

**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, 19 SEPTEMBER 2017, COMMENCING AT 10.00AM**

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1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Nicholas Wellwood (General Manager Operations), Kerrie Hawkes (Executive Officer), Joanne Jacobson (Manager Governance), Tracey Crouch (A/Manager Sustainable Communities), John Rehn (Manager Finance & IT), Michael Kriedemann (Manager Infrastructure), Simon Clarke (Planning Coordinator), Jenny Elphinstone (Senior Planning Officer), Peter Logan (Coordinator Public Spaces), Tim O'Brien (Environmental Health Officer), Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

No apologies.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil.

3. MAYORAL MINUTE

**Moved** Cr Leu

*“That Douglas Shire Council opposes any proposals for coal mining in the Galilee Basin, in particular current proposals by the Adani Group. The potentially significant negative economic impacts on the future well being of the Great Barrier Reef caused by shipping, maintenance of port facilities and climate change from the burning fossil fuels is unacceptable. There is not only an environmental imperative to protect the Great Barrier Reef from the effects of continuing use of fossil fuels, particularly coal, but an economic one as well, especially for the Douglas Shire.*

*The Great Barrier Reef represents an estimated \$6.4 billion annually to the Australian economy, \$3.9 billion of which is attributed to the Queensland economy. The Reef supports 64,000 jobs nationally, the vast bulk of which are in Queensland. This makes the Reef a larger full-time “employer” than many of Australia’s corporate giants, such as Qantas, Telstra and the National Australia Bank. The Great Barrier Reef, together with the Daintree National Park, is the backbone of the Douglas Shire economy, representing 80% of economic activity within Douglas annually. In Douglas, there is extensive private investment and confidence in this billion-dollar vital industry, with new and expanded dive adventures and diversification in overall reef experiences. It is critical this is not put in jeopardy.*

*The following are unacceptable risks to the future well being of the Great Barrier Reef and the resultant significant negative impacts on the Douglas Shire economy:*

- *Coal, a fossil fuel, when burned, represents a significant continuing contribution of CO<sub>2</sub> gas emissions into the atmosphere with the consequent effects of increased absorption of CO<sub>2</sub> into our oceans.*

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*This leads to increased ocean acidification and increased ocean temperatures. The Great Barrier Reef is under significant stress, in part as a consequence of increasing ocean acidification and increasing, ocean temperatures that cause coral bleaching and eventual coral mortality. Further coal mining activity will only exacerbate these effects;*

- *Significantly increased maritime activity within the Great Barrier Reef marine park as a consequence of shipping coal for export which is delivered to Abbot Point from the Galilee Basin will represent further potential threats to the well being of the reef into the future due to the risks of vessels potentially colliding with the reef;*
- *The requirement for dredging at Abbot Point Port facilities to accommodate coal, shipping vessels will present significant risks to the health of the Great Barrier Reef as a consequence of sediment stirred up by dredging activities;*

*Further, the above advice be provided to the Prime Minister of Australia, the Premier of Queensland, the Federal Minister for Environment and Energy and also the Queensland Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef.”*

**Carried** unanimously.

**4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS**

**ORDINARY MEETING HELD ON 22 AUGUST 2017**

**Moved** Cr Noli

**Seconded** Cr Kerr

*“That the Minutes of the Ordinary Meeting held on Monday, 22 August 2017, be confirmed.”*

**Carried** unanimously.

**5. AGENDA ITEMS**

**5.1. COCONUT ACTION PLAN 2017-2018  
Peter Logan, Coordinator Open Spaces**

**Moved** Cr Noli

**Seconded** Cr Carey

*“That Council resolves to adopt the Coconut Action Plan 2017/2018.”*

**Carried** unanimously.

**5.2. CAPITAL WORKS PROGRESS REPORT FOR THE 4TH QUARTER 2016  
- 2017  
Michael Kriedemann, Manager Infrastructure**

**Moved** Cr Carey

**Seconded** Cr Zammataro

*“That Council receives and notes the progress of the Capital Works Program to the 30 June 2017 for the 2016 - 2017 financial year.”*

**Carried** unanimously.

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5.3. MATERIAL CHANGE OF USE- CAMPING GROUND

