



DOUGLAS SHIRE COUNCIL

# ORDINARY COUNCIL MEETING

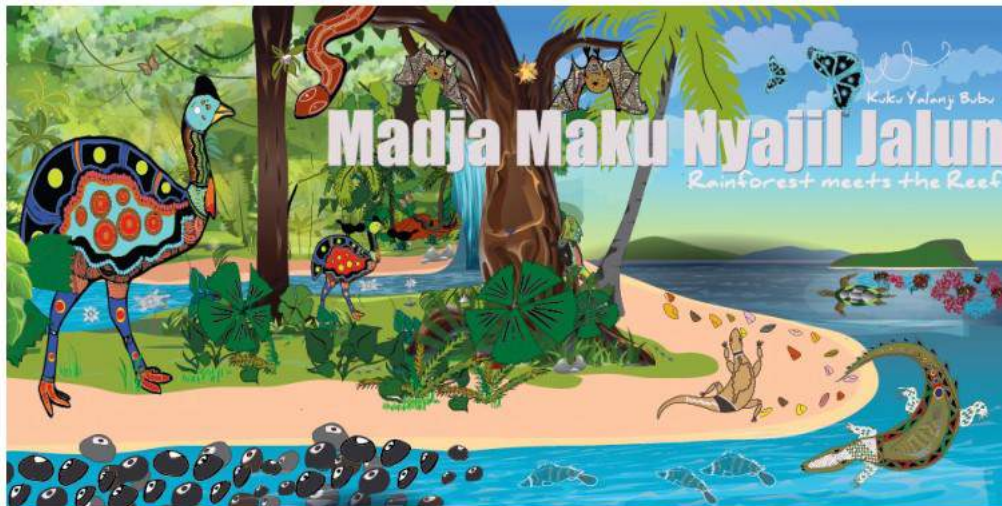
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## MINUTES

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TUESDAY, 7 AUGUST 2018

ENSURING EXCELLENCE IN GOVERNANCE  
ACCOUNTABLE AND TRANSPARENT DECISION-MAKING  
ENGAGING, PLANNING, PARTNERING  
CELEBRATING OUR COMMUNITIES



Douglas Shire Council would like to show its appreciation by acknowledging local indigenous artists Lenice Schonenberger, Loretta Pierce (Lenoy) and Ronald Bamboo for providing the cover artwork entitled "**Daintree Ferry**"

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 7 AUGUST 2018 COMMENCING AT 10.00AM**

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1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Joanne Jacobson (Acting Chief Executive Officer), John Rehn (Acting General Manager Corporate Services), Michael Kriedemann (Acting General Manager Operations), Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

**Part Meeting:**

Jenny Elphinstone (Senior Planning Officer); Peter White (Coordinator Water and Wastewater); Peter Logan (Acting Manager Infrastructure) and Sean Cooper (Acting Coordinator Public Spaces).

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

No apologies.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil

3. MAYORAL MINUTE

**Moved:** Cr Leu

*“That Council amend the date of the Ordinary Meeting scheduled for 18 September 2018 to 25 September 2018 commencing at 10.00am.”*

**BACKGROUND INFORMATION**

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

**Carried** unanimously

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

4.1 ORDINARY MEETING HELD ON TUESDAY, 24 JULY, 2018

**Moved** Cr Carey

**Seconded** Cr Noli

*“That the Minutes of the Ordinary Meeting held on Tuesday, 24 July, 2018 be confirmed.”*

**Carried** unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
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4.2 SPECIAL MEETING HELD ON TUESDAY, 31 JULY, 2018

**Moved** Cr Carey

**Seconded** Cr Zammataro

*“That the Minutes of the Special Meeting held on Tuesday, 31 July, 2018 be confirmed.”*

**For:** Cr Leu; Cr Noli; Cr Carey; Cr Zammataro

**Against:** Cr Kerr

**Carried**

(It was noted that Cr Kerr did not vote because he was not in attendance at the Special Meeting of 31 July due to a Conflict of Interest in the matter.)

5. AGENDA ITEMS

5.1. REQUEST FOR A NEGOTIATED DECISION FOR THE COMBINED APPLICATION FOR 6 ENDEAVOUR STREET, PORT DOUGLAS  
Jenny Elphinstone, Senior Planning Officer

**Moved** Cr Noli

**Seconded** Cr Leu

*“That Council:*

*“A. issues a Negotiated Decision for the combined development application over land described as Lot 2 on RP739097, located at 6 Endeavour Street, Port Douglas, for: the reconfiguration of a lot (1 into 5 lots); and for a Preliminary Approval varying the effect of the 2006 Douglas Shire Planning Scheme (as amended) for a plan of development where the Material Change of Use for a House is self assessable development (subject to requirements) on proposed lots 1, 2, 3 and 4, whereby:*

