

**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, 20 FEBRUARY, 2018 COMMENCING AT 10.00AM**

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1. PRESENT

Cr Julia Leu (Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Nicholas Wellwood (General Manager Operations), Joanne Jacobson (Manager Governance); Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

**Part Meeting:**

Simon Clarke (Planning Coordinator); Daniel Lamond (Planning & Compliance Officer); Susanna Andrews (Property Officer); Paul Hoy (Manager Sustainable Communities); Nicola Learmond (Sustainability Officer), Sarah Roberts (Team Leader Local Laws), and John Rehn (Manager Finance & IT)

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Cr Abigail Noli (Deputy Mayor)

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

3. MAYORAL MINUTE

**Moved** Cr Leu

*"That Council grant leave of absence to Cr Noli for the Ordinary meeting today."*

**Carried** Unanimously

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD 30  
JANUARY, 2018.

**Moved** Cr Carey

**Seconded** Cr Kerr

*"That the Minutes of the Ordinary Meeting held on Tuesday 30 January, 2018 be confirmed."*

**Carried** Unanimously

5. AGENDA ITEMS

5.1. MATERIAL CHANGE OF USE (MULTI-UNIT HOUSING) 14 MUDLO  
STREET PORT DOUGLAS  
Daniel Lamond, Planning Officer

**Moved** Cr Carey

**Seconded** Cr Zammataro

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*“That Council approves the development application for Multi-unit housing over land described as Lot 919 on PTD2092, located at 14 Mudlo Street PORT DOUGLAS, subject to the following:*

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

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

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Site Plan</i>	<i>Plan prepared by TPG Architects, Drawing No. DA.01c</i>	<i>November 2017</i>
<i>Ground &amp; First Floor Plan</i>	<i>Plan prepared by TPG Architects, Drawing No. DA.02b</i>	<i>November 2017</i>
<i>Site Elevations</i>	<i>Plan prepared by TPG Architects, Drawing No. DA.03a</i>	<i>November 2017</i>
<i>Elevations</i>	<i>Plan prepared by TPG Architects, Drawing No. DA.04b</i>	<i>November 2017</i>
<i>Sections</i>	<i>Plan prepared by TPG Architects, Drawing No. DA.05a</i>	<i>November 2017</i>
<i>Landscape Master Plan</i>	<i>Plan prepared by Andrew Prowse Landscape Architect, Drawing No. LA-M.01</i>	<i>17 November 2017</i>
<i>Landscape Planting Plan</i>	<i>Plan prepared by Andrew Prowse Landscape Architect, Drawing No. LA-P.01</i>	<i>16 November 2017</i>
<i>Landscape Planting Scheme</i>	<i>Plan prepared by Andrew Prowse Landscape Architect, Drawing No. LA-S.01</i>	<i>17 November 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.*

**Air-conditioning Screens**

3. *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*

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*of the building. Such screening must be completed prior to the Commencement of Use.*

*Damage to Council Infrastructure*

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

*Water Supply Works External*

5. *Undertake the following water supply works external to the site to connect the site to existing water supply:*

*Augment existing water supply infrastructure to provide adequate water supply to the development. The extension of the water main must have regard to the ultimate configuration of the development.*

*Vehicle Parking*

6. *The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.*

*External Works*

7. *Undertake the following works external to the land at no cost to Council:*
  - a. *Provide a vehicle crossover and apron to Mudlo Street. The location and design of the access must not detrimentally impact on the significant street tree on the road verge.*
  - 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.*

*Demolish Structures*

8. *All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to Commencement of Use.*

*Stockpiling and Transportation of Fill Material*

9. *Soil excavated from the site 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*
- d. *on Sundays or Public Holidays.*

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*Emissions*

10. *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*

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

*Lawful Point of Discharge*

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

*Ponding and/or Concentration of Stormwater*

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

*Minimum Fill and Floor Levels*

14. *All habitable floor levels in all buildings must be located 300mm 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.*

*Construction Signage*

15. *Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:*
  - a. *Developer;*
  - b. *Project Coordinator;*
  - c. *Architect/Building Designer;*
  - d. *Builder;*
  - e. *Civil Engineer;*
  - f. *Civil Contractor;*
  - g. *Landscape Architect.*

*Landscaping Plan*

16. *The site must be landscaped in accordance with the details included on the landscape plans prepared by Andrew Prowse Landscape Architect, Drawing No. LA-M.01, No. LA-P.01 and No. LA-S01. In the event the fig tree at the frontage of the site is required to be removed, a plan detailing the replacement landscaping must demonstrate deep planting of the setback area to the satisfaction of the Chief Executive Officer, prior to commencement of use or Survey Plan endorsement, whichever occurs first.*