Daniel Lamond, Planning Officer

**Moved** Cr Carey

**Seconded** Cr Noli

*“That Council approves the development application for a Camping Ground over land described as Lot 62 and 64 on SP146421, located at 3017R and 2865R Cape Tribulation Road, Thornton Beach, 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>Plan prepared by Thirkell Consulting Engineers and Building Design. Dwg No. S.00, Rev A, Project No. 17-023-E.</i>	<i>May 2017</i>
<i>Site Plan</i>	<i>Plan prepared by Thirkell Consulting Engineers and Building Design. Dwg No. S.01, Rev A, Project No. 17-023-E.</i>	<i>May 2017</i>
<i>Advertising Device Concept</i>	<i>Plan prepared by Noah Creek Development Pty Ltd</i>	<i>9 June 2017</i>
<i>Large site, Camp Kitchen shelter Concept- Reception Hut Concept</i>	<i>Plan prepared by Noah Creek Development Pty Ltd</i>	<i>9 June 2017</i>
<i>Ablution Block Layout Concept</i>	<i>Plan prepared by Noah Creek Development Pty Ltd</i>	<i>9 June 2017</i>
<i>Staff Accommodation Floor Plan</i>	<i>Plan prepared by Noah Creek Development Pty Ltd</i>	<i>9 June 2017</i>

**ASSESSMENT MANAGER CONDITIONS**

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

*Except where modified by these conditions of approval*

*Timing of Effect*

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

*Storage of General Waste*

3. Waste must be stored in accordance with Council requirements, applicable legislation and relevant local laws;

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- a. *This includes the requirement for an imperviously sealed storage area with appropriate drainage, where all waste containers can be placed, with a hose cock and a hose in the vicinity of the storage area.*

*On-site Effluent Disposal*

4. *The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The design must be prepared by a QBCC licensed designer.*

*Advertising Signage*

5. *The advertising device at the site entrance may be indirectly illuminated. Materials and colour must be approved by the Chief Executive Officer prior to implementation. The device is to be sited within the allotment.*
  - a. *The location of the additional proposed advertising devices must be confirmed on site with Council officers, and must be sited and designed to the satisfaction of the Chief Executive Officer.*

*Damage to Council Infrastructure*

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

*Limitations of Use*

7. *A maximum of 100 persons may occupy the camping ground at any one time.*

*Car Parking Layout*

8. *The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and the 2006 Douglas Shire Planning Scheme*

*Site Management*

9. *A manager must be on site at all times while the camping ground is in operation.*

*Lighting*

10. *The vertical illumination at a distance of 1.5 metres inside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.*

*Vegetation Clearing*

11. *Existing vegetation on the subject land must be retained in all areas with the exception of exotic fruit trees and noxious and invasive weed species. Any further clearing not in accordance with Council's Vegetation Management Code requires an operational works development permit.*

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*Building Colours*

12. *The exterior finishes and colours of buildings must be non-reflective and must blend with the natural colours of the surrounding environment. Prior to the issue of a development permit for building work the applicant must submit building colours to Council for endorsement. The colours must be to the satisfaction of the Chief Executive Officer.*

*Camping Site Identification*

13. *Each camping site must be clearly identified on the ground by a permanent marker/ sign containing site type and number.*

*Occupant Register*

14. *A register containing the camping site number, the name and date of arrival and departure of all occupants of the camping ground is maintained and available for inspection by Council Officers at all times.*

*Remote Trail Camping Site Use*

15. *The five (5) remote trail camping sites identified on Site Plan prepared by Thirkell Consulting Engineers & Building Design, drawing number S.00, must only be utilised after an on-site effluent disposal system has been established and developed for each site. The design must be to the satisfaction of the Chief Executive Officer.*

*Maximum Site Occupation*

16. *A total of 20 camping sites may be occupied and used at any one time.*

**ADVICE**

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

**Carried** unanimously.

- 5.4. L2 OASIS DRIVE WONGA BEACH RECONFIGURATION OF LOT  
(1 INTO 7)  
Jenny Elphinstone, Senior Planning Officer

**Moved** Cr Noli

**Seconded** Cr Kerr

*“That Council approves the development application for Reconfiguration of a Lot (1 lot into 7 lots and drainage reserve) over land described as Lot 2 on SP259953, located at 2L Oasis Drive, Wonga Beach, subject to the following:*