*1. The Conditions of approval for the Reconfiguration of the Lot into five lots are amended as follows.*

*a. Condition 3 of the approval is amended as follows:*

*Lot Design*

*3. The lot design is to be generally in accordance with Best Overend & Associates Drawing, Proposed Rectory Site Plan, WD0,3 Revision D dated 27 September 2017 subject to:*

*a. Proposed Lots 1, 2, 3 and the balance Church lot (Lot 5) must be regraded to drain directly to Endeavour Street;*

*b. Provision for the future manse, on the balance Church lot (proposed Lot 5) to drain directly to Endeavour Street;*

*~~bc.~~ Proposed Lot 4 is to ~~may~~ drain to the west, whereby provided:*

*i. An easement is created over proposed Lot 4 to accept stormwater discharge from neighbouring properties that front Hope Street; and*

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
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~~ii. The drainage is to a lawful point of discharge. In discharging at this location, the design must meet the requirements of Queensland Urban Drainage Manual (QUDM) 3.9.1 (i); and~~

~~iii. There is a no actionable nuisance or negligible impact to neighbouring or surrounding land or catchment area for 100% of post development flows on the proposed Lot (consider full development (100%) site coverage) and the existing stormwater discharge from neighbouring Hope Street land in a 1% AEP rainfall event;~~

~~Otherwise~~

~~Proposed Lot 4 must drain to Endeavour Street and ensure a no actionable nuisance or negligible impact to surrounding land and the catchment area;~~

~~Or~~

~~Proposed Lot 4 is removed from the plans.~~

~~e. Suitable provision is to be made to accept the current storm water from lots north of the land (neighbouring Hope Street properties) and to discharge these waters to a lawful point of discharge that has a no actionable nuisance or negligible impact on upstream, downstream or surrounding land;~~

d. Remove the drainage easement from proposed Lot 4 and the balance Church lot (being the easement at the rear of proposed Lots 1, 2 and 3);

e. Relocate the new sewer extension line to the front of the lots, with a standard off-set alignment as per FNQROC Development Manual. The plan must identify a single sewer connection for each lot at the Endeavour Street frontage. The connection for proposed Lot 4 must be adjacent to the Endeavour Street frontage. Only one sewer connection is to be provided to the balance Church lot (proposed Lot 5);

f. Update street lighting at the intersection of Endeavour Street and St Crispin's Avenue (refer to Condition 21);

g. Construct a two (2) metre wide footpath is to be constructed along the frontage of the land to Endeavour Street;

h. Any fill on the land, necessary to achieve a immunity of flood level for the 1 in 100 year ARI event (1% AEP rainfall event) plus a freeboard of 300mm, must be suitably graded away from the neighbouring houses that front Hope Street; and

i. Provide a low screen, deep planted landscaped buffer of approximately 500mm high to the front setback of the Church balance land (proposed Lot 5).

The detailed design plans incorporating the above requirements must be submitted to the satisfaction of the Chief Executive Officer with the application for a Development Permit for Operational Works.

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
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- b. Condition 4 of the approval is amended as follows.

~~Drainage Study of Site and Construction~~

- ~~4. Having regard to Condition 3 above revise the local drainage study by Civil Walker (GLF Developments Pty Ltd) for the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts.~~

~~In particular, the study must establish the flood level for the 1 in 100 year ARI event (1% AEP event) for the site. The study must also confirm the allotment fill levels required to provide the freeboard of 300mm to the land as nominated in the Planning Scheme, the FNQROC Development Manual and Queensland Urban Drainage Manual.~~

~~The study must also confirm the post-development discharge of stormwater from the site and local external catchment for the point of reference being the kerb and piped drainage at the northern end of the site frontage. The capacity of the road and pipe drainage at this point is to be advised. 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 provided with the application for a Development Permit for Operational Works.~~

~~The resultant post development drainage design (assuming a 100% development on the land) must result in no actionable nuisance, or negligible, impact. Where works are required to achieve a no actionable nuisance or negligible impact, the applicant is only responsible to a cost commensurate with the change caused by the development.~~

~~The applicant / owner must undertake the development of the land in accordance with the findings of the Drainage Study as required above. Associated earthworks and landscaping must be completed in accordance with the approved plans prior to the lodgement for the signing and dating of the Plan of Survey.~~

Internal Works

- ~~4. Associated earthworks, landscaping and provision of infrastructure required under the approval must be completed and provided in accordance with the approved plans prior to the lodgement for the signing and dating of the Plan of Survey.~~

- c. Condition 15 of the approval is amended as follows.

