

DOUGLAS SHIRE COUNCIL

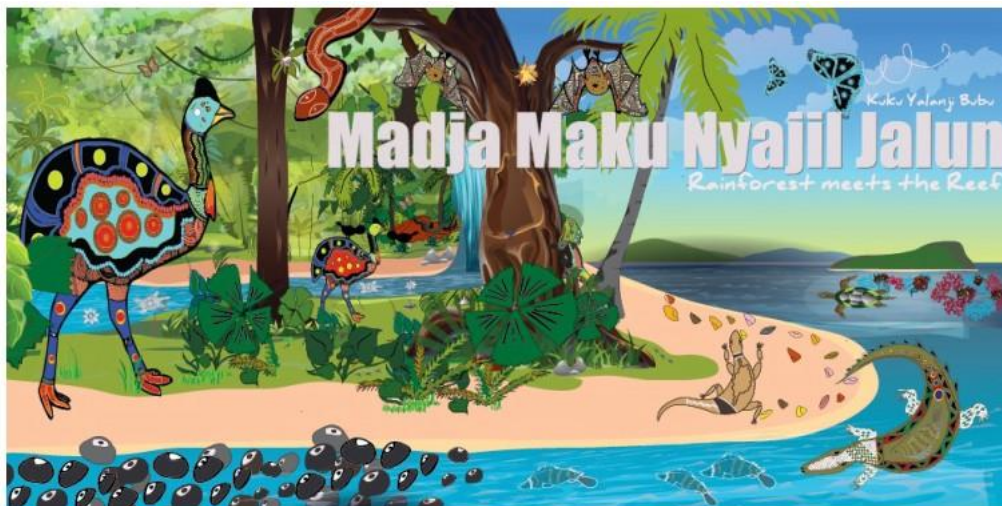
# ORDINARY COUNCIL MEETING

## MINUTES

Tuesday, 15 December 2020

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

**DOUGLAS**  
SHIRE COUNCIL



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, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

---

*Mayor Cr Kerr welcomed everyone to the Ordinary Meeting of the Douglas Shire Council being held on Tuesday 15 December 2020 at the Mossman Council Chambers.*

*Cr Kerr gave notice that in accordance with Section 277E of the Local Government Regulation 2012, that the Ordinary Meeting of Council has been restricted to the public because of health and safety reasons associated with the public health emergency involving COVID-19. Today, Council has availability for eight members of the public attending which allows Council to still remain within the restrictions and abiding by the Chief Health Officer's directive of the number of people in a space this size. Cr Kerr had this week spoken with the state representative to ask when this restriction can be lifted and is awaiting a response.*

*The Ordinary Meeting of Council will be available to view via Live Stream on Council's Website and will be available for others to watch at a later time.*

**ACKNOWLEDGEMENT OF COUNTRY**

Cr Kerr acknowledged the Kuku Yalanji people who are the Traditional Custodians of the Land on which this meeting is being held and paid respect to their Elders past, present and emerging, and extended that respect to other Indigenous Australians who may be listening or watching this morning.

**1. ATTENDANCE AND APOLOGIES**

**PRESENT**

Cr Michael Kerr (Mayor), Cr Lisa Scomazzon (Deputy Mayor), Cr Peter McKeown, Cr Abigail Noli and Cr Roy Zammataro.

**APOLOGIES**

Nil

**OFFICERS IN ATTENDANCE**

Mark Stoermer (Chief Executive Officer), Terry Farrelly (Manager People and Community Services), Joanne Nicholson (Acting Chief Financial Officer), Juanita Holden (Manager Governance), Paul Hoyer (Manager Environment and Planning), Peter Tonkes (Manager Water and Wastewater), Scott Hahne (Manager Project Office), Natasha Murray (Manager Infrastructure), Tom Volling (Senior Media and Communications Officer), Colin Chalmers (Asset Management Officer), Gaye Scott (Community Liaison Officer), Daniel Lamond (Planning Officer), Jenny Elphinstone (Senior Planning Officer), Michael Matthews (Project Engineer), Robert Donovan (Team Leader Property), Lisa Golding (Team Leader Community and Economic Development), Luke Chappell (Project Manager), Sean O'Conner (Senior Procurement Officer) and Brenda Jang (Executive Assistant).