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*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>Proposal Plan</i>	<i>Flanagan Consulting Group Drawing 4839-SK01 dated 6 March 2017 and as amended by Condition 4 and the Concurrence agency Conditions</i>	<i>To be determined</i>
<i>Stormwater Drainage</i>	<i>Flanagan Consulting Group Drawing 4839-SK02</i>	<i>Undated and as submitted to Council on 16 March 2017</i>
<i>Proposed Drainage Channel</i>	<i>Flanagan Consulting Group Drawing 4839-SK02, Undated and as submitted to Council on 16 March 2017 and as amended by Condition 4.</i>	<i>To be determined</i>
<i>Water Reticulation</i>	<i>Flanagan Consulting Group Drawing 4839-SK04</i>	<i>Undated and as submitted to Council on 16 March 2017</i>

**ASSESSMENT MANAGER CONDITIONS**

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

*Except where modified by these conditions of approval*

*Timing of Effect*

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

*Access*

3. *No lot is to have vehicle access to or from the Esplanade.*

*Street Layout and Design*

4. *The street layout and design is to be generally in accordance with Flanagan Consulting Group Proposal Plan, Sketch 4839-SK01 subject to:*

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- a. *The south-east corner of Lot 1 is to be truncated to facilitate access from the drainage reserve to the esplanade. The boundary of Lot 1 must be set back 5m from the top of bank for the existing drain based on a detailed survey of the site.*
- b. *Provision of a minimum fill area of 1000m<sup>2</sup> on each lot for building work and onsite waste water disposal whereby:*
  - i. *Fill areas must not include any covenant areas as required by a concurrence agency;*
  - ii. *Setback of fill areas a minimum of 6m from the property boundary from all roads and Esplanade;*
  - iii. *Setback of fill areas a minimum of 3.0 metres from the southern boundary of proposed Lot 7;*
  - iv. *The fill pad for proposed Lots 1 and 2 must be extended to the respective northern boundary and retained or setback a minimum of 3.0 metres from the northern boundary;*
  - v. *Fill areas for the lots are at a level to provide an immunity to a 1% storm tide event and a 1% flood event;*
  - vi. *Fill for proposed lots must be graded away from the east to the west and must not result in ponding of water between the fill pad and the existing road reserve to the west; and*
  - vii. *All fill is to drain to lawful point of discharge and must not detrimentally impact on upstream, downstream or surrounding land and/or proposed lots;*
- c. *Appropriate protection is to be provided at the Marlin Drive cul-de-sac to prevent non authorised vehicles from accessing the pedestrian link including at a minimum, barrier kerbing and bollards. The applicant is to assess the need for additional barriers and or landscaping in these areas;*
- d. *The access to the drainage channel is to be designed to facilitate normal maintenance machinery and is to be fitted with suitable gates;*
- e. *Provision of estuarine crocodile warning signs to the new road and public pedestrian pathways;*
- f. *A 6m setback area from the eastern boundary (to the Esplanade) is to be included in a conservation covenant area and is to be vegetated in accordance with Condition 25;*
- g. *Provision of suitable vehicle access for Council from the pedestrian pathway to the Esplanade and foreshore for maintenance purposes. These purposes include the ability to access to maintain the open channel drainage flow path;*

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- h. Provide a suitable surface cover and finish to the 20m wide drainage easement area and provide a naturally, vegetated invert to provide a stabilised channel that is able to be traversed by Council's maintenance equipment;*
- i. The access strip to proposed Lot 3 must have a minimum width of 4m and a sealed pavement of not less than 3m; and*
- j. Any amendments required to comply with the conditions and the requirements of Queensland Streets and the FNQROC Development Manual;*

*The detailed design plans incorporating the above requirements must be submitted to the satisfaction of the Chief Executive Officer with the application for 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*

- 5. Undertake water supply works internal to the subject land in accordance with the FNQROC development manual within the internal road system such that each lot can be connected to Council's water supply network at the lot frontage. A plan of the water supply reticulation network is to be generally in accordance with Flanagan Consulting Group Sketch 4839-SK04 and must be supported by appropriate calculations including hydraulic network analysis demonstrating compliance with FNQROC. In particular, the plan must include:*
  - a. A minimum 100mm diameter main on one side and a 50mm (63mm OD) main on the opposite side to provide a looped service at the northern end of Marlin Drive;*
  - b. Provide the conduit for water supply for the full length of the access leg for proposed Lot 3. The conduit does not need to be connected to Council's water supply. The conduit must be capped and staked at the road frontage of the lots and at the end of the access leg for easy identification when a future house is constructed on this lot.*

*The plan must also identify any infrastructure external to the subdivision that may require upgrading to accommodate the development and achieve the minimum pressures for maximum hour and fire fighting scenarios.*

