

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL HELD
AT THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT STREET, MOSSMAN ON
WEDNESDAY, 16 DECEMBER 2015, COMMENCING AT 10.00AM**

1. PRESENT

Cr Julia Leu, Cr Abigail Noli, Cr David Carey, Cr Bruce Clarke, Cr Terry Melchert, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Paul Hoye (General Manager Operations), Rebecca Assman (Manager Governance), Michael Kriedemann (Manager Infrastructure), Neil Beck (Planning Officer), Scott Hahne (NDRRA Project Engineer), Robert Donovan (Property Officer), Robyn Spiller (Legal Counsel), Greg McLean (Communications/Events Officer), Sara Roberts (Mayor and Councillor Support) 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

Nil.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Melchert declared a material personal interest in relation to items 5.02 and 5.04 as he has previously worked for fuel supplier and marina operator Marano Enterprise Pty Ltd.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 24 NOVEMBER 2015

Moved Cr Carey

Seconded Cr Noli

“That the Minutes of the Ordinary Meeting held on Tuesday, 24 November 2015, be confirmed.”

An amendment to the minutes was moved.

Moved Cr Melchert

Item 5.02. Draft Wind Farm State Code, part C be amended to read:

“C. That the submission be provided to Councillors for review and comment before it is forwarded to the LGAQ.”

The motion lapsed for want of a seconder.

Carried unanimously.

5. AGENDA ITEMS

5.01. PRELIMINARY APPROVAL TO OVERRIDE THE PLANNING SCHEME & RECONFIGURING A LOT (1 LOT INTO 19 LOTS & OPEN SPACE) - 12 CRAWFORD STREET MOSSMAN

Neil Beck, Planning Officer

Moved Cr Carey

Seconded Cr Clarke

“That Council approves the development application for a Preliminary Approval to override the Planning Scheme and Reconfiguring a Lot (1 Lot into 19 Lots and Open Space) over land described as Lot 12 on SP252360, located at 12 Crawford Street 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:

Drawing or Document	Reference	Date
Proposed Layout Plan	PR124232-4 Issue D	14 July 2015

ASSESSMENT MANAGER CONDITIONS

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

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.

Street Layout and Design

3. The street layout and design is to be generally in accordance with RPS Drawing No. PR124232-4 Issue D dated 14 July 2015 subject to any amendments to comply with the conditions and to comply with Queensland Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:
 - The street name of ‘Crawford Street’ will apply to the proposed new road entering the development. The Applicant may propose a name for the section of road providing access to Lot 5 through to Lot 9;
 - The road reserve widths are to be generally in accordance with RPS drawing PR124232-4 Revision D dated 14 July 2015. The road carriageway within the

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reserve is to be a minimum with of 7.5 m for all sections of the road. The Eastern Road verge in front of Lots 5 to 9 is to be maintained at 4.5 m minimum with a minor reduction permitted to the verge on the Park Side;

- *Suitably constructed and sealed access to the sewer pump station to allow vehicles to access the wet well for maintenance purposes;*
- *Drainage calculations to demonstrate that the piped stormwater solution and overland flow paths are compliant with the Queensland Urban Drainage Manual for event flows up to and including the 100 year ARI rainfall event (1%AEP).*

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 the issue of a Compliance Certificate for the Plan of Survey.

Water Supply and Sewer

4. *An updated water supply and sewerage infrastructure plan and supporting information including hydraulic network analysis must be submitted demonstrating how the development will be serviced by Council's Infrastructure. In particular the plan must:*
 - a. *Identify external catchments that will be connected to the internal sewer or water networks;*
 - b. *Identify any trunk infrastructure external to the subdivision that may require upgrading to accommodate the development; and*
 - c. *The applicant is to provide a network model for the water supply system operation demonstrating acceptable minimum and maximum pressures are achieved under the conditions nominated in the FNQROC Development Manual. Council may accept alternative supporting information in lieu of a network model subject to such supporting information demonstrating acceptable system operation.*

At a minimum this must include a hydrant flow and pressure test with pressures recorded at a minimum of two adjacent hydrants to demonstrate impact on the system for flows up to and including peak hour plus fire fighting flows. Suitable documentation and evidence of such tests must be endorsed by the RPEQ design engineer prior to achieving operational works approval.

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

Water Supply and Sewerage Works Internal

5. *Undertake the following water supply and sewerage works internal to the subject land:*
 - a. *Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;*
 - b. *Provide ability for water connection to each lot in accordance with the FNQROC Development Manual;*

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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 the issue of a Compliance Certificate for the Plan of Survey.

