

**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 24 APRIL, 2018 COMMENCING AT 9.00AM**

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Darryl Crees (Acting Chief Executive Officer), Michael Kriedemann (Acting General Manager Operations) and Nicole Barton (Mayoral and Councillor Support Officer).

Part Meeting:

John Rehn (Manager Finance and IT), Paul Hoyer (Manager Sustainable Communities), Gary Kerry (Executive Officer), Jenny Elphinstone (Senior Planning Officer), Robert Donovan (Senior Property Officer), Graham Busby (Property Officer) and Nicola Learmond (Sustainability Officer).

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.

MINUTE OF SILENCE

A minute of silence was observed in honour of Brendan Leishman, Senior Community and Economic Development Officer.

APOLOGIES

No apologies.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD
WEDNESDAY 4 APRIL, 2018

Moved Cr Noli

Seconded Cr Zammataro

“That the Minutes of the Ordinary Meeting held on Wednesday, 4 April, 2018 be confirmed.”

For: Crs Leu, Noli, Zammataro and Kerr

Against: Cr Carey

Carried

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5. AGENDA ITEMS

- 5.1. MATERIAL CHANGE OF USE FOR A MIXED DEVELOPMENT AT 49
MACROSSAN STREET, PORT DOUGLAS
Jenny Elphinstone, Senior Planning Officer

Moved Cr Zammataro

Seconded Cr Kerr

“That Council approves the development application for a Material Change of Use for Restaurant, Shopping Facilities, Multi-Unit Housing and Holiday Accommodation over land described as Lot 410 on PTD2091, located at 49 Macrossan Street, Port Douglas, 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>Floor Plans</i>	<i>Prepared by TPG Architects, 49 Macrossan Street, Reference WLP-01 DA-100H dated December 2017 (Council electronic Document ID: 838319) and amended as per Condition 3.</i>	<i>To be determined</i>
<i>Sections and Elevations</i>	<i>Prepared by TPG Architects, 49 Macrossan Street, Reference WLP-01 DA-101D (Council electronic Document ID: 838319)</i>	<i>December 2017</i>
<i>Vehicle Swept Path Drawings</i>	<i>Prepared by CMG Consulting Engineers, Sheets 1 of 2 and 2 of 2 (Council electronic Document ID: 838319)</i>	<i>4 December 2017</i>
<i>Landscape Design Concept</i>	<i>Prepared by Andrew Proust Landscape Architect, Project 1238, Demolition Plan - Tree removal and Palm Retention Survey LA-E.01 and Landscape Concept Plan LA-P.01</i>	<i>5 December 2017</i>

- B. **ASSESSMENT MANAGER CONDITIONS AND ADVICES**

The approval is subject to the following conditions and advices

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

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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.*

Amended Plan

3. *The proposed development must be generally in accordance with the Floor Plans, prepared by TPG Architects drawing WLP-01 DA-100H, dated December 2017, (Council electronic document D#838319) and as amended to accommodate the following:*
 - a. *inclusion of at least one disabled driver car parking space;*
 - b. *provision of a suitable sign advising of limited vehicle access to the basement parking is restricted to Class 1 Vehicle and maximum vehicle clearance heights;*
 - c. *inclusion of suitable traffic warning signs regarding vehicle ramp access and pedestrian activity on sidewalk;*
 - d. *relocation of the street light to an appropriate position, sufficiently away from the driveway access;*
 - e. *relocation of the utility service manhole away from the vehicle access driveway to a location approved by the utility owner;*
 - f. *the form of the kerb and channel to the road to match the existing to the neighbouring development to the south-east;*
 - g. *paving of the pedestrian footpath in pavers to match the existing paving to the south-east and to extend in width to match the neighbouring development to the south-east;*
 - h. *the awning to the street be extended to the north-west over the pedestrian sidewalk area, towards the new driveway and to be of a width that provides protection to the width of the pedestrian sidewalk area;*
 - i. *the Macrossan Street front balconies may only be screened by shutters, glazing, louvres or similar permanent structures to a maximum extent of twenty-five per cent (25%) of their horizontal dimension. The remaining seventy-five per cent (75%) must be capable of remaining open; and*
 - j. *removal of the dining table and chairs from the adjacent sidewalk area.*

Details of the above amendments must be included in the subsequent application for a Development Permit.