*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.*



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*On-Site Effluent Disposal*

6. *The On-Site Sewage Disposal Assessment Report prepared by Gilbert and Sutherland (2010) must be reviewed and confirmation provided to Council that the report findings and recommendations remain consistent with current Codes and Standards.*

*Subject to the above confirmation of currency; the method of on-site effluent disposal must be in accordance with the recommendations contained in the On-Site Sewage Disposal Assessment Report prepared by Gilbert and Sutherland or as otherwise approved by the Chief Executive Officer.*

*The review and advice on the Gilbert and Sutherland (2010) report is to be provided to Council with the Operational Works application for site works to verify that no additional works are required for effluent disposal.*

*General External Works*

7. *Undertake the following external works:-*
- a. *Provide a new pedestrian and cycle connection across the realigned drain to reinstate the pathway connection from the northern end of Marlin Drive to the pathway running to the west from the development site;*
  - b. *The detail design in (a) above must include hydraulic assessment of the afflux through the new culverts and must maximise the waterway area to achieve minimum afflux through the culvert;*
  - c. *The northern end of Marlin Drive currently has a levee/berm to prevent the stormwater flows within the drain entering Marlin Drive and creating flooding and trafficability issues. The construction of the Marlin Drive extension and cul-de-sac is to be graded and designed to achieve a similar barrier to protect Marlin Drive from external flows entering the street; and*
  - d. *The applicant is to provide sufficient site level information to assess whether the bund in (c) above is required to extend west along the boundary with 102 Marlin Drive, Lot 92 on RP748442. Hydraulic information on the drainage path will be required per drainage conditions;*

*Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. All works must be carried out in accordance with the approved plan prior to the issue of a Compliance Certificate for the Plan of Survey.*

*Acid Sulfate Soil Investigation*

8. *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 Department of Natural Resources and Mines (Previously DNRW – QASSIT), and State Planning Policy 2/02 – 'Planning and Managing Development involving Acid Sulfate Soils'.*

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*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 DNRM – 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 DNRM: ‘Queensland Acid Sulfate Soil Technical Manual’ (2002), including Soil Management Guidelines (updated Feb 2003), which must be prepared to the satisfaction of the Chief Executive Officer.*

*Drainage Study of Site*

9. *The design of the drainage infrastructure is to be generally in accordance with the drainage study for the site by DHI International. The applicant must certify that there are no adverse drainage impacts on upstream and downstream properties and/or identify the mitigation measures required to minimise such impacts.*

*The study must be endorsed as remaining current for this development or must be updated and approved by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.*

*The pre and post-development stormwater levels in the “Existing Drainage Reserve,” identified on Flanagan Consulting Group Sketch SK02, south from the new drainage reserve are required to be shown on plans submitted with the application for operational works.*

*Extent of Earthworks*

10. *The extent of earthworks as detailed on Flanagan Consulting Group Sketch 4839 SK02 together with the areas of fill for each lot required under Condition 4 above, compliance with the on-site disposal and drainage conditions and subject to the following amendments:*
  - a. *The earthworks fill zones are to avoid localised low points between properties;*
  - b. *the existing drainage channel in proposed Lots 6 and 7 and the proposed infill lake areas in proposed lots 1 and 3 and the Drainage Reserve are to be filled and compacted to the appropriate standard for residential use/ drainage reserve use at no cost to Council. The applicant must provide a lot classification report for these lots and drainage reserve.*
  - c. *A construction specification must be included for the decommissioning of the current drain and lake areas proposed to be filled. The construction specification must provide the requirements for clearing, ground preparation and testing prior to filling of these areas. The specification must be included in the operational works supporting information.*

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- d. *The rear of allotments are to be graded evenly in accordance with the concepts shown on FCG Sketch 4839-SK02 to ensure that they remain free draining throughout the property and through to the drainage reserve or Esplanade area.*
- e. *The nominated fill level of 2.9m is to be increased to provide immunity to the 1% AEP stormtide event unless otherwise approved by Council. The Cairns BMT-WMB Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 (Council document reference D# 462510) identified the 1% AEP stormtide event as 4.04 metres AHD having regard to a 0.8m sea level rise and intensity of cyclonic action.*

