

**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, 13 MARCH, 2018 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), Joanne Jacobson (Manager Governance); Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

Part Meeting:

Paul Hoyer (Manager Sustainable Communities); Jenny Elphinstone (Senior Planning Officer); Robert Donovan (Senior Property Officer); Daniel Lamond (Planning & Compliance Officer) and Tim O'Brien (Environmental Health Officer).

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

Nil

3. MAYORAL MINUTES

3.1 ORDINARY MEETING 4 APRIL 2018 – COMMENCEMENT TIME

Moved Cr Leu

“That Council amend the commencement time of the Ordinary Meeting on Wednesday 4 April 2018 from 10.00am to 9.00am.”

BACKGROUND INFORMATION

The amendment to Council Meeting times is an operational matter and the amendment can be advertised through all usual media that Council utilises to convey information to the communities.

Carried Unanimously

3.2 MAYOR AND DEPUTY MAYOR – ATTENDANCE AT LGAQ FINANCIAL SUSTAINABILITY SUMMIT 8-9 MAY 2018 AND CIVIC LEADERS SUMMIT 10-11 MAY 2018

Moved Cr Leu

“That Council endorses the attendance of the Mayor and Deputy Mayor at the:-

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1. *LGAQ Financial Sustainability Summit on 8-9 May 2018 at the RACV Royal Pines Resort, Gold Coast; and*
2. *Civic Leaders Summit on 10-11 May 2018 at the RACV Royal Pines Resort, Gold Coast.”*

BACKGROUND INFORMATION

The LGAQ is conducting the 6th Local Government Financial Sustainability Summit on 8-9 May 2018 at the Gold Coast and this will be followed by the LGAQ Civic Leaders Summit on 10-11 May 2018.

The 2018 Financial Sustainability Summit has the theme “*Joining the Dots*” and will explore case studies of councils taking up new opportunities and addressing challenges to improve their communities. Asset management and local economic development are also key themes as well as securing international investment in infrastructure and throughout the regions.

The Civic Leaders Summit is a unique event for local government and is conducted exclusively for Mayors, Deputy Mayors and CEOs. It provides an opportunity for Queensland’s civic leaders to listen to and work with respected figures from politics, government, media, academia and industry over two days. The theme for 2018 is “*Halfway to Where?*” with the focus on councils having reached the half way mark of the term with the sub-themes of Resilience, the New Compliance Environment and Execution. The Mayor has also been invited to be a member of the panel on the first day of the Summit.

Council has previously granted approval for the Mayor and Deputy Mayor to attend the Summits in 2014 and 2016. It provides a significant opportunity for the Mayor and Deputy Mayor to network with and learn from respected figures and leaders from other government areas.

Provision for Councillors’ attendance at conferences is contained within the 2017/2018 budget.

Carried Unanimously

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD 20
FEBRUARY, 2018

Moved Cr Carey

Seconded Cr Kerr

“That the Minutes of the Ordinary Meeting held on 20 February, 2018 be confirmed.”

Carried Unanimously

5. AGENDA ITEMS

- 5.1. EXTEND APPROVAL ROL AND MCU (SERVICE INDUSTRY) AT 43, 45
AND 100L BEOR ST CRAIGLIE
Jenny Elphinstone, Senior Planning Officer

Moved Cr Kerr

Seconded Cr Noli

“That Council approves the extension applications for the combined development approvals for Reconfiguring a Lot (1 Lot into 19 Lots) and a Preliminary Approval for a material change

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of use for the Special Management Area 3 (Service Industry Craiglie) over land described as Lot 37, 38, 100 on SP248126, located at 43, 45 and 100L Beor Street Craiglie, up to and including 15 February 2022.”

Carried Unanimously

5.2. EXTEND APPROVAL MCU FOR SHOPS AND OFFICES AT PORT DOUGLAS ROAD

Jenny Elphinstone, Senior Planning Officer

Moved Cr Carey

Seconded Cr Kerr

“That Council approves the extension application for the Development Permit for the material change of use for Shops and Offices over land described as Lot 193 on RP747071, located at Port Douglas Road, Port Douglas, up to and including 25 March 2021.”