Survey of wall

4. *Prior to the issue of a Development Permit for Building Work for new building work the applicant must undertake a dilapidation report of the adjacent wall along the common south-eastern boundary. A copy of the report must be provided to the neighbouring property owner and to the Building Certifier.*

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Availability of Parking Areas

5. *The basement parking area must be available for use by all businesses and accommodation units on the land including visitors to the site for all times that the businesses operate and accommodation units are occupied.*

Maintain Clearance walkway

6. *At all times maintain a minimum 2m wide, cleared walkway on the terrace area between the restaurant and the shop.*

Toilets

7. *For all times that the restaurant is open to trade, the toilets must be available to customers. Where the shopping facilities provide service of food and beverages the toilets must also be made available to customers during operating hours. The toilets must be available to staff at all trading times.*

Noise Attenuation

8. *The internal areas of all residential units must be suitably attenuated from noise intrusion associated with night time activities, such as outdoor dining, bars and nightclubs.*

Damage to Council Infrastructure

9. *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 Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.*

Water Supply and Sewerage Works External

10. *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; and*
 - b. *Augment existing sewers and pump station downstream of the site, to the extent required to accommodate the increased flows generated by the development;*

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

Water Supply and Sewerage Works Internal

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11. *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 the Queensland Development Code and the Water Supply (Safety and Reliability) Act 2008 (applies to developments which will be reconfigured by Building Format Plan and separately titled)*
 - d. *Replace the existing sewer main under or within 1.5 metres of the building and within the zone of influence of the footings and foundations with uPVC sewer pipe class SN8.*

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first. Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Inspection of Sewers

12. *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.*

Vehicle Parking

13. *The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 14 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 imperviously sealed, drained and line marked and these attributes must be maintained for the life of the development. At least one car parking space must be provided for disabled drivers.*

Protection of Landscaped Areas from Parking

14. *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.*

Parking Signage

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15. *Erect signs advising of the location of the ramp advising of the availability of the off-street visitor parking area. The signs must be erected prior to Commencement of Use.*

Bicycle Parking

16. *The bicycle parking area must be constructed prior to Commencement of Use and maintained for the life of the development.*

Lighting

17. *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.*

External Works

18. *Undertake the following works external to the land at no cost to Council:*
- a. *Construct the vehicle access apron and crossover, kerb and channel and landscaped garden verge island, generally in accordance with the TMR approved design;*
 - b. *Construct full-width sidewalk with paving to match the neighbouring development to the south-east. Where the existing pavers are not re-used these pavers must be returned to Council;*
 - c. *Provide permanent tactile ground surface Indicators in accordance with Australian Standard AS1428.4: 2002 Design for Access and Mobility Part 4: Tactile Indicators prior to the vehicle access ramp area;*
 - d. *Relocate the utility services pit and cover to a more appropriate location in agreement with the service provider;*
 - e. *Relocate the street pole away from the access driveway to a suitable safe position;*
 - f. *Make good the kerb(s) at redundant crossover(s);*
 - g. *Repair any damage to existing kerb and channel, footway or 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;*
 - h. *Construct and landscape the island within the road area as nominated on the plans;*
 - i. *Linemark parking space and loading area in front of and adjacent to the subject land; and*
 - j. *Erect parking, loading bays and temporary access waiting area signs outside the subject land.*

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

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

Above Ground Transformer Cubicles / Electrical Sub-Stations

19. *Any required 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 suitable screening, 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.*

Drainage Study of Site

20. *Undertake a local drainage study on the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the subject site must have no worsening effect on the drainage of upstream or downstream properties.*

