Include suitable signage warning of limited vehicle access to the parking area and maximum vehicle clearance heights;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

- f. *Include suitable traffic warning signs regarding vehicle ramp access and pedestrian activity on sidewalk;*
- g. *Include a full awning cover to the adjacent footpath on all plans;*
- h. *Ensure vine planting and landscaping to Warner Street provides adequate pedestrian access between the adjacent on-street car parking spaces and footpath. Landscaping must maintain a minimum 2m wide footpath clear of landscaping and beds for vines to minimise trip hazard;*
- i. *Ensure the landscaping design has regard to Council infrastructure located beneath the street and include the location of infrastructure on site plans;*
- j. *Ensure landscaping design for on-street island beds includes clean trunk trees and design to ensure adequate site lines for traffic movements. Species to reflect those present on adjacent sites to produce a unified streetscape planting;*
- k. *Ensure the form of the kerb and channel to the road to match the existing to the neighbouring development; and*
- l. *Ensure the paving of the pedestrian footpath in pavers to match the existing paving in front of neighbouring development.*

Details of the above amendments must be included in the subsequent application for a Development Permit for Operational Work and of a standard consistent with the FNQROC Development Manual.

Availability of Parking Areas

- 4. *The vehicle parking area must be available for use by all businesses and short-term accommodation units on the land including visitors to the site for all times that the businesses operate and accommodation units are occupied.*

Toilets

- 5. *For all times that the café/bar is open to trade, the toilets must be available to customers. The toilets must be available to staff at all trading times.*

Damage to Council Infrastructure

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

Water Supply and Sewerage Works Internal

- 7. *Undertake the following water supply and sewerage works internal to the subject land:*
 - a. *Provide a single internal sewer connection which must be clear of any buildings or structures. The size and capacity of the sewer connection is to be confirmed by a suitably qualified Hydraulic services consultant;*
 - b. *Provide a single internal water connection with approved water metering;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

- c. *Water supply sub-metering must be designed and installed in accordance with the Queensland Development Code and the Water Supply (Safety and Reliability) Act 2008;*

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.

Inspection of Sewers

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

Vehicle Parking

9. *The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of sixteen (16) spaces. 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 and these attributes must be maintained for the life of the development. At least one car parking space must be provided for disabled drivers together with suitable access between the car parking space and entry to the ground floor reception area.*

Protection of Landscaped Areas from Parking

10. *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.*

Parking Signage

11. *Erect signs advising of the location and availability of the off-street visitor parking area. The signs must be erected prior to Commencement of Use.*

Bicycle Parking

12. *The bicycle parking area must be constructed prior to Commencement of Use and maintained for the life of the development.*

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.*

External Works

14. *Undertake the following works external to the land at no cost to Council:*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

- a. *Upgrade street lighting adjacent to the land to the FNQROC Development Manual standard;*
- b. *Construct the kerb and channel and landscaped garden verge island, generally in accordance with the proposed design and having regard to Condition 3 above;*
- c. *Construct full-width sidewalk with paving style to match the neighbouring development;*
- d. *Provide permanent tactile ground surface Indicators in accordance with Australian Standard AS1428.4: 2002 Design for Access and Mobility Part 4: Tactile Indicators prior to the vehicle access area;*
- e. *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;*
- f. *Construct and landscape the island within the road area as nominated on the plans;*
- g. *Linemark parking spaces and loading area in front of and adjacent to the subject land;*
- h. *Incorporate any requirements identified as necessary under Condition 16 (Drainage Study of Site); and*
- i. *Provide a loading bay for a small rigid vehicle and temporary access vehicle waiting area signs outside the subject land. The loading bay is to be signed for limited daytime use.*

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.

Above Ground Transformer Cubicles / Electrical Sub-Station

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

Drainage Study of Site

16. *Undertake a local drainage study on the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the subject site must have no worsening effect on the drainage of upstream or downstream properties.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

The study must include advice on how stormwater conveyance from the upper car park area and associated lot is conveyed past the building and to Warner Street, Plans and supporting calculations are to be submitted to demonstrate compliance with this condition.

Any necessary works are to be included in the design of external works and constructed under a Development Permit for Operational Work.

The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use.

Acid Sulfate Soils Disturbance

17. *The development proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, an acid sulfate soil investigation must be undertaken.*

The investigation must be performed in accordance with the latest 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' produced by the Department of Natural Resources and Mines (previously DNRW), and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRW 'Queensland Acid Sulfate Soil Technical Manual'.

Amalgamation of Lots Required

18. *The applicant/owner is to ensure that the subject lots are held together as one site for the duration of the approved land use. This is to be achieved by the amalgamation of Lot 1 on RP718896 and Part of Lot 1 on SP267838 into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines and Energy and a new certificate of title issued at the applicant's/owner's cost prior to Commencement of Use.*

Stockpiling and Transportation of Fill Material

19. *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*
 - d. *on Sundays or Public Holidays.*
20. *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

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

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

Landscaping Plan

22. *The site must be landscaped in accordance with details included on a Landscaping Plan. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.*

Lawful Point of Discharge

23. *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

24. *All floor levels in all buildings must be provided with suitable freeboard from flooding and stormtide events with a 1% Annual exceedance probability.*

In particular, the building floor levels 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.