Carried Unanimously

5.3. MATERIAL CHANGE OF USE (TELECOMMUNICATION FACILITIES)
441R CAPE TRIBULATION ROAD, KIMBERLEY

Simon Clarke, Technical Planning Officer

Moved Cr Leu

Seconded Cr Kerr

“That Council approves the development application for Telecommunication Facilities over land described as Lot 84 on RP675, located at 441R Cape Tribulation Road, Kimberley, subject to the following:

A. 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>Draft Site Layout</i>	<i>B1431-P1 Rev 01</i>	<i>15 March 2017</i>
<i>Draft Site Elevation</i>	<i>B1431-P2 Rev 01</i>	<i>15 March 2017</i>

ASSESSMENT MANAGER CONDITIONS

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

Except where modified by these conditions of approval

Timing of Effect

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

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Health

3. *The facility must comply with all relevant State and National Standards in relation to emission of light, vibration, odour and radiation.*

The telecommunications facility must be operated in accordance with Radio Communications (Electromagnetic Radiation – Human Exposure) Standard 2003 in relation to the limits for continuous exposure of the general public to radio-frequency electromagnetic energy or other Standard of the Commonwealth of Australia more relevant at the time.

Colours

4. *The exterior finishes and colours of the facility must be non-reflective and must blend with the natural colours of the surrounding environment.*

Fencing and Signage

5. *Construct fencing for the perimeter of the facility with a minimum 1.8 metre high mesh security fence being of a dark colour. The facility is to be signed with appropriate hazard and warning signs.*

Acid Sulfate Soils

6. *The footing excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' produced by the Department of Natural Resources and Mines (previously DNRW), and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRM 'Queensland Acid Sulfate Soil Technical Manual'.*

Vegetation Clearing

7. *Existing vegetation on the subject land must be retained in all areas except those affected by the construction of roadworks / access driveways, the installation of services as detailed on the approved plans as stated in Condition 1. Any further clearing requires an Operational Works Approval.*

ADVICE

1. *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.*
2. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

LAND USE DEFINITIONS*

In accordance with the Douglas Shire Planning Scheme 2006, the approved land use of Telecommunication Facilities is defined as:

Means the use of premises for the provision of telecommunication services.

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The use excludes Low Impact Telecommunications Facilities as defined by the Telecommunications (Low Impact Facilities Determination) 1997 under the Telecommunications Act.

**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.*

- B. Further Development Permits
Development Permit for Building Works*
- C. Properly made submissions
None, no part of the application required public notification.*
- D. Referral agencies for the application
None, no part of the application required a referral.*
- E. Currency period for the approval
Under section 85(1)(a)(i) of the Planning Act 2016, the relevant period for the Preliminary Approval is to be six (6) years starting from the day the approval takes effect.*
- F. Reasons for Decision
The reasons for this decision are:*
- 1. Section 60 of the Planning Act 2016:
 - a. to apply the conditions and advices as per Recommendation A above;*
 - b. to ensure the development satisfies the benchmarks of the 2006 Douglas Shire Planning Scheme (as amended); and*
 - c. to ensure compliance with the Planning Act 2016.**
 - 2. Findings on material questions of fact:
 - a. the development application was properly lodged with the Douglas Shire Council on 8 November 2017 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules; and*
 - b. the development application contained a report, a response to Council's request for information and further advice from the applicant which Council reviewed together with Council's own investigation in making its assessment of the application.**
 - 3. Evidence or other material on which findings were based:
 - a. the development triggered code assessable development under the Assessment Table associated with the Rural Areas and Rural Settlements Locality, 2006 Douglas Shire Planning Scheme (as amended);*
 - b. Council undertook an assessment in accordance with the provisions of section 60 of the Planning Act 2016; and*
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. The proposed development complies, or can be conditioned to comply, with the assessment benchmarks contained in the 2006 Douglas Shire Planning Scheme (as amended)."***

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Carried Unanimously

- 5.4. MATERIAL CHANGE OF USE FOR TELECOMMUNICATION FACILITIES
AT 1746 MOSSMAN-DAINTREE ROAD, WONGA BEACH
Simon Clarke, Technical Planning Officer

Moved Cr Noli

Seconded Cr Carey

“That Council approves the development application for Telecommunication Facilities over land described as Lot 12 on SP118430, located at 1746R Mossman-Daintree Road Wonga Beach, subject to the following:

- A. 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>Overall Site Plan</i>	<i>4WNB-51-04-WNGA-C2</i>	<i>15 January 2018</i>
<i>Site Setout Plan</i>	<i>4WNB-51-04-WNGA-C3</i>	<i>15 January 2018</i>
<i>Site Elevations and Details</i>	<i>4WNB-51-04-WNGA-C4</i>	<i>15 January 2018</i>
<i>NBN Antenna Configuration and Setout Plan</i>	<i>4WNB-51-04-WNGA-A1</i>	<i>15 January 2018</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.

