

**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, 26 APRIL 2017, COMMENCING AT 10.00AM**

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), Paul Hoye (Manager Sustainable Communities), John Rehn (Manager Finance & IT), Simon Clarke (Planning Coordinator), Daniel Lamond (Planning Officer), Robert Donovan (Senior Property Officer), Graham Busby (Property Officer), Lloyd Nunns (Senior Procurement Officer), Peter White (Team Leader, Wastewater), Scott Hahne (Project Engineer), Marie Lawson (Administration Support Officer), Greg McLean (Communications and Event Officer), Nicole Barton (Mayoral and Councillor Support Officer) and Fionnuala Blayney (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

Cr Carey declared a conflict of interest in relation to Agenda Item 5.4 "*Material Change of Use for Tourist Attraction 78R Mountain View Drive Shannonvale*", due to being a resident of Mountain View Drive Shannonvale and advised that he proposed to exclude himself from the meeting while this matter is debated and the vote is taken.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 28 MARCH 2017

Moved Cr Carey

Seconded Cr Noli

"That the Minutes of the Ordinary Meeting held on Tuesday, 28 March 2017, be confirmed."

Carried unanimously.

5. AGENDA ITEMS

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
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5.1. PROPOSED DOUGLAS SHIRE PLANNING SCHEME - CONSIDERATION
OF SUBMISSIONS

Simon Clarke, Planning Coordinator

Moved Cr Leu

Seconded Cr Noli

“That Council:

1. *Considers the matters raised in Submission Review Report and makes the Submission Review Report available for public viewing prior to submission to the Minister for Infrastructure and Planning;*
2. *Proceeds with the proposed Douglas Shire Planning Scheme 2017 and associated Planning Scheme Policies (Post Submission Review Version March 2017) which incorporates the recommended changes nominated in the Submission Review Report;*
3. *Provides a copy of the proposed Douglas Shire Planning Scheme 2017 and associated Planning Scheme Policies (Post Submission Review Version March 2017) and Submission Review Report to the Minister for Infrastructure and Planning;*
4. *Requests the Minister for Infrastructure and Planning approve the Douglas Shire Planning Scheme 2017 for adoption;*
5. *Notes that a report will be provided to Council following Ministerial Review.”*

Cr Carey proposed an amendment to the motion.

Moved Cr Carey

Seconded

“That Council:

1. *Considers the matters raised in Submission Review Report and makes the Submission Review Report available for public viewing prior to submission to the Minister for Infrastructure and Planning;*
2. *Proceeds with the proposed Douglas Shire Planning Scheme 2017 and associated Planning Scheme Policies (Post Submission Review Version March 2017) which incorporates the recommended changes nominated in the Submission Review Report;*
3. *Provides a copy of the proposed Douglas Shire Planning Scheme 2017 and associated Planning Scheme Policies (Post Submission Review Version March 2017) and Submission Review Report to the Minister for Infrastructure and Planning;*
4. *Requests the Minister for Infrastructure and Planning approve the Douglas Shire Planning Scheme 2017 for adoption;*
5. *Notes that a report will be provided to Council following Ministerial Review.;*
6. *Agrees in principle to incorporate the Special Entertainment provisions (including a new Local Law) with the major amendment that is required to align the proposed new planning scheme with the new Planning Act later this year.”*

The motion lapsed for want of a seconder.

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The original motion was put to the vote.

For: Crs Leu, Noli and Zammataro

Against: Crs Carey and Kerr.

Carried.

5.2. REQUEST FOR COMMENT ON PROPOSED LIQUOR LICENSE FOR
CHOO CHOOS AT ST CRISPINS STATION

Daniel Lamond, Planning Officer

Moved Cr Noli

Seconded Cr Zammataro

“That the applicant and the Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General, be advised that Council does not object to the Application for Commercial Other Subsidiary on Premises Licence for Choo Choos @ St Crispins, 9 St Crispins Avenue, Port Douglas, also described as Lot 49 on SP161464, subject to the following conditions;