Minimum floor levels must have regard to 0.8m sea level rise for storm tide inundation projected for the year 2100 and freeboard as per Council's stormtide report. Council assesses this level (inclusive of freeboard) to be 3.2m AHD except for the entry bay adjacent to the lift well which is to be a minimum of 3.1m AHD.

Ponding and/or Concentration of Stormwater

25. *The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties. Supporting calculations are to demonstrate that surface flows (if any) on the driveway from the upper level are no greater than that existing in the current pre-development scenario.*

Refuse Storage

26. *Refuse storage is required to service the site in accordance with Council requirements.*
27. *The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.*

Liquid Waste Disposal

28. *Trade waste discharge to sewer must comply with Council's Trade Waste Environmental Management Plan (TWEMP).*

A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work. The applicant must have all measures for pre-treatment installed prior to Commencement of Use.

Details of Development Signage

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

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

Advertising Signage

30. *All signage associated with the use must comply with the Advertising Devices Code contained within the 2018 Douglas Shire Planning Scheme or as otherwise approved by the Chief Executive Officer prior to the Commencement of Use.*

Construction Signage

31. *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*

Crime Prevention Through Environmental Design

32. *All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).*

Advices

- 1. This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the Planning Act 2016.*
- 2. The Douglas Shire Council area is subject to water restrictions during dry season months that may limit and/or restrict the use of Council water for landscaped areas. Council recommends water harvesting and water saving devices to be included to cater for the dry season periods.*
- 3. The land is located near to the Live Entertainment Precinct under the Port Douglas / Craiglie Local Plan of the 2018 Douglas Shire Planning Scheme.*

Consideration of attenuating the internal areas of the residential units from noise intrusion associated with night time activities, such as outdoor dining, bars and nightclubs, maybe astute at the initial construction stage.

- 4. 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.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

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

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

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

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

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

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

LAND USE DEFINITIONS*

In accordance with the 2018 Douglas Shire Planning Scheme Version 1.0, the approved land use of Development Assessment Application is defined as:

Short Term Accommodation

Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained.

The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.

Bar

Premises used primarily to sell liquor for consumption on the premises and that provides for a maximum capacity to seat sixty persons at any one time.

The use may include ancillary sale of food for consumption on the premises and entertainment activities.

Food and Drink Outlet

Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.

**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.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

REASONS FOR DECISION

Non Compliance with Assessment Benchmarks

<i>Benchmark Reference</i>	<i>Alternative Measure/Comment</i>
<i>Port Douglas/ Craiglie Local Plan Code:</i>	<p><i>The development does not meet all the outcomes under AO9 regarding number of stories and roof component, however the development is considered to meet the majority of the respective Performance Outcome PO9, namely:</i></p> <p><i>Building heights:</i></p> <ul style="list-style-type: none"> <i>(a) do not overwhelm or dominate the town centre;</i> <i>(b) respect the desired streetscape;</i> <i>(c) ensure a high quality appearance when viewed from both within the town centre sub-precinct and external to the town centre sub-precinct; and</i> <i>(d) remain subservient to the natural environment and the backdrop of Flagstaff Hill.</i> <p><i>The development does not meet the PO9 (e) for buildings not exceeding 3 storeys, however the design is considered acceptable as it satisfactorily meets the code Purpose, for the Town Centre Precinct 1a, namely, "In addition to other overall development outcomes, development in the Town Centre sub-precinct facilitates the following development outcomes:</i></p> <ul style="list-style-type: none"> <i>(a) tourist, retail, dining and entertainment activities are facilitated at an appropriate pedestrian scale;</i> <i>(c) development contributes to a high quality public realm; and</i> <i>(f) active street frontages are established along Macrossan and Wharf Streets and other nearby streets as shown on the Port Douglas Centre Active Frontages and Pedestrian and Cycle Network Plan."</i>
<i>Short Term Accommodation Land Use Code</i>	<p><i>While the minimum site area and lot frontage do not meet the Acceptable outcomes, the development complies with the respective performance Outcome PO1, namely, "The site has sufficient area and frontage to:</i></p> <ul style="list-style-type: none"> <i>(a) accommodate the scale and form of buildings considering site features;</i> <i>(b) achieve communal open space areas and private outdoor spaces;</i> <i>(c) deliver viable areas of deep planting and landscaping to establish tropical planting;</i> <i>(d) achieve safe and convenient vehicle and pedestrian access; and</i> <i>(e) accommodate on-site car parking and manoeuvring for residents, visitors and service providers.</i>
<i>Access, Parking and Servicing Code</i>	<p><i>Despite the non achievement of the Acceptable Outcome AO1.1 the development achieves the respective Performance Outcome, namely:</i></p> <p><i>Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the desired character of the area;</i> <i>(b) the nature of the particular use and its specific characteristics and scale;</i> <i>(c) the number of employees and the likely number of visitors to the site;</i>