*The Applicant's submitted DHI Water and Environment Pty Ltd hydrodynamic analysis dated 9 June 2015 (Council document reference D#457391) utilised 0.3m AHD sea level rise and intensity of cyclonic action. The DHI hydrodynamic analysis is acceptable only where a 0.8m sea level rise is utilised and an amended study is required to be submitted to the satisfaction of the Chief Executive Officer.*

*Any reduction below a 0.8m sea level rise must be supported by an appropriate study that deals with sea level rise and intensity of cyclonic action to be approved by Council.*

*The final earthworks design is to be lodged with the application for a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans prior to the issue of a Compliance Certificate for the Plan of Survey.*

*Access to Hatchet or Battleaxe Lots*

11. *Construct a concrete driveway or other approved surface to battleaxe Lot 3 extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with FNQROC Development Manual Standard Drawing. Construction of the concrete driveway must be in accordance with FNQROC Development Manual Standard Drawing.*

*All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.*

*Service Conduits*

12. *Provide service conduits to Lot 3 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.*

*All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.*

*Building Envelope Plan*

13. *A building envelope plan for each of the lots must be lodged with Council prior to the issue of a Compliance Certificate for the Plan of Survey. The building envelope plan must comply with the following requirements:*
- a. *The building envelope must be pegged on site to the requirements and satisfaction of the Chief Executive Officer; and*
  - b. *No building, structure, infrastructure or fill shall be sited or vehicle /pedestrian access provided through to the Esplanade within the conservation covenant area for proposed lots 1, 6 or 7.*

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

*Stockpiling and Transportation of Fill Material*

14. *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.*
15. *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*

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

*Drainage Construction*

17. *The applicant / owner must undertake the development of the land generally in accordance with the findings of the Drainage Study dated 28 November 2013 prepared by DHI Water and Environment Pty Ltd, (or as updated in accordance with Condition 9). The drainage reserve profile is to be generally as detailed by Flanagan Consulting Group Sketch 4839-SK02 and SK03 except that a 3m base width concrete channel lining is to be provided to facilitate trafficability and maintenance to the satisfaction of the Chief Executive Officer. The geoweb cellular confinement lining nominated on FCG Sketch 4839-SK03 is not approved.*

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*Provision for the proposed maintenance access must be made on the northern side of the drainage reserve.*

*Drainage works in the western drainage swale to regrade the swale and direct runoff to the new drainage path are to be nominated on plans included in the application for operational works. The plans must show pre and post development surface levels and contours and must identify any significant trees that will be removed to construct the works.*

*A landscaping plan is required to show revegetation works in both the western swale and the new drainage reserve through to the Esplanade.*

*Associated earthworks and landscaping must be completed in accordance with the approved plans prior to the issue of a Compliance Certificate for the Plan of Survey.*

*Lawful Point of Discharge*

18. *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.*

*Plan of Drainage Works*

19. *The subject land must be drained to the satisfaction of the Chief Executive Officer generally in accordance with Flanagan Consulting Group Sketch 4839-SK02 . In particular:*
  - a. *Construction of proposed drainage channel within the drainage reserve per condition 17 above, at no cost to Council;*
  - b. *Drainage infrastructure in catch drains and roads in accordance with the FNQROC Development Manual;*
  - c. *All fill areas within the proposed building envelopes allotments shall have immunity from flooding associated with an ARI 100 year (1% AEP) rainfall event; and*
  - 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.*

*Sediment and Erosion Control*

20. *A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).*

*Existing Services*

21. *Written confirmation of the location of existing services for the land must be provided. This includes the existing overhead power lines along the western boundary. In any instance where existing services are contained within another lot, the following applies, either:*
- a. *Relocate the services to comply with this requirement; or*
  - b. *Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of a Compliance Certificate for the Plan of Survey creating the lot.*

*Electricity Supply*

22. *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*

23. *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.*

*Street Lighting*

24. *The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the issue of a Compliance Certificate for the Plan of Survey:*
- a. *Prior to the approval and dating of the Plan of Survey, a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.*  
  
*The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road element, Cul-de-sacs (at the northern end of Marlin Drive only)*
  - b. *Prior to the issue of a Compliance Certificate for the Plan of Survey written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.*

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

*Landscape Plan – Conservation Covenant Areas*

- 25. *Undertake landscaping of the conservation covenant areas for Lots 1, 6 and 7 inclusive 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. *The revegetation of the conservation covenant area including ground, lower, middle and upper storey canopy vegetation using species in accordance with the Planning Scheme Landscaping Policy;*
  - b. *The revegetation of cut and fill batters;*
  - c. *provision of suitable street trees; and*
  - 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.*