- a. *The licensed area is only inclusive of the area specified by Council in Attachment 3.*
- b. *The applicant must construct an acoustic noise barrier to prevent the noise from the operation of the premises impacting on the residential use of the adjoining property Lot 1 on SP154572. The acoustic noise barrier must be designed in accordance with specifications given by a certified acoustic engineer and ensure that noise produced as a result of activities undertaken on the premises do not exceed 5 dB(A) above the determined background noise level when measured at the adjoining property boundary at any time.*
- c. *The location of the sound barrier is to be agreed upon with Council if it is not sited on the common boundary of Lot 1 on SP154572. Agreement is to be reached with the relevant property owner if sited on the common property boundary of Lot 1 on SP154572.*
- d. *Plans of the acoustic noise barrier are to be endorsed by the Chief Executive Officer prior to the issue of a development permit for building works or commencement of construction.*
- e. *The hours of service of alcohol of the Commercial Other Subsidiary on Premises Licence are limited to between 10am and 10pm.*
- f. *Sunday and public holiday hours (10.00am to 10pm) will only be supported following the provision of acoustic certification of the acoustic noise barrier being provided to Council. ”*

Carried unanimously.

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5.3. REQUEST FOR COMMENT ON PROPOSED LIQUOR LICENCE AT
AQUAQUEST PORT DOUGLAS
Daniel Lamond, Planning Officer

Moved Cr Kerr

Seconded Cr Leu

“That the applicant and the Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General, be advised that Council does not object to the Application for Commercial Other Subsidiary on Premises Licence for Aquaquest, The Reef Marina, also described as Lot 146 on SR861.”

Carried unanimously.

DECLARATION OF CONFLICT OF INTEREST & WITHDRAWAL – CR CAREY

Cr Carey declared a conflict of interest in the following item and withdrew from the meeting at 10.55am.

5.4. MATERIAL CHANGE OF USE FOR TOURIST ATTRACTION 78R
MOUNTAINVIEW DRIVE SHANNONVALE
Daniel Lamond, Planning Officer

Moved Cr Leu

Seconded Cr Kerr

“That Council approves the development application for Tourist Attraction and Home Based Business (Host Farm Accommodation) over land described as Lot 1 on SP121806, located at 78R Mountain View Drive Shannonvale, 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 Number 601-17 Prepared by Greg Skyring Design and Drafting Pty Ltd. Sheet 1 of 2.</i>	<i>1 February 2017</i>
<i>Carpark Layout</i>	<i>Plan Number 601-17 Prepared by Greg Skyring Design and Drafting Pty Ltd. Sheet 2 of 2.</i>	<i>1 February 2017</i>
<i>Proposed Cabin Layout</i>	<i>Plan Prepared by Darryl Kirk</i>	<i>Submitted to Council 6 February 2017</i>
<i>Proposed Kiosk Area Layout</i>	<i>Plan Prepared by Darryl Kirk</i>	<i>Submitted to Council 6 February 2017</i>
<i>Proposed Kitchen Layout</i>	<i>Plan Prepared by Darryl Kirk</i>	<i>Submitted to Council 6 February 2017</i>
<i>Advertising Device Plan</i>	<i>Plan Prepared by Darryl Kirk (amended by condition 6).</i>	<i>Submitted to Council 6 February 2017</i>

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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.

Damage to Council Infrastructure

3. 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, the 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 applicant's/ owner's cost, prior to the Commencement of Use.

Vehicle Parking

4. The amount of vehicle parking must be a minimum of six (6) car spaces and two (2) bus spaces. The car parking layout must comply with the Australian Standard AS2890.1-2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be appropriately surfaced (gravelled) and drained. All surface treatment should be suitably draining gravel, used to minimize nuisances associated with dust or mud.

An access path to the cabin must be surface treated with suitably draining gravel.

Lawful Point of Discharge

5. 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.

Advertising Signage

6. One on-site advertising device is approved as part of the application. Maximum dimensions for this signage are 1200mm wide by 1000mm tall, standing a maximum overall height of 1800mm. Prior to the erection of the advertising device, a plan detailing the predominant colour of the device must be submitted to the Chief Executive Officer for endorsement. The predominant colour must be non-reflective and complement the surrounding rural character of the landscape.

