

**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, 2 NOVEMBER 2016, COMMENCING AT 10.00AM**

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Darryl Crees (Acting Chief Executive Officer), Nicholas Wellwood (General Manager Operations), Joanne Jacobson (Acting General Manager Corporate Services), Kerrie Hawkes (Executive Officer), Simon Clarke (Planning Consultant), Graham Busby (Property Officer), Lloyd Nunns (Senior Procurement Officer), Michael Matthews (Project Engineer), Greg McLean (Communications and Event Officer) and Nevinia Davenport (Executive Assistant).

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Nil.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Leu declared a real conflict of interest in regards to item 5.3 due to being a Council appointed Director of Tourism Port Douglas Daintree and proposed to exclude herself from the meeting while the matter was debated and the vote taken.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 11 OCTOBER 2016

Moved Cr Noli

Seconded Cr Zammataro

“That the Minutes of the Ordinary Meeting held on Tuesday, 11 October 2016, be confirmed.”

Carried unanimously.

5. AGENDA ITEMS

5.1. MATERIAL CHANGE OF USE - BUSINESS FACILITIES 19 WARNER STREET PORT DOUGLAS QUICKSILVER CONNECTIONS LIMITED

Simon Clarke, Planning Consultant

Moved Cr Leu

Seconded Cr Carey

“That Council approves the development application for Business facilities over land described as Lot 31 on PTD20910, located at 19 Warner Street, Port Douglas, subject to the following:

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON WEDNESDAY, 2 NOVEMBER 2016, COMMENCING AT 10.00AM**

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

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:
w

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Ground Floor Plan</i>	<i>966_SD A-101 Rev 6</i>	<i>10 October 2016</i>
<i>Level 1 Plan</i>	<i>966_SD A-102 Rev 6</i>	<i>10 October 2016</i>
<i>Roof Plan</i>	<i>966_SD A-103 Rev 6</i>	<i>10 October 2016</i>
<i>Elevations</i>	<i>966_SD A-401 Rev 6</i>	<i>10 October 2016</i>
<i>Sections</i>	<i>966_SD A-501 Rev 6</i>	<i>10 October 2016</i>
<i>3D Perspective</i>	<i>966_SD A-901 Rev 6</i>	<i>11 October 2016</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.*

Water Supply and Sewerage Works Internal

- 3. Undertake the following water supply and sewerage works internal to the subject land:-*
 - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;*

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

The plan of works must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

Refuse Storage

- 4. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.*

Advertising Signage

- 5. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to Commencement of Use, whichever occurs first.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON WEDNESDAY, 2 NOVEMBER 2016, COMMENCING AT 10.00AM**

External Works

6. *Undertake the following works external to the land at no cost to Council:*
- a. *Upgrade the Grant and Warner Street frontages generally in accordance with Ground Floor Plan 966_SD A-101 Rev 6, dated 10 October 2016 including relocation of light/power pole/s, electrical infrastructure, at the front of the subject land, where required, to accommodate the development and the raised sections of walkways/planter beds;*
 - b. *Provide underground stormwater infrastructure that integrates with existing infrastructure;*
 - c. *Provide kerb and channel along the Warner Street frontage;*
 - d. *Provide road widening along the Warner Street frontage;*

The abovementioned works must be designed to take into account the existing tree at the corner of Grant and Warner Streets which is required to be retained in accordance with Condition 12a.

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities (i.e. the provision of temporary kerb ramps if pedestrian diversions are necessary).