Health

3. The facility must comply with all relevant State and National Standards in relation to emission of light, vibration, odour and radiation.

The telecommunications facility must be operated in accordance with Radio Communications (Electromagnetic Radiation – Human Exposure) Standard 2003 in relation to the limits for continuous exposure of the general public to radio-frequency electromagnetic energy or other Standard of the Commonwealth of Australia more relevant at the time.

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Colours

- 4. The exterior finishes and colours of the facility must be non-reflective and must blend with the natural colours of the surrounding environment.*

Fencing and Signage

- 5. Construct fencing for the perimeter of the facility with a minimum 1.8 metre high mesh security fence being of a dark colour. The facility is to be signed with appropriate hazard and warning signs.*

Acid Sulfate Soils

- 6. The footing excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' produced by the Department of Natural Resources and Mines (previously DNRW), and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRM 'Queensland Acid Sulfate Soil Technical Manual'.*

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

<i>Referral Agency</i>	<i>Referral Agency Reference</i>	<i>Date</i>	<i>Council Electronic Reference</i>
<i>State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)</i>	<i>1801-3404 SRA</i>	<i>13 February 2018</i>	<i>843230</i>

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

ADVICE

- 1. 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.*
- 2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

LAND USE DEFINITIONS*

In accordance with the Douglas Shire Planning Scheme 2006, the approved land use of Telecommunication Facilities is defined as:

Means the use of premises for the provision of telecommunication services.

The use excludes Low Impact Telecommunications Facilities as defined by the Telecommunications (Low Impact Facilities Determination) 1997 under the Telecommunications Act.

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**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.*

- B. *Further Development Permits
Development Permit for Building Works*
- C. *Properly made submissions
None, no part of the application required public notification.*
- D. *Referral agencies for the application
None, no part of the application required a referral.*
- E. *Currency period for the approval
Under section 85(1)(a)(i) of the Planning Act 2016, the relevant period for the Preliminary Approval is to be six (6) years starting from the day the approval takes effect.*
- F. *Reasons for Decision*

The reasons for this decision are:

- 1. *Section 60 of the Planning Act 2016:*
 - a. *to apply the conditions and advices as per Recommendation A above;*
 - b. *to ensure the development satisfies the benchmarks of the 2006 Douglas Shire Planning Scheme (as amended); and*
 - c. *to ensure compliance with the Planning Act 2016.*
- 2. *Findings on material questions of fact:*
 - a. *the development application was properly lodged to the Douglas Shire Council on 22 December 2017 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules; and*
 - b. *The development application contained a report, a response to Council's request for information and further advice from the applicant which Council reviewed together with Council's own investigation in making its assessment manager decision.*
- 3. *Evidence or other material on which findings were based:*
 - a. *the development triggered code assessable development under the Assessment Table associated with the Coastal Suburbs, Villages and Townships Locality, 2006 Douglas Shire Planning Scheme (as amended);*
 - b. *Council undertook an assessment in accordance with the provisions of section 60 of the Planning Act 2016; and*
 - c. *the applicant's reasons have been considered and the following findings are made:*
 - i. *The proposed development complies, or can be conditioned to comply, with the assessment benchmarks contained in the 2006 Douglas Shire Planning Scheme (as amended)."*

Carried Unanimously

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5.5. COMBINED APPLICATION - MOORING FACILITY, AMENITIES BUILDING AND OPERATIONAL WORKS - WHARF STREET, PORT DOUGLAS
Simon Clarke, Technical Planning Officer