Lawful Point of Discharge

- ~~15. With the exception proposed Lot 4, where compliance is achieved under condition 3 above, all stormwater from the property must be directed to a lawful point of discharge being Endeavour Street. such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.~~

- d. Condition 21 is amended as follows.

*Street Lighting*

21. *With the exception of lighting to the adjacent pedestrian crossing, the following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the lodgement for the signing and dating of the Plan of Survey:*

a. *Prior to the approval and dating of the Plan of Survey, a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual. The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:*

*i. Intersections*

~~*ii. Pedestrian Refuges*~~

~~*iii. Cul-de-sacs*~~

~~*iv. LATM Devices (Including Roundabouts)*~~

~~*LATM Devices are to be shown on the civil layout design, the electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.*~~

*At a minimum a new light is to be provided at the intersection of St Crispins Avenue and Endeavour Street.*

b. *Prior to the issue of a Compliance Certificate for the Plan of Survey written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.*

c. *Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.*

d. *Where an existing intersection is required to be upgraded as part of a development approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.*

2. *The remaining conditions be renumbered accordingly.*



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
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3. *The advices attached to the approval are amended as follows.*

*Advices*

*25. For information relating to the Sustainable Planning Act 2009 and the Planning Act 2016 log on to [www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au) ~~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).*

*6. In regards to Conditions 3 and 4 of the approval Council accepts responsibility for the requirement for stormwater associated with discharge onto Endeavour Street, Port Douglas.*

4. *The Negotiated Decision Notice include the following additional ground on which it is considered sufficient to overcome the conflict with the Planning Scheme in this particular instance.*

*7. The conditions of the approval for the reconfiguration of the lot requires stormwater from proposed Lots 1, 2, 3 and the balance Church lot (proposed lot 5) to discharge to Endeavour Street. This requirement increases the amount of stormwater discharging to Endeavour Street, a legal point of discharge. In this instance the impact of the increase is Council's responsibility as it is preferred that the stormwater discharge to the road.*

B. *resolves to consider, in the next budget considerations, the allocation of funding for investigation and development of pedestrian access:*

a. *along St Crispin's Avenue, between Agincourt Street and Endeavour Street, including suitable access across St Crispin's Avenue through this area; and*

b. *westwards along Endeavour Street to connect to the existing pedestrian crossings.*

C. *That Council separately advise the submitters of recommendation B above, explaining the need to provide a more suitably located pedestrian access in the immediate area, and Council's commitment to achieving this access."*

**Carried** unanimously

5.2. WATER AND WASTEWATER QUARTERLY REPORT FOR THE PERIOD  
ENDING JUNE 2018  
Peter White, Coordinator Water and Wastewater

**Moved** Cr Noli

**Seconded** Cr Carey

*"That Council receives and notes the Quarterly Report of the Water and Wastewater branch for the period ending 30 June 2018."*

**Carried** unanimously

5.3. COCONUT ACTION PLAN 2018/19  
Sean Cooper, Acting Coordinator Public Spaces

**Moved** Cr Carey

**Seconded** Cr Noli

*"That Council resolves to adopt the Coconut Action Plan 2018/2019."*

**Carried** unanimously



**5.4. MOTION FOR THE 2018 LGAQ ANNUAL CONFERENCE**

Tracey Crouch, Acting Manager Governance

**Moved** Cr Carey

**Seconded** Cr Leu

*"That Council submits a motion to the 2018 Annual Conference of the LGAQ viz:*

*that the LGAQ make vigorous representations to the Queensland State Government urging it to immediately cease any considerations to supporting, financially or by any other means, and either directly or indirectly, the proposed Carmichael Coal Mining Project by Adani in the Galilee Basin."*

**Carried** unanimously

**6. NOTICES OF MOTION**

Nil

**7. URGENT BUSINESS**

Nil

**8. PETITIONS**

**8.1 PETITION: DUST CONCERNS FROM UNSEALED ROAD TO BOAT RAMP,  
COOYA BEACH**

Brenda Jang, Executive Assistant

**Moved** Cr Noli

**Seconded** Cr Zammataro

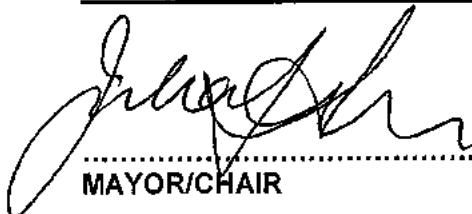
*"That, as the petition is of an operational nature, Council resolves to receive the petition and refer it to the Chief Executive Officer for consideration."*

**Carried** unanimously

**CLOSURE OF MEETING**

The meeting closed at 10.34am.

**CONFIRMED THIS 28TH DAY OF AUGUST 2018**

  
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MAYOR/CHAIR