

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD AT THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT STREET, MOSSMAN
ON TUESDAY, 14 FEBRUARY 2017, COMMENCING AT 10.10AM**

1. PRESENT

Cr Julia Leu (Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Nicholas Wellwood (General Manager Operations), Kerrie Hawkes (Executive Officer), Joanne Jacobson (Manager Governance), John Rehn (Manager Finance & IT), Simon Clarke (Coordinator Planning), Neil Beck (Planning Officer), Erica Bigby (Research and Project Officer), Susanna Andrews (Property Officer), Greg McLean (Communications and Event Officer), Nicole Barton (Mayoral and Councillor Support Officer) and Nevinia Davenport (Executive Assistant).

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Cr Abigail Noli (Deputy Mayor).

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 24 JANUARY 2017

Moved Cr Carey

Seconded Cr Kerr

“That the Minutes of the Ordinary Meeting held on Tuesday, 24 January 2017, be confirmed with the following amendment to item 8.0 Petitions:

Cr Leu tabled a petition in relation to Paws & Claws.

Moved Cr Leu

Seconded Cr Kerr

“That Council resolves to receive the petition and forward to Minister Lynham, Minister for Natural Resources and Mines.”

Carried *unanimously.*”

Carried unanimously.

5. AGENDA ITEMS

**5.1. REQUEST FOR COMMENT ON TURTLE ROCK CAFÉ AND SAFARI LODGE
PROPOSED LIQUOR LICENSE**

Daniel Lamond, Planning Officer

Moved Cr Leu

Seconded Cr Carey

“That the applicant and the Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General, be advised that Council does not object to the Application for Commercial Other Subsidiary on Premises License for Turtle Rock Café & Safari Lodge, 3903R Cape Tribulation Road, also described as Lot 4 on RP733181.”

Carried unanimously.

**5.2. REQUEST FOR PERMISSIBLE CHANGE - 123 DAVIDSON STREET, PORT
DOUGLAS**

Neil Beck, Planning Officer

Moved Cr Kerr

Seconded Cr Zammataro

“That Council resolves to approve the request for a Permissible Change to the existing Motel & Restaurant over land described as Lot 9 on RP890707, located at 123 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>
<i>Site Plan</i>	<i>As submitted with the request and attached as Attachment 1</i>	<i>Undated</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 Request for the Permissible Change 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 Decision Notice must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.*

Amendment to Design

3. *The proposed development must be amended to accommodate the following requirements:*
 - a. *Provide covered car parking for the nine (9) spaces the Restaurant.*

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

Air-conditioning Screens

4. *In the event new air conditioning units are installed as part of the renovations, all units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building.*

Damage to Council Infrastructure

5. *In the event that any part of Council's existing sewer/water or road infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council.*

Vehicle Parking

6. *A minimum of 18 car parking spaces must be provided onsite. 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.*

Landscaping Plan

7. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must detail the following:*
 - a. *Internal areas to be landscaped as detailed on the Site Plan;*
 - b. *Deep planting of the front and side setback areas. The landscaping of the front setback is to compliment and provide for an attractive street frontage and to screen the covered car parking areas over time;*
 - c. *Fencing details; and*
 - d. *Include any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.*

A copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use.

Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lighting

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

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Emissions

9. *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

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

Lawful Point of Discharge

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

A drainage plan detailing how the revised car parking layout will adequately accommodate stormwater and discharge to Davidson Street must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Advertising Signage

12. *All signage associated with rebranding the Motel and Restaurant must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the signage being installed.*

Sediment and Erosion Control

13. *Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).*

Refuse Storage Area

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

ADVICE

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the Sustainable Planning Act 2009.*
2. *All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

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

For:- Cr Leu, Cr Kerr and Cr Zammataro

Against:- Cr Carey

Carried.

5.3. GARDEN COMPETITION

Erica Bigby, Research & Project Officer

Moved Cr Leu

Seconded Cr Kerr

“That Council adopts the proposal for the 'Let it Grow - Douglas Garden Awards.’”