**2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST**

Cr Noli declared a perceived declarable conflict of interest for item 5.2, Material Change of Use for Retirement Facility.

Cr Noli informed the meeting that she has a perceived declarable conflict of interest as a result of having the same surname as one of the applicants.

Although Cr Noli has a perceived declarable conflict of interest, Cr Noli does not believe a reasonable person could have a perception of bias simply because of family relations in a small

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

---

community. Therefore, Cr Noli suggests that she remain in the meeting. However, Cr Noli will respect the decision of the meeting on whether she can remain and participate in the decision.

Mayor Cr Kerr put forward the motion to allow Cr Noli to remain in the room whilst Item 5.2 was being voted on, to the vote.

**For:** Cr McKeown, Cr Zammataro  
**Against:** Cr Kerr, Cr Scomazzon  
**Casting Vote:** Cr Kerr voted in the negative

**Not Carried**

**3. MAYORAL MINUTE**

Nil

**4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD ON TUESDAY,  
24 NOVEMBER 2020**

**Moved** Cr McKeown

**Seconded** Cr Zammataro

*“That the Minutes of the Ordinary Meeting held on Tuesday, 24 November 2020 be confirmed.”*

**Carried** Unanimously

**AGENDA ITEMS**

**5.1. DAINTREE RIVER CROSSING - COMMUNITY CONSULTATION RESULTS**

Colin Chalmers, Asset Management Officer  
Gayle Scott, Community Liaison Officer

**Moved** Cr Kerr

**Seconded** Cr McKeown

*That the motion be amended to include the following:*

*.....and requests that the CEO bring back a report to Councillors with key final terms of the contract for approval prior to signing.*

**Carried** unanimously

The amended motion became the substantive motion and was put to the vote.

**Moved** Cr Kerr

**Seconded** Cr McKeown

*That Council resumes contract negotiations for 2019 - 084 Daintree Ferry Contract 2021 and requests that the CEO bring back a report to Councillors with key final terms of the contract for approval prior to signing.*

**Carried** unanimously

**WITHDRAWN FROM MEETING**

Cr Noli had declared a perceived declarable conflict of interest for item 5.2, Material Change of Use for Retirement Facility, and withdrew from the Meeting at 10.32am.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

---

**5.2. MATERIAL CHANGE OF USE FOR RETIREMENT FACILITY AT 111-119  
PORT DOUGLAS ROAD**

Daniel Lamond, Planning Officer

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Council approves the material change of use development application for a Retirement facility over land described as LOT: 3 RP: 729991, subject to the following: APPROVED DRAWING(S) AND / OR DOCUMENT(S)*

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

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Site Plan</i>	<i>Plan prepared by 8 Pencils, Drawing No. DA01, Revision DA3</i>	<i>20 October 2020</i>
<i>House Types A, B, C &amp; D</i>	<i>Plan prepared by 8 Pencils, Drawing No. DA02, Revision DA2</i>	<i>26 February 2020</i>
<i>House Types E &amp; Duplex</i>	<i>Plan prepared by 8 Pencils, Drawing No. DA03, Revision DA2</i>	<i>26 February 2020</i>
<i>Central Facilities</i>	<i>Plan prepared by 8 Pencils, Drawing No. DA03, Revision DA2</i>	<i>26 February 2020</i>
<i>Central Facilities Renders</i>	<i>Plan prepared by 8 Pencils, Drawing No. DA03, Revision DA2</i>	<i>26 February 2020</i>