*Sewer Works Internal*

17. *Undertake the following internal sewer works:*

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- a. *Upgrade the existing sewer line within the allotment boundaries and to the manhole on the adjacent allotment 0 on BUP70906 with extra heavy duty pipe to allow for the unit development to be constructed over the sewer. The works must be completed to the satisfaction of the Chief Executive Officer. All works, including the submission and approval of the as-constructed drawings must be undertaken prior to the issue of a Development Permit for Building Works.*
- b. *Provide a detailed solution to protect the new sewer line located under the development to the satisfaction of the Chief Executive Officer. The design of the development to extend over the sewer line must utilise the as-constructed detail of the new sewer line and be RPEQ Certified.*
- c. *The detailed solution must include sewer line replacement with a suitable heavy duty sewer pipe to the satisfaction of the Chief Executive Officer. A new manhole must be developed at the northern side boundary incorporating a dropper for a new house connection branch which must be installed for the reliant development to the rear, this must be sited clear of any building work. An inspection manhole must be installed at the common boundary to lot 0 on SP199695 for the house connection branch. All redundant house connection branches must be removed.*

*Sewer Easement*

18. *Create an easement in favour of Council having a width of three (3) metres over the sewer within the site area that is clear of the building footprint and covering the new manhole location, to the requirements and satisfaction of the Chief Executive Officer. An access easement is required over the access driveway to the sewer easement. A copy of the easement documents must be submitted to Council for the approval by Council's solicitors at no cost to Council.*
  - a. *The approved easement documents must be submitted at the same time as seeking approval and dating of the Building Format Plan and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.*

*Inspection of Sewer*

19. *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.*

*Protection of Landscaped Areas from Parking*

20. *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.*

*Perimeter Fencing*

21. *Prior to the issue of a development permit for building work, demonstrate the detail of the perimeter fencing with respect to each boundary and treatment of each area, to the satisfaction of the Chief Executive Officer.*

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*ADVICE*

1. *This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect.*
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*

1. *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.*
2. *For information relating to 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). ”*

**Carried** Unanimously

- 5.2. REQUEST FOR COUNCIL COMMENT FOR NEW LIQUOR LICENCE AT  
SHOP 1/22 MACROSSAN STREET  
Daniel Lamond, Planning Officer

**Moved** Cr Kerr

**Seconded** Cr Carey

*“That the Office of Liquor & Gaming Regulation, Department of Justice & Attorney-General, be advised that Council does not object to the Application for Commercial Other Subsidiary on Premises Licence for N17 Burger Co, Shop 1, 22 Macrossan Street, Port Douglas, also described as Lot 1 on BUP70644.”*

**Carried** Unanimously

- 5.3. ESTABLISHMENT OF A PORT DOUGLAS SPORTS COMPLEX USER  
GROUP COMMITTEE  
Susanna Andrews, Property Officer

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**Moved** Cr Carey

**Seconded** Cr Kerr

*“That Council resolves to form a User Group Committee for the Port Douglas Sports Complex and nominates a Councillor to be a member of the group.”*

1. *That the Council resolves to form a user group committee for the Port Douglas Sports Complex and nominates Councillor Zammataro as its representative on the group;*
2. *That draft terms of reference guiding the purpose and function of the group be developed for consideration by the group at its first meeting;*
3. *That the first meeting of the group be convened as soon as practical; and*
4. *That an interim response be provided to the Douglas Cricket Association as a consequence of a recent meeting with Council.*

**Carried** Unanimously

- 5.4. CITIES POWER PARTNERSHIP PLEDGES  
Nicola Learmond, Sustainability Officer

**Moved** Cr Leu

**Seconded** Cr Carey

*“That Council resolves to endorse the following five (5) Cities Power Partnership pledges:-*

1. *utilise renewable energy at appropriate Council building;*
2. *investigate and trial renewable energy opportunities at Council's transfer stations and landfill;*
3. *utilise energy efficient public lighting in appropriate locations*
4. *create a revolving green energy fund to finance energy efficiency projects and receive savings; and*
5. *improve cycle lanes and cyclist provisions in appropriate locations.”*

**Carried** Unanimously

- 5.5. PETS IN THE WET TROPICS SURVEY REPORT  
Sara Roberts, Team Leader Local Laws

**Moved** Cr Carey

**Seconded** Cr Leu

*“That the Council adopt the six (6) key actions identified in the survey report at page 74 of the agenda and that action 6 be referred to the most appropriate economic development taskforce for its consideration.”*

**Carried** Unanimously

- 5.6. FINANCIAL REPORT FOR THE PERIOD ENDED 31 JANUARY 2018  
John Rehn, Manager Finance and IT