Earthworks & Sewer Control Plan

6. *Provide a plan of the proposed site earthworks and finished surface design contours which address the following requirements:*
 - a. *Filling of the lots to achieve flood immunity. The earthworks plan is to nominate fill levels, batter slopes and the interface to existing surface levels for lots proposed to be filled;*
 - b. *Detail the extent and location of proposed filling to take place on proposed Lots 1, 6, 7, 9, 11 & 12;*
 - c. *Filling must be contained to each allotment with the toe of fill batters within property boundaries;*
 - d. *The area of lots to be controlled by sewer must be clearly identified and be of sufficient area to accommodate a residence;*
 - e. *Consideration to be given to the relocation of the sewer to the front of Lots 1 to 3 subject to sewer lot controls being satisfactory.*

The amended Plan must be submitted to Council, to the satisfaction of the Chief Executive Officer, prior to submitting a Development Application for Operational Works. All filling is to be completed in accordance with the approved plans during the Operational Works stage.

Building Envelope Plan

7. *Dependent upon the sewer design and extent of fill, provide a plan nominating building envelopes for buildings on those lots to which the siting of buildings may be restricted.*

The Building Envelope Plan must be submitted to Council at the time of seeking a Development Permit for Operational Works.

The applicant / owner must also ensure that the endorsed building envelope plans are made known to all prospective purchasers of the lots.

Sewage Pump Station

8. *The applicant is to provide detailed design plans for the Pump Station. The plans are to nominate all operating levels for the pump station as per the FNQROC Development Manual.*

Supporting information for the pump station is to be provided at the time of seeking operational works approval and must include at a minimum:

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- a. *emergency storage capacity and duration;*
- b. *emergency overflow operation;*
- c. *freeboard achieved to each lot in the event of system overflow;*
- d. *RPEQ Certification.*

The switchboard and pump station design including pump selection is to be provided to Council for approval prior to obtaining operational works approval. Council may nominate a preferred pump supplier and switchboard configuration to ensure consistency of infrastructure across Council's network.

The applicant is to provide a commissioning plan for the sewage pump station.

Local Drainage Study

9. *Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:*
 1. *The contributing catchment boundaries;*
 2. *The extent of the 100 year ARI flood event in relation to the site both pre and post development;*
 3. *Primary and secondary flow paths for the 5, 10 and 100 year ARI rainfall (1%AEP) events;*
 4. *Identify any requirement for drainage easements;*
 5. *Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the development;*
 6. *Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development. Specific information on the pipe outlet and erosion protection in addition to the overland flow path outlet and its erosion protection measures is to be provided;*
 - g. *Supporting calculations must include specific advice on the western catchment run off and how this is conveyed through the site to the creek. The calculations must show how the minor rainfall event is conveyed underground and must include calculations on the overland flow for the major event. Information on the pit entry capacity, blockage factors, pit losses are to be included for the minor event. A severe impact assessment is required to demonstrate safe conveyance of flows in the event of complete inlet blockage;*
 - h. *Advice on storm water drainage and flooding is to be provided for lots 6, 7, 9, 11 and 12. Where lots are proposed to be filled to achieve the required immunity, and earthworks plan is to be provided demonstrating fill levels, batter slopes and the interface to existing surface levels;*
 - *Lawful point of discharge.*

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The study must be to the satisfaction of the Chief Executive Officer prior to issue of a Development Permit for Operational Works.

Plan of Drainage Works

10. *The subject land must be drained to the satisfaction of the Chief Executive Officer. This includes provision of the following:*
 - a. *Drainage infrastructure generally in accordance with the concepts shown as Option 2 on RPS Drawing No. PR124232-4 Issue D. Calculations of the sub-catchment discharge and the flow width and depth in roadside drains and easements must be provided prior to the issue of a Development Permit for Operational Works. The calculations must demonstrate that the flows are fully contained in the drainage paths and do not enter private property except where easements exist;*
 - b. *The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:*
 - i. *End-of-line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.*
 - ii. *SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.*
 - iii. *The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.*
 - iv. *SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.*
 - c. *All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event;*
 - d. *Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s); and*
 - e. *Detail the outlet into Parker Creek and erosion and scour protection measures to be installed to the satisfaction of the Chief Executive Officer.*

All drainage works must be completed to the satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey.

