



DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday 30 April 2024

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

DOUGLAS
SHIRE COUNCIL

Rachel Brophy
CHIEF EXECUTIVE OFFICER



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY 30 APRIL 2024 COMMENCING AT 10:00A.M.**

Mayor Cr Scomazzon opened the meeting at 10:00am by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on 30 April 2024 at the Mossman Council Chambers.

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

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

**DOUGLAS SHIRE COUNCIL
ORDINARY MEETING
TUESDAY 30 APRIL 2024
10:00AM
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1. ATTENDANCE & APOLOGIES

1.1. PRESENT

Cr Lisa Scomazzon (Mayor), Cr Roy Zammataro (Deputy Mayor), Cr Damian Meadows, Cr Abigail Noli, Cr Michael Rees

1.2. APOLOGIES

There were no apologies.

1.3. OFFICERS IN ATTENDANCE

Rachel Brophy (Chief Executive Officer), Sara Roberts (Acting Manager People and Community Services), Tara Killeen (Chief Financial Officer), Paul Hoye (Manager Environment and Planning), Wayne Kristalyn (Acting Manager Project Office), Claudia Brassard (Principal Engineer), Joanne Nicholson (Team Leader Financial Accounting), Neil Beck (Team Leader Planning), Jenny Elphinstone (Senior Planning Officer), Daniel Lamond (Planning Officer), Susan Donoghue (HR Culture and Development Officer), Natalie Crimmins (Senior Governance Officer), Brenda Jang (Executive Assistant), Marcus Wilson (Senior Media and Communications Officer), Tarren Woodhams (Digital Communications Officer)

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil

3. DEPUTATIONS

Nil

4. MAYORAL MINUTES

Nil

5. CONFIRMATION OF MINUTES OF COUNCIL MEETING

5.1. CONFIRM MINUTES - ORDINARY MEETING HELD 12 MARCH 2024

Moved Cr Noli

Seconded Cr Meadows

That the Minutes of the Ordinary Meeting held Tuesday 12 March 2024 be confirmed.

Carried Unanimously

5.2. CONFIRM MINUTES - STATUTORY MEETING HELD 9 APRIL 2024

Moved Cr Noli

Seconded Cr Rees

That the Minutes of the Statutory Meeting held Tuesday 9 April 2024 be confirmed.

Carried Unanimously

6. OFFICERS REPORTS

6.1. DEBT GENERAL POLICY 2024-2025

Moved Cr Meadows

Seconded Cr Rees

That Council adopts the Debt General Policy 2024-2025.

Carried Unanimously

6.2. DEBT RECOVERY GENERAL POLICY

Moved Cr Rees

Seconded Cr Noli

That Council adopt the Debt Recovery General Policy

Carried Unanimously

6.3. RELATED PARTY GENERAL POLICY

Moved Cr Noli

Seconded Cr Rees

That Council adopts the Related Party General Policy.

Carried Unanimously

6.4. INVESTMENT GENERAL POLICY

Moved Cr Rees

Seconded Cr Meadows

That Council adopt the Investment General Policy.

Carried Unanimously

6.5. APPOINTMENT OF AUDIT COMMITTEE MEMBERS

Moved Cr Meadows

Seconded Cr Noli

1. *Appoint Cr Lisa Scomazzon as a member of the Douglas Shire Council Audit Committee for a term of 4 years; and*
2. *Appoint Cr Michael Rees as a member of the Douglas Shire Council Audit Committee for a term 2 years.*
3. *Note the proposed dates for Audit Committee meetings in 2024.*

Carried Unanimously

6.6. FINANCIAL REPORTS MARCH 2024

Moved Cr Rees

Seconded Cr Noli

That Council notes the Statement of Comprehensive Income and the Statement of Financial Position for March 2024.

Carried Unanimously

6.7. CYCLONE JASPER EXPENDITURE TO MARCH 2024

Moved Cr Meadows

Seconded Cr Rees

1. *In accordance with s 235(c) Local Government Regulation 2012, Council retrospectively approves expenditure incurred to date, in relation to the Cyclone Jasper Disaster Event, outside the current adopted budget for year ended 30 June 2024 as set out in this report, incorporating:*
 - *Expenditure incurred to 31 March 2024*
 - *Expenditure line items above \$200k incurred to 31 March 2024*
2. *Council to note the funding advance received to date from Queensland Reconstruction Authority.*

Carried Unanimously

6.8. CEO DELEGATION FOR TC JASPER RECOVERY PROJECT CONTRACTS

Moved Cr Zammataro

Seconded Cr Rees

That Council:

1. *Delegates authority to the Chief Executive Officer (CEO) to award contracts valued at more than \$200,000 associated with Tropical Cyclone Jasper recovery works.*
2. *Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters related to the awarding of those contracts.*

3. *Notes that, in accordance with Council's Procurement Policy, Council will retrospectively consider all contracts valued at more than \$200,000 awarded by the Chief Executive Officer (CEO) associated with funded projects related to Tropical Cyclone Jasper.*

Carried Unanimously

6.9. CAPITAL WORKS PROGRESS REPORT FOR OCTOBER 2023 TO MARCH 2024

Moved Cr Meadows

Seconded Cr Rees

That Council receives and notes the progress of the Capital Works Program for the period October 2023 to March 2024.

Carried Unanimously

6.10. REPORT FROM THE CHIEF EXECUTIVE OFFICER FOR PERIOD OCTOBER TO DECEMBER 2023

Moved Cr Noli

Seconded Cr Rees

That Council notes the Report from the Chief Executive Officer for the period October to December 2023.

Carried Unanimously

6.11. REPORT FROM THE CHIEF EXECUTIVE OFFICER FOR PERIOD JANUARY TO MARCH 2024

Moved Cr Rees

Seconded Cr Meadows

That Council notes the Report from the Chief Executive Officer for the period January to March 2024.

Carried Unanimously

6.12. MAYOR'S DIARY FOR APRIL 2024

Moved Cr Noli

Seconded Cr Rees

That Council notes the Mayor's external calendar appointments for April, following the Declaration of Office 8 April 2024.

Carried Unanimously

6.13. CHIEF EXECUTIVE OFFICER'S DIARY FOR APRIL 2024

Moved Cr Rees

Seconded Cr Meadows

That Council notes the Chief Executive Officer's external calendar appointments for April 2024.