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

<i>Benchmark Reference</i>	<i>Alternative Measure/Comment</i>
	(d) <i>the level of local accessibility; and</i> (e) <i>the nature and frequency of any public transport serving the area.</i>

Carried Unanimously

5.2. RECONFIGURING OF A LOT (1 INTO 15 LOTS) 20-30 LANGLEY ROAD,
PORT DOUGLAS
Jenny Elphinstone, Senior Planning Officer

Moved Cr Leu

Seconded Cr Kerr

“That Council issues a Development Permit for the development application for the reconfiguration of a lot, over land described as Lot 5 on RP804926, located at 20-30 Langley Road, 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 generally the following plans together with any amendments as required by the Conditions of the approval:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Proposal Plan</i>	<i>Flanagan Consulting Group Drawing 6038-SK01 F (Council Document ID 912385).</i>	<i>13 September 2019</i>
<i>Roadworks and Drainage Plan</i>	<i>Flanagan Consulting Group Drawing 6038-SK02 e (Council Document ID 928437).</i>	<i>12 November 2019.</i>
<i>Concept Site Grading</i>	<i>Flanagan Consulting Group Drawing 6038-SK05 e (Council Document ID 928437).</i>	<i>12 November 2019.</i>
<i>Sewerage Reticulation Plan</i>	<i>Flanagan Consulting Group Drawing 6038-SK04 D (Council Document ID 928437).</i>	<i>12 November 2019.</i>
<i>Water Reticulation Plan</i>	<i>Flanagan Consulting Group Drawing 6038-SK03 E dated 19 December 2019 and as annotated by Council (Council Document ID 930021)</i>	<i>26 November 2019.</i>

ASSESSMENT MANAGER CONDITIONS AND ADVICES

Assessment Manager Conditions and Advices

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

Except where modified by these conditions of approval.

Timing of Effect

2. *The conditions of the Development Permit must be effected prior to the lodgement of the Survey Plan for signing and dating, except where specified otherwise in these conditions of approval.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

Access

3. a. *No lot is to have vehicle access to or from Solander Boulevard.*
- b. *Vehicle Access to proposed Lot 9 is limited to Langley Road. No vehicle access to and from Lot 9 is permitted to the internal cul-de-sac.*

Building and Structure setbacks

4. *No buildings or structures are to be located within 3 m of the Solander Boulevard frontage of the site on Lots 1-4 unless otherwise approved by the Chief Executive Officer.*

Street Layout and Design

5. *The street layout and design is to be generally in accordance with Flanagan Consulting Group Proposal Plan 6038-SK02e dated 19 November 2019 and must comply with Queensland Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:*
 - a. *The new internal road must have a minimum road reserve width of 14.5 metres;*
 - b. *Langley Road must be upgraded to reflect the road form and geometry of the existing constructed Langley Road west from Andrews Close for the full frontage of the site. Unless otherwise approved, the road upgrade must include new kerb and channel, subsoil drains and road pavement to the crown of the road;*
 - c. *The upgrade of Langley Road must include the provision of a two (2) metre wide concrete footpath along the frontage of the site including a new kerb ramp on Andrews Close;*
 - d. *The upgrade of Langley Road must be designed to ensure that the intersection with Solander Boulevard is designed to suitable enable Council vehicle access and public pedestrian access onto Solander Boulevard;*
 - e. *Detail of proposed retaining structure along the Solander Boulevard frontage of the site that may include a single pedestrian access for each lot fronting Solander Boulevard and must be provided prior to seeking a Development Permit for Operational Work. The retaining structure is to have regard to protection from future storm tide inundation and amenity to the neighbouring Solander Boulevard. These works are to be undertaken at the time of other civil work associated with the development.*
 - f. *Provision of a fill on each lot whereby:*
 - i. *Fill areas for the lots are at a level to provide an immunity to a 1% storm tide event (having regard to a 0.8m sea level rise for the year 2100 or a lower level if nominated under a State Planning Policy at the time of lodgement of the application for Operational Work) and a 1% flood event.
The nominated fill level to provide immunity to the 1% AEP stormtide event is to be as per the Cairns BMT-WMB Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 (Council reference Doc ID: 462510) or another superseding report or individual study approved or found satisfactory to the satisfaction of the Chief Executive Officer.
Where the freeboard applied relevant to the BMT WMB report (Page 45 of the Study report) is less than the report recommendation, such lesser height must be qualified by the study author as suitable for the land to the satisfaction of*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

the Chief Executive Officer. Alternatively, the qualification maybe provided by a peer coastal engineer to the satisfaction of the Chief Executive Officer;