**ASSESSMENT MANAGER CONDITIONS & ADVICES**

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.*

**Amended Plans**

3. *Provide amended plans to adequately address the following requirements;*
  - a. *Sufficient detail to demonstrate privacy is achieved for the residents having regard to the location of windows to prevent overlooking from habitable rooms in addition to private open space areas (i.e patios) when located in close proximity to one another.*
  - b. *Locations of windows of all rooms in all dwellings and the relationship with the neighbouring dwellings. Windows of habitable rooms on neighbouring properties are to be located no less than two metres apart and must not be oriented to allow overlooking into a neighbouring dwelling;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

---

- c. *Boundary setbacks of all houses to be no less than two metres from the side boundary adjoining Lot 0 on SP176458;*
- c. *Removal of the internal footpath leading into Lot 0 on SP176458;*
- d. *Any proposed internal fencing separating the dwellings;*
- d. *A reasonable level of amenity and compliance with the National Construction Code with respect fire separation requirements;*
- e. *The internal footpath network in accordance with Condition 4;*
- f. *The stormwater detention basin;*
- g. *Bin locations at dwellings which are not next to windows of habitable rooms or patios;*
- h. *Corrected internal boundaries for sites 26, 27, 35 and 36.*

*Amended plans must be submitted and be to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Building Work or lodgement of the Development Application for Operational Works, whichever occurs first.*

*Advice: In addition to the requirements of 3a above, the National Construction Code (NCC) requires that walls of neighbouring buildings cannot be any closer than 1800mm and fascias cannot be closer than 900mm, with penetrations (windows etc).*

*Internal pedestrian network*

- 3. *Provide a footpath in accordance with the FNQROC Development Manual design requirements or other agreed design requirements which connects the dwellings to the central communal facilities so that residents are not required to walk on the internal road.*

*Waste Collection*

- 4. *All bins must be displayed on the inside of the internal circulation road in order for a side lifting truck to service the development efficiently or via an alternative service route or solution endorsed by the Chief Executive Officer prior to commencement of use.*

*Damage to Infrastructure*

- 5. *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 Douglas Shire Council immediately of the affected infrastructure and have it repaired or replaced by Douglas Shire Council, at the developer's cost, prior to the commencement of use.*

*Water Supply and Sewerage Works External*

- 6. *Undertake water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure to Council's systems at point of connection where sufficient capacity exists:*
  - a. *Provided a single metered water supply connection to the lot frontage;*
  - b. *Connect the sewer pressure main to the existing 300mm diameter gravity sewer on the eastern side of the road. The sewer connection must be into an existing*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

---

*manhole or a new manhole and the manhole is to be upgraded and lined to the requirements of the FNQROC Development Manual for a discharge manhole;*

- c. *Alternatively, provide an engineering investigation that demonstrates that a sewer connection into the adjacent 100mm sewer main servicing the neighbouring resort can service the development. The investigation must confirm ownership and tenure of the service relied upon and must include supporting calculations for the existing resorts pump station and the new pump station required to service the development.*

*The plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.*

#### *Water Supply and Sewerage Works Internal*

7. *Undertake the following water supply and sewerage works internal to the subject land:*
  - a. *Provide a single internal sewer connection to the development in accordance with the FNQROC Development Manual;*
  - b. *Provide a single metered water supply connection to the development with suitable bypass arrangement for fire fighting flows as certified by a hydraulic consultant. The location of the water meter is to be at an accessible location to be endorsed by the Chief Executive Officer;*

*All of the above works must be designed and constructed in accordance with the FNQROC Development Manual and must be endorsed by the Chief Executive Officer prior to commencement of works.*

#### *External Works*

8. *Provide the following external works at no cost to Council;*
  - a. *Construct a water connection in accordance with condition 7 above;*
  - b. *Construct a sewer connection in accordance with condition 7 above;*
  - c. *Construct a 2000mm wide concrete footpath for the full length of the frontage to Port Douglas Road in accordance with the FNQROC Development Manual. The footpath must not detrimentally impact on the significant street trees on the road verge of the street. The three individual footpath accesses to the site are not approved.*
  - d. *Repair any damage to existing roadway (including removal of concrete slurry from footways, roads and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.*