Carried Unanimously

6.14. OPERATIONAL PLAN PROGRESS REPORT FOR OCTOBER TO DECEMBER 2023

Moved Cr Rees

Seconded Cr Meadows

That Council notes the progress of the implementation of the Operational Plan 2023-2024.

Carried Unanimously

6.15. OPERATIONAL PLAN PROGRESS REPORT FOR JANUARY TO MARCH 2024

Moved Cr Rees

Seconded Cr Meadows

That Council notes the progress of the implementation of the Operational Plan 2023-2024.

Carried Unanimously

6.16. PRELIMINARY APPROVAL AND APPLICATION FOR 1 INTO 33 LOTS AND COMMON PROPERTY 42-52 MITRE STREET

Moved Cr Rees

Seconded Cr Meadows

That Council approves the development application for Combined Application for Preliminary Approval including a Variation Request for Use Rights Associated with the Low-Medium Density Residential Zone Code and Development Permit for Reconfiguring a Lot (3 Lots into 33 Lots) over land described as Lot 900 on SP342106 and Lot 0 on SP342106, 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>RAL Proposal Plan</i>	<i>AU6631-06a prepared by RPS Group</i>	<i>8 April 2024</i>

<i>Plan of Development</i>	<i>AU213006631-07b prepared by RPS Group</i>	<i>8 April 2024</i>
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ASSESSMENT MANAGER CONDITIONS & ADVICES

1. *Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:

 - a. *The specifications, facts and circumstances as set out in the application submitted to Council; and*
 - b. *The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.*

*Except where modified by these conditions of approval**

Timing of Effect

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

Community Management Scheme

3. *Prepare a Community Management Statement which provides for the following:

 - a. *development to be in accordance with the approved Plan of Development AU6631-07b, dated 8 April 2024 prepared by RPS Group and;*
 - b. *house construction and design to be compliant with the document entitled 'Design Guideline, 42 – 52 Mitre Street and Sagiba Avenue, Craiglie';*
 - c. *no prohibition of informal vehicle parking on the road verge of the common property where crossover blockage does not occur.*

*The Community Management Statement must be endorsed by the Chief Executive Officer prior to approval of the Plan of Survey.**

Access Road

4. *Provide the access road as detailed in the approved Plan of Development AU6631-07b, dated 8 April 2024 prepared by RPS Group with a minimum of six (6) formalised visitor parking spaces and a two metre wide internal footpath.*
5. *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 maneuvering areas must be imperviously sealed, drained and line marked.*

Existing Parking Space Offsets

6. *Provide seven (7) on-street parking spaces in Sagiba Avenue to replace those removed by the driveway access. Detailed design of the on-street parking must be submitted as part of the Development Application for Operational Works.*

Matters of Environmental Significance

7. *The development must be carried out in accordance with the recommendations of the 'Matters of Environmental Significance' report dated 25 September 2023 by EcoRex.*

Staging Plan

8. *Provide a staging plan demonstrating the proposed amount and sequencing of stages for house construction to be endorsed by the Chief Executive Officer prior to submission of the Operational Works Development Application.*

Operational Works

9. *A Development Permit for Operational Works must be obtained for the following activities:*
 - a. *vegetation removal and bulk earthworks associated with site grading;*
 - b. *construction of internal roads and drainage works;*
 - c. *water supply and sewer works;*
 - d. *All external works.*

A Development Permit for Operational Works must be obtained prior to commencing any works associated with the redevelopment of the site. Operational Works.

Fire Hydrants

10. *Place fire hydrants at intervals of no more than 120 metres and at each intersection within the common property road. Hydrants may have a single outlet and be sited above or below ground.*

Retaining Walls

11. *All retaining walls or structures higher than 1.0m must be certified by a suitably experienced RPEQ Structural Engineer.*

Where the profile or height of the wall is redesigned during structural certification, amended plan(s) must be approved by Council.
12. *The design of all retaining wall structures must be wholly contained within the development site and must not encroach into adjacent lots or road reserve.*

The design of all retaining structures proposed must be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Construction Signage

13. *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.*

Minimum Fill and Floor Level

14. *All building pad levels must be constructed to be immune of the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.*

Site Based Stormwater Management Plan

15. *Provide a Site Based Stormwater Management Plan (SBSMP) reporting on the stormwater quantity and quality management required for the land, and must focus on, but not be limited to, the following:*
- a. *nominate best practice site management procedures to control the severity and extent of soil erosion, pollutant transport, and other water quality issues that may arise during the construction phase and post-construction phase;*
 - b. *nominate requirements for ongoing post-construction management (inclusive of responsibility) of the drainage channel located adjacent Lot 33, and within the turnaround road internal to the site; and*
 - c. *the drainage network for the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:*
 - i. *End-of-line stormwater quality improvement devices (SQID) must be of a proprietary design and construction and must carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit;*
 - ii. *SQIDs must be positioned to provide appropriate unrestricted access for maintenance equipment;*
 - iii. *SQIDS (e.g. GPTs) must allow simple and economical maintenance of the device. They must be positioned to allow for economic and efficient maintenance operations and be provided with a hardstand structure suitable to bear the weight of a design truck and located off the road pavement so as to not to interfere with the movement of traffic or household driveways whilst in operation;*
 - iv. *Clearly nominate Council infrastructure and privately owned stormwater infrastructure. The maintenance of all private stormwater infrastructure is the sole responsibility of the owner/operator of the development site. Council is under no obligation to maintain private stormwater quality device/s installed on the subject site;*

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

Stormwater

16. *Provide drainage calculations to demonstrate capacity for existing infrastructure on Sagiba Avenue to convey the post-development runoff through to the Esplanade area with no adverse operational issues for the road function.*

Information must include:

- a. Revised stormwater catchments (internal and external);*
- b. Supporting drainage calculations for the existing Lucus Lane cross road culvert and concrete lined drain; and*
- c. Longitudinal and cross sections of the current drainage profile on Sagiba Avenue.*

The calculations must demonstrate capacity to convey the post-development discharge to the satisfaction of the Chief Executive Officer prior to issue of a Development Permit for Operational Works.