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Existing Creek and Drainage Systems

11. *All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.*

Lawful Point of Discharge

12. *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.*

Landscape Plan

13. *Undertake landscaping of the site and street frontages of new roads in accordance with FNQROC Development Manual and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:*
 - a. *Planting of the footpath with trees using appropriate species;*
 - b. *The provision of shade trees in the park;*
 - c. *Species to have regard to the Planning Scheme Policy No.7 Landscaping;*
 - d. *Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect / Designer.*

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

Open Space & Drainage Reserve

14. *The area identified as park on RPS Drawing No. PR124232-4 Issue D must be transferred to Council as freehold land tenure. The area of land adjacent the Parker Creek corridor must be transferred to the Crown for Public Use Land – Drainage Reserve. The park area central to the development must include:-*
 - a. *Water service and provision of a tap for the central park;*
 - b. *Bollards around the perimeter to prevent vehicle access with the exception of Council access;*
 - c. *Shelter and seating area in the central park;*
 - d. *Profiling of the park is to be demonstrated on the earthworks plan. In particular site grading, batter height and slope must meet the requirements of the Planning Scheme and FNQROC Development Manual;*
 - e. *Seeded and grassed.*

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The inclusion of other embellishments will be determined at the time of seeking a Development Permit for Operational Works.

This area of land must be to the requirements and satisfaction of the Chief Executive Officer. The land must be transferred at the same time as registering the Plan of Survey with the Department of Natural Resources and Mines.

Damage to Infrastructure

15. *In the event that any part of Council's existing infrastructure is damaged as a result of construction activities occurring on the site, Council must be notified of the affected infrastructure and have it repaired or replaced at no cost to Council.*

Electricity Supply

16. *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 underground electricity supply must be provided prior to the issue of a Development Permit for Operational Works.*

Electricity and Telecommunications

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

Stockpiling and Transportation of Fill Material

18. *Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.*

Transportation of fill or spoil to and from the site must not occur within:

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

Storage of Machinery and Plant

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

Construction Access

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

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ADVICE

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

Infrastructure Charges Notice

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

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

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

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

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

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

The following amendment was made to the motion:

That the following notation be placed on Council's future rates records in respect of the 19 residential allotments:

"the allotment is located in close proximity to the Mossman Sugar Mill and may from time to time be impacted by operation of the Mill with respect to odour, air-borne omissions/material and heavy vehicle movements."

The amendment was put to the vote.

Carried unanimously.

The amended motion became the substantive motion.

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Carried unanimously.

MEETING WITHDRAWAL

Cr Melchert declared a material personal interest in item 5.02, withdrew from the meeting at 10.22am and did not participate in the debate or subsequent decision.

5.02. REQUEST TO CHANGE AND EXTEND RELEVANT PERIOD OF APPROVAL - SERVICE STATION

Simon Clarke, Planning Consultant

Moved Cr Carey

Seconded Cr Noli

“That Council approves the request for a Permissible Change to a development approval for a material change of use for a Service Station and ERA over land described as Lot 1 on RP739151, located at 5946 Davidson Street, Craiglie subject to the following amended conditions of approval, and extends the relevant period of approval for the changed application for 12 months (up to 1 January 2017):

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

The term ‘approved drawing(s) and/or document(s)’ or other similar expression means:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Proposed Site Layout</i>	<i>Drawing No. 15017-03 Rev. E (as amended by conditions of approval)</i>	<i>4 November 2015</i>
<i>Proposed Building Elevations</i>	<i>Drawing No. 15017-05 Rev. C</i>	<i>17 July 2015</i>
<i>Proposed Building Floor Plan</i>	<i>Drawing No. 15017-04 Rev. C</i>	<i>17 July 2015</i>
<i>Proposed Site Section</i>	<i>Drawing no. 15017-06 Rev. C (received 11 August 2015)</i>	<i>17 July 2015</i>

Assessment Manager Conditions

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

Except where modified by these conditions of approval

Timing of Effect

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

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Amended driveway crossovers

3. *An amended access arrangement must be provided to Council and the Department of Transport Main Roads for its assessment that considers methods to retain the significant trees along the frontage of the site as far as is practical taking into account road widening requirements, ingress and egress standards, sight-lines and safety along this section of the Davidson Street.*

Amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Parking & Access Layout

4. *The parking and access layout shown in the Proposed Site Layout, identified as Drawing No. 15017-03 Rev. E, and dated 4 November 2015, must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking, in particular:*
- a. *A car parking area with a minimum of nine (9) spaces including one bay provided for disabled parking and a service bay generally as shown on the approved plan of development, and maintained thereafter;*
 - b. *Provision and identification of air and water services made available for the traveling public. These services must be located so that the efficient operation of the Service Station is not adversely affected by the use of these facilities;*
 - c. *Line marking and directional arrows clearly marked on the finished surfaces;*
 - d. *Provision of appropriate bollards and setbacks for the proposed gas tank;*
 - e. *Clear marking of all loading/unloading areas for the Shop and the associated Service Area must be clearly delineated and not adversely affect the efficient operation of the Service Station;*
 - f. *Defined safe pedestrian and bicycle pathways are provided to the building entry from the parking area and from the street, in accordance with the relevant provisions of Australian Standards.*

Amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Protection of Landscaped Areas from Parking

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

Water Supply and Sewerage

6. *The existing water and sewer services into the site are to be disconnected and a new suitably sized service is to be reinstated to cater for the proposed use.*

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External Works

7. *Undertake the following works external to the land at no cost to Council:*
- a. *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.*
 - b. *No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the proposed development. All structures to be located within the 3 metre zone of influence to the sewerage main on Lot 1 are to be constructed with appropriately piered footings.*

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

Damage to Infrastructure

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

Installation of SWM Measures

9. *Soil and water management measures endorsed by the Chief Executive Officer 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).*

Lawful Point of Discharge

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

Stormwater

11. *The stormwater flow is not be to be obstructed by filling or building works. The driveway over the stormwater flow corridor is to be a suspended slab construction only.*

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12. *The topographic data used to define the watercourse geometry in the updated HECRAS Model are based on field survey provided by C & B Group (Sketch 1633-SK02) included in the submission. C & B Group Sketch 1633-SK02 indicates the site survey was completed in 2006. To reflect any changes in the watercourse geometry since 2006, confirmation of the HECRAS model (capacity and flood levels) with detail survey is required prior to issue of a Development Permit for Building Work.*
13. *Provide an easement for drainage purposes to cover the extent of stormwater drainage within the subject land and make provision for Council to obtain practical and legal access to this easement for maintenance purposes. This easement is to be transferred to Council as a drainage easement in fee simple at the applicant's cost.*

Ponding and/or Concentration of Stormwater

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

Landscape Plan

15. *A Landscape Plan prepared in accordance with the relevant provisions of the Douglas Shire Planning Scheme 2008 and the Design Guidelines (D9) of the FNQROC Development Manual is required for the site and adjoining road reserve. The plan is to take into account:*
 - (a) *retention of the balance area not required for the service station development in its natural state. This area is to be protected during the construction phase of the development through appropriate fencing to prevent damage to trees from construction activities.*
 - (b) *Trees hosting Ant Plants (*Myrmecodia beccarri*) are to be identified and protected from development.*

Two (2) A1 copies and one (1) A3 copy of this 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.

16. *A maintenance program is to be undertaken in accordance with the Maintenance Schedule outlined in Planning Scheme Policy No 7 – Landscaping.*

Lighting

17. *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.*

Screening of Plant

18. *All plant and equipment, including air conditioning units, must be visually screened to the satisfaction of the Chief Executive Officer.*

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19. *Noise associated with loading bay activities and noise from either air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).*

Refuse Storage

20. *Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Council.*
21. *The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.*

Liquid Waste Disposal

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

A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.

The applicant must have all measures for pre-treatment installed prior to Commencement of Use.

Notification of Vegetation Clearing

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

Construction Signage

24. *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*

Environmentally Relevant Activity

25. *The applicant is required to comply with all the conditions of ERA 11(a) permit attached to this Decision Notice.*

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CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<i>Concurrency Agency</i>	<i>Concurrency Agency Reference</i>	<i>Date</i>	<i>Council Electronic Reference</i>
<i>Department of Main Roads</i>	<i>45/20A/102(1258A)</i>	<i>30 March 2007</i>	<i>3009161</i>
<i>Department of Department of Primary Industries and Fisheries</i>	<i>NFC/140/000(836)</i>	<i>14 June 2007</i>	<i>3009161</i>

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

ADVICE

- 1. This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse on 1 January 2017.*
- 2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.*
- 3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*
- 4. No advertising devices have been approved with this development permit. A separate application for operational works will be required to be submitted to Council for any proposed Advertising devices.*
- 5. 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 .*

LAND USE DEFINITION

In accordance with Douglas Shire Planning Scheme the approved land use of Service Station is defined as:

Service Station

Means the use of premises for:

- The retail sale of motoring requirements such as fuels, lubricants, oils and greases, batteries, tyres, spare parts, auto accessories and general convenience items to the travelling public;*
- The hire of a limited range of vehicles or trailers;*
- The washing of motor vehicles for a fee, including facilities provide to the public to wash their own vehicles.*

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The use includes facilities commonly described as:

- *Garage; or*
- *Car wash.*

**This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.*

Carried unanimously.

MEETING RE-ATTENDANCE

Cr Melchert re-attended the meeting at 10.24am.