Moved Cr Leu

Seconded Cr Carey

“That Council approves the Combined Development application for Material Change of Use and Operational Works - Marina (Mooring facility, amenities building and ancillary works and Civil works for the mooring facility and amenities building) over land described as part of Lot 96 on SP134234 and part of Lot 4 on SP288958, located at Wharf Street and Dickson Inlet, Port Douglas, 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>General Arrangement</i>	<i>5307-101A</i>	<i>14 September 2017</i>
<i>Marina Setout</i>	<i>53307-102A</i>	<i>14 September 2017</i>
<i>Elevation</i>	<i>5307-103A</i>	<i>14 September 2017</i>
<i>Pile Layout and Profile</i>	<i>5307-104A</i>	<i>14 September 2017</i>
<i>Services Layout</i>	<i>5307-105A</i>	<i>14 September 2017</i>
<i>1.2m Clear Width x 20m Long Hinged Aluminium Gangway</i>	<i>5307-106/A</i>	<i>14 September 2017</i>
<i>Concrete Abutment Details</i>	<i>5307-107A</i>	<i>14 September 2017</i>
<i>Typical Pile Bracket Details</i>	<i>5307-108A</i>	<i>14 September 2017</i>
<i>Typical Bracket Details</i>	<i>5307-109/A</i>	<i>14 September 2017</i>
<i>Standard Pontoon Details</i>	<i>5307-109/A</i>	<i>14 September 2017</i>
<i>Toilet Building Proposal</i>	<i>Modus Australia MA2958</i>	<i>Received 14 March 2017</i>

ASSESSMENT MANAGER CONDITIONS

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

Except where modified by these conditions of approval

Timing of Effect

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

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Amendment to Design

3. *The proposed amenities building and wash-down bay must be relocated so that it is within the proposed lease area in accordance with the Deed of Agreement (Relocation of the Mooring Facility). For certainty, this relocation will be to a location on the eastern side of the tree-line that exists along the western boundary of Lot 96.*

Amended drawings must be provided to both the Port Douglas Fishermen's Association Inc. and Douglas Shire Council prior to a development permit for Building Works being issued.

Deed of Agreement

4. *If there is found to be any conflict between the Approved Drawing(s) and Document(s) and the Deed of Agreement (Relocation of the Mooring Facility), the Deed of Agreement will prevail.*

Filling

5. *The bulk earthworks required for flood immunity shall be set at no lower than 3.3m AHD.*

Damage to Council Infrastructure

6. *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 the applicant / owners cost, prior to the Commencement of Use.*

Storage of Machinery and Plant

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

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.*

Construction Access

9. *All construction works and delivery of materials must take place using the existing access location into Lot 96 from Spinnaker Close or via Dickson Inlet. Wharf Street is not to be used for the set down of materials or to aid with the construction of the development without the express approval of the Chief Executive Officer*

Vehicular Access

10. *Vehicular access to the proposed use shall be via Spinnaker Close and not over the Balley Hooley Railway Line in Wharf Street.*

B. OPERATIONAL WORKS

The standard conditions are shown in Appendix A and must be read in conjunction with any approved plans and project specific conditions identified below.

ASSESSMENT MANAGER CONDITIONS – PROJECT SPECIFIC:

Environmental Management Plan

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1. *The Principal Contractor appointed to undertake the works must prepare and Implement an Environmental management plan (EMP) for the proposed works.*

A copy of the EMP is to be submitted to Council prior to the pre-start meeting taking place.

Sediment and Erosion Control

2. *A copy of the contractor's Erosion and Sediment Control (ESC Plan) Plan is to be submitted to Council and endorsed by the Consulting Engineer. Measures nominated by the ESC Plan must be in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association) and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual and reflected in the EMP prepared for the site.*

The ESC Plan must be relevant to the construction methodology proposed and must be updated where necessary as works progress.

During the construction period, the Consulting Engineer and Council shall randomly audit and inspect ESC Plan measures for compliance with the Engineer endorsed contractor's ESC Plan.

It is the contractor's responsibility to ensure that the ESC Plan is updated and amended to reflect any changes in the construction methodology. All such amendments shall be approved by the Engineer and presented to Council.

The contractor shall be held responsible for any rectification works required to clean up dust, pollutants and sediments that may leave the site as a result of construction activities.

The contractor or their representative shall be responsible for communicating with third parties affected by any dust, pollutants or sediment leaving the site as a result of any construction activity that is associated with the project site.

Acid Sulphate Soils

3. *Following vegetation clearing but prior to undertaking bulk earthworks, acid sulfate soil sampling and associated testing must be undertaken for soils below the long-term Inlet levels. Should ASS or PASS be present, treatment and disposal of this material must be undertaken in accordance with the Management Actions identified in the EMP.*

Vegetation

4. *Existing vegetation must be retained in all areas except those affected by the approved works. Any further clearing requires an Operational Works Approval.*

Council must be notified two (2) business days prior to the proposed date of commencement of works in order to assist in fielding enquiries from the public.