**Moved** Cr Leu

**Seconded** Cr Carey

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*“That Council notes the Financial Report for the period ended 31 January 2018.”*

**Carried** Unanimously

- 5.7. WATER AND WASTEWATER QUARTERLY REPORT FOR THE PERIOD  
ENDING 31 DECEMBER 2017  
Nicholas Wellwood, General Manager Operations

**Moved** Cr Leu

**Seconded** Cr Zammataro

*“That Council receives and notes the Quarterly Report of the Water and Wastewater branch for the period ending 31 December 2017.”*

**Carried** Unanimously

- 5.8. CERTIFIED AGREEMENT STRATEGY  
Joanne Jacobson, Manager Governance

**Moved** Cr Leu

**Seconded** Cr Kerr

*“That Council:*

1. *continues with the Certified Agreement strategy previously discussed with Councillors and currently in place, in order to maintain a watching brief on the local government industrial relations landscape, and*
2. *Councillors endorse the indicative timeline for the renegotiation of Douglas Shire Council’s Certified Agreement, to be rolled out as required.”*

**Carried**

**For:** Cr Leu; Cr Kerr; Cr Zammataro

**Against:** Cr Carey

- 5.9. DATE, TIME AND PLACE OF ORDINARY COUNCIL MEETINGS  
Darryl Crees, General Manager Corporate Services

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*“That the Ordinary Meetings of Council be held at Council’s Administration Office, 64-66 Front Street, Mossman on the following days, dates and times for the 2018/2019 financial year:”*

DAY	DATE	TIME
Tuesday	17 July 2018	10.00AM
Tuesday	7 August 2018	10.00AM
Tuesday	28 August 2018	10.00AM
Tuesday	18 September 2018	10.00AM
Tuesday	16 October 2018	10.00AM
Tuesday	6 November 2018	9.00AM
Tuesday	27 November 2018	10.00AM
Tuesday	18 December 2018	10.00AM



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Tuesday	22 January 2019	10.00AM
Tuesday	12 February 2019	10.00AM
Tuesday	5 March 2019	10.00AM
Tuesday	26 March 2019	10.00AM
Tuesday	16 April 2019	10.00AM
Tuesday	7 May 2019	10.00AM
Tuesday	28 May 2019	10.00AM
Tuesday	18 June 2019	10.00AM

**Carried** Unanimously

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

8.1 PORT DOUGLAS MARINA SEWAGE PUMP-OUT FACILITY  
Darryl Crees, General Manager Corporate Services

**Moved** Cr Zammataro

**Seconded** Cr Kerr

*“That Council:*

1. *receives the petition;*
2. *notes the advocacy actions Council has undertaken to date; and*
3. *continues with an advocacy role on this matter into the future.”*

**Carried** Unanimously

8.2. PETITION - PLAYGROUP EQUIPMENT AT PORT PACIFIC  
Linda Cardew, Chief Executive Officer

**Moved** Cr Leu

**Seconded** Cr Kerr

*“That the petition be received by Council and that it be referred to a responsible officer for consideration in the 2018/2019 Annual Budget.”*

**Carried** Unanimously

9. CLOSED SESSION

**Moved** Cr Carey

**Seconded** Cr Kerr

*“That Council resolves to move into Closed Session to discuss the following matters:  
Response Petition to supply the provision of play equipment in Craiglie*

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9.1 Prejudicial Matter S275 (1) (h) *Local Government Regulation 2012 Jabalbina Yalanji Aboriginal Corporation - Letter of Support*

**Carried** Unanimously

**OUT OF CLOSED SESSION**

**Moved** Cr Carey

**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 JABALBINA YALANJI ABORIGINAL  
CORPORATION - LETTER OF SUPPORT**

Linda Cardew, Chief Executive Officer

**Moved** Cr Leu

**Seconded** Cr Carey

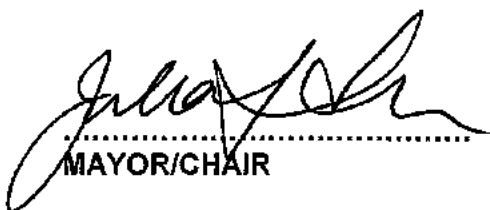
*"That Council resolves to provide Jabalbina Yalanji Aboriginal Corporation with a letter of support in response to its request of 5 February, 2018."*

**Carried** Unanimously

**CLOSURE OF MEETING**

The meeting closed at 11.18am

**CONFIRMED THIS 13<sup>th</sup> DAY OF MARCH, 2017**

  
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MAYOR/CHAIR