Carried unanimously.

5.4. FINANCIAL REPORT FOR THE PERIOD ENDED 31 JANUARY 2017

John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Carey

“That Council notes the Financial Report for the period ended 31 January 2017.”

Carried unanimously.

**5.5. WATER AND WASTEWATER QUARTERLY REPORT FOR THE PERIOD
ENDING 31 DECEMBER 2016**

Nicholas Wellwood, General Manager Operations

Moved Cr Zammataro

Seconded Cr Kerr

“That Council resolves to receive and note the Quarterly Report of the Water and Wastewater Branch for the period ending 31 December 2016.”

Carried unanimously.

**5.6. 2016/2017 OPERATIONAL PLAN PROGRESS REPORT FOR THE PERIOD
OCTOBER - DECEMBER 2016**

Linda Cardew, Chief Executive Officer

Moved Cr Carey

Seconded Cr Zammataro

“That Council notes the progress of the implementation of the Operational Plan 2016 – 2017.”

Carried unanimously.

5.7. CAPITAL WORKS PROGRESS REPORT FOR THE 2ND QUARTER 2016 - 2017

Michael Kriedemann, Manager Infrastructure and Nicholas Wellwood, General Manager Operations

Moved Cr Carey

Seconded Cr Leu

“That Council receives and notes the progress of the Capital Works Program for the period 1 October 2016 to 31 December 2016.”

Carried unanimously.

5.8. APPLICATION FOR PERMANENT ROAD CLOSURE ABUTTING LOT 6 ON SP123877 OFF BANABILLA RD DEGARRA

Susanna Andrews, Property Officer

Moved Cr Carey

Seconded Cr Kerr

“That Council:

1. *advises the Department of Natural Resources and Mines that:*
 - a. *it objects to the proposed permanent road closure of an area of about 7750 m2 abutting the northern boundary of Lot 6 on SP123877 and shown as Lot A on drawing CNS16/063P for the following reason:*
 - i. *the proposed road closure brings the property close to the Erosion Prone area along this part of the Bloomfield River as mapped in the proposed Douglas Shire Planning Scheme. If the land were to erode in the future, it may restrict access to other parts of the Esplanade depending on the nature and extent of any erosion.*
 - b. *that, should the Department of Natural Resources and Mines approve the proposed permanent road closure, all costs associated with the road closure be paid by the applicant.*
2. *delegates authority to the Chief Executive Officer, in accordance with section 257 of the Local Government Act 2009, to finalise all matters associated with this matter.”*

Carried unanimously.

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Zammataro

Seconded Cr Kerr

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

- 9.1 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Change of Tenure - Lot 147 on SR866 - Mahogany St, Port Douglas."*

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Kerr

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

Carried unanimously.

**9.1. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT REGULATION
2012 - CHANGE OF TENURE - LOT 147 ON SR866 - MAHOGANY ST, PORT
DOUGLAS**

Susanna Andrews, Property Officer

Moved Cr Zammataro

Seconded Cr Carey

"That Council:

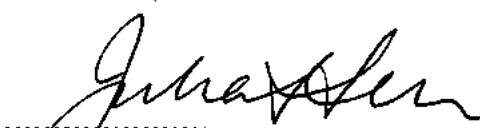
1. *advises the Department of Natural Resources and Mines that it does not object to the offer of a different tenure over land described as Lot 147 on Crown Plan SR866, located at Mahogany Street, Port Douglas, subject to the following conditions should the land be offered as freehold:*
 - a. *use of the subject freehold lot will be compliant with the requirements of the Douglas Shire Planning Scheme in force at the time; and*
 - b. *access to the subject freehold lot will be via Mahogany Street and provided at no cost to Council.*
2. *delegates authority to the Chief Executive Officer, in accordance with section 257 of the Local Government Act 2009, to finalise all matters associated with this request."*

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 10.44am.

CONFIRMED THIS 7TH DAY OF MARCH 2017


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MAYOR/CHAIR