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On-site Effluent Disposal

7. *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 recommendations contained in the Wastewater Management System Report No SI 425-16report dated 2 December 2016 prepared by Earth Test are considered to satisfy this condition requirement.*

External Works

8. *Undertake the following works external to the land at no cost to Council:*
 - a. *Provision of a concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1015;*
 - b. *Repair any damage to existing 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.*

Storage of General Waste

9. *Waste must be stored in accordance with Council requirements, applicable legislation and relevant local laws;*
 - a. *This includes the requirement for an imperviously sealed storage area where all waste containers can be placed, provided with appropriate drainage, a hose cock and a hose in the vicinity of the storage area.*

Access Limitation

10. *Access is limited to Mountainview Drive only. The facility must not be accessed through Borzi Road.*

Approved Use

11. *The approved use can only operate in conjunction with the primary production use on site, being cocoa cropping.*

Hours of Operation

12. *The tourist attraction component of the approved use is to operate between the hours of 9am and 5pm seven days per week.*

Limitation on Use

13. *The approved use is only to utilise land within the property boundaries of Lot 1 on SP121806.*

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.*

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3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*”

Cr Zammataro proposed an amendment to the motion.

Moved Cr Zammataro

Seconded Cr Leu

That a condition be included to require the erection of signage indicating “caution quarry traffic” to be erected at the egress to the site.

Carried unanimously.

The amended motion was put to the vote.

Carried unanimously.

RE-ATTENDANCE CR CAREY

Cr Carey re-attended the meeting at 11.03 am

- 5.5. **NEWSPORT ADVERTISING SIGNS CAPTAIN COOK HIGHWAY**
Jenny Elphinstone, Senior Planning Officer

Moved Cr Leu

Seconded Cr Carey

That Council refuses the application in full for a permissible change for the development approval for the off-premises advertising device for land at 6368R Captain Cook Highway, Port Douglas, being more particularly described as Lot 1 on RP706628, on the following grounds:

1. *The proposed sign is considered a new sign;*
2. *The proposed new sign is an off-premises advertising device;*
3. *The new signage detracts from the scenic visual amenity of the landscape in particular when viewed from the road and having regard to the use of the road as a scenic, tourist route;*
4. *The new signage is considered a traffic hazard for drivers of the adjacent road;*
5. *The new signage is considered to adversely impact on the rural environment;*
6. *The new signage is inconsistent with: Rural Areas and Rural Settlements Locality Code; the Rural Planning Area Code; and the Design and Siting of Advertising Devices Code of the current Planning Scheme;*
7. *The new signage is incompatible with the exhibited proposed major amendment to the Planning Scheme. The new signage is considered to be incompatible development in regards to maintaining the strategic intent, protecting the unique environmental character, internationally renowned landscapes and scenic amenity of the Shire, and key transport corridors; the Rural zone and the Advertising Devices Code.”*

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For:- Crs Leu, Carey, Noli and Zammataro.

Against:- Cr Kerr

Carried.

5.6. MCU AND ROL SERVICE INDUSTRY 5-7 PIONEER CLOSE CRAIGLIE
Jenny Elphinstone, Senior Planning Officer

Moved Cr Kerr

Seconded Cr Leu

“That Council approves the development application for a Material Change of Use for Service Industry and Reconfiguration of a Lot, 1 lot into 1 standard lot, 12 building unit lots and common property, over land described as Lot 8 on SP201317, located at 5-7 Pioneer Close, Craiglie, subject to the following:

A. MATERIAL CHANGE OF USE

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>Master Layout 90deg. Parks</i>	<i>RECS Pty Ltd, Project No.08-2007, Sheet SK 1, Revision E</i>	<i>13 February 2017</i>
<i>6.3 & 7.1m Turning Circles 90 deg</i>	<i>RECS Pty Ltd, Project No.08-2007, Sheet SK 2, Revision E</i>	<i>13 February 2017</i>
<i>12.5 Turning Circle</i>	<i>RECS Pty Ltd, Project No.08-2007, Sheet SK 3, Revision E</i>	<i>13 February 2017</i>
<i>8.8m Loading Bays</i>	<i>RECS Pty Ltd, Project No.08-2007, Sheet SK 4, Revision E</i>	<i>13 February 2017</i>
<i>Refuse Bin Storage</i>	<i>RECS Pty Ltd, Project No.08-2007, Sheet SK 5, Revision E</i>	<i>13 February 2017</i>
<i>Shed Dimensions</i>	<i>RECS Pty Ltd, Project No.08-2007, Sheet SK 6, Revision E</i>	<i>13 February 2017</i>
<i>Plant Schedule</i>	<i>GGI Landscape Architects, Service Industry Sheds, Job No. L1701, Sheet L1.00</i>	<i>February 2017</i>
<i>Landscape Establishment</i>	<i>GGI Landscape Architects, Service Industry Sheds, Job No. L1701, Sheet L2.00</i>	<i>February 2017</i>
<i>Tenancy Sign Detail</i>	<i>Gilvear Planning correspondence, page 7</i>	<i>27 February 2017</i>
<i>Part Ground Floor Plan</i>	<i>Sheds’n’Shouses Project 08-2007 New Shed, Drawing WD-02, Amendment C</i>	<i>10 January 2017</i>
<i>Part Ground Floor Plan</i>	<i>Sheds’n’Shouses Project 08-2007 New Shed, Drawing WD-03, Amendment C</i>	<i>10 January 2017</i>
<i>Shed 1 Elevation</i>	<i>Sheds’n’Shouses Project 08-2007 New Shed, Drawing WD-04, Amendment C</i>	<i>10 January 2017</i>