Public Notification of Works

5. *The contractor or nominated representative must provide:*
 - a. *Public notification of the development in local newspapers in accordance with Section CP1.11 of the FNQROC Development Manual.*
 - b. *Signage identifying the location of the project, details of the construction project, contact numbers (including out-of-office hours emergency numbers) must be provided at the entrance point of the development. All signage must*

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be appropriately positioned, prior to the commencement of any works on the site.

For information relating to the Planning Act 201 log on to www.dsdip.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .

APPENDIX A – STANDARD CONDITIONS

General

1. *The proposed works are permitted subject to any alterations:*
 - a. *found necessary by Chief Executive Officer at the time of examination of Engineering drawings or during construction of the works because of particular engineering requirements and.*
 - b. *to ensure the works comply in all respects with the requirements of the FNQROC Development Manual and good engineering practice; and*
 - c. *to comply with project specific conditions and the following standard conditions of approval.*

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

2. *Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.*
3. *Notwithstanding any approval given to engineering documents, where a discrepancy occurs between these documents and Council's standards, then Council's standards shall apply. All works must be performed in accordance with Council standards and Local Laws and other statutory requirements.*
4. *If in fact there are errors, omissions or insufficient detail on the plans for the purpose of construction, these deficiencies shall be made good during construction and Council reserves the right to withhold approval of construction until such deficiencies are made good to its satisfaction.*

Portable Long Service Leave Notification

5. *As per the QLeave – Building and Construction Industry Authority Guidelines, if the works are over \$150 000, Council must sight a copy of the receipted Portable Long Service Notification and Payment form prior to commencement of work.*

Third Party Agreement

6. *The developer must obtain written agreement from third parties and/or Referral Agencies for any works proposed on adjacent properties. The agreement(s) must be provided prior to the associated works commencing on site. All agreements must be available for Council scrutiny, upon request.*

Commencement of Works

7. *Council is to receive written Notice of Intention to Commence Works and all matters relevant to the Pre-Start meeting are to be attended to in accordance*

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with Section CP1.07, CP1.08 and Section CP1.09, of the FNQROC Development Manual.

Hours of Work

8. *Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:*
 - a. *7:00 am to 6:00 pm, Monday to Friday;*
 - b. *7:00 am to 1:00 pm, Saturdays; and*
 - c. *no work is permitted on Sundays or Public Holidays.*

Any variations to the above working hours must be authorised by the Chief Executive Officer, prior to the commencement of such works.

Public Notification of the Works

9. *The developer or the nominated representative must provide:*
 - a. *Public notification of the development in local newspapers in accordance with Section CP1.11 of the FNQROC Development Manual.*
 - b. *Signage identifying the location of the project, general allotment layout, contact numbers (including out-of-office hours emergency numbers) must be provided at all entrance points to the development. All signage must be appropriately positioned, prior to the commencement of any works on the site.*

Site Inspections

10. *Council requires a number of major inspections to be completed as Witness and Hold Points for Consulting Engineers and Council officers during the construction of the works. Inspections undertaken during construction shall be in accordance with Section CP1.16 (Inspection and Testing) of the FNQROC Development Manual. These Witness and Hold points are to be included in the contractors Inspection and Test Plan (ITP) and be made available for inspection, prior to the commencement of any works on the site.*

Vegetation Protection

11. *Any trees identified on drawings to be retained, are to be protected in accordance with approved plans. This must include, but is not limited to, the erection and continued maintenance of suitable physical barrier(s) placed around the tree to protect the tree and the root system. Additional protection of tree trunks by the fixing of timber planks using wire loops is also required unless approved otherwise by Council. Any damage caused to nominated trees as a result of construction activity, will require inspection by Council and will require a specified number of suitable replacements trees of suitable maturity to be provided to replace the loss in amenity.*

Water

12. *Douglas Shire Council must be contacted to perform any direct connection to live water mains whether being as a permanent connection, a connection for irrigation purposes or for construction water. Unless otherwise approved in writing, separate applications on the prescribed forms shall be made to Douglas Shire Council for connections, together with payment of the relevant fee. All connections are to be provided subject to the terms and conditions of Douglas Shire Council's 'Application for a Water Service Connection'.*