17. *All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer prior to Works Acceptance.*

Pump Station Access

18. *The pump station driveway hardstand is to be amended to allow the service vehicle to exit the driveway hardstand in a forward direction. The amended driveway hardstand design and vehicle turn path must be provided to submitted with the Development Application for Operational Works.*

Electricity

19. *Any padmount transformer must be installed on site and positioned in accordance with the following requirements:*
- a. not located on land used for open space or sport and recreation purposes;*
 - b. screened from view by landscaping, sightcreens and/or fencing;*
 - c. accessible for maintenance in accordance with the relevant utility provider;*
 - d. must be located clear of footpaths;*
 - e. must not be located over existing infrastructure;*

Internal Sewer

20. *An exclusion radius of 30m from the existing sewer pump station must be provided to all dwellings within the development, generally as shown on the approved 'Plan of Development' AU6631-07b, dated 8 April 2024 prepared by RPS Group.*
- The exclusion radius must be to the satisfaction of the Chief Executive Officer prior to Works Acceptance.*

Water Supply Works Internal

21. *Undertake the following water supply works internal to the subject land:*
- a. provide a single internal water connection; and*

- b. *water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Act 2000 and applies to developments which will be reconfigured by Standard Format Plan with common property.*

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 Plan of Survey, whichever occurs first.

Landscaping

22. *The development site must be landscaped in accordance with a landscaping plan. landscape plans are to be provided to and endorsed by the chief Executive Officer prior to the issue of a Development Permit for Operational Works.*

All landscaping works must be undertaken prior to approval and dating of the Plan of Survey and must be maintained at all times to the satisfaction of the Chief Executive Officer.

23. *Prior to the issue of a Development Permit for Operational Works, provide a Tree Protection Plan prepared by a minimum qualification level 5 arborist for the trees on road reserve at Sagiba Avenue and Mitre Street, for endorsement by the Chief Executive Officer. The plan must include SRZ and TPZ measures.*

These protection measures are to be maintained at all times until works acceptance.

24. *Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing within the development site.*

Stockpiling and Transportation of Fill Material

25. *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 7:00am or after 6:00pm Monday to Friday; or*
- c. *before 7:00am or after 1:00pm Saturdays; or*
- d. *on Sundays or Public Holidays.*

Environmental Protection Policy – Noise & Dust

26. *All reasonable and practicable measures must be implemented during the construction phase of the development for the purpose of ensuring the development does not create a noise or dust nuisance in accordance with the Environmental Protection Policy. These measures must be capable of minimising the potential for unreasonable impacts to residents, guests and other activities that may be occurring on site or at nearby locations.*

Damage to Council Infrastructure

27. *Prior to any works occurring on the site, the applicant is to prepare a road condition report of the proposed road access and haulage route(s) to and from the site. The report is to identify relevant existing defects or problems with the roadway along the identified route.*

On completion of the works, the access and haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.

28. *In the event that any part of Council's existing water, sewer 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.*

Electricity Supply

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

Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

30. *Where Ergon Energy requires a padmount substation within the development site, written confirmation from Ergon Energy of this requirement and details of the proposed location must be submitted to the Chief Executive Officer.*

Electricity and Telecommunications

31. *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 approval and dating of the Plan of Survey.*
32. *Ownership, costs and maintenance associated with all electrical metering internal to the development will not be the responsibility of Council at any time before, during or post construction.*

Acid Sulfate Soil Investigation

33. *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 Resources, 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 DR – QASSIT: 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DR: '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.

ADVICE

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. *This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.*
3. *All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
4. *For information relating to the Planning Act 2016, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.*

Cultural Heritage

5. *The Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003 (the Cultural Heritage Acts) require anyone who carries out a land-use activity to exercise a duty of care.*

This 'duty of care' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database.

Consultation with the Aboriginal or Torres Strait Islander party for an area may be necessary if there is a high risk that the activity may harm Aboriginal or Torres Strait Islander cultural heritage. Guidelines have been produced to enable assessment of sites under the Act. These are available from the Queensland Government website and can be downloaded from the following website.

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>.

Environmental

6. *An Ecoaccess approval must be obtained from the Department of Environment and Science prior to the clearing of vegetation and/or tree removal that involves damage or destruction of plant species protected under the provisions of the Nature Conservation Act 1992. Information on Ecoaccess approvals may be obtained at www.des.qld.gov.au.*

Infrastructure Charges Notice

7. *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. The Infrastructure Charges Notice will be provided under separate cover.*

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.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
State Assessment and Referral Agency	2308- 35408 SRA	19 February 2024	1211711

REASONS FOR DECISION

The reasons for this decision are:

1. Sections 60, 62 and 63 of the Planning Act 2016:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the Planning Act 2016.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council on 28 August 2023 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Tourist Accommodation Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Carried Unanimously

6.17. COMBINED APPLICATION - MATERIAL CHANGE OF USE & RECONFIGURING A LOT - RESORT COMPLEX 97-113 DAVIDSON STREET PORT DOUGLAS

Moved Cr Rees

Seconded Cr Meadows

That Council approves the development application for Combined Application (Resort Complex) Short Term Accommodation, Food/Drink Outlets, Multiple Dwellings & Reconfiguring a Lot (4 Lots into 45 Lots) over land described as Lot 1 and Lot 2 on RP723702, Lot 3 and Lot 4 on RP909815 and located at 97-113 Davidson 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:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
SITE PLAN - GROUND	DA 3.2 Rev 02	23/01/2024
SITE AREA USAGE	DA 3.3 Rev 02	23/01/2024
SITE SETBACKS	DA 3.4 Rev 02	13/09/2023
ALLOTMENT PLAN	DA 3.5 Rev 02	23/01/2024
HOTEL BASEMENT	DA 3.6 Rev 02	23/01/2024
HOTEL LVL 00	DA 3.7 Rev 02	23/01/2024
HOTEL LVL 01	DA 3.8 Rev 02	13/09/2023
HOTEL LVL 02	DA 3.9 Rev 02	13/09/2023
HOTEL ROOMS BASEMENT	DA 3.10 Rev 02	13/09/2023
HOTEL ROOMS LVL 01/02	DA 3.11 Rev 02	13/09/2023
ELEVATIONS	DA 4.1 REV 02	23/01/2024
STREETSCAPE ELEVATION	DA 4.2 REV 02	23/01/2024
SECTION	DA 5.1 REV 02	23/01/2024
RESIDENCE TYPE 00	DA 6.1 REV 01	13/09/2023
RESIDENCE TYPE 01	DA 6.2 REV 01	13/09/2023
RESIDENCE TYPE 02	DA 6.3 REV 01	13/09/2023
RESIDENCE TYPE 03	DA 6.4 REV 01	13/09/2023
RESIDENCE TYPE 04	DA 6.5 REV 01	13/09/2023
RESIDENCE TYPE 05	DA 6.6 REV 01	13/09/2023
RESIDENCE TYPE 06	DA 6.7 REV 01	13/09/2023
MATERIALS	DA 7.1 REV 01	13/09/2023
<i>LANDSCAPE PLANS</i>		
LANDSCAPE PLAN 1 OF 7	2220-L-CD-0.00	19/12/2023
LANDSCAPE PLAN 2 OF 7	2220-L-CD-1.00	19/12/2023
LANDSCAPE PLAN 3 OF 7	2220-L-CD-1.01	19/12/2023
LANDSCAPE PLAN 4 OF 7	2220-L-CD-1.02	Undated
LANDSCAPE PLAN 5 OF 7	2220-L-CD-1.03	19/12/2023
LANDSCAPE PLAN 6 OF 7	2220-L-CD-1.04	19/12/2023
LANDSCAPE PLAN 7 OF 7	2220-L-CD-1.05	19/12/2023
LANDSCAPE PLAN 1 OF 7	2220-L-CD-1.06	19/12/2023
LANDSCAPE PLAN 1 OF 7	2220-L-CD-1.07	19/12/2023
<i>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</i>		
Access Crossovers	Standard Drawing S1015 Issue F	5/12/2023