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<i>Ground Floor Plan</i>	<i>Sheds'n'Shouses Project 08-2007 New Shed, Drawing WD-05, Amendment C</i>	<i>10 January 2017</i>
<i>Shed 2 Elevation</i>	<i>Sheds'n'Shouses Project 08-2007 New Shed, Drawing WD-06, Amendment C</i>	<i>10 January 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.*

External Works

3. *Undertake the following works external to the land at no cost to Council:*
 - a. *Provision of an industrial concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1015.*

The works outlined above may either be undertaken as part of a Development Permit for Building Work or as a separate Development Permit for Operational Work. Where submitted as a separate Development Permit for Operational Work 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 issue of a Certificate of Classification or Commencement of Use whichever occurs first.

Internal Works

4. *The Applicant/owner will:*
 - a. *Differentiate and delineate pedestrian pathways / vehicular manoeuvring areas with non-slip paint;*
 - b. *Provide pedestrian crossings as indicated on the approved drawings;*
 - c. *Provide suitable lighting to the internal, common property area;*
 - d. *Paint directional arrows in the common property vehicle movement area; and*

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- f. *Paint or surface the loading areas to identify these as different to the driveway.*

These works are to be designed and certified by a suitably qualified RPEQ with a copy of the certification lodged with the Chief Executive Officer prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

Water Supply and Sewerage Works External

5. *Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:*
 - a. *Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage;*
 - b. *Upgrade the water main from the Council Service to the land so that the site can be provided with appropriate water service connection to the lot frontage;*
 - c. *Extend the sewer main from the 150Ø on the neighbouring land at 17 to 19 Owen Street, Craiglie (Lot 0 on SP 212665, Easement N on SP201317) to the land.*

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 or approval and dating of the Building Format Plan, whichever occurs first

Inspection of Sewers

6. *CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first. Water Supply and Sewerage Works Internal*
7. *Undertake the following water supply and sewerage works internal to the subject land:-*
 - a. *Provide a single internal sewer connection which must be clear of any buildings or structures;*
 - b. *Provide a single internal water connection;*
 - c. *Water supply sub-metering must be designed and installed in accordance with Queensland Development Code and the Water Supply (Safety and Reliability) Act 2008.*

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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 Certificate of Classification or Commencement of Use whichever occurs first.

Council Infrastructure

8. *In the event that any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction 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/owners/builders cost, prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.*

Lawful Point of Discharge

9. *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

10. *All floor levels in all buildings must be located 100 mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.*

Stockpiling and Transportation of Fill Material

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

Above Ground Transformer Cubicles / Electrical Sub-Station

12. *Where required any above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind a screen of landscaping, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.*

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Landscaping Plan

13. *The site must be landscaped generally in accordance with the plan prepared by GGI Landscape Architects, Service Industry Sheds, Job No. L1701, Sheet L1.00, dated February 2017 and to include the following details:*
 - a. *Deep planting of setback areas;*
 - b. *Maintain the existing trees planted in the road area;*
 - c. *Provide screen planting to the waste bin service area, in particular where viewed from the street;*
 - d. *Provide complimentary deep planting beneath and around the tenancy sign;*
 - e. *Species to have regard to Council's Planning Scheme Policy No.7 Landscaping; and*
 - f. *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. Landscaped areas, including the provision of the roofed picnic seating and BBQ facility must be maintained at all times to the satisfaction of the Chief Executive Officer.