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

Lawful Point of Discharge

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

Minimum Fill and Floor Levels

8. *All floor levels in all buildings must be 3.1 metres AHD. The applicant is to acknowledge in writing that this level may not achieve full Q100 flood immunity and devise an action plan, prior to the issue of a Development Permit for Building Work, to manage and prevent flood water from entering the building in an extreme weather event.*

Vehicle Parking

9. *A minimum of thirteen (13) car parking spaces are to be provided on-site including one space for wheel-chair accessible parking. In addition, four (4) on-street car parking spaces are to be provided in Warner Street. Car parking design must comply with the relevant Australian Standards, with all parking, driveway and vehicular manoeuvring areas being imperviously sealed, drained and line marked.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON WEDNESDAY, 2 NOVEMBER 2016, COMMENCING AT 10.00AM**

Awnings

10. *The proposed awnings are to be designed to provide shade to the footpath below (i.e. minimise glass or translucent materials). Details are to be agreed in writing prior to the issue of a Development Permit for Building Work.*

Protection of Landscaped Areas from Parking

11. *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.*

Bicycle Racks

12. *Provide two on-site bicycle racks at the rear of the premises. The bicycle parking area must be constructed prior to Commencement of Use.*

Lighting

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

Landscaping Plan

14. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:*
 - a. *The existing tree on the corner of Grant and Warner Street being retained and details of how this tree will be protected during works;*
 - b. *Street planting including street trees and planter boxes to both road frontages (i.e. lush tropical plantings of vegetation appropriate to the character of Port Douglas), using appropriate species with regard to any site constraints including underground services. All plants must be selected in accordance with Planning Scheme Policy No.7, with particular emphasis on appropriate species for Port Douglas;*
 - c. *Details of any fencing proposed at the rear of the premises;*
 - d. *Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.*

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.

Construction Access

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

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON WEDNESDAY, 2 NOVEMBER 2016, COMMENCING AT 10.00AM**

Air-Conditioning Screens

16. *Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.*

Stockpiling and Transportation of Fill Material

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

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

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

Storage of Machinery and Plant

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

Sediment and Erosion Control

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

Health Requirements

21. *Noise from air-conditioning units, service equipment, swimming pool pumps 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 Chapter 8 Part 3B of the Environmental Protection Act 1994.*

Damage to Infrastructure

22. *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.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON WEDNESDAY, 2 NOVEMBER 2016, COMMENCING AT 10.00AM**

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.*

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 log on to www.dilqp.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au."*

Carried unanimously.

5.2. ANNUAL REPORT FOR DOUGLAS SHIRE COUNCIL 1 JULY 2015 - 30 JUNE 2016

Erica Bigby, Research and Project Officer

Moved Cr Leu

Seconded Cr Kerr

"That Council resolves to adopt the Annual Report for the period 1 July 2015 to 30 June 2016."

Carried unanimously.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON WEDNESDAY, 2 NOVEMBER 2016, COMMENCING AT 10.00AM**

MEETING WITHDRAWAL

Cr Leu declared a real conflict of interest in regards to item 5.3 due to being Council appointed Director of Tourism Port Douglas Daintree and withdrew from the meeting at 10.08am. Cr Noli took the Chair.

5.3. TOURISM PORT DOUGLAS DAINTREE - ANNUAL REPORT 2015/2016

Kerrie Hawkes, Executive Officer

Moved Cr Kerr

Seconded Cr Carey

“That Council receives and notes the Annual Report for Tourism Port Douglas Daintree (TPDD) for the 2015-2016 financial year, provided in accordance with TPDD’s Resource and Performance Agreement.”

Carried unanimously.

MEETING RE-ATTENDANCE

Cr Leu re-attended the meeting at 10.09am and resumed the Chair.

5.4. SCHEDULE OF FEES AND CHARGES FOR WONGA BEACH CARAVAN PARK

Joanne Jacobson, Manager Governance

Moved Cr Carey

Seconded Cr Zammataro

“That Council:

- 1. adopts the new Schedule of Fees and Charges for Wonga Beach Caravan Park;*
- 2. delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to negotiate fees and charges where circumstances warrant and to make minor amendments to the schedule.”*

Carried unanimously.