*External works are to be approved via an Operational Works Development Permit and are to be completed prior to commencement of use.*

#### *Stormwater and Drainage*

9. *All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream, in accordance with the Queensland Urban Drainage Manual, Fourth Edition (2016). To address this requirement, the applicant must demonstrate that:*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

---

- a. *flows exiting the site post development are attenuated by the proposed detention basin; and*
- b. *filling along the western boundary does not displace runoff from within the swale such that it would impact the neighbouring property and create an actionable nuisance. Additional supporting information is to be submitted for endorsement by the Chief Executive Officer including level information and cross sections to demonstrate the implications of the fill extents within the available waterway area of the swale prior to submission of the Development Application for Operational Works.*

*Stormwater and drainage works are to be approved via an Operational Works Development Permit and are to be completed prior to commencement of use.*

*Stockpiling and Transportation of Fill Material*

10. *Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be directly 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; or*
- b. *before 7:00 am or after 6:00 pm Monday to Friday; or*
- c. *before 7:00 am or after 1:00 pm Saturdays; or*
- d. *on Sundays or Public Holidays.*

*Emissions*

11. *Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties to the satisfaction of the Chief Executive Officer.*

*Storage of Machinery and Plant*

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

*Sediment and Erosion Control*

13. *An RPEQ certified erosion and sediment control plan in accordance with the IECA requirements must be prepared as part of the Operational Works Development Application. Sediment and erosion control 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 FNQROC Development Manual.*

*Vehicle Parking*

14. *The amount of vehicle parking must be as specified on the approved plan which is a minimum of one space per dwelling unit, one space for ambulance parking and two staff parking spaces and a minimum of 11 visitor spaces, of which two must be designed in accordance with AS2890 for disability access. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and*



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

---

*be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular maneuvering areas must be imperviously sealed, drained and line marked.*

*Lighting*

15. *Provide internal street lighting in accordance with AS4282/ 1997.*

*Air-Conditioning Screens*

16. *Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.*

*Landscaping Plan*

17. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:*

*Planting Design*

- a. *Species to have regard to Council's Planning Scheme Policy SC6.7 Landscaping.*
- b. *A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species;*
- a. *Provide a hierarchy of planting, which includes shade trees, shrubs and groundcovers.*
- b. *Natural and finished ground levels including details of all retaining works;'*
- c. *A two (2) metre wide strip of dense planting on the inside of the sites frontage screening the pool, the central facilities building and house number 40 from the road;*
- d. *No on-street landscaping;*

*A3 copies of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the commencement of use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.*

*Street Fencing*

18. *Details of the street fencing must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.*

*Construction Signage*

19. *Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:*
- a. *Developer;*
  - b. *Project Coordinator;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

---

- c. Architect / Building Designer;
- d. Builder;
- e. Civil Engineer;
- f. Civil Contractor;
- g. Landscape Architect.

*Acoustic Report / Attenuation Measures for Mens Shed component*

21. *The 'Man Shed' component of the proposal within the central facilities building is expected to generate noise via the use of machinery. A noise impact assessment report prepared by a suitably qualified and experienced acoustic engineer must be prepared inclusive of reasonable and practicable measures proposed to be implemented to minimise the impact of noise on the existing acoustic environment of the surrounding residences and demonstrate compliance with condition 19 below. The acoustic report must;*
- a. *investigate potential noise impacts on sensitive land uses external to the site, namely the dwelling houses and units neighbouring the site;*
  - b. *establish the noise profile of the locality;*
  - c. *detail the generation of noise associated with all noise emitting plant to be used;*
  - d. *detail proposed attenuation treatments to the building with building plans;*
  - e. *any other matters considered relevant by the acoustic engineer to ensure the proposed development does not unduly impact on neighbouring or surrounding properties.*