Screen Fence

14. *A screen fence or alternatively suitable landscaping together with a chain wire fence must be provided to the northern boundary of the subject land, to the satisfaction of the Chief Executive Officer. The fencing must be consistent in terms of design and materials with other fences in the locality. The fencing must be completed prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.*

Crime Prevention through Environmental Design

15. *All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention through Environmental Design (CPTED).*

Lighting

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

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Bicycle Parking

17. *Provide secured, on-site bicycle parking for four spaces in the common property area. The bicycle parking area must be constructed prior to Commencement of Use.*

Vehicle Parking

18. *The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of fourteen (14) spaces including one space for persons with a disability generally in accordance with the RECS Master Layout 90deg. Parks drawing Project No.08-2007, Sheet SK 1, Revision E dated 13 February 2017.*

The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and Australian Standard AS2890.6 and be constructed in accordance with Austroads and good engineering design.

In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked. The parking area must be provided prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

The car parking and loading bay areas must be maintained in a good condition, including line marking at all times.

Protection of Landscaped Areas from Parking and Loading / Unloading Areas

19. *Landscaped areas adjoining the parking area or a loading / unloading 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.*

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).*
21. *Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.*

Tenancy Signage

22. *The tenancy sign is to have a maximum height of 5 metres and a width of 2.5 metres unless otherwise approved by the Chief Executive Officer.*

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The tenancy sign must provide clear and legible signage to the land incorporating the street number and the availability of visitor parking for the benefit of the public. The tenancy sign must be complimented with landscaping. Both the tenancy sign and the associated landscaping must be maintained at all times in a good condition. The tenancy sign must be erected prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

Unit Number Signage

23. *Clear and legible signage must be provided to each building unit identifying the unit number. The unit numbering must be provided prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.*

Advertising Signage

24. *All signage additional to the tenancy sign and 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 the Commencement of Use.*

Refuse Storage

25. *Refuse storage is required to service the site in accordance with Council requirements. Refuse from the site must be collected on a frequency that meets the tenant needs.*

Liquid Waste Disposal

26. *Where required any trade waste discharge to sewer must meet the requirements of Cairns Water and Waste's Trade Waste Environmental Management Plan (TWEMP). Detailed Hydraulic Plans must be provided accompanied by a report which demonstrates that the facility complies with the TWEMP and must be approved by Council prior to the issue of a Development Permit for Building Work. Installation of a 1000Litre Grease Arrestor and trade waste collection channel will satisfy the trade waste requirement. All measures for pre-treatment in accordance with the approved plans must be installed prior to Commencement of Use.*

Storage of Machinery and Plant

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

Excluding the common property waste bin component no storage use is to occur in the car parking areas or other common property areas.

Use of Stage 2 Land

28. *Use of this land may not occur outside a building unless otherwise approved by the Chief Executive Officer.*

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B. RECONFIGURATION OF A LOT CONDITIONS

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>Reconfiguration of a Lot</i>	<i>RPS Drawing PR108905-32 dated 16 March 2017 and as amended by Condition B.2</i>	<i>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

Amendment to Design

2. *The proposed layout is to be amended as follows:*
 - a. *Proposed Lot 900 is to exclude the area of Easement G on SP201317 and the setback area between the intended building on Lot 900 and the northern property boundary, with these areas to be included in the common property.*

Common Property Area

3. *All common property areas are to:*
 - a. *Serve both proposed Lot 900 and the intended units under the building format plan; and*
 - b. *To be managed by a single community management statement.*

Staging

4. *The development is to consist of a maximum of two stages with:*
 - a. *Stage 1 comprising the development of Units 1 to 12 together with the development of the common property area including all works in the common property area; and*
 - b. *Stage 2 comprising the development of Units 13 to 19.*

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The description of the units above is as per the RPS Drawing PR108905-32 dated 16 March 2017.

Timing of Effect

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

The Compliance Certificate for the Plan of Survey cannot be applied for prior to the issue of a final Certificate for the Development Permit for Building Work of the associated Material Change of Use for Stage 1 (Units 1 to 12 inclusive) and an appropriate works certificate(s) has been issued for the completion of all works within the common property areas.