- ii. All fill is to drain to lawful point of discharge and must not detrimentally impact on upstream, downstream or surrounding land and/or proposed lots;*
 - iii. Fill areas must be suitably retained with suitably revetment protection from coastal erosion and impacts of storm tide inundation;*
 - v. Where the minimum fill results in an increase of ground level of 1m or greater to the neighbouring northern boundary for proposed lots 4, 5, 6 and 7, section and site plans are to be provided, for each of the adjacent lots and at least at the highest point, detailing the proposed height and proposed treatment(s) including landscaping to ensure the continued amenity of the neighbouring lots. The design is to ensure no ponding occurs to neighbouring properties and all drainage received from the neighbouring land is adequately catered for. These works are to be undertaken at the time of other civil work associated with the development;*
 - vi. Where the minimum fill results in an increase of ground level of less than 1m, to the neighbouring northern boundary for proposed lots 4, 5, 6 and 7, the fill may be constructed to the boundary provided no ponding occurs to neighbouring properties and all drainage received from the neighbouring land is adequately catered for;*
- g. All lots must provide for suitable vehicle access.*

An amended plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Work.

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 lodgement of a Survey Plan for signing and dating.

Water Supply and Sewerage Works Internal

- 6. Undertake the following water supply and sewerage works internal to the subject land generally in accordance with Flanagan Consulting Group Sketches 6038-SK03D and 6038-SK04D:*
- a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;*
 - b. If any existing sewer connections or property connection branches are proposed to be retained, further detail is to be provided to support the condition and capacity of the connection. CCTV footage is required to confirm the suitability of the existing connections for reuse. Existing sewer connections not retained must be decommissioned.*
 - c. Provide a minimum 100mm (PN16, Blue Brute) diameter water main in the new cul-de-sac with a 63mm (HDPE, PN16 blueline) OD loop main in accordance with the FNQROC Development Manual requirements;*
 - d. Provide a minimum 125mm HDPE SDR11 PN 16 road crossing connecting to the 100mm main on the southern side of Langley Road connected with Hot Tap (tapping under pressure) and under DSC water supervision. The 100mm road*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

crossing must be on the eastern side of the new cul-de-sac;

- e. *Services to be installed and tapped during the main laying, bring service into property boundary 500mm and 300mm deep, If driveways/cross overs have not been allocated then service is to be installed in the middle of block, this avoids the chance of the service being under a driveway,*
- f. *Provide all fittings and valving in accordance with the FNQROC Development Manual requirements; and*
- g. *Decommission and remove the existing AC water main along the Langley Road frontage of the site and any existing water meters or water supply connections into the site.*

All the above works must be designed and constructed in accordance with the FNQROC Development Manual and generally as the annotated water reticulation plan.

Engineering design plans incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Work.

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 lodgement of the Survey Plan for signing and dating.

Damage to Infrastructure

- 7. *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, prior to the lodgement of the Survey Plan for signing and dating.*

Acid Sulfate Soil Management Plan

- 8. a. *Undertake an Acid Sulfate Soil sampling, investigation and analysis in the area to be affected by this development in accordance with:*
 - i. *the Queensland Acid Sulfate Soil Technical Manual Soil Management Guidelines version 4.0 (2014);*
 - ii. *the Acid Sulfate Soils - Laboratory Methods Guidelines (version. 2.1, June 2004; and*
 - iii. *the State Planning Policy 2017.*
- b. *Provide a statement to Council that*
 - i. *present Acid Sulfate Soils and/or Possible Acid Sulfate Soils are not present; or*
 - ii. *that management of present Acid Sulfate Soils and/or Possible Acid Sulfate Soils has been incorporated into an Acid Sulfate Soils Environmental Management Plan prepared in accordance with the abovementioned documents.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

Identification of soils with a pyrite content in excess of the action levels will trigger a Acid Sulfate Soil Environmental Management Plan which must be prepared to the satisfaction of the Chief Executive Officer.

Where earthworks are undertaken without a Development Permit for Operational Work, the results of this investigation must be submitted to Council for approval, ten (10) business days prior to any earthworks or clearing being commenced on the site.

Where earthworks are undertaken in association with a Development Permit for Operational Work, the results must accompany such application lodged to Council.

Drainage Study of Site and drainage Design Plan

9. *Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:*
 - a. *The contributing catchment boundaries, including specifically the drainage from northern properties entering the site and discharging via surface drainage and pipe systems through proposed lot 4 and within Solander Boulevard to the east of proposed lot 4;*
 - b. *The extent of the 100 year ARI flood event in relation to the site both pre- and post-development;*
 - d. *Primary and secondary flow paths for the 5 and 100 year ARI flood events, including external flows currently discharging through the site;*
 - e. *Identify any requirement for drainage easements;*
 - f. *Identify the need and tenure for flood detention areas to ensure a no-worsening impact on downstream properties for the entire development;*
 - g. *In the absence of flood detention, the drainage study provides a concept design to limit the primary piped drainage flows entering the existing drainage system that drains to the west to no more than the pre-development flows and ensure that all overland flows are able to be conveyed to Langley Road east to Solander Boulevard to the existing drainage swale outlet near the northern property boundary on Solander Boulevard. Depth and width of flows in Langley Road east from the cul-de-sac in the minor event are to be provided in the supporting calculations for the operational works submission;*
 - h. *Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development; and*
 - i. *Lawful point of discharge.*