The study must also identify the need and location of any drainage easements to convey stormwater to the lawful point of discharge. The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Acid Sulfate Soils – Basement / Pool Disturbance

21. *The basement / pool excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, 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 DNRW 'Queensland Acid Sulfate Soil Technical Manual'.*

Basement Parking

22. *Submit a report prepared by a qualified and registered geotechnical engineer on the basement parking and a separate report on the dewatering process. Both reports must be endorsed by the Chief Executive Officer prior to commencement of any works on the site.*

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- a. *The basement parking report must include, but is not limited to the following:*
 - i. *Stability and protection to Macrossan Street and all adjoining properties;*
 - ii. *Construction techniques;*
 - iii. *Techniques to imperviously seal the basement; and*
 - iv. *Method of basement ventilation.*
- b. *The dewatering report must include, but is not limited to the following:*
 - i. *Method of water extraction pre- and post-development and the layout*
 - ii. *of the dewatering pumps and pipelines;*
 - ii. *Water quality;*
 - iii. *Lawful discharge of water; and*
 - iv. *How the results (being the form and frequency) will be reported to Council.*
- c. *The access to the basement parking area must be designed to prevent 100 year ARI flood waters from entering the basement parking area and must have a minimum vertical clearance of 2.1 metres.*

Stockpiling and Transportation of Fill Material

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

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

- a. *peak traffic times;*
 - b. *before 7:00 am or after 6:00 pm Monday to Friday;*
 - c. *before 7:00 am or after 1:00 pm Saturdays; or*
 - d. *on Sundays or Public Holidays.*
24. *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

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

Sewer Easement/s

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26. *Create an easement having a suitable width in favour of Council over the proposed new sewer within the site to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval by Council's solicitors at no cost to Council.*

The easement is to be provided either:

- 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;*

OR

- b. *The approved easement documents must be lodged and registered with the Department of Natural Resources and Mines prior to the commencement of use,*

whichever occurs first.

Landscaping Plan

27. *The site must be landscaped in accordance with details included on a Landscaping Plan. 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 must be maintained at all times to the satisfaction of the Chief Executive Officer.*

Lawful Point of Discharge

28. *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

29. *All 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.*

Sediment and Erosion Control

30. *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).*

Combined Height of Fencing / Retaining Walls

31. *The combined height of any retaining wall and fence must not exceed 2.5 metres in height without written agreement of neighbouring property owners. Any alternative written agreements with neighbouring property owners must be*

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provided to and endorsed by the Chief Executive Officer in association with Council's assessment of the Landscaping Plan.

Ponding and/or Concentration of Stormwater

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

Geotechnical Assessment

33. *A geotechnical assessment of the site in conjunction with the retaining wall design must be carried out by a qualified and experienced geotechnical consultant, and the design must be amended to incorporate recommendations made. The geotechnical report and details of any amendments to design must be must be endorsed by the Chief Executive Officer prior to issue of the Development Permit for Building Works.*

Refuse Storage

34. *Refuse storage is required to service the site in accordance with Council requirements.*
35. *The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.*

Liquid Waste Disposal

36. *Trade waste discharge to sewer must comply with Council's Trade Waste Environmental Management Plan (TWEMP).*

A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.

The applicant must have all measures for pre-treatment installed prior to commencement of use.

Details of Development Signage

37. *The development must provide clear and legible signage incorporating the street number for the benefit of the public.*

Advertising Signage

38. *All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.*

Construction Signage

39. *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*

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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*

Crime Prevention Through Environmental Design

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

Advices

- 1. The survey required under Condition 4 may need to be complimented by a further survey(s) as required by the Project Engineer and the Building Certifier at the time of the basement excavation and consultation with the neighbouring property owner is recommended.*
- 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. Supporting documentation outlining the required information for the Dewatering Report is attached to this Development Approval. Further information can be obtained from Council.*
- 4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. In particular the use of the adjacent sidewalk area is subject to a Local Law approval for outdoor dining. The use of the sidewalk area for outdoor dining is subject to a Local Laws approval.*
- 5. The Applicant's amended drawing prepared by TPG Architects, WLP-01, DA-100J, dated 7 March 2018, satisfactorily meets the amended design requirements as listed under Condition 3 parts a, b and h.*
- 6. 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.