ASSESSMENT MANAGER CONDITIONS & ADVICES

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted

to Council; and

- b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.*

Except where modified by these conditions of approval.

Timing of Effect

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

Amendment to Design

- 3. Further details and amendments to the development are to be provided addressing the following:*
 - a. Provide further details demonstrating the refuse area is of sufficient size to accommodate the entire development having regard to the total waste entitlements generated by the development in its entirety. Details are to include the type of bins to be used and the frequency of servicing by a waste collection contractor and associated swept path vehicle movements for the design vehicle servicing the facility;*
 - b. Provide plans detailing the refuse enclosure which must be covered, provided with a water connection and tap and be connected to sewer;*
 - c. Provide details of the screening treatments to the substation adjacent Crimmins Street;*
 - d. Detail location of formalised on-street car parking spaces in accordance with Conditions of this Development Permit;*
 - e. Detail the bus set down location as required by the concurrence agency response;*
 - f. Confirm the 30m exclusion area of residential development from the existing pump station in Crimmins Street;*
 - g. Amended landscape plans to comply with Conditions of this Development Permit;*

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

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.

Operational Works

- 4. A Development Permit for Operational Works must be obtained for the following activities:*
 - a. Vegetation removal and bulk earthworks associated with the construction of the basement carpark and site grading;*

- b. *Construction of internal roads and drainage works. Street lighting design for the internal road network is required;*
- c. *Water supply and sewer works including the realignment of the sewer main adjacent the western boundary;*
- d. *All external works.*

A Development Permit for Operational Works must be obtained prior to commencing any works associated with the redevelopment of the site.

Access and Parking

- 5. *The minimum amount of vehicle parking associated with the Resort Complex is 104 spaces in addition to 30 bicycle spaces and 14 motorcycle spaces as detailed on Drawing No. DA 3.6 Rev 02 dated 23 January 2023.*
- 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 maneuvering areas must be imperviously sealed, drained and line marked.*
- 7. *Prepare a Road Upgrade Plan for the eastern verge of Davidson Street demonstrating the following:*
 - a. *Provision for 31 on street parking spaces;*
 - b. *Provision for barriers or physical separation to the footpath on the eastern side of Davidson Street;*
 - c. *Landscaped planter islands to soften hardstand area.*

The applicant, in conjunction with Council, is to determine the most appropriate parking arrangement and orientation working with the existing site features, bicycle lane and the proposed site access points. The external works must formalise the eastern road carriageway and parking areas. These works form part of the external works required for the development.

Advice Note: Officers note 104 car parking spaces are proposed internal to the development. Formalisation of additional car parking spaces on-street are required to comply with the planning scheme intent and development demand.

- 8. *Prior to a Development Permit for Operational Works, provide turn path assessments to support the findings of GHD's Traffic Memorandum.*

Earthworks

- 9. *Prior to the Development Approval for Operational Works, updated design plans for the bulk earthworks are to be provided generally in accordance with the preliminary drawings by Applin Consulting, maintaining a free draining surface with no ponding of standing water resulting.*
- 10. *Prepare an Acid Sulfate Soils Management Plan (ASSMP) nominating how, if encountered, Acid Sulfate Soils will be identified, tested and managed during construction.*

The ASSMP must be in accordance with the requirements and action levels

nominated in the Queensland Acid Sulfate Soils Technical Manual (QASSTM) and must be submitted as part of the Operational Works Application.

Dewatering

11. *Submit a report prepared by a qualified and experienced, registered engineer on the basement parking construction process and a separate report prepared by a qualified and experienced hydrologist on the dewatering process. Both reports must be endorsed by the Chief Executive Officer prior to commencement of any works on the site.*
 - a. *The basement parking report must include, but is not limited to the following:*
 - i. *Construction techniques;*
 - ii. *Techniques to imperviously seal the basement or a suitable alternative in line with Industry Standards and good engineering principles;*
 - iii. *Method of basement ventilation.*
 - b. *The dewatering report must include, but is not limited to the following:*
 - i. *Method of water extraction pre- and post-development and the layout of the dewatering pumps and pipelines;*
 - ii. *Water quality;*
 - iii. *Lawful discharge of water; and*
 - iv. *How the results (being the form and frequency) will be reported to Council.*
 - c. *The access to the basement parking area must be designed to prevent the 1%AEP flood event and must have a minimum vertical clearance of 2.1 metres.*

Crimmins Street

12. *Provide road longitudinal and cross sections along the Crimmins Street Road Reserve from the intersection with Davidson Street to the existing sewerage pump station confirming the fill depths and interface levels proposed along Crimmins Street.*

The Crimmins Street design plans must also include drainage upgrade works as identified by Applin Consulting to manage stormwater for the frontage of the site. The design must confirm operating velocities in the drain and controls at the outlet to manage erosion risks at the discharge point and downstream area.

Details are to be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Retaining Walls

13. *All retaining walls or structures higher than 1.0m must be certified by a suitably experienced RPEQ Structural Engineer.*

Where the profile or height of the wall is redesigned during structural certification, amended plan(s) must be approved by Council.

