

**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, 22 NOVEMBER 2016, 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, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Nicholas Wellwood (General Manager Operations), Joanne Jacobson (Manager Governance), Paul Hoyer (Manager Sustainable Communities), Simon Clarke (Coordinator Development Assessment and Coordination), Daniel Lamond (Planning Officer), Peter White (Acting Coordinator Water and Wastewater), Greg McLean (Communications and Event Officer), Nicole Barton (Mayoral and Councillor Support Officer) and Nevinia Davenport (Executive Assistant).

**ACKNOWLEDGEMENT OF COUNTRY**

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

**APOLOGIES**

Nil.

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

Nil.

**3. MAYORAL MINUTE**

Nil.

**4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS**

**SPECIAL MEETING HELD ON 14 OCTOBER 2016**

**Moved** Cr Noli

**Seconded** Cr Kerr

*"That the Minutes of the Special Meeting held on Friday, 14 October 2016, be confirmed."*

**Carried** unanimously.

**ORDINARY MEETING HELD ON 2 NOVEMBER 2016**

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*"That the Minutes of the Ordinary Meeting held on Tuesday, 2 November 2016, be confirmed."*

**Carried** unanimously.

## **5. AGENDA ITEMS**

### **5.1. MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITIES**

Simon Clarke, Planning Consultant

**Moved** Cr Noli

**Seconded** Cr Carey

*“That Council approves the development application for Telecommunication Facilities over Road Reserve north of Lot 32 on NR7691 (Coordinates – Latitude -16.6534280, Longitude 145.562847), located at Captain Cook Highway, Wangetti, 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 Layout and Access</i>	<i>Q101544 Issue 3</i>	<i>10 June 2016</i>
<i>Site Layout Detail B</i>	<i>Q101544 Issue 2</i>	<i>10 June 2016</i>
<i>Structure 2 – South and East Elevations</i>	<i>Q101544 Issue 2</i>	<i>10 June 2016</i>

#### **ASSESSMENT MANAGER CONDITIONS**

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

*Except where modified by these conditions of approval*

#### *Timing of Effect*

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

#### *Colours*

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

#### *Fencing and Signage*

4. *Construct fencing for the perimeter of the facility with a minimum 1.8 metre high mesh security fence painted the same or similar colour as the facility. The facility is to be signed with appropriate hazard and warning signs.*

#### *Damage to Council Infrastructure*

5. *In the event that any part of Council's existing infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy construction equipment, stripping, grubbing, the applicant/owner must notify Douglas Shire Council immediately of the affected infrastructure and have it repaired or replaced at the developer's cost, prior to Commencement of Use.*

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*Health*

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

**ADVICE**

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of the Sustainable Planning Act 2009.*
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. *For information relating to the Sustainable Planning Act 2009 log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au) . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au) .*

**LAND USE DEFINITIONS\***

*In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Telecommunication Facilities is defined as:*

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

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

*\*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.*

**Carried** unanimously.

**5.2. MATERIAL CHANGE OF USE DEVELOPMENT APPLICATION 24  
MUDLO STREET, PORT DOUGLAS (COMBINED APPLICATION FOR  
RECONFIGURING A LOT AND MULTI-UNIT HOUSING)**

Daniel Lamond, Planning Officer

**Moved** Cr Carey

**Seconded** Cr Leu

*"That Council approves the combined development application to Reconfigure a Lot - 