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- a. *Amended drawings in accordance with these conditions must be approved prior to the pre-start meeting.*
- b. *The Inspection and Test Plan (ITP) must be approved prior to the pre-start meeting. At project completion the completed and validated ITP must be submitted and approved prior to the issue of a Works Acceptance Certificate.*
- c. *Minimum clearances between water mains and other services must be in accordance with the Water Supply Code of Australia in particular the minimum clearance between water mains and sewer mains must be 500 mm with the sewer under the water main.*
- d. *As-constructed water drawings must be approved prior to Issue of a Works Acceptance Certificate. The as-constructed submission is to include the 'Statement of Compliance – As-constructed Documentation' and must be the final issue.*

Roads and Footpaths

13. *All works are to be designed and constructed in accordance with AS 1428.1-2001: 'Design for access and mobility' – General requirements for access – New building work, and associated standard AS/NZS 1428.4 2002, 'Design for Access and Mobility' – Tactile Indicators. The design is required to provide equal access for people with disability and include the provision of suitable ramps and landing areas and the installation of Tactile Ground Surface Indicators (TGSIs) where required.*

Cultural Heritage

14. *The Aboriginal Cultural Heritage Act 2003 (the Act) seeks to protect artefacts and cultural sites that are of significance to Aboriginal people. The Act requires anyone carrying out an activity to exercise a Duty of Care. Guidelines have been produced to enable assessment of sites under the Act. These are available from the Department of Environment Heritage Protection and can be downloaded from their website at www.ehp.qld.gov.au . The work identified in the project documentation is likely to require assessment of the site under the Act.*

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

<i>Referral Agency</i>	<i>Referral Agency Reference</i>	<i>Date</i>	<i>Council Electronic Reference</i>
<i>State Assessment & Referral Agency (Department of State Development, Manufacturing, Infrastructure and Planning)</i>	<i>1712-2859 SRA</i>	<i>22 January 2018</i>	<i>840996</i>

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

ADVICE

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1. *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.*
2. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*
3. *Infrastructure Charges are applicable to the berthing components issued under the Development Permit issued for MCUC449.*

LAND USE DEFINITIONS*

In accordance with the Douglas Shire Planning Scheme 2006, the approved land use of Marina is defined as:

'Marina': 'Means premises used to moor or store marine vessels (including power driven yachts and fishing vessels) on, or adjacent to the water. The use may include ancillary facilities for refuelling, servicing, repair, land storage and the sale of marine craft and for the sale of related boating gear and equipment.'

The use includes:

- *slipway;*
- *marine infrastructure;*
- *offices and storerooms;*
- *laundry, toilet and shower facilities;*
- *general store not exceeding 250m²;*
- *marine retail, including dive stores;*
- *marine related tourism activities;*
- *ancillary marina facilities used in connection with the marina;*
- *sale of freshly caught seafood produce from marine vessels (specifically the vessel the seafood was caught from).'*

**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.*

- C. *Further Development Permits*
The following Development Permits are required to be obtained before the development can be carried out:
 - a. *Development Permit for the Building Work.*
- D. *Properly made submissions*
One.
- E. *Referral agencies for the application*
State Assessment & Referral Agency (Department of State Development, Manufacturing, Infrastructure and Planning.
- F. *Currency period for the approval*
Under section 85(1)(a)(i) of the Planning Act 2016, the relevant period for the Preliminary Approval is to be six (6) years starting from the day the approval takes effect.
- G. *Reasons for Decision*

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The reasons for this decision are:

1. *Section 60 of the Planning Act 2016:*
 - a. *Conditions and advices as per A and B Above;*
 - b. *to ensure the development satisfies the benchmarks of the 2006 Douglas Shire Planning Scheme (as amended); and*
 - c. *to ensure compliance with the Planning Act 2016 and Planning Regulation 2017.*

2. *Findings on material questions of fact:*
 - a. *the development application was properly lodged with the Douglas Shire Council on 30 November 2017 under section 51 of the Planning Act 2016 and the Development Assessment Rules; and*
 - b. *the development application contained a report which Council reviewed together with Council's own investigation in making its assessment manager decision.*