14. *The design of all retaining wall structures must be wholly contained within the development site and must not encroach into adjacent lots or road reserve.*

The design of all retaining structures proposed must be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Stormwater

15. *Prior to the issue of a Development Permit for Operational Works, provide an updated Engineering Report identifying the calculated post-development 10% AEP and 1% AEP peak flows for the revised catchments nominated on Applin Consulting drawing 23001-SK002 (Revision D).*
16. *All stormwater from the land must be directed to a lawful point of discharge as per the approved plan(s) such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual and to the requirement and satisfaction of the Chief Executive Officer.*
17. *Further drainage investigations must be undertaken to demonstrate that the post development stormwater flows are able to be accommodated by the receiving drains and external catchment and without causing nuisance to downstream or upstream properties. In the event this cannot be adequately demonstrated to the satisfaction of the Chief Executive Officer, onsite detention will be required.*

Revised civil plans and supporting calculations must be provided to the satisfaction of the Chief Executive Officer prior to the issue of the Development permit for Operational Work.

18. *Provide detailed design drawings for the drainage lines along the western boundary of the development, showing the location of their respective outlets and identifying clearance achieved to existing trees. The updated Arborist report must reference the drainage plan and confirm any additional controls (including setbacks) required to enable construction of each drainage line.*

Advice Note: Council's intent is to maximise the retention of existing trees within the adjoining land.

19. *Ownership, operation and maintenance of all Gross Pollutant Traps (GPT) proposed within the development will remain as privately owned infrastructure. The design plans must demonstrate access to each GPT for a suitable maintenance vehicle, including but not limited to, providing vehicle turn paths.*

At no time will Council be responsible for the upkeep of this private infrastructure.

General Works External

20. *Undertake the following works external to the land at no cost to Council:*
 - a. *Construct a 2.0m wide pedestrian footpath on Davidson Street for the full frontage of the site;*
 - b. *Provision of a concrete crossovers and aprons in accordance with FNQROC Development Manual Standard Drawing S1015;*
 - c. *Make good the kerb and channel at the redundant crossovers, where not replaced by the new crossover;*
 - d. *Formalise on-street parking spaces in accordance with Conditions of this Development Permit;*
 - e. *Underground overhead power supply for the full frontage of the site in accordance with Conditions of this Development Permit;*
 - f. *Provision of street lighting along Davidson Street, Crimmins Street inclusive of intersection. The street lighting must be designed in accordance with the relevant Road Lighting Standard ASINZS 1158 and the FNQROC Development Manual;*

- g. Install street tree plantings along the road verge of Davidson Street and Crimmins Street in accordance with the FNQROC Development Manual;*
- h. Repair any damage to existing kerb and channel, footway or 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.*

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded.

Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Plan of Survey, whichever occurs first.

Note: The above works are not creditable or trunk related works in accordance with Section 145 of the Planning Act 2016.

External Sewer

- 21. Engineering design drawings must be submitted to Council proposed for the new gravity sewer along the western boundary of the site. The engineering design drawings must demonstrate that the new gravity sewer complies with FNQROC Development Manual D7.16 which includes compliance with the Queensland Development Code (QDC) MP1.4 as referenced by D7.16 unless otherwise approved by the Chief Executive Officer. The design must demonstrate that:*
 - a. The sewer is positioned outside of zone of influence of the retaining wall structure; and*
 - b. The sewer can be excavated for repair and maintenance without comprising the integrity of the retaining wall structure.*
 - c. The clearance between the sewer and the retaining wall accommodates the required construction equipment for maintenance and repairs to the sewer, including but not limited to operating clearance for excavator to swing during excavation.*
- 22. The external sewer design plan must clearly define the Structural Root Zone and Tree protection Zones as defined in AS 4970-2009 - Protection of trees on development sites. The design must demonstrate that the proposed sewer along the western boundary of the site avoids encroachment into the SRZ of all trees nominated to be retained on the Tree Protection Plan by RPS. In particular, Tree numbers:*
 - T1 - 1.4m diam Melaleuca;*
 - T2 - 2.0m diam Melaleuca;*
 - T9 - 85cm diam Melaleuca;*
 - T11 - 80cm diam Melaleuca;*
 - T15 - 1.5m diam Melaleuca;*
 - T16 - 1.2m diam Melaleuca*

Any amendments required to comply with tree clearances must be included in the detailed design plans for Operational Works.

The revised external sewer plan must comply with the clearance requirements of the Water Services Association of Australia (WSA) 02 – Sewerage Code of Australia, the FNQROC Development Manual, and be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

23. *The detailed design for the Crimmins Street works must be supported with accurate services locations. The applicant must undertake potholing of services surrounding the existing sewer pump station at the western end of Crimmins Street. The extent of potholing is to generally be limited to the perimeter circle shown on Applin Consulting Drawing 23001-SK004 (Revision D).*

Advice Note: Potholing is required to confirm the depth of the existing sewer main and comply with the clearance requirements of the Water Services Association of Australia (WSA) 02 – Sewerage Code of Australia.

Internal Sewer

24. *The existing 150mm diameter gravity main and 100mm diameter pressure mains aligned along the western boundary of the development are to be removed from site or decommissioned based on an approved decommissioning plan to be provided by the applicant with Operational Works submission.*

Decommissioning works must be to the satisfaction of the Chief Executive Officer prior to Works Acceptance.

25. *An exclusion radius of 30m from the existing sewer pump station located at the western end of Crimmins Street must be provided to all dwellings within the development, generally as shown on the approved civil plans by Applin Consulting.*

The exclusion radius must be to the satisfaction of the Chief Executive Officer prior to Works Acceptance.

Water Supply Works Internal

26. *Undertake the following water supply works internal to the subject land:*

- b Provide a single internal water connection;*
- c Water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Act 2000 and applies to developments which will be reconfigured by Standard Format Plan with common property.*

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 Plan of Survey, whichever occurs first.

Ecological Survey

27. *Undertake an ecological survey for the purpose of identifying any plant species protected under the Nature Conservation Act 1992 eg. Ant Plants. The Ecological survey is to also identify the presence of wildlife on the site which can be moved and relocated prior to works taking place.*

Advice Note: The removal and / or relocation of protected plant species requires approval from Department of Environment & Science.

Landscaping

28. *The development site must be landscaped generally in accordance with the Approved Landscape Plans prepared by AS Design dated 19 December 2023 except where*

amended to provide for the bus set down area and street tree plantings. Amended landscape plans are to be provided as part of the Operational Works application.