A plan of proposed drainage works must then be prepared to show the study outcomes and include the following considerations:

- i. *Drainage infrastructure in accordance with FNQROC Development Manual except as modified under (g) above.*
- ii. *All new allotments shall have immunity from flooding associated with the ARI 100 year rainfall event and the 100 year storm tide event;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

- iii. *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 stormwater quality device(s);*
- iv. *Existing surface drainage along the northern property boundary must be addressed in the plan of drainage works unless otherwise approved by Council following review of the outcomes of the drainage study; and*
- v. *The underground drainage network to the west is to be limited to the predevelopment flows and any additional runoff is to be conveyed overland in Langler Road east to Solander Boulevard*

The study and the proposed drainage works plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work.

Access Construction

- 10. *Construct a concrete driveway or other approved surface to the nominated building area located in Lot 4.*

All works must be carried out in accordance with the approved plans and must be to the requirements and satisfaction of the Chief Executive Officer prior to the lodgement of the Survey Plan for signing and dating.

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 the lodgement of the Survey Plan for signing and dating.*

Stockpiling and Transportation of Fill Material

- 12. *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.*
- 13. *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

- 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.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

Construction Access

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

Sediment and Erosion Control

16. *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

17. *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 Survey Plan for signing and dating to create a lot.*

Electricity Supply

18. *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 Work.*

Electricity and Telecommunications

19. *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 lodgement of a Survey Plan for signing and dating.*

Street Lighting

20. *The following arrangements for the installation of street lighting within the proposed subdivision must be prior to the lodgement of a Survey Plan for signing and dating:*
 - a. *Prior to the issue of a Development Permit for Operational Work 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.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

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

- i. Intersections*
- ii. Pedestrian Refuges*
- iii. Cul-de-sacs*
- iv. LATM Devices*

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.*
- c. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.*
- d. Where an existing intersection is required to be upgraded as part of a development approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.*

Damage to Council Infrastructure

- 21. In the event that any part of Council's existing infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the lodgement of the Survey Plan for signing and dating.*

Landscape Plan

- 22. Undertake landscaping of the street frontages of new roads, Langley Road and Andrews Close in accordance with FNQROC Development Manual and in accordance with a landscape plan.*

Where Solander Boulevard is disturbed for drainage purposes, the area is to be grassed and in a mowable condition with a maximum profile of 1:4.

The landscape plan must be to the satisfaction of 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 regard to any overhead powerline constraints;*
- b. The revegetation of cut and fill batters;*
- c. Species to have regard to the Planning Scheme Landscaping Policy;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

- d. *Remediation and revegetation works to be undertaken within the both the major drainage line and the drainage reserve, including any works in Solander Boulevard;*
- e. *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.*

The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. Areas to be landscaped must be established prior to lodgement of the survey Plan for signing and dating. Landscaping must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

Construction Signage

- 23. *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. *Civil Engineer; and*
 - d. *Civil Contractor.*

ADVICE

- 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.dsdmip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.*
- 4. *The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance.*

Further information on the EPBC Act can be obtained from the Department of the Environment, Water, Heritage and the Arts website www.environment.gov.au/epbc EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct. 2009).

Infrastructure Charges Notice

- 5. *A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice, a*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

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

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

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

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

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

REASONS FOR DECISION

Non Compliance with Assessment Benchmarks

Benchmark Reference	Alternative Measure/Comment
<p><i>Tourist Accommodation Zone Code: PO10-PO12:</i></p> <p><i>New lots contain a minimum area of 1,000m².</i></p> <p><i>New lots have a minimum road frontage of 20 metres.</i></p> <p><i>New lots contain a 25m x 20m rectangle.</i></p>	<p><i>Some of the proposed lots do not meet the Performance Outcomes. The development meets the Code Purpose (3)(a) providing for "a range of accommodation activities, with an emphasis on short-term accommodation is established at a scale and density to service tourist needs." The layout provides a range of lot sizes that can provide for a range of accommodation activities including self-assessable dwelling houses and code assessable short-term accommodation, both activities that meet the Code Purpose. The development complies with the code.</i></p>
<p><i>Local Plan Code:</i></p> <p><i>AO2.1 Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the lush tropical character of the town.</i></p> <p><i>PO2 Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important in the context of the Port Douglas/ Craiglie Township Plan map contained in Schedule 2).</i></p>	<p><i>The development is unable to retain mature vegetation that currently exists on the land due to the need to fill to achieve suitable ground heights respective to coastal processes (storm tide inundation). The vegetation was reviewed and found to not be of state significance. The land is not at a gateway. The vegetation on the nearby road and Reserve provides a physical and aesthetic buffer to the coastline. The development meets the Performance Outcome.</i></p>
<p><i>Reconfiguring of a Lot Code</i></p> <p><i>PO1 Lots comply with the lot reconfiguration outcomes of the applicable Zone Code.</i></p>	<p><i>Despite the non achievement of the lot configuration outcomes, the development achieves many of the ROL Code Purposes, namely</i></p> <ul style="list-style-type: none"> <i>(a) development results in a well-designed pattern of streets supporting walkable communities;</i> <i>(b) lots have sufficient areas, dimensions and shapes to be suitable for their intend use taking into account environmental features and site constraints;</i>