5.5. PROPOSED APPLICATION FOR PERMANENT ROAD CLOSURE IN STRATA OVER PART OF MACROSSAN STREET PORT DOUGLAS ADJOINING LOT 10 ON SP262348 - CENTRAL HOTEL

Graham Busby, Property Officer

Moved Cr Kerr

Seconded Cr Noli

“That Council:

- 1. Delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009, to execute a Form Part C as Road Manager, in order to allow an application to be lodged with the Department of Natural and Mines (DNRM), with respect to permanently closing the road (in strata) over part of Macrossan Street Port Douglas adjoining Lot 10 on SP262348;*
- 2. Advises the Department of Natural Resources and Mines that it has no objection to the proposed application for permanent road closure (in strata) adjoining Lot 10 on SP262348 to encompass the existing and proposed verandah for the Central Hotel adjoining Macrossan Street Port Douglas, subject to the following conditions:*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON WEDNESDAY, 2 NOVEMBER 2016, COMMENCING AT 10.00AM**

- 2.1 the area subject to the closure being dealt with by way of a Term Lease in Strata between the applicant and DNRM;
 - 2.2 any development and use of the air space to be subject to a development application being lodged with Council;
 - 2.3 the use must not obstruct or impede the use of the subject road by both pedestrian and vehicular movement;
 - 2.4 the Lessee is to indemnify Council against any claim for damages or injury, which may occur as a result of the structure being erected over the footpath.
 - 2.5 should the lease be cancelled or the structure demolished, then the area of closure (in strata) is to be re-opened as road: and
 - 2.6 The above will be at no cost to Council.
3. Delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government act 2009 to finalise all matters associated with the application.”

Carried unanimously.

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Kerr

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

- 9.1 Prejudicial Matter S275 (1) (h) Local Government Regulation 2012 – Sale of Properties for Rates Arrears; and
- 9.2 Contractual Matter S275 (1) (e) Local Government Regulation 2012 – Contract for Port Douglas Service Road Pavement Upgrade.”

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Kerr

Seconded Cr Zammataro

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

Carried unanimously.

**9.1. PREJUDICIAL MATTER S275(1)(H) LOCAL GOVERNMENT
REGULATION 2012 - SALE OF PROPERTIES FOR RATES ARREARS**

Darryl Crees, Acting Chief Executive Officer

Moved Cr Kerr

Seconded Cr Carey

“1. That Council resolves:

- i. pursuant to section 140(2) of the Local Government Regulation 2012, to sell the land associated with rating assessment 857045, being Lot 11 RP 707231, to recover overdue rates and charges.*
- ii. to delegate to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12, Division 3 of the Local Government Regulation 2012 to effect sale of the land (including, for avoidance of doubt, the power to end sale procedures (section 142(3) of the Local Government Regulation 2012))*
- iii. to further delegate authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to determine and finalise any and all other matters associated with this resolution.”*

Carried unanimously.

Moved Cr Noli

Seconded Cr Zammataro

“2. That Council resolves:

- i. pursuant to section 140(2) of the Local Government Regulation 2012, to sell the property associated with rating assessment 880831, being Lot 448 RP 738994, to recover outstanding rates and charges.*
- ii. to delegate to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12, Division 3 of the Local Government Regulation 2012 to effect sale of the land (including, for avoidance of doubt, the power to end sale procedures (section 142(3) of the Local Government Regulation 2012))*
- iii. to further delegate authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to determine and finalise any and all other matters associated with this resolution.”*

Carried unanimously.

**9.2. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 - CONTRACT FOR PORT DOUGLAS SERVICE ROAD
PAVEMENT UPGRADE**

Lloyd Nunns, Senior Procurement Officer

Moved Cr Carey

Seconded Cr Noli

"That Council:

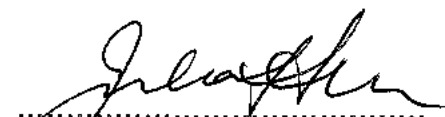
1. Resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract Number 178-2016 Port Douglas Service Road Pavement Upgrade to Northern Civil Earthworks Pty Ltd for an amount of \$260,856.00 exclusive of GST
2. Delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to this contract."

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 10.47am.

CONFIRMED THIS 22ND DAY OF NOVEMBER 2016


.....
MAYOR/CHAIR