All landscaping works must be undertaken prior to the Commencement of Use or approval and dating of the Plan of Survey, whichever occurs first and maintained at all times to the satisfaction of the Chief Executive Officer.

29. *Prior to the Commencement of Works, undertake protection of all trees nominated to be retained, as shown on the Tree Protection Plan (Drawing AU013495-1) by RPS dated 9 January 2024, to the satisfaction of an appropriately qualified arborist.*

SRZ and TPZ measures are to be generally in accordance with Section 3.1.2 of RPS' Tree Survey Report dated 12 January 2024 (Document AU213013495.001).

These protection measures are to be maintained at all times to the satisfaction of the Chief Executive Officer.

30. *Prior to the Commencement of Works on the sewer main along the western boundary of the development, an appropriately qualified arborist is to supervise and approve tree protection measures on-site.*

Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing within the development site.

Stockpiling and Transportation of Fill Material

31. *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 7:00am or after 6:00pm Monday to Friday; or*
- c. Before 7:00am or after 1:00pm Saturdays; or*
- d. On Sundays or Public Holidays.*

Environmental Protection Policy – Noise & Dust

32. *All reasonable and practicable measures must be implemented during the construction phase of the development for the purpose of ensuring the development does not create a noise or dust nuisance in accordance with the Environmental Protection Policy. These measures must be capable of minimising the potential for unreasonable impacts to residents, guests and other activities that may be occurring on site or at nearby locations.*

Damage to Council Infrastructure

33. *Prior to any works occurring on the site, the applicant is to prepare a road condition report of the proposed road access and haulage route(s) to and from the site. The report is to identify relevant existing defects or problems with the roadway along the identified route.*

On completion of the works, the access and haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.

34. *In the event that any part of Council's existing water, sewer 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.

Electricity Supply

35. *Existing overhead electrical services are to be replaced with new underground electrical supply infrastructure.*

Prior to the issue of a Development Permit for Operational Work, undertake detailed survey of all underground services within the corridor proposed to relocate overhead electrical services below ground, generally as nominated on Hopkinson Consulting Engineers drawing E10 dated February 2023.

36. *Engage a suitably qualified specialist consultant registered to carry out Ergon undergrounding works for the purpose of relocating overhead electrical services in Davidson Street and Crimmins Street below ground.*

The works must be designed in accordance with all Council and Ergon requirements, and to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Operational Work.

The works must be constructed in accordance with all Council and Ergon clearance requirements prior to Works Acceptance.

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

Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

38. *Where Ergon Energy requires a padmount substation within the development site, written confirmation from Ergon Energy of this requirement and details of the proposed location must be submitted to the Chief Executive Officer.*

Electricity and Telecommunications

39. *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 approval and dating of the Plan of Survey.*

40. *Ownership, costs and maintenance associated with all electrical metering internal to the development will not be the responsibility of Council at any time before, during or post construction.*

Demolish Structures

41. *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.*

ADVICE

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. *This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.*
3. *All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
4. *For information relating to the Planning Act 2016, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.*

Cultural Heritage

5. *The Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003 (the Cultural Heritage Acts) require anyone who carries out a land-use activity to exercise a duty of care.*

This 'duty of care' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database.

Consultation with the Aboriginal or Torres Strait Islander party for an area may be necessary if there is a high risk that the activity may harm Aboriginal or Torres Strait Islander cultural heritage. Guidelines have been produced to enable assessment of sites under the Act. These are available from the Queensland Government website and can be downloaded from the following website.

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>.

Environmental

6. *An Ecoaccess approval should be obtained, if necessary, from the Department of Environment and Science prior to the clearing of vegetation and/or tree removal that involves damage or destruction of plant species protected under the provisions of the Nature Conservation Act 1992. Information on Ecoaccess approvals may be obtained at www.des.qld.gov.au.*

Food Premises

7. *Prior to the construction of any premises that is intended to be used for storage, preparation, handling, packaging, or service of food, an Approval for the design and fit-out under the Food Act 2006 must be obtained from the Chief Executive Officer.*
8. *Prior to the operation of a licensable food business as defined in the Food Act 2006, a Food Licence must be obtained from the Chief Executive Officer.*

Infrastructure Charges Notice

9. *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. The Infrastructure Charges Notice will be provided under separate cover.*

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.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
State Assessment & Referral Agency Response (SARA)	2310-37356 SRA	25 March 2024	#1218783

REASONS FOR DECISION

The reasons for this decision are:

1. Sections 60, 62 and 63 of the Planning Act 2016:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the Planning Act 2016.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council on 16 October 2023 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Tourist Accommodation Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Carried Unanimously

6.18. MATERIAL CHANGE OF USE - RETIREMENT FACILITY - 47 JOHNSTON ROAD MOSSMAN

Moved Cr Rees

Seconded Cr Meadows

That Council approves the development application for a Material Change of Use for a Retirement Facility over land described as Lot 2 on SP295098 located at 47 Johnston Road Mossman 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 & SETBACK PLAN</i>	<i>Sk-0001 REV C</i>	<i>15/03/2024</i>
<i>DUPLEX FLOOR PLAN</i>	<i>SHEET NO. A01</i>	<i>27/04/2023</i>
<i>DOOR & WINDOW SCHEDULE FLOOR PLAN</i>	<i>SHEET NO. A02</i>	<i>27/04/2023</i>
<i>ELEVATIONS</i>	<i>SHEET NO. A04</i>	<i>27/04/2023</i>
<i>CLUB HOUSE PLAN</i>	<i>SHEET NO. A06</i>	<i>16/06/2022</i>
<i>CLUB HOUSE ELEVATIONS</i>	<i>SHEET NO. A07</i>	<i>16/06/2022</i>
<i>HOBBY SHED PLAN</i>	<i>SHEET NO. A09</i>	<i>16/06/2022</i>
<i>HOBBY SHED ELEVATION</i>	<i>SHEET NO. A10</i>	<i>16/06/2022</i>
<i>POOL HOUSE PLAN ELEVATION</i>	<i>SHEET NO. A11</i>	<i>16/06/2022</i>
<i>LANDSCAPE PLANS</i>		
<i>LANDSCAPE CONCEPT PLAN</i>	<i>L2314_LCP1_230914</i>	<i>UNDATED</i>
<i>LANDSCAPE PLANT PALETTE</i>	<i>L2314_LPP1_230907</i>	<i>UNDATED</i>
<i>LANDSCAPE PLANT PALETTE</i>	<i>L2314_LPP2_230907</i>	<i>UNDATED</i>
<i>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</i>		
<i>Access Crossovers</i>	<i>Standard Drawing S1015 Issue F</i>	<i>5/12/2023</i>

ASSESSMENT MANAGER CONDITIONS ADVICES

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

Except where modified by these conditions of approval.