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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 appeal 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 the Development Assessment Team 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.

7. *For information relating to the Planning Act 2016 log on to www.dsdlp.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 DEFINITIONS*

In accordance with the 2006 Douglas Shire Planning Scheme (as amended), the approved land uses of land are defined as follows.

Holiday Accommodation

Means the use of premises for the accommodation of tourists or travellers in private accommodation.

The use may include:

- Restaurants;*
- bars;*
- meeting and function facilities;*
- dining room;*
- facilities for the provision of meals to guests;*
- a manager's unit and office; and*
- a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished, (if a freestanding replica), or converts to its intended purpose within the complex when these facilities are an integral part of the accommodation.*

The use includes facilities commonly described as:

- holiday apartments or suites;*
- international or resort hotel or motel.*

Multi-Unit Housing

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Means the use of premises comprising two or more Dwelling Units on one lot for residential purposes. The use includes accommodation commonly described as:

- *duplexes;*
- *flats;*
- *home units;*

- *apartments;*
- *townhouses;*
- *villa houses; or*

- *a display unit which displays to the general public the type of construction or design offered by the builder/developer, for a maximum period of twelve (12) months and which is then demolished if a freestanding replica or converts to its intended use within the complex.*

Restaurant

Means the use of licensed or unlicensed premises for the provision of meals or light refreshments to members of the public for consumption on or off the premises.

The use includes facilities commonly described as:

- *bistro;*
- *bar and grill;*
- *café;*
- *milk bar;*
- *snack bar;*
- *coffee shop;*
- *tearoom;*
- *takeaway;*
- *drive through food outlet; and*
- *fast food outlet.*

Shopping Facilities

Means the use of premises for the display and retail sale of goods and for personal services such as betting (in the form of TAB agency or similar facility), hair and beauty care, laundromat, dry cleaning agent and other customer services.

The use includes:

- *the hiring out of small domestic items such as appliances, entertainment, sporting and health equipment;*

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- *the exchange of domestic items and clothing; and*
- *a small scale bakery, dressmaking establishment, jewellery manufacturing establishment, etc., where the use includes a shopfront retail component.*

The use also includes facilities commonly described as shop, supermarket, department store, retail chain outlets and the like.

The use does not include facilities herein defined as Display Facilities.

**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 Permits

1. *The following Development Permits are required to be obtained before the development can be carried out:*
 - a. *Development Permit for Building Work;*
2. *Approval is required from the Department of Transport and Main Roads for a Road Access Works Approval.*
3. *Plumbing approvals are required work under the Plumbing and Drainage Act 2002.*

D. Properly made submissions

There was one properly made submission.

<i>Name of Principal Submitter</i>	<i>Address</i>
<i>Regal Body Corporate Committee, Regal On Macrossan Body Corporate CTS—28497</i>	<i>C/— Body Corporate Services, PO Box 1, Port Douglas QLD 4877</i>

The ground of submission sought the continued stability of the adjacent boundary wall. This matter is addressed through Condition 4 requiring a dilapidation survey of the neighbouring wall to the common boundary to be undertaken prior to the issue of a Development Permit for Building Work and a copy is to be provided to the neighbouring property owner and to the Building Certifier.

E. Referral agencies for the application

The Queensland Department of State Development, Manufacturing, Infrastructure and Planning, a referral agency, has issued a Decision (reference TMR 17-022871 (500-1184), Council electronic reference document ID: 839643, requiring conditions to be applied to the approval.

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.