*The acoustic report must be submitted and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.*

*Acoustic Report / Noise Emissions*

22. *For the mens shed component of the development, the average maximum noise level ( $L_{max,T}$ ) of plant must not exceed at an affected building:*
- a. *Day (7am to 6pm): Background noise level  $L_{90,T} + 5$  dBA (with the exemption of reverse signals from machinery and plant).*
  - b. *Night (6pm to 7am): No audible noise.*

*Mens Shed limitation*

23. *The 'Man shed' component of the communal facilities must only be used by residents of the retirement facility.*

*Minimum Fill and Floor Level*

24. *All floor levels in all habitable buildings must be located 300mm above the 1% AEP flood level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.*

*Acid Sulfate Soil Investigation*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

25. Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in, 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) or an updated version of document produced by the Department of Natural Resources, Mines and Energy and State Planning Policy– 'Planning and Managing Development involving Acid Sulfate Soils'. The results of this investigation must be submitted to Council for approval prior to any earthworks commencing on the site.

*Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRM – QASSIT: 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRME: 'Queensland Acid Sulfate Soil Technical Manual' (2002) including Soil Management Guidelines which must be prepared to the satisfaction of the Chief Executive Officer.*

*Boundary fence*

26. Provide an 1800mm high fence along the northern side boundary which is impermeable.

*Security Screens*

27. Security screens must be provided to all dwelling units to ensure the safety and security of residents.

*Wayfinding*

28. A map of the layout of the development is located near the main entrance to the facility adjacent to the central facilities building.

**CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS**

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
Assessment and Referral Agency	0-029914 (500-1485)	13 May 2020	954261

**REASONS FOR DECISION**

The reasons for this decision are:

Sections 60, 62 and 63 of the Planning Act 2016:

*to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*

*to ensure compliance with the Planning Act 2016.*

Findings on material questions of fact:

- a) the development application was properly lodged to the Douglas Shire Council on 1 April 2020 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

---

- b) *the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.*

*Evidence or other material on which findings were based:*

- a) *the development triggered assessable development under the Assessment Table associated with the Medium Density Residential Zone Code;*
- 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:*

*Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.*

**Carried** unanimously

**MEETING RE-ATTENDANCE**

Cr Noli re-attended the meeting at 10.34am.

**5.3. MINOR CHANGE TO DEVELOPMENT APPROVAL FOR SEAFOOD VAN AT  
11 WARNER STREET**

Daniel Lamond, Planning Officer

**Moved** Cr Noli

**Seconded** Cr McKeown

*That Council approves the Minor Change to development approval for Material Change of Use (Shop) over land described as Lot 37 on PTD2091, subject to the following:*

1. *Condition 3 be amended to read as follows:*

*Limitation of Approval*

3. *This development permit shall lapse ~~three (3) months from the date the approval takes effect.~~ on 15 February 2021.*

2. *All other conditions remain unchanged.*

**REASONS FOR DECISION**

*The reasons for this decision are:*

1. *Sections 60, 62 and 63 of the Planning Act 2016:*

- a) *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
- b) *to ensure compliance with the Planning Act 2016.*

2. *Findings on material questions of fact:*

- c) *the development application was properly lodged to the Douglas Shire Council on 2 December 2020 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

- d) *the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.*

3. *Evidence or other material on which findings were based:*

- d) *the development triggered assessable development under the Assessment Table associated with the Centre Zone Code;*  
 e) *Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and*  
 f) *the applicant's reasons have been considered and the following findings are made:*
- i) *Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.*