Timing of Effect

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

Amendment to Design

3. *Further details and amendments to the development are to be provided addressing the following:*
 - a. *Provide car parking accommodation in close proximity to the central facilities building the service the two units located on the second level;*
 - b. *Demonstrate the ability for a vehicle to turn around at the end of the road stubs running east-west (Note – treatment can be considered the same as a blind isle for off-street parking facilities);*
 - c. *Split the on-street spaces located on the central through road and move half of the spaces northwards to be more central to the development;*
 - d. *Treatments are to be implemented that achieve a sense of privacy for dwelling units where patios of dwelling units face one another;*
 - e. *Provide a 2.0m wide footpath on the eastern side of the central through road from the existing footpath in the un-named road off Johnston Road through to the northern boundary of the site;*
 - f. *Reconfigure the refuse area to provide access to a side loading waste vehicle;*
 - g. *Provide further details demonstrating the refuse area is of sufficient size to accommodate the entire development having regard to the total waste entitlements generated by the development. Details are to include the type of bins to be used and the frequency of servicing by a waste collection contractor and associated swept path vehicle movements for the design vehicle servicing the facility;*
 - h. *Provide plans detailing the refuse enclosure which must be covered, provided with a water connection and tap and be connected to sewer;*
 - i. *Provide a plan detailing the staging of the development and the works associated with each stage.*

Note – Plans will require amending to comply with the NCC and The Premises Standards to provide for people with disabilities.

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

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.

Operational Works

4. *A Development Permit for Operational Works must be obtained for the following activities:*
 - a. *Vegetation removal and bulk earthworks associated with the construction of the earth bund, filling of the site and site grading;*

- b. *Construction of internal roads and drainage works and installation of services. Street lighting design for the internal road network is required; and*
- c. *Water supply and sewer works.*

A Development Permit for Operational Works must be obtained prior to commencing any works associated with the redevelopment of the site. Operational Works

Central Facilities

- 5. *The delivery of the central facilities is to coincide with the completion of the 30th unit of the development.*

Geotechnical Requirements

- 6. *Provide a land specific Geotechnical Assessment prepared by a suitably qualified Geotechnical Engineer (RPEQ) for the construction of the proposed earthworks bund and associated batters.*

The Geotechnical Assessment must be provided prior to the issue of a Development Permit for Operational Work with certification from the RPEQ that the bund has been constructed in accordance with RPEQ certified plans.

Earthworks

- 7. *All earthworks must be generally in accordance with the Approved Plan(s) and constructed in accordance with AS 3798: Guidelines on earthworks for commercial and residential developments.*

Water Supply and Sewer Capacity

- 8. *Undertake investigations to confirm that the points of connection to the water supply and sewer network have the capacity to accommodate the development. The investigations must include supporting calculations and network analysis and identify if any upgrades are necessary to the network to accommodate the development.*

The investigations must be provided prior to the issue of a Development Permit for Operational Work.

Water Supply and Sewerage Work Internal

- 9. *Undertake the following water supply and sewerage works internal to premises:*
 - 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 2018 (Qld) and the Water Supply (Safety and Reliability) Act 2008 (Qld); and*
 - c. *Any redundant sewer property connection(s) and water connection(s) must be decommissioned and removed.*

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 Plan(s), to the requirements and satisfaction of Council.

Roads and Footpaths

10. *Roads must be constructed generally in accordance with the Approved Plan(s) and relevant design and specifications sections of the FNQROC Development Manual.*

Car Parking Requirements

11. *The amount of car parking must be as per the approved plan(s), being twenty-two (22) spaces and one space for each dwelling unit.*

The car parking layout must comply with the AS 2890.1:2004 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.

Updated Drainage Study

12. *As part of the supporting information for the application for Operational Works, provide an updated drainage calculations confirming capacity and operation of existing drainage adjacent to the site.*

In particular, the updated calculations must provide further information to address the following:

- a. *Provide calculations of the existing open drain south-east of the property boundary to demonstrate sufficient capacity and freeboard is provided to accommodate the modified flow produced as a result of the development in accordance with the Queensland Urban Drainage Manual;*
- b. *Provide calculations of the existing open drain north of property boundary to address the following:*
 - i. *Provide the pre- and post-development peak flows downstream from the existing open drain out letting to Marrs Creek demonstrating a no worsening effect on upstream and downstream drainage features, properties and infrastructure; and*
 - ii. *Provide drain hydraulic calculations to demonstrate sufficient capacity and freeboard is provided to accommodate the modified flow produced as a result of the development in accordance with the Queensland Urban Drainage Manual.*
- b. *Amend the engineering plan(s) to indicate potential drainage easement locations.*

Advice Note: Freeboard must be demonstrated in accordance with Section 9.3.4 of the Queensland Urban Drainage Manual. An easement is not required over the adjoining land to the north being Lot 92SR81.

Drainage Design

13. *Design a stormwater drainage system (internal and external to the land) in accordance with section D4 of the FNQROC Development Manual to satisfactorily drain the subject land such that the upstream drainage is not adversely affected and that the downstream drainage system is capable of adequately catering for the discharge of the modified flow produced as a result of the development.*

Detailed design drawings of all stormwater infrastructure required as a result of the development are to be provided to Council for endorsement.

The drainage design must include but not be limited to the following:

- a. *Stormwater Masterplan of the drainage system including pipe, pit, kerb and channel and defined overland flow paths;*
- b. *Hydraulic modelling of the existing 2/600 diameter RCP (east of the property boundary) including pipe grade levels, water depth, freeboard, velocity and actual tailwater conditions;*
- c. *Information on any proposed works and mitigation measures to the open drain north of the site to accommodate the proposed development.*

Once approved, all work must be carried out in accordance with the approved plan(s).