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G. *Reasons for Decision*

The reasons for this decision are:

1. *Sections 60, 62 and 63 of the Planning Act 2016:*
 - a. *the approved plan(s) and document(s) as per A above;*
 - b. *the Conditions and advices as per B and E above; and*
 - c. *to ensure the development satisfies the benchmarks of the 2006 Douglas Shire Planning Scheme (as amended);*
 - d. *to apply the referral agency decision, including the attaching of conditions to the approval;*
 - e. *to consider the submission received and accordingly address this matter through conditions of the approval as per D above; and*
 - f. *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 28 September 2017 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
 - b. *the application was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning (previously known as Department of Infrastructure, Local Government and Planning) to which a referral agency decision was received;*
 - c. *the application was considered to have been properly notified under the Development Assessment Rules and one properly made submission was received;*
 - d. *the development application contained a report and a response to Council's request for information from the applicant which Council reviewed together with Council's own investigation of assessment against the State Development Requirements and the 2006 Douglas Shire Planning Scheme (as amended) and the properly made submission 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 sections 60, 62 and 63 of the Planning Act 2016; and*
 - c. *the applicant's reasons have been considered and the following findings are made:*

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- i. *Subject to conditions the development satisfactorily meets the Planning Scheme requirements;*
- ii. *The onsite provision of fourteen (14) car spaces is considered to satisfy the Performance Criteria P9, Port Douglas and Environs Amenity Code and P1 of the Vehicle Access and Parking Code;*
- iii. *The proposed setbacks are considered to satisfy the Performance Criteria A2 of the Commercial Planning Area Code;*
- iv. *The awning to the streetscape can be suitably amended by a condition of the approval to satisfy the Performance Criteria P3 of the Commercial Planning Area Code;*
- v. *The provision of a loading area on the street is considered to satisfy the Performance Criteria P5 of the Commercial Planning Area Code;*
- vi. *The development is suitable and satisfies the Performance Criteria P1 of the Multi-unit Housing and Holiday Accommodation Code;*
- vii. *Screening to the balcony as addressed through the conditions of the approval and satisfactorily meets the Performance Criteria P3 of the Multi-unit Housing and Holiday Accommodation Code;*
- viii. *The proposed driveway landscaping is considered to satisfy the Performance Criteria P5 of the Multi-unit Housing and Holiday Accommodation Code; and*
- ix. *Concerns raised in the submission can be suitably addressed through a condition of the approval.”*

Carried unanimously

5.2. LEASE TO DOUGLAS SHIRE HISTORICAL SOCIETY OVER PART OF
LOT 3 ON PTD20936 WHARF STREET PORT DOUGLAS
Graham Busby, Property Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council:

1. *Offers a trustee lease to the Douglas Shire Historical Society Inc (lessee) over an area of approximately 39m² of lot 3 on PTD20936, Wharf Street Port Douglas, for the purpose of an office and storeroom, subject to but not limited to the following terms and conditions:*
 - a. *for a term of ten (10) years to commence from a date to be determined;*
 - b. *rent for the first year of the term to be \$110.00 (including GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - c. *lessee to be responsible for all reasonable costs associated with the preparation and registration of the lease;*

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- d. *the lease to be issued as per the terms and conditions in Council's Standard Terms Document for Trustee Leases, registered under dealing number 717940164; and*
 - e. *for the term of the lease, Council waive the rates and charges (including Council utility charges) normally payable under the Standard Trustee Lease (717940164).*
2. *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 lease."*

Carried unanimously

- 5.3. LAND MANAGEMENT PLAN - 19 WHARF ST, PORT DOUGLAS -
RESERVE FOR LOCAL GOVT
Susanna Andrews, Property Officer

Moved Cr Carey

Seconded Cr Noli

"That Council:

1. *endorses the Land Management Plan (LMP) for trust land located at 19 Wharf Street, Port Douglas, described as Lot 3 on PTD20936, Reserve 1031 for Local Government (State Emergency Services) subject to Department of Natural Resources, Mines and Energy (DNRME) approval ; and*
2. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise all matters associated with the registration of the LMP with DNRME."*

Carried unanimously

- 5.4. ECONOMIC DEVELOPMENT STRATEGY 2017 - 2021 UPDATE
Gary Kerr, Executive Officer

Moved Cr Leu

Seconded Cr Carey

"That Council note and endorse, subject to the adoption of the 2018-19 Operational Plan and budget, the Priority Action and Implementation Plans identified and agreed upon by the Taskforces responsible for the implementation of the Economic Development Strategy 2017 – 2021."