**Carried** unanimously

**5.4. APPLICATION TO CHANGE MCUC SHORT TERM ACCOMMODATION AND ANCILLARY FACILITIES AT 20 WARNER ST PORT DOUGLAS**

Jenny Elphinstone, Senior Planning Officer

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That Council approves an amendment to the existing development permit for a Material Change of Use for Short-Term Accommodation (Motel) with ancillary uses of Food and Drink Outlet / Bar over land previously described as Lot 1 on RP718896, part of Lot 1 on SP267838 and Easements B and C on SP154579 and currently described as Lot 1 on SP316373 and Easements B and C on SP154579, whereby*

1. *The table of approved drawings and documents is amended as follows.*

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

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

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Site Context</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.03, Revision C</i>	<i>1 October 2019</i>
<i>Site Survey</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.04, Revision C</i>	<i>1 October 2019</i>
<i>Site Imagery</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.05, Revision C</i>	<i>1 October 2019</i>
<i>Site Survey – Adjoining Building Heights</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.06, Revision C</i>	<i>1 October 2019</i>
<i>Site analysis</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.07, Revision C</i>	<i>1 October 2019</i>
<i>Site &amp; Roof Plan</i>	<i>Wolveridge Architects Project 18 007, Drawing P-02.01, Revision G P2</i>	<i><del>1 October 2019</del> <u>26 August 2020</u></i>

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
Ground Floor	<i>Wolveridge Architects Project 18 007, Drawing P-02.02, Revision C, dated 1 October 2019 and as amended by Condition 3.</i>	<i>To be determined.</i>
First Floor	<i>Wolveridge Architects Project 18 007, Drawing P-02.03, Revision C <u>P2</u></i>	<i><del>1 October 2019</del> <u>26 August 2020</u></i>
Second Floor	<i>Wolveridge Architects Project 18 007, Drawing P-02.04, Revision C <u>P2</u></i>	<i><del>1 October 2019</del> <u>26 August 2020</u></i>
Third Floor	<i>Wolveridge Architects Project 18 007, Drawing P-02.05, Revision C <u>P2</u></i>	<i><del>1 October 2019</del> <u>26 August 2020</u></i>
Micro Hotel – Section Perspective	<i>Wolveridge Architects Project 18 007, Drawing P-02.07, Revision C</i>	<i>1 October 2019</i>
Micro Hotel – Plan & Interior	<i>Wolveridge Architects Project 18 007, Drawing P-02.09, Revision C</i>	<i>1 October 2019</i>
Massing Areas	<i>Wolveridge Architects Project 18 007, Drawing P-02.10, Revision C</i>	<i>1 October 2019</i>
Ventilation Diagram	<i>Wolveridge Architects Project 18 007, Drawing P-02.11, Revision C</i>	<i>1 October 2019</i>
Breezeway Gates Elevation & Details	<i>Wolveridge Architects Project 18 007, Drawing P-02.12, Revision C</i>	<i>1 October 2019</i>
Streetscape Elevation	<i>Wolveridge Architects Project 18 007, Drawing P-03.01, Revision C <u>P2</u></i>	<i><del>1 October 2019</del> <u>26 August 2020</u></i>
Elevations	<i>Wolveridge Architects Project 18 007, Drawing P-03.02, Revision C <u>P2</u></i>	<i><del>1 October 2019</del> <u>26 August 2020</u></i>
Elevation & Section-Longitudinal	<i>Wolveridge Architects Project 18 007, Drawing P-03.03, Revision C <u>P2</u></i>	<i><del>1 October 2019</del> <u>26 August 2020</u></i>
Materials Schedule	<i>Wolveridge Architects Project 18 007, Drawing P-03.04, Revision C <u>P2</u></i>	<i><del>1 October 2019</del> <u>26 August 2020</u></i>
Revised Façade – Exterior Views	<i>Wolveridge Architects Project 18 007, Drawing P-03.11, Revision-C <u>P2</u></i>	<i><del>1 October 2019</del> <u>26 August 2020</u></i>
Revised Façade – Section	<i>Wolveridge Architects Project 18 007, Drawing P-03.12, Revision C</i>	<i>1 October 2019</i>
Perspectives	<i>Wolveridge Architects Project 18 007, Drawing P-05.02, Revision C</i>	<i>1 October 2019</i>
AS2680 B99 Design Vehicle Swept Paths	<i>Rogers Consulting Engineers, Project 180307, Drawing SK20 Sheet 1 of 2, Revision P2</i>	<i>19 August 2019.</i>
AS2680 B99 Design Vehicle Swept Paths	<i>Rogers Consulting Engineers, Project 180307, Drawing SK21 Sheet 2 of 2, Revision P5</i>	<i>4 September 2019.</i>