5.03. LOCAL GOVERNMENT INFRASTRUCTURE PLAN

Simon Clarke, Planning Consultant

Moved Cr Noli

Seconded Cr Clarke

- “1. *That Council resolves to prepare a Local Government Infrastructure Plan for Douglas Shire in accordance with the requirements of Section 117(2) of the Sustainable Planning Act, 2009.*
2. *That Council delegates authority to the Chief Executive Officer in accordance with the Local Government Act to advance any and all matters associated with the preparation of the Douglas Shire Local Government Infrastructure Plan.”*

Carried unanimously.

MEETING WITHDRAWAL

Cr Melchert declared a material personal interest in item 5.04., withdrew from the meeting at 10.25am and did not participate in the debate or subsequent decision.

**5.04. PRELODGE MENT ENQUIRY RESPONSE FOR THE PORT DOUGLAS
WATERFRONT NORTH PRECINCT - WHARF STREET, PORT DOUGLAS**

Simon Clarke, Planning Consultant

Moved Cr Carey

Seconded Cr Noli

- “1. *That with respect to the prelodgement enquiry lodged in relation to the redevelopment of the Port Douglas Waterfront North Precinct located at Wharf Street, Port Douglas, the proponent be advised that:*
 - a. *Council will not be in a position to support a development application that does not satisfactorily address and give certainty with respect to the commercial fishing operations currently undertaken within the precinct. This will require agreement to be reached among all relevant stakeholders sufficient to enable Council to provide written confirmation to the Department of Natural Resources that such development does not diminish the viability of marine based industrial uses that directly serve the Port Douglas tourist and fishing operators and private boat owners, in line with one of the overarching principles of the Port Douglas Waterfront Master Plan.*

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- b. *In accordance with A18.1 of the Port Douglas Waterfront North Planning area code, “the Slipway is retained until such time as the capacity of the existing slipway is established in the Port Douglas South Waterfront Planning Area, or as otherwise approved by Council”.*
 - c. *With regard to the waterfront walkway, Council requires implementation of the boardwalk generally as depicted in the Port Douglas Waterfront North Planning Area Code shown in Development Control Guideline 1 as opposed to a floating walkway. The concept of improving cruise ship tender transfers is supported. However, this could be delivered via a separate floating pontoon that is attached to the boardwalk. Formalised public spaces and pedestrian paths/areas are to be made accessible to the public within the waterfront areas via easements or The Reef Marina Pty Ltd providing written evidence from Council confirming that public access areas, as required by Council are provided for and evidenced in any development approval.*
 - d. *Staging of the proposed development is supported in principle. However, it is preferred that either:
 - i. *Stage 1 be completed as one single stage; or alternatively*
 - ii. *To the extent possible, the publically accessible waterfront walkway proposed for all of Stage 1 is made available for public use with Stage 1a even if the mixed use residential / tourism and commercial development is not established in conjunction with Stage 1a.**

Long-term stages of the development are to be designed to be landscaped and attractive interim spaces that provide connections across the precinct until such time that future stages are developed.
 - e. *Council is supportive of the principle of “management subdivisions” within the Waterfront North Planning Area where they assist in the staged development of the site into manageable sized land parcels and where they facilitate the comprehensive development of the precinct. However, Council is opposed to any small scale subdivisions that fragment the site into small land holdings for separate disposal, until developments are completed within each relevant precinct.*
 - f. *Council supports in principle the design objectives of the Arbour Park, Public Plaza and the Stage 1a and 1b mix of land uses and acknowledges that the adaptive re-use of the existing Duck Pond quay line represents a more practical design solution when compared to the quay-line depicted in in the Port Douglas Waterfront North Planning Area Code shown in Development Control Guideline 1.*
2. *That the above information is offered in the context of providing open and frank without prejudice comment from Council in relation to the proposed uses. The determination of any future application is a matter for Council following detailed assessment of the application, including consideration of any properly made submissions (where applicable).”*

Carried unanimously.

MEETING RE-ATTENDANCE

Cr Melchert re-attended the meeting at 10.35am.

5.05. REPEAL MOTION - 5.02 - DRAFT WIND FARM STATE CODE

Moved Cr Carey

Seconded Cr Clarke

“That parts A and B of the Council’s decision of 24 November 2014 viz:

"A. That Council makes a submission to the Department of Infrastructure, Local Government and Planning regarding the draft wind farm state code, raising the issues as outlined in the officer’s report.

B. That a copy of the Council’s submission to the Department of Infrastructure, Local Government and Planning regarding the draft wind farm state code is forwarded to the Local Government Association of Queensland (for inclusion in any joint Council submission to be prepared by the LGAQ.)