Electricity and Telecommunications

6. *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.*

Community Management Statement

7. *The Community Management Statement is to include the following items:*
 - a. *Excluding the common property waste bin component no storage use is to occur in the car parking areas or other common property areas;*
 - b. *There is to be no exclusive use of Common property area;*
 - c. *All common property areas and facilities must be provided for and maintained in a good condition as per the conditions of the development approval; and*
 - d. *Refuse from the site must be collected on a frequency that meets the tenant needs.*

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.*
4. *All premises should have a pedestrian door of adequate width to facilitate access by disabled persons.*

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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 the Douglas Shire Planning Scheme 2006, the approved land use of Service Industry is defined as:

Means any premises used, or intended to be used for trades and services that cater to the tourist and marine activities in Port Douglas. This includes the manufacturing of goods on the premises, depots for receiving goods to be serviced and any administration and minor sales functions associated with the use, where these are carried out on the same Site and are ancillary to the Service Industry activity. Service Industry uses are limited to uses, which are allied to tourist and marine activities in Port Douglas.

The term may include but is not limited to the following activities:

- *Limousine/bus depot;*
- *Cleaning or detailing of motor vehicles;*
- *Catering business;*
- *Servicing of small items and appliances such as:*
 - *Bicycles;*
 - *Cameras;*
 - *Electrical appliances for domestic or office use; and*
 - *Marine equipment;*
- *Printing;*
- *Fishing gear manufacturing;*
- *Marine engineering;*
- *Bulk storage and ancillary sales of:*
 - *Indoor/Outdoor furniture;*
 - *Hardware supplies;*
 - *Raw materials;*
 - *Plants and Landscaping supplies;*

Any off-Site effects do not cause any detriment to the amenity of the area. In particular, the noise levels generated, any dust, fumes, odours or other emissions produced from the Site, the appearance of the Site and any traffic generated by the activities on the Site must be managed so as not to cause detriment to adjoining Sites.

**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.

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5.7. TEMPORARY MINISTERIAL DESIGNATION
Simon Clarke, Planning Coordinator

Moved Cr Noli

Seconded Cr Carey

“That Council does not object to the proposed temporary Ministerial Designation for Community Infrastructure for the Mossman Fire Station over Lot 8 on RP895020 located at 16 Theresa Drive, Mossman and that the Public Safety Business Agency be advised accordingly.”

Carried unanimously.

5.8. DOUGLAS SHIRE COUNCIL WATER SUPPLY SECURITY, RELIABILITY
AND RESILIENCE STRATEGY
Nicholas Wellwood, General Manager Operations

Moved Cr Carey

Seconded Cr Leu

“That Council resolves to approve and progressively implement the initiatives below, subject to available budget allowances:

- *Short term strategy initiatives for the Douglas Shire Council water supply systems as follows:*
 - *The project scheme for the provision of a 20ML reservoir at Craiglie be constructed without delay for target completion in January 2018.*
 - *Investigation work be continued to assess the suitability and viability of Proposed Site - Drumsara Quarry area on the Mossman River to be developed as the next potential source for the Mossman/Port Douglas system.*
 - *Assessment of proposals for the refurbishment/upgrade of the waste recovery system at the Mossman Treatment Plant be continued with a view to undertaking the work as soon as funds are available.*
 - *A project be established to investigate, locate and repair any significant water leaks in the Mossman/Port Douglas/Whyanbeel reticulation system.*
 - *Work be undertaken for the establishment of a whole of water system model and network analysis for the Mossman/Port Douglas system and this be followed by similar work for the remaining water supply network.*
 - *Concept planning be undertaken to assess the options and benefits for further upgrading the interconnection of the Mossman and Whyanbeel reticulation systems.*
 - *Douglas Shire Council continue to work with Department of Energy and Water Supply (DEWS) on a project partnership to achieve a shared understanding of existing water supply capability and risk, future population growth and water demand.*
- *Medium term strategy initiatives for the Douglas Shire Council water supply systems be approved as follows:*
 - *Further investigations be undertaken for the establishment of a suitable scheme for the reticulation of recycled water and a Business Case Report be developed to be ready for submission should grant funding become available.*
 - *Investigate supplementary supply options in the Daintree catchment via bore water options during wet season creek intake supply issues.*
 - *Concept planning commence for the introduction of a system of "smart meters" throughout the water service areas. "*

Carried unanimously.