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Civil Works Preliminary Carpark Levels</i>	<i>Rogers Consulting Engineers, Project 180307, Drawing SK30, Revision P1 dated 27 August 2019 and as amended by Condition 3</i>	<i>To be determined</i>
<i>Landscape Plan</i>	<i>Hortulus Australia Pty Ltd, Job No: SN-D18 A, Drawings LS-01 to LS-04, Issue B dated 25 January 2019 and as amended by Condition 3.</i>	<i>To be determined.</i>

2. *The advice statement 5 is amended as follows:*

5. *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. The compliance with the Premises Standards for all common areas is expected to be achieved under the Building Approval.*

3. *Condition 18 is deleted as follows:*

*~~Amalgamation of Lots Required~~*

~~18. *The applicant/owner is to ensure that the subject lots are held together as one site for the duration of the approved land use. This is to be achieved by the amalgamation of Lot 1 on RP718896 and Part of Lot 1 on SP267838 into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines and Energy and a new certificate of title issued at the applicant's/owner's cost prior to Commencement of Use.*~~

4. *Where deleted the remaining conditions are renumbered accordingly and the content of all other conditions, advices and statement of non-compliance with Assessment Benchmarks of the Decision Notice dated 3 December 2019 remain unchanged.*

**REASONS FOR DECISION**

*The reasons for this decision are:*

1. *Sections 81, 81A and 83 of the Planning Act 2016:*

- a. *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
- b. *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 27 November 2020 under section 79 of the Planning Act 2016;*
- b. *the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

---

3. *Evidence or other material on which findings were based:*
  - a. *the development triggered assessable development under the Assessment Table associated with the Centre Zone Code;*
  - b. *Council undertook an assessment in accordance with the provisions of sections 81, 81A and 83 of the Planning Act 2016; and*
  - c. *the applicant's reasons have been considered and the following findings are made:*
    - i. *Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.*

**Carried** unanimously

**5.5. CYCLE NETWORK LOCAL GOVERNMENT GRANTS PROGRAM 2020-21 -  
COOYA TO MOSSMAN STAGE 2 CONSTRUCTION**

Helen Coulthard, Grants Officer; Michael Matthews, Project Engineer

**Moved** Cr Zammataro

**Seconded** Cr Scomazzon

*That Council resolves to:*

*enter into a funding agreement with the State of Queensland (represented by the Department of Transport and Main Roads) under the Cycle Network Local Government Grants Program for the Cooya to Mossman Stage 2 construction;*

1. *contribute 50% towards the total project cost for the project, to be allocated in the 2021-2022 Budget; and*
2. *delegate authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to administer the above matters.*

**Carried** unanimously

**5.6. DOUGLAS HOCKEY ASSOCIATION INC. - TRUSTEE PERMIT PART OF  
LOT 92 SR81 MOSSMAN**

Robert Donovan, Team Leader Property

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Council:*

1. *offer a Trustee Permit to Douglas Hockey Association Inc. Over Part of Lot 92 Crown Plan SR 81 Mossman;*
  - i) *for a term of 1 year from the date of execution;*
  - ii) *maintain the external permit area;*
  - iii) *utilising the terms and conditions of the Standard Terms and Conditions documents registered under dealing number 717940164 and also the States mandatory Terms Document registered under number 711932933;*
  - iv) *lease payments to be \$500.00 per annum plus GST; and*