C. That the submission be provided to Councillors before it is forwarded to the LGAQ.”

be repealed.”

Carried unanimously.

5.06. DRAFT WIND FARM STATE CODE - COUNCIL SUBMISSION

Paul Hoye, General Manager Operations

Moved Cr Carey

Seconded Cr Clarke

“That Council forward the submission as detailed in Attachment 1 of this report to the Department of Infrastructure, Local Government and Planning regarding the draft Wind Farm State Code.”

For:- Cr Leu, Cr Carey, and Cr Clarke

Against:- Cr Melchert and Cr Noli

Carried.

5.07. NDRRA PROGRESS REPORT #10 - OCTOBER 2015

Scott Hahne, NDRRA Project Engineer

Moved Cr Noli

Seconded Cr Leu

“That Council notes the results achieved to date and the future projections contained in the 2014 NDRRA PCG Monthly Report 10 – October 2015.”

Carried unanimously.

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5.08. BLOOMFIELD RIVER BRIDGE

Michael Kriedemann, Manager Infrastructure
John Rehn, Manager Finance and IT
Darryl Crees, General Manager Corporate Services
Paul Hoye, General Manager Operations
Linda Cardew, Chief Executive Officer

Moved Cr Leu

Seconded Cr Clarke

“That Council resolve to:

- 1. Advise the Department of Transport and Main Roads that Council will not take ownership and ongoing operational responsibility for the Bloomfield River Bridge for the reasons expressed in the report; and*
- 2. If required, enter into discussions with the Department of Infrastructure, Local Government and Planning requesting assistance to advocate Council’s position.”*

Carried unanimously.

**5.09. FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2015,
INCLUDING 2015/16 REVISED BUDGET FIGURES**

John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Carey

“That Council:

- 1. Notes the Financial Report for the period ended 30 November 2015; and*
- 2. Adopts the 2015/16 Revised Budget figures.”*

Carried unanimously.

5.10. PROCUREMENT POLICY

Darryl Crees, General Manager Corporate Services

Moved Cr Noli

Seconded Cr Carey

“That Council adopts the revised Procurement Policy.”

Carried unanimously.

5.11. PARTNERS IN GOVERNMENT AGREEMENT

Darryl Crees, General Manager Corporate Services

Moved Cr Noli

Seconded Cr Clarke

“That Douglas Shire Council endorses the Partners in Government Agreement and will rely upon this Agreement in dealings with the State Government.”

Carried unanimously.

**5.12. CONSTRUCTION OF A DIRT TRAIL BIKE TRACK ON PART OF LOT 99
SP150469**

Robert Donovan, Property Officer

Moved Cr Carey

Seconded Cr Leu

“That Council:

- *Grants a Trustee Permit to the Douglas Integrated Riders & Trailbuilders Incorporated (D.I.R.T) for 12 months over Part of Lot 99 SP105469 subject to:*
 - *Sufficient insurance coverage to be obtained with indemnity afforded to Council;*
 - *Rental payment to be \$150 per annum;*
 - *No native vegetation or trees including mangroves to be removed without prior consultation with Council Officers;*
 - *The environmental clay capping is not be removed or tampered with;*
 - *The final plan and engineering designs of the Mountain Bike Family Skills Park structures to be approved by the Manager of Infrastructure prior to construction;*
 - *All maintenance costs to be borne met by the Permittee; and*
 - *Costs for lodgment of the Trustee Permit with Department of Natural Resources and Mines is to be met by the club.*

- *Grants an in-principal approval for the Douglas Integrated Riders & Trailbuilders Incorporated (D.I.R.T) to enter into a Trustee Lease with Douglas Shire Council over Part of Lot 99 SP 105469 for a period of three years, subject to:*
 - *All conditions of the Trustee Permit being met;*
 - *All associated costs of the Trustee Lease, including survey plan to be met by the lessee;*
 - *Sufficient insurance coverage to be obtained with indemnity afforded to Council;*
 - *Lease rental to be the Trustee Permit Rental plus CPI with CPI increases to apply in each following year;*
 - *No native vegetation or trees including mangroves to be removed without prior consultation of Council Officers;*
 - *The environmental clay capping is not be removed or tampered with;*
 - *All maintenance costs to be borne by the Lessee; and*
 - *Costs for lodgment of Lease with Department of Natural Resources and Mines is to be met by the club.*

Delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate and finalise all matters pertaining to the Trustee Permit and Trustee Lease for the establishment of the Mountain Bike Family Skills Park.”

Carried unanimously.

SUSPENSION OF STANDING ORDERS

Moved Cr Leu

Seconded Cr Noli

“That the standing orders be suspended to allow item 5.13 to be heard as the last agenda item in open session.”