Carried unanimously

- 5.5. ENVIRONMENTAL (COUNCIL OPERATIONS) GENERAL POLICY
Nicole Learmond, Sustainability Officer

Moved Cr Leu

Seconded Cr Noli

"That Council adopts the Environmental (Council Operations) General Policy."

Carried unanimously

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

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Moved Cr Carey

Seconded Cr Noli

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

Carried unanimously

5.7. SCHEDULE OF FEES AND CHARGES 2018-2019
Darryl Crees, Acting Chief Executive Officer

Moved Cr Noli

Seconded Cr Carey

“That Council:

1. *adopts the Schedule of Fees and Charges for the 2018/19 financial year; and*
2. *delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to negotiate fees and charges where circumstances warrant and to make minor administrative amendments to the Schedule.”*

Carried unanimously

5.8. CAPITAL WORKS PROGRESS REPORT FOR THE 3RD QUARTER 2017
- 2018
Michael Kriedemann, Manager Infrastructure

Moved Cr Carey

Seconded Cr Zammataro

“That Council:

1. *notes the progress of the 2017/18 Capital Works Program to 31 March 2018; and*
2. *adopts an increase of \$90,000 in the 2017/18 Capital Works Budget to align the Port Douglas reservoir with the project budget endorsed by the funding agencies.”*

Carried unanimously

5.9. DAINTREE RIVER FERRY CONCESSIONAL TRAVEL GENERAL POLICY
& FEES AND CHARGES
Darryl Crees, Acting Chief Executive Officer

Moved Cr Carey

Seconded Cr Zammataro

“That Council resolves to adopt:

1. *the Daintree River Ferry fares for the 2018/19 financial year; and*
2. *the Daintree River Ferry Concessional Travel Policy.”*

Carried unanimously

5.10. OPERATIONAL PLAN PROGRESS REPORT JANUARY - MARCH 2018
Darryl Crees, Acting Chief Executive Officer

Moved Cr Noli

Seconded Cr Carey

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“That Council notes the progress of the implementation of the Operational Plan 2017 - 2018.”

Carried unanimously

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Zammataro

Seconded Cr Kerr

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

9.1 *Prejudicial Matter S275(1) (H) Local Government Regulation 2012 – Internal Audit Plan 2017/2018 Amendment; and*

9.2 *Prejudicial Matter S275(1) (H) Local Government Regulation 2012 – Resource Assistance for Mossman Canegrowers*

Carried unanimously

OUT OF CLOSED SESSION

Moved Cr Kerr

Seconded Cr Noli

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

Carried unanimously

9.1. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - INTERNAL AUDIT PLAN 2017/2018
AMENDMENT
Darryl Crees, Acting Chief Executive Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council resolves to amend the 2017/18 Internal Audit Plan by substitution of projects”

Carried unanimously

9.2. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - RESOURCE ASSISTANCE FOR MOSSMAN
CANEGROWERS
Darryl Crees, Acting Chief Executive Officer

Moved Cr Carey

Seconded Cr Leu

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"That Council resolves:-

- in principle, to provide assistance subject to further clarification and delegates authority under section 275 of the Local Government Act, to the Mayor and Acting Chief Executive Officer to seek that information;*
- to submit the initial application with the assistance of Mossman and Tableland Canegrowers, to the Regional Growth Fund; and*
- to delegate authority to the Mayor and Acting Chief Executive Officer under section 275 of the Local Government Act to make any urgent decisions required."*

Carried unanimously

CLOSURE OF MEETING

The meeting closed at 10.19 am.

CONFIRMED THIS 15th DAY OF MAY 2018


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MAYOR/CHAIR