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

Benchmark Reference	Alternative Measure/Comment
	<p>(c) road networks provide connectivity that is integrated with adjoining existing or planned development while also catering for the safe and efficient access for pedestrians, cyclists and for public transport;</p> <p>(d) lots are arranged to front all streets and parkland such that development enhances personal safety, traffic safety, property safety and security; and contributes to streetscape and open space quality;</p> <p>(f) people and property are not placed at risk from natural hazards;</p> <p>The development complies with the Code.</p>
<p>Vegetation Management Code</p> <p>AO1 An acceptable outcome provides for vegetation damage where the removal facilitates an approved development.</p> <p>PO1 (includes) Vegetation is protected to ensure that:</p> <p>(a) the character and amenity of the local area is maintained;</p> <p>(b) vegetation damage does not result in fragmentation of habitats;</p> <p>(c) vegetation damage is undertaken in a sustainable manner;</p> <p>(d) the Shire's biodiversity and ecological values are maintained and protected;</p> <p>Code Purpose includes:</p> <p>(a) vegetation is protected from inappropriate damage; (b) where vegetation damage does occur it is undertaken in a sustainable manner; (c) significant trees are maintained and protected;</p> <p>(d) biodiversity and ecological values are protected and maintained;</p> <p>(e) habitats for rare, threatened and endemic species of flora and fauna are protected and maintained;</p> <p>(f) landscape character and scenic amenity is protected and maintained;</p>	<p>The development is supported despite the conflict with the vegetation management code. The development meets the State Planning Policy (SPP) regarding Natural Hazards of Storm Tide Inundation. Under section 1.5 of the Planning Scheme, the Overlay Code and the State Planning Policy prevail over the Vegetation Management Code.</p>

Concurrence Agency Conditions & Requirements

Concurrence Agency	Concurrence Reference	Agency	Date	Council Electronic Reference
State Department Manufacturing, Infrastructure and Planning	1904-10894 SRA		30 May 2019	904465

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

Carried Unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

5.3. EXPRESSIONS OF INTEREST PORT DOUGLAS SLIPWAY

Neil Beck, Team Leader Planning

Moved Cr Zammataro

Seconded Cr Kerr

“That Council resolve to:

1. *Invite Expressions of Interest for the provision of a slipway or boat handling facility and associated hard stand areas over part of Lot 2 on SP262338 under Section 228 (3) of the Local Government Regulations 2012;*
2. *Notes it is in the public interest to invite expressions of interest for the following reasons:*
 - i. *test the findings of the investigation into the marine industry needs of Port Douglas and the appetite of this sector to invest in Port Douglas to provide this service; and*
 - ii. *to understand what the market may be able to offer.*
3. *That Council delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise any and all matters associated with the finalisation of the Expression of Interest.”*

MEETING CALLED TO A HALT

Cr Leu called the Meeting to a halt at 10.07am as Cr Kerr advised that he was unable to access meeting documentation via Docs On Tap.

MEETING RESUMED

The computer glitch was rectified and the Meeting resumed at 10.09am.

Carried Unanimously

5.4. EXPRESSION OF INTEREST - AGED CARE ACCOMMODATION MOSSMAN

Neil Beck, Team Leader Planning

Moved Cr Noli

Seconded Cr Kerr

“That Council resolve to:

1. *invite Expressions of Interest for the development of the balance of the land at Johnston Road for aged care accommodation over land described as part of Lot 1 on SP150474 under Section 228 (3) of the Local Government Regulations 2012;*
2. *notes it is in the public interest to invite expressions of interest for the following reasons:*
 - i. *identify interest by the sector to develop the land for aged care accommodation; and*
 - ii. *consider various operational / business models and how they could be applied to the site provided they align with the objective of creating and maintaining aged care accommodation for the long term; and*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

3. *delegates authority under section 257 of the Local Government Act 2009 to the Chief executive Officer to determine and finalise any and all matters associated with the finalisation of the Expression of Interest.”*

Carried Unanimously

5.5 DRESS CODE FOR CITIZENSHIP CEREMONIES

Paul Smyth, Events Officer

Moved Cr Kerr

Seconded Cr Noli

“That Council:

- *notes the new Australian Citizenship Ceremonies Code and its requirements for Councils to hold citizenship ceremonies on Australia Day, 26 January, each year;*
- *notes that Federal Members of Parliament, if attending a citizenship ceremony, should read the Minister’s message; and*
- *adopts the dress code “Conferees and their guests should be dressed in smart casual clothing befitting our tropical environment.”*

For: Cr Leu, Cr Noli, Cr Kerr, Cr Zammataro

Against: Cr Carey

Carried

5.6. REVISED BUDGET 2019-2020

Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr Zammataro

“That Council adopts the 2019/20 Revised Budget.”