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5.9. EARLY REPAYMENT OF QUEENSLAND TREASURY CORPORATION
LOANS

Darryl Crees, General Manager Corporate Services

Moved Cr Carey

Seconded Cr Leu

“That Council

- *fully repays its loans held with the Queensland Treasury Corporation prior to the end of this financial year; and*
- *delegates authority to the Chief Executive Officer under Section 257 of the Queensland Local Government Act 2009 to determine and finalise all associated matters with this loan payout. ”*

Carried unanimously.

5.10. RISK ASSESSMENT DAINTREE RIVER FERRY PRECINCT

Darryl Crees, General Manager Corporate Services

Moved Cr Noli

Seconded Cr Leu

“That Council:

- *notes the QSolutions Group Risk Assessment Report for the Daintree River Ferry Precinct and endorses the actions being undertaken; and*
- *adopts the Daintree Ferry Revenue General Policy which includes a capping of four (4) million dollars for funds to be held in the Daintree Ferry Reserve as recommended by the abovementioned report. ”*

Carried unanimously.

5.11. FINANCIAL REPORT FOR THE PERIOD ENDED 31 MARCH 2017

John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Noli

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

Carried unanimously.

5.12. 2016/2017 OPERATIONAL PLAN PROGRESS REPORT FOR THE
PERIOD JANUARY - MARCH 2017

Linda Cardew, Chief Executive Officer

Moved Cr Noli

Seconded Cr Kerr

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

Carried unanimously.

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6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Leu

Seconded Cr Kerr

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

- 9.1 *Contractual Matter S275 (1) (E) Local Government Regulation 2012 - Contract for Regional Supply & Delivery of Water Chemicals;*
- 9.2 *Contractual Matter S275 (1) (E) Local Government Regulation 2012 - Contract for Regional Removal and Beneficial Reuse of Biosolids;*
- 9.3 *Contractual Matter S275 (1) (E) Local Government Regulation 2012 – Section 235 Register of Sole Source Suppliers;*
- 9.4 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – Land Resumption and Road Opening – Part of Lot 26 on RP804231 Junction/Cooya Beach Road, Mossman;*
- 9.5 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – Freehold Land Assets Surplus to Council Requirements;*
- 9.6 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – Potential Acquisition of Land – Lot 1 RP738241, Forest Creek Road;*
- 9.7 *Contractual Matter S275 (1) (E) Local Government Regulation 2012 – Contract for Port Douglas Reservoir Project;*
- 9.8 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – Funding of Council’s Contribution to the Construction of the Port Douglas Reservoir; and*
- 9.9 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – Deed of Agreement for Fishermen and Slipway.”*

Carried unanimously.

OUT OF CLOSED SESSION

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
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Moved Cr Noli

Seconded Cr Carey

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

Carried unanimously.

9.1. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 – CONTRACT FOR REGIONAL SUPPLY &
DELIVERY OF WATER CHEMICALS

**Marie Lawson, Administration Support Officer
Lloyd Nunns, Senior Procurement Officer**

Moved Cr Carey

Seconded Cr Kerr

“That Council:

- 1. Resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract 2017 - 027, Separable Portion 1, for the Supply and Delivery of Sodium Hypochlorite to Ionics Australasia Pty Ltd T/A Elite Chemicals for a period of three and a half (3 ½) years from 1 June 2017 to 30 November 2020 with the option to extend for a further two (2) x twelve (12) month periods.*
- 2. Resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract 2017-027, Separable Portion 2, for the Supply and Delivery of Liquid Alum to Cleveland Bay Chemical Company Pty Ltd for a period of three and a half years (3 ½) from 1 June 2017 to 30 November 2020 with the option to extend for a further two (2) x twelve (12) months periods.*
- 3. 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 these arrangements. ”*

Carried unanimously.

9.2. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 – CONTRACT FOR REGIONAL REMOVAL AND
BENEFICIAL REUSE OF BIOSOLIDS

**Marie Lawson, Administration Support Officer
Lloyd Nunns, Senior Procurement Officer**

Moved Cr Noli

Seconded Cr Carey

“That Council:

- 1. Resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract 2017- 023 for Regional Removal and Beneficial Reuse of Biosolids to Arkwood (Gloucester) Pty Ltd for a period of three (3) years from 1 July 2017 to 30 June 2020 with the option to extend for a further 2 x 12 months periods.*
- 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 arrangement. ”*

Carried unanimously.