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

---

2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise any matters associated with the execution of the Trustee permit*

**Carried** unanimously

**5.7. APPLICATION FOR PERMANENT ROAD CLOSURE OVER ESPLANADE  
ADJACENT TO LOT 2 RP 724386 PORT DOUGLAS**

Property Services

**Moved** Cr Kerr

**Seconded** Cr McKeown

*That Council:*

1. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to execute a Form Part C as Road Manager, advising the Department of Natural Resources Mines & Energy (DNRME) that Council cannot authorise a proposed permanent road closure over the Esplanade in Port Douglas adjoining Lot 2 on RP 724386 (as per attachment) however, it requests DNRME to consider an application under the Land Act 1994 in relation to this matter; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the application.*

**Carried** unanimously

**5.8. FINANCIAL REPORT NOVEMBER 2020**

Joanne Nicholson, Acting Chief Financial Officer

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

*That Council notes the Financial Report for the period ended 30 November 2020.*

**Carried** unanimously

**5.9. TOURISM PORT DOUGLAS DAINTREE ANNUAL AND QUARTERLY  
REPORTS FOR NOTING**

Lisa Golding, Team Leader Community and Economic Development

**Moved** Cr Noli

**Seconded** Cr Zammataro

*That Council:*

1. *receives and notes the Tourism Port Douglas Daintree Annual Report 2019/20, submitted in accordance with the Resource and Performance Agreement between TPDD and Douglas Shire Council; and*
2. *receives and notes TPDD's July to September Quarterly Activity Report 2020/21.*

**Carried** unanimously

**5.10. CONTRACT 2021-052 KILLALOE TRANSFER STATION - RESOURCE  
RECOVERY CENTRE**

Luke Chappell, Project Manager

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM**

---

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Council: -*

1. *resolves to award Contract Number 2021-052 Killaloe Transfer Station Resource Recovery Centre to Byrant's Building Contractors (ABN 25 076 958 453) for \$1,029,360.00 exclusive of GST; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters in relation to this contract.*

**Carried** unanimously

**5.11. AMENDMENT DECLARATION OF SEWER AND WATER SERVICE AREAS  
WITHIN DOUGLAS SHIRE**

Peter Tonkes, Manager Water and Wastewater

**Moved** Cr Zammataro

**Seconded** Cr Scomazzon

*That Council resolves to:*

1. *declare that Douglas Shire Council is the service provider for the provision of reticulated water and sewerage services within Douglas Shire; and*
2. *declare the revised maps attached indicate the service areas within the coloured boundary (relevant area) for reticulated water and sewerage within Douglas Shire.*

**Carried** unanimously

**5.12. CONTRACTUAL MATTER - ULTRA FILTRATION CARTRIDGES FOR  
WATER QUALITY**

Sean O'Connor, Senior Procurement Officer

**Moved** Cr McKeown

**Seconded** Cr Scomazzon

*That Council:*

1. *resolves in accordance with section 235 of the Local Government Regulation 2012 to accept a single source quotation from Akvotek Pty Ltd (ABN: 60 609 331 008) for an amount of A\$262,430.00 excluding GST for the purchase of 52 Koch Cartridges (Targa II 8072 PM50);*
2. *seeks Council's approval to award a contract for the purchase of Koch Cartridges from Akvotek Pty Ltd; and*
3. *delegates authority to the Chief Executive Officer in accordance with Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to this contractual arrangement.*

**Carried** unanimously

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 10.00AM

---

**6. NOTICES OF MOTION**

Nil

**7. URGENT BUSINESS**

Nil

**8. PETITIONS**

Nil

**CLOSURE OF MEETING**

The meeting closed at 11.02am.

**CONFIRMED THIS 27TH DAY OF JANUARY 2021**

  
.....  
MAYOR/CHAIR