Carried Unanimously

5.7. APPOINTMENT OF THE LOCAL DISASTER MANAGEMENT GROUP
DOUGLAS REGION

Paul Hoyer, Manager Environment and Planning

Moved Cr Noli

Seconded Cr Zammataro

“That Council resolves:

1. *in accordance with sections 33,34 and 35 of the Disaster Management Act 2003, to appoint the following positions as members of the Local Disaster Management Group for the Douglas Shire Council area:*

<i>Position</i>	<i>Organisation</i>
<i>Chairperson – Mayor</i>	<i>Douglas Shire Council</i>
<i>Deputy Chairperson – Deputy Mayor</i>	<i>Douglas Shire Council</i>
<i>Local Disaster Coordinator – Manager Environment and Planning</i>	<i>Douglas Shire Council</i>

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

<i>Position</i>	<i>Organisation</i>
<i>Chief Executive Officer</i>	<i>Douglas Shire Council</i>
<i>Deputy Local Disaster Coordinator – Disaster Management Officer</i>	<i>Douglas Shire Council</i>
<i>Media Advisor – Media and Communications Officer</i>	<i>Douglas Shire Council</i>
<i>Executive Manager Infrastructure</i>	<i>Douglas Shire Council</i>
<i>Manager People and Community Services</i>	<i>Douglas Shire Council</i>
<i>Manager Water & Wastewater</i>	<i>Douglas Shire Council</i>
<i>Community Support Officer – Team Leader Community & Economic Development</i>	<i>Douglas Shire Council</i>
<i>OIC Port Douglas Station</i>	<i>Queensland Police Service</i>
<i>Inspector, Far North Region</i>	<i>Queensland Fire & Emergency Services</i>
<i>Director of Nursing</i>	<i>Mossman Hospital</i>
<i>Local Controller</i>	<i>State Emergency Service</i>
<i>Emergency Management Coordinator, Far North Region</i>	<i>Queensland Fire & Emergency Services</i>
<i>Executive Officer</i>	<i>Tourism Port Douglas & Daintree</i>
<i>Officer In Charge, Mossman</i>	<i>Queensland Ambulance Service</i>
<i>Senior Advisor Community Recovery, Far North Qld Region</i>	<i>Department of Communities, Disability Services and Seniors</i>
<i>Emergency Services Coordinator</i>	<i>Australian Red Cross</i>
<i>Senior Community Recovery Officer (Northern)</i>	<i>Department of Communities, Disability Services and Seniors</i>

2. *to note the measures that have been undertaken to ensure that Council has a disaster response capability; and*
3. *to note the report on the 2018/19 disaster year.”*

Carried Unanimously

5.8. REQUEST FOR TRAFFIC CONTROL SPEED BUMP AT MARLIN DRIVE,
WONGA
Michael Kriedemann, Executive Manager Infrastructure

Moved Cr Zammataro

Seconded Cr Noli

“That Council resolves to:

1. *undertake an engineering assessment to determine the best location for a series of raised speed platforms in Marlin Drive;*
2. *complete community engagement to gain feedback on the proposal;*
3. *advise the principal petitioner in writing of Council’s decision in this matter; and*
4. *consider funding this project in the 2020/2021 capital budget.”*

Carried Unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

5.9. ASSET AND SERVICE MANAGEMENT GENERAL POLICY

Michael Kriedemann, Executive Manager Infrastructure

Moved Cr Noli

Seconded Cr Kerr

“That Council resolve to adopt the updated Asset and Service Management General Policy.”

Carried Unanimously

5.10. OWNERS CONSENT FOR NEWELL BEACH BOAT RAMP UPGRADE

Michael Kriedemann, Executive Manager Infrastructure

Moved Cr Zammataro

Seconded Cr Kerr

“That Council resolves to:

1. *provide ‘in-principle’ support for the proposed upgrade of the Newell Beach Boat Ramp; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to provide written owners consent to the Queensland Department of Transport and Main Roads so that they may lodge a reclamation permit and development application.”*

Carried Unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Kerr

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

- 9.1. *Prejudicial Matter S275 1 H Local Government Regulation 2012 - **Australia Day Awards 2020***
- 9.2. *Prejudicial Matter S275 1 E Local Government Regulation 2012 - **Proposed Purchase Of Road Reserve - Port Douglas***
- 9.3. *Prejudicial Matter S275 1 E Local Government Regulation 2012 - **Tender Assessment Thornton Beach Cafe***
- 9.4. *Prejudicial Matter S275 1 H Local Government Regulation 2012 - **QAO Final Management Letter S213 (3)***

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

9.5. *Contractual Matter S275 1 E Local Government Regulation 2012 - **Contract 2020-070 2019 Murphy St - Treatment Of Slope Instabilities And Urbanisation Upgrade***

9.6. *Contractual Matter S275 1 E Local Government Regulation 2012 - **2019-084 Daintree River Ferry Contract 2021***

Carried Unanimously

MEETING WITHDRAWAL

Cr Leu declared that she has a conflict of interest in Closed Session Item 9.1 "Australian Day Awards 2020" (as defined by section 175D of the *Local Government Act 2009*) due to Cr Leu being involved with the Association related to nomination 9.1.15.