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- 9.3. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 - SECTION 235 REGISTER OF SOLE SOURCE
SUPPLIERS
Lloyd Nunns, Senior Procurement Officer

Moved Cr Carey

Seconded Cr Kerr

“That Council:

1. *resolves in accordance with section 235 of the Local Government Regulation 2012 that the Council's register of sole source suppliers be extended to include:*
 - *Akvotek Pty Ltd (ABN: 60 609 331 008)*
2. *delegates authority to the Mayor and Chief Executive Officer in accordance with Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to this contractual arrangement.*

Carried unanimously.

- 9.4. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - LAND RESUMPTION AND ROAD OPENING - PART
OF LOT 26 ON RP804231 JUNCTION/COOYA BEACH ROAD MOSSMAN
Graham Busby, Property Officer

Moved Cr Leu

Seconded Cr Zammataro

“That Council:

1. *acquires either by private agreement or by agreement under section 15 of the Acquisition of Land Act 1967 approximately 2,104m² of land being part of Lot 26 on RP804231 Junction/Cooya Beach Road Mossman, subject, but not limited to:*
 - 1.1. *the purchase price to be determined by way of market value as determined by a registered Valuer; and*
 - 1.2. *Council being responsible for all costs associated with the matter including, but not limited to survey, valuation, stamp duty and transfer registration fees.*
2. *approves a road opening of the acquired land, in order to enable continued use of the road by the public.*
3. *delegate authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate and finalise all matters relevant to this matter.”*

Carried unanimously.

- 9.5. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - FREEHOLD LAND ASSETS SURPLUS TO
COUNCIL REQUIREMENTS
Darryl Crees, General Manager Corporate Services

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Moved Cr Leu

Seconded Cr Carey

“That Council notes the status of Council freehold land assets which have currently been designated as surplus to requirements.”

Carried unanimously.

9.6. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 – POTENTIAL ACQUISITION OF LAND – LOT 1
RP738241 FOREST CREEK ROAD
Robert Donovan, Senior Property Officer

Moved Cr Carey

Seconded Cr Kerr

“That Council not proceed with the purchase of Lot 1 RP738241 Forest Creek Road at the current asking price and advise the owners of this decision.”

Carried unanimously.

9.7. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 – CONTRACT FOR PORT DOUGLAS RESERVOIR
PROJECTS
Scott Hahne, Project Engineer
Lloyd Nunns, Senior Procurement Officer

Moved Cr Leu

Seconded Cr Carey

“That Council:

- 1. Resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract 2016-149 Port Douglas Reservoir Project to Koppens Developments Pty Ltd (ABN 65 064 651 449) for their tendered lump sum price of \$10,359,278.32 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;*
- 3. Delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to further negotiate with Koppens Developments on the feasibility and subsequent design and construction of final delivered product improvements to the Port Douglas Reservoir Project.”*

Carried unanimously.

9.8. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 – FUNDING OF COUNCIL’S CONTRIBUTION TO
THE CONSTRUCTION OF THE PORT DOUGLAS RESERVOIR
Darryl Crees, General Manager Corporate Services

Moved Cr Leu

Seconded Cr Carey

“That the matter be deferred and considered at the next Ordinary Meeting of Council.”

Carried unanimously.

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**9.9. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 – DEED OF AGREEMENT FOR FISHERMEN AND
SLIPWAY**

Simon Clarke, Planning Coordinator

Moved Cr Leu

Seconded Cr Kerr

That Council resolves:

1. *to endorse the Deed of Agreement (Preservation of Slipway) as amended.*
2. *to confirm the trigger for the letter to The Reef Marina for the purposes of confirming to the Department Natural Resources and Mines (DNRM) that freehold title may be issued to The Reef Marina, will be when the following actions are complete:*
 - i. *Both the Deed of Agreement (Relocation of Mooring Facility) and the Deed of Agreement (Preservation of Slipway) have been executed;*
 - ii. *a Negotiated Decision Notice has been issued by Council with respect to the development approval and either one of the following occurs:*
 - a. *The Reef Marina's outstanding appeal period expires; or*
 - b. *The Reef Marina waives its outstanding appeal rights; and*
3. *that further to Section 257 of the Local Government Act 2009, to delegate all authority to the Mayor and Chief Executive Officer to finalise the Deed of Agreement (Preservation of Slipway).*

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 12.21 pm.

CONFIRMED THIS 30 DAY OF May 2017


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MAYOR/CHAIR