*Landscape Plan*

- 26. *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 with regard to any overhead powerline constraints;*
  - b. *The revegetation of cut and fill batters;*
  - c. *Species to have regard to the Planning Scheme Landscaping Policy;*

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- d. *Remediation and revegetation works to be undertaken within the both the major drainage line and the drainage reserve;*
- e. *Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect / Designer.*

*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.*

*Damage to Council Infrastructure*

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

**REFERRAL AGENCY CONDITIONS & REQUIREMENTS**

<i>Referral Agency</i>	<i>Referral Reference</i>	<i>Agency</i>	<i>Date</i>	<i>Council Electronic Reference</i>
<i>Department of Infrastructure, Local Government &amp; Planning</i>	<i>SDA-0317-038201</i>		<i>29 June 2017</i>	<i>D#820403</i>

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

**ADVICE**

- 1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of section 339 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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*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 Assessment and Coordination at Council for review of the charge amount prior to payment.*

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

5. *For information relating to the Sustainable Planning Act 2009 and the Planning Act 2016 log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).*

6. *Advice Statement for Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).*

*You are advised that the EPBC Act applies to action that has, will have, or is likely to have, a significant impact on matters of national environmental significance.*

*Further information on the EPBC Act can be obtained from the Department of the Environment's website [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc) EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct 2009).*

- B. *The following notation will be placed on Council's future rates record in respect of the new lots:*

1. *For each of the proposed Lots 1, 6 and 7:*
  - a. *There are conservation covenants registered over part of the land, as required under Development Approval ROL 1961/2017, being: a 6m setback from the eastern property boundary to the Esplanade as required by the Assessment Manager; and a further area of setback from the eastern boundary as required by the Concurrence Agency, the Department of Infrastructure, Local Government and Planning. No building, structure or infrastructure may be developed in this covenanted area.*

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- b. *Vehicle access to the Esplanade from this lot is prohibited.*
- 2. *For all lots:*
  - a. *The area of fill on the proposed lots must be setback 6m from all roads and Esplanade, refer to Development Approval ROL 1961/2017.”*

**Carried** unanimously.

5.5. L45 CAPT. COOK HWY CARAVAN PARK REQUEST NEGOTIATED  
DECISION

Jenny Elphinstone, Senior Planning Officer

**Moved** Cr Noli

**Seconded** Cr Kerr

A. *That Council supports in part, the request for a negotiated decision for a Caravan Park on land described as Lot 45 on SR835, located at L45 Captain Cook Highway, Port Douglas, whereby:*

i. *Condition 3, Amendment to Design, is amended with the following additional part:*

*j. Inclusion of the staging plan being:*

*Stage 1: Entrance, external works (access, water and sewer etc.), reception, car park, pool, and central park area, inclusive of bbq's, bathrooms/toilets and laundry area, kitchen and dishwashing area, signage, sites 1-10, 29, 11-18, 19-28 and 33 to 43, the internal loop driveway adjacent to sites 1-10, 29, 11-18, 19-28 and 33 to 43, and all necessary, associated, internal infrastructure and landscaping; and*

*Stage 2: Rear bathrooms/toilets and laundry area, sites 3-31, 44-50, 63-69, 70-80, B1-B30, the remainder of the internal driveway not included in Stage 1.*

ii *The wording of Conditions 4, 5, 7, 8, 9, 10, 12 and 29 are amended as follows to have regard to timing of the condition relevant to the commencement of use.*

*Condition 4 is amended as follows.*

*Damage to Council Infrastructure*

4. *In the event that any part of Council's existing; water, road, or drainage infrastructure is damaged as a result of construction activities occurring on the site or adjoining road, including, but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Douglas Shire Council immediately of the affected infrastructure and have it repaired or replaced at the developer's cost, prior to the Commencement of Use ~~or issue of a Compliance Certificate for the Plan of Survey, whichever occurs first.~~*

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*The last paragraph of Condition 5 is amended as follows.*

*Such works must be completed to the satisfaction of the Chief Executive Officer prior to Commencement of Use ~~or issue of a Compliance Certificate for the Plan of Survey, whichever occurs first.~~ Where plans are required, three (3) A1 size copies of the plans and one (1) copy at A3 size must be submitted to Council.*