Landscaping Plan

14. *The site must be landscaped generally in accordance with the Landscape Plan prepared by GGI Landscape Architects subject to the following:*
- a. *The addition of a footpath along the central through road as required by conditions of this Development Permit;*
 - b. *Landscaping and/or fencing treatment to provide privacy to outdoor patio areas where units face one another;*
 - c. *Remove the trees shown in the adjoining Lot 92 on SR81;*
 - d. *Opportunity to include street tree planting in streets running east-west;*
 - e. *Details of feature fencing to be installed along road frontage;*
 - f. *Landscaped setbacks adjacent northern and eastern boundary.*
 - g. *Species to have regard to Council's Planning Scheme Policy No.7 Landscaping.*

An amended Landscape Plan is to be submitted at the time of seeking Operational Works Approval and be endorsed by the Chief Executive Officer. All landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use.

Lawful Point of Discharge

15. *All stormwater from the land must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.*

Concentration of Stormwater

16. *Stormwater discharge must have a no worsening effect or ponding nuisances on downstream or upstream properties.*

If a disparity exists between pre and post alteration flows, measures are to be implemented in order to have a no worsening effect.

Minimum Fill and Floor Levels

17. *All finished floor levels of all habitable areas must be a minimum of 300mm above the defined inundation event, in accordance with the requirements of the Douglas Shire Council Planning Scheme 2018 and the FNQROC Development Manual.*

Existing Creek and Drainage Areas

18. *Existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation, unless otherwise approved.*

Private Drainage Assets

19. *All internal drainage infrastructure and associated pipework contained within the lot boundaries of this development site must be private infrastructure and will not become an asset of Council.*

Vegetation Protection

20. *All vegetation on the site, other than the approved tree(s) to be removed, must be protected and retained in accordance with the AS 4970-2009 Protection of trees on development sites.*

Evidence of Electrical and Telecommunication Connection

21. *Provide Council with evidence of the agreement to provide an electricity supply and telecommunication services for each new lot shown on the approved plan. Such evidence must be in the form of a "Certificate of Electricity Supply" or "Certificate of Electrical Acceptance".*

The confirmation from the telecommunications provider must be in the form of a receipt for the full payment of the telecommunications "Development Application" or alternatively, a copy of the telecommunications provider "Council Letter".

Stockpiling and Transportation of Fill Material

22. *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 7:00am or after 6:00pm Monday to Friday; or*
- c. Before 7:00am or after 1:00pm Saturdays; or*
- d. On Sundays or Public Holidays.*

Environmental Protection Policy – Noise & Dust

23. *All reasonable and practicable measures must be implemented during the construction phase of the development for the purpose of ensuring the development does not create a noise or dust nuisance in accordance with the Environmental Protection Policy. These measures must be capable of minimising the potential for unreasonable impacts to residents, guests and other activities that may be occurring on site or at nearby locations.*

Damage to Council Infrastructure

24. *Prior to any works occurring on the site, the applicant is to prepare a road condition report of the proposed road access and haulage route(s) to and from the site. The report is to identify relevant existing defects or problems with the roadway along the identified route.*

On completion of the works, the access and haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred.

Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.

25. *In the event that any part of Council's existing water, sewer 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.*

Electricity Supply

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

Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

Electricity and Telecommunications

27. *Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Development Permit for Operational Works.*

Siam Weed Control

28. *In order to prevent the spread of Siam Weed {a class 1 declared pest plant under the Land Protection (Pest and Stock Route Management) Act 2002, all machinery working on site must be cleaned down on site prior to leaving.*

Construction Signage

29. *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.*

ADVICE

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. *This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.*
3. *All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
4. *For information relating to the Planning Act 2016, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.*

Cultural Heritage

5. *The Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003 (the Cultural Heritage Acts) require anyone who carries out a land-use activity to exercise a duty of care.*

This 'duty of care' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database.

Consultation with the Aboriginal or Torres Strait Islander party for an area may be necessary if there is a high risk that the activity may harm Aboriginal or Torres Strait Islander cultural heritage. Guidelines have been produced to enable assessment of sites under the Act. These are available from the Queensland Government website and can be downloaded from the following website.

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>.

Food Premises

7. *Prior to the construction of any premises that is intended to be used for storage, preparation, handling, packaging, or service of food, an Approval for the design and fit-out under the Food Act 2006 must be obtained from the Chief Executive Officer.*

Infrastructure Charges Notice

8. *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. The Infrastructure Charges Notice will be provided under separate cover.*

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.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<i>Concurrence Agency</i>	<i>Concurrence Agency Reference</i>	<i>Date</i>	<i>Doc ID</i>
<i>State Assessment & Referral Agency</i>	<i>2402-38964 SRA</i>	<i>15 April 2024</i>	<i>#1222065</i>

REASONS FOR DECISION

The reasons for this decision are:

1. *Sections 60, 62 and 63 of the Planning Act 2016:*
 - a. *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
 - b. *to ensure compliance with the Planning Act 2016.*
2. *Findings on material questions of fact:*
 - a. *the development application was properly lodged to the Douglas Shire Council on 24 January 2024 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
 - b. *the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.*
3. *Evidence or other material on which findings were based:*
 - a. *the development triggered assessable development under the Assessment Table associated with the Community Facilities Zone Code;*

- b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and
- c. the applicant's reasons have been considered and the following findings are made:

Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Carried Unanimously

7. NOTICES OF MOTION

Nil

8. URGENT BUSINESS

Nil

9. PETITIONS

Nil

10. CLOSED SESSION

Moved: Cr Rees

Seconded: Cr Meadows

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

10.1 *Confidential 254J(3)(b) Local Government Regulation 2012 – Rebuild after Ex-TC Jasper*

For Cr Scomazzon, Cr Meadows, Cr Noli, Cr Rees

Against Cr Zammataro

Carried

(Meeting moved into Closed Session at 10:38am).

OUT OF CLOSED SESSION

(Meeting moved out of Closed Session at 10:50am).

**10.1. CONFIDENTIAL 254J (3) (B) LOCAL GOVERNMENT REGULATION 2012
- REBUILD AFTER EX-TC JASPER**

This report is CONFIDENTIAL in accordance with the s 254J(3)(b) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter relating to industrial matters affecting employees.

Moved: Cr Rees

Seconded: Cr Noli


In recognition of the scale of rebuild due to ex-TC Jasper, Council approves the functional realignment as outlined in Attachments #1 and #2.

Carried Unanimously

11. MEETING CLOSURE

The meeting closed at 10:53am.

CONFIRMED THIS 28TH DAY OF MAY 2024.


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MAYOR/CHAIR