3. *Evidence or other material on which findings were based:*
 - a. *the development triggered assessable development under the Assessment Table associated with the Port Douglas and Environs Locality, 2006 Douglas Shire Planning Scheme (as amended);*
 - b. *Council undertook an assessment in accordance with the provisions of section 60 of the Planning Act 2016; and*
 - c. *the applicant's reasons have been considered and the following findings are made:*
 - i. *The proposed development is consistent with the Desired Environmental Outcomes contained within the 2006 Douglas Shire Planning Scheme (as amended);*
 - ii. *The proposed development complies with the relevant codes contained within the 2006 Douglas Shire Planning Scheme (as amended);*
 - iii. *The development application was publicly notified between 18 January 2018 and 12 February 2018. One submission was received in response to public notification. This submission has been considered and addressed via conditions of approval requiring an alternative location for the proposed amenities building and wash-down bay.*
 - iv. *The State Assessment and Referral Agency Concurrence Agency Conditions have been attached along with Council's Conditions of Approval."*

Carried Unanimously

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5.6. INSTALLATION OF TRANSMITTER ANTENNA AT DAINTREE FERRY
TICKET BOOTH

Robert Donovan, Senior Property Officer

Moved Cr Noli

Seconded Cr Zammataro

“That Council:

1. *approves the installation of an antennae and low wattage transmitter within the Ferry Ticket Booth structure for the use of a tourist radio station;*
2. *approves the installation of roadside signage at the Aboriginal Development Benefit Trust’s (ADBT) expense as approved by the Manager Infrastructure;*
3. *requires ADBT to pay for all costs associated with the installation and maintenance of the equipment and signage, including removal costs if required at a later date;*
4. *issues a Council freehold lease with the following terms and conditions:*
 - a. *Lease term to be 12 months and reviewed 3 months prior to expiry and*
 - b. *Lease charges to be \$2,650.90 GST inclusive per annum for the first year and then as per Council’s adopted Fees and Charges schedule in subsequent years; and*
5. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to determine and finalise any and all matters associated with the installation of a radio frequency network including the signing and execution of the lease.”*

Carried Unanimously

5.7. SKYDIVING APPLICATION

Tim Obrien, Environmental Health Officer

Moved Cr Zammataro

Seconded Cr Kerr

“That Council resolves to:

1. *approve the use by Skydive Great Barrier Reef Pty Ltd of the nominated foreshore areas located at the southern end of Four Mile Beach, Port Douglas; Wonga Beach; Cow Bay Beach; and Myall Beach, Cape Tribulation for the carrying on of the commercial activity of tandem skydiving; and*
2. *Restrict the use of the foreshore areas by Skydive Great Barrier Reef Pty Ltd to landing tandem parachutists in approved drop zones.”*

Carried Unanimously

5.8. FINANCIAL REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2018

John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Noli

“That Council notes the Financial Report for the period ended 28 February 2018.”

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Carried Unanimously

5.9. DRUG AND ALCOHOL POLICY
Joanne Jacobson, Manager Governance

Moved Cr Noli

Seconded Cr Zammataro

“That Council adopts the Drug and Alcohol Policy.”

Carried Unanimously

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

9. CLOSED SESSION

Moved Cr Leu

Seconded Cr Zammataro

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

9.1 *Prejudicial Matter S275 (1) (h) Local Government Regulations 2012*

9.2 *Staff Matter S275 (1) (h) Local Government Regulations 2012*

Carried

For: Cr Leu, Cr Noli, Cr Zammataro and Cr Kerr

Against: Cr Carey

OUT OF CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

Carried Unanimously

9.1. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATIONS 2012
Chief Executive Officer, Linda Cardew

Moved Cr Leu

Seconded Cr Zammataro

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"That Council resolves to:

- 1. continue to adequately resource this matter to its finalisation;*
- 2. delegate authority to the Mayor and CEO in accordance with the Local Government Act 2009 to finalise any and all matters associated with this issue; and*
- 3. be kept informed of progress in relation to this matter."*

Carried Unanimously

**9.2. STAFF MATTER S275 (1) (A) LOCAL GOVERNMENT REGULATIONS
2012 - STAFF MATTER**

Moved Cr Leu

Seconded Cr Zammataro


"That in accordance with section 195 of the Local Government Act 2009, Council appoint Mr Darryl Creeves to the position of Acting Chief Executive Officer from 6th April, 2018 until a permanent Chief Executive Officer takes up the appointment."

Carried Unanimously

CLOSURE OF MEETING

The meeting closed at 12.17pm.

CONFIRMED THIS 4th DAY OF APRIL 2018


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MAYOR/CHAIR