*The last paragraph of Conditions 7, 8, 9, 10 are amended as follows.*

*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 Commencement of Use ~~issue of a Compliance Certificate for the Plan of Survey.~~*

*The last paragraph of Condition 12 is amended as follows:*

*The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use ~~or issue of a Compliance Certificate for the Plan of Survey, whichever occurs first.~~*

*The last paragraph of Condition 29 is amended as follows.*

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

iii. *Condition 25 is amended as follows.*

*Compliance with Access and Mobility*

25. *Prior to the commencement of use provide written advice, from a suitably qualified professional that the development all pathways and recreational areas complyes with all relevant disability standards must be provided to the Chief Executive Officer. ~~This approval has not been assessed for compliance with the requirements for disability access.~~*

iv. *The following condition is included in the approval.*

*Development Staging*

50. *The development is to be staged as follows:*

*Stage 1: Entrance, external works (access, water and sewer etc.), reception, car park, pool, and central park area, inclusive of bbq's, bathrooms/toilets and laundry area, kitchen and dishwashing area, signage, sites 1-10, 29, 11-18, 19-28 and 33 to 43, the internal loop driveway adjacent to sites 1-10, 29, 11-*

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18, 19-28 and 33-43, and all necessary, associated, internal infrastructure and landscaping; and

Stage 2: Rear bathrooms/toilets and laundry area, sites 3-31, 44-50, 63-69, 70-80, B1-B30, the remainder of the internal driveway not included in Stage 1;

a. Stage 2 must only follow after the completion of Stage 1;

b. The applicant must provide advice to the Chief Executive Officer regarding the availability of sites within a particular stage within seven (7) days of the commencement of use of the available sites; and

c. Where a further design detail, management plan, further approval and/or infrastructure (water supply, sewerage works, car parking, access construction) is required by a condition of the approval these conditions must be achieved to the satisfaction of the Chief Executive Officer prior to the commencement of use of any part of Stage 1.

v. The following additional advice is included on the Decision Notice.

13. The design and development of all buildings and structures must have regard to the Premises Standards.

vi. All other parts of the Decision Notice issued 11 July 2017 remain unchanged.

B. That Council does not support the request for a Negotiated Adopted Charges Infrastructure Notice related to the Decision Notice issued 11 July 2017 for the material change of use for a Caravan Park on land described as Lot 45 on SR835, located at L45 Captain Cook Highway, Port Douglas.”

**Carried** unanimously.

5.6. FINANCIAL REPORT FOR THE PERIOD ENDED 31 AUGUST 2017  
John Rehn, Finance Manager

**Moved** Cr Leu

**Seconded** Cr Carey

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

**Carried** unanimously.

5.7. CEO REPORT JUNE - AUGUST 2017  
Linda Cardew, Chief Executive Officer

**Moved** Cr Noli

**Seconded** Cr Zammataro

“That Council receives and notes the Organisational Report Card and the Report from the Chief Executive Officer for the period June – August 2017.”

**Carried** unanimously.

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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 matters:*

- 9.1. Prejudicial Matter S275(1)(h) Local Government Regulation 2012 – Expression of Interest – Commercial Activities on Four Mile Beach.”*

**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 - EXPRESSION OF INTEREST - COMMERCIAL  
ACTIVITIES ON FOUR MILE BEACH  
Louise Stayte, Team Leader Environmental Health

**Moved** Cr Carey

**Seconded** Cr Leu

*“That Council:*

- 1. Awards a Prescribed Activity Approval (operating a commercial activity on a local government controlled area or road – Itinerant Vending) to Ryan Fudala and Kynee Christensen (T/A 4 Mile Takeaway) for the activity of "Mobile Food & Drink Service" subject to conditions and successful increased fee negotiation.*
- 2. Awards a Prescribed Activity Approval (operating a commercial activity on a local government controlled area or road) to Brett Wright (T/A Windswell Kitesurfing) for the activity of "Non-Motorised Water Activities" subject to a 12 month trial period and conditions.”*

**Carried** unanimously.

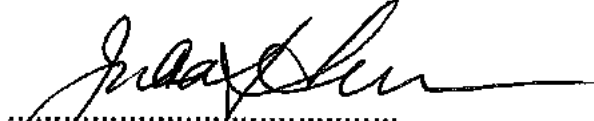
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CLOSURE OF MEETING

The meeting closed at 11.28am.

CONFIRMED THIS 10<sup>th</sup> DAY OF OCTOBER 2017



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MAYOR/CHAIR