Cr Leu left the meeting at 10.47am and Cr Noli (Deputy Mayor) took the Chair.

MEETING RE-ATTENDANCE

Cr Leu re-attended the Meeting at 10.54am and resumed the Chair.

OUT OF CLOSED SESSION

Moved Cr Leu

Seconded Cr Noli

"That Council resolves to move out of Closed Session."

Carried Unanimously

9.1. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION
2012 - AUSTRALIA DAY AWARDS 2020

Moved Cr Noli

Seconded Cr Kerr

"That Council:

1. *award an eligible nominee from each category to receive an Australia Day Award for 2020:*

*Citizen of the Year (Nominee H)
Young Citizen of the Year (Nominee P)
Volunteer of the Year (Nominee Y)
Arts and Cultural Award (no Nominee B)
Environmental Achievement Award (Nominee J)
Senior Sports Award (Nominee E)
Junior Sports Award (Nominee B2);*

2. *award the recipient of the Civic Recognition Award, at the Australian Day Awards Ceremony for 2020 (Nominee I); and*

3. *delegate authority under section 257 of the Local Government Act 2009 to the Mayor and Chief Executive Officer to finalise any minor amendments in relation to administering the Australia Day Awards for 2020."*

Carried Unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

9.2. PREJUDICIAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION
2012 - PROPOSED PURCHASE OF ROAD RESERVE- PORT DOUGLAS
Robert Donovan, Team Leader Property

Moved Cr Noli

Seconded Cr Kerr

“That Council;

1. *lodge an application with the Department of Natural Resources, Mines and Energy to purchase road reserve as mentioned in the report in fee simple at the independent valuation determined by the State; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with this application.”*

Carried Unanimously

9.3. PREJUDICIAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION
2012 - TENDER ASSESSMENT THORNTON BEACH CAFÉ
Robert Donovan, Team Leader Property

Moved Cr Kerr

Seconded Cr Zammataro

“That Council;

1. *note the officer’s recommendations following a tender process for the Council owned facility Thornton Beach Café;*
2. *offer a trustee lease to the preferred lessee as mentioned in the body of the report over part of Lot 175 SP241339 Cape Tribulation Road Thornton Beach, for the purpose of operating a café, subject but not limited to the following terms and conditions;*
 - a. *for a term of 10 years with no options to commence from 4 January 2020;*
 - b. *Rent for the first year of the term to be as per report and subject to a annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - c. *Lessee to be responsible for all rates and charges;*
 - d. *Lessee to be responsible for all costs associated with the preparation execution and registration of the lease;*
 - e. *Council’s Standard Terms and Conditions Document for Trustee Leasing, registered under dealing number 717940164 and amended as required; and*
 - f. *the State’s (represented by the Department of Natural Resources Mines and Energy) registered mandatory standard terms document for Trustee Leasing registered under dealing number 711932933; and*
3. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise any and all matters associated with this lease.”*

Carried Unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM**

9.4. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION
2012 - QAO FINAL MANAGEMENT LETTER S213 (3)
Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr Zammataro

“That Council notes the observations contained within the Final Management Report for Douglas Shire Council from the Queensland Audit Office for the 2018/19 financial year.”

Carried Unanimously

9.5. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION
2012 - CONTRACT 2020-070 2019 MURPHY ST - TREATMENT OF SLOPE
INSTABILITIES AND URBANISATION UPGRADE
Gabriel Nucifora, Project Manager

Moved Cr Leu

Seconded Cr Noli

“That Council:

4. *resolves to award Contract 2020-076 2019 Murphy Street - Treatment of Slope Instabilities and Urbanisation Upgrade to GEO Design Pty Ltd for an amount of \$2,665,942.65 exclusive of GST. and*
5. *delegates authority under section 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

9.6. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION
2012 - 2019-084 DAINTREE RIVER FERRY CONTRACT 2021
Michael Kriedemann, Executive Manager Infrastructure

Moved Cr Leu

Seconded Cr Zammataro

“That Council resolves to:

1. *enter into contract 2019 - 084 Daintree River Ferry Contract 2021 with Sirron Enterprises (Qld) Pty Ltd, ABN: 36 325 937 550;*
2. *delegates authority under section 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; and*
3. *allocates \$250,000 from the Daintree River Reserve for the design of the landside infrastructure in preparation for the new service in 2021.”*

For: Cr Leu, Cr Noli, Cr Carey and Cr Zammataro

Against: Cr Kerr

Carried

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 3 DECEMBER 2019 COMMENCING AT 10.00AM

CLOSURE OF MEETING

The meeting closed at 11.35 am.

CONFIRMED THIS 21st DAY OF JANUARY 2020


.....
MAYOR/CHAIR