Carried unanimously.

6. NOTICES OF MOTION

**6.1. NOTICE OF MOTION - RECOGNITION OF THE MOSSMAN MEMORIAL
BOWLS CLUB INC RENEWABLE ENERGY INITIATIVES**

Moved Cr Clarke

Seconded Cr Leu

“That council resolve to send a letter of congratulations and support to The Mossman Memorial Bowls Club Inc, in recognition of their efforts to use Renewable Energy, in their installation of a 60 Kw Solar Energy Unit on the roof of the Bowling Green.”

Carried unanimously.

**6.2. NOTICE OF MOTION - PRUNING OF DANGEROUS TREE PLANTINGS
COUNCIL ADMINISTRATION BUILDING AND HARPER STREET
RESIDENTIAL PROPERTY BOUNDARY.**

Moved Cr Melchert

Seconded Cr Clarke

“that Council move as soon as possible, and prior to the cyclone season, to arrange for all the large and tall trees planted by Council on the boundary of the Administration Building and residential properties in Harper Street either pruned back to a maximum height of 6 metres, or removed completely.”

For:- Cr Melchert and Cr Clarke

Against:- Cr Leu, Cr Noli and Cr Carey

Lost.

**6.3. NOTICE OF MOTION - DRAFT WIND FARM LEGISLATION – COUNCIL
COMMENT**

The Notice of Motion was withdrawn by Cr Melchert.

RESUMPTION OF STANDING ORDERS

The standing orders resumed.

**5.13. REPORT FROM THE CHIEF EXECUTIVE OFFICER – GO DOUGLAS!
2015**

Linda Cardew, Chief Executive Officer

Moved Cr Leu

Seconded Cr Noli

“That Council receive and note the report.”

Carried unanimously.

7. URGENT BUSINESS

Nil

8. PETITIONS

Cr Clarke handed a petition to the Chief Executive.

9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Clake

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

- 9.1. *Contractual Matter S275 (1) (E) Local Government Regulation 2012 - Port Douglas Markets - Introduction of Hot Food;*
- 9.2. *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Mossman Riverside Leisure Park - Lot 6 Rp742785 - Breach of Lease 70878904 ;*
- 9.3. *Prejudicial Matter S275(1) (H) Local Government Regulation 2012 - Carnivale Event Coordinator;*
- 9.4. *Contractual And Prejudicial Matter S275(1) (E) And (H) Local Government Regulation 2012 - Proposal To Amend The Mirage Port Douglas Scheme Of Integrated Resort Development; and*
- 9.5. *Contractual Matter S275 (1) (E) Local Government Regulation 2012 - Sole Source Supplier - Hunt Design.”*

Carried unanimously.

MEETING WITHDRAWAL

Cr Leu withdrew from the meeting at 12.17pm.

Cr Noli took the Chair.

MEETING RE-ATTENDANCE

Cr Leu re-attended the meeting at 12.17pm and resumed the Chair.

MEETING WITHDRAWAL

Cr Leu withdrew from the meeting at 12.26pm.

Cr Noli took the Chair.

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MEETING RE-ATTENDANCE

Cr Leu re-attended the meeting at 12.28pm and resumed the Chair.

OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Clarke

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

Carried unanimously.

**9.1. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 - PORT DOUGLAS MARKETS - INTRODUCTION OF
HOT FOOD**

Rebecca Assman, Manager Governance

Moved Cr Noli

Seconded Cr Melchert

“That Council:

1. *resolves to approve the following hot food vendors to trade at the Port Douglas Markets - Little Amsterdam, Aya Superfoods, Thomas Lang & Than Miller and the The Flavours of India. This approval is subject to the following conditions:*
 - *All relevant permits and licences to ensure compliance with Food Safety Standards and these permits and licences are to be maintained at all times;*
 - *Should a vendor be issued with any breach/rectification notice under the Food Safety Standards, they are automatically excluded from trading at the Markets until the matter is rectified to Council's satisfaction;*
 - *Each vendor is to carry and maintain Public Liability Insurance cover of \$20m and have Council's interest noted on this policy.*
 - *Tenure of a site within the Port Douglas Markets will be a three (3) year term however the site allocated may and can vary during the term without notice;*
 - *This arrangement is non-transferable and may be withdrawn should a vendor breach any conditions of this arrangement;*
 - *Each vendor is to provide a bond of \$1,450 which will be held for the duration that the vendor occupies a hot food outlet at the Markets;*
 - *A weekly fee of \$55.85 which is consistent with Market Stall size "F" in the adopted fees and charges for 2015/16.*

2. *delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 Local Government Act 2009 to facilitate and finalise all aspects of this matter.”*

For:- Cr Noli and Cr Melchert

Against:- Cr Leu, Cr Clarke and Cr Carey

Lost.

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Moved Cr Noli

Seconded Cr Carey

“That Council:

1. *resolves to approve the following hot food vendors to trade at the Port Douglas Markets - Little Amsterdam, Aya Superfoods, Thomas Lang & Than Miller, Fair Dinkum Sausages and The Flavours of India. This approval is subject to the following conditions:*
 - *All relevant permits and licences to ensure compliance with Food Safety Standards and these permits and licences are to be maintained at all times;*
 - *Should a vendor be issued with any breach/rectification notice under the Food Safety Standards, they are automatically excluded from trading at the Markets until the matter is rectified to Council's satisfaction;*
 - *Each vendor is to carry and maintain Public Liability Insurance cover of \$20m and have Council's interest noted on this policy.*
 - *Tenure of a site within the Port Douglas Markets will be a three (3) year term however the site allocated may and can vary during the term without notice;*
 - *This arrangement is non-transferable and may be withdrawn should a vendor breach any conditions of this arrangement;*
 - *Each vendor is to provide a bond of \$1,450 which will be held for the duration that the vendor occupies a hot food outlet at the Markets;*
 - *A weekly fee of \$55.85 which is consistent with Market Stall size "F" in the adopted fees and charges for 2015/16.*
2. *delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 Local Government Act 2009 to facilitate and finalise all aspects of this matter.”*

For:- Cr Leu, Cr Noli, Cr Carey and Cr Clarke

Against:- Cr Melchert

Carried.

**9.2. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - MOSSMAN RIVERSIDE LEISURE PARK - LOT 6
RP742785-BREACH OF LEASE 708789040
Robert Donovan, Property Officer**

Moved Cr Carey

Seconded Cr Noli

“That Council:

1. *advise the Lessees in writing of all breaches of the lease that have been identified within this Report and that all major breaches be satisfied by 23 December 2015; and*
2. *delegate authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to finalise all matters associated with the execution of the recommendation, including issuing Notices To Remedy Breach of Covenant under the Property Law Act section 124 if all/any breaches are not rectified by 23 December; and enforcing all aspects of the executed Lease No 708789040.”*

Carried unanimously.

**9.3. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - CARNIVALE EVENT COORDINATOR**

Kerrie Hawkes, Executive Officer

Moved Cr Leu

Seconded Cr Clarke

“That Council resolves to:

- 1. Enter into a Resource and Performance Agreement with Knockout Events Australia Pty Ltd for the planning, coordination and delivery of Carnivale 2016 and 2017 with funding of \$100,000 (GST Exc) and \$20,000 in-kind assistance for two (2) years under terms in the Resource and Performance Agreement, subject to the successful acquittal of the 2016 event; and*
- 2. Delegate authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments and execute the Resource and Performance Agreement.”*

Carried unanimously.

**9.4. CONTRACTUAL AND PREJUDICIAL MATTER S275 (1) (E) AND (H)
LOCAL GOVERNMENT REGULATION 2012 - PROPOSAL TO AMEND
THE MIRAGE PORT DOUGLAS SCHEME OF INTEGRATED RESORT
DEVELOPMENT**

Donna Graham, Manager Development and Environment

Moved Cr Leu

Seconded Cr Carey

- 1. That upon receipt of the Deed of Agreement duly executed by all parties other than Council, Council will forward a letter to the Minister in support of the proposed amendments to the Resort Scheme as contained in the draft gazettal notice being Attachment 1 to this resolution.*
- 2. That Council delegates to the Mayor and Chief Executive Officer, in accordance with section 257 of the Local Government Act 2009, the power to finalise the terms of and send the letter of support, to consult with the Minister if required, to negotiate, determine or approve any and all infrastructure issues arising from Deed of Agreement and to sign the Deed of Agreement on Council’s behalf.*

Carried unanimously.

**9.5. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 - SOLE SOURCE SUPPLIER - HUNT DESIGN**

Linda Cardew, Chief Executive Officer

Moved Cr Clarke

Seconded Cr Carey

That Council resolves:

- 1. that in accordance with section 235 of the Local Government Regulation 2012, Council is satisfied that because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders; and*

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2. *that Hunt Design be approved as a sole source supplier for the purpose of providing masterplanning and architectural peer review and consultancy services to assist Council in the Mossman District Nursing Home project.*

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 1:01pm.

CONFIRMED THIS 28th DAY OF JANUARY 2016


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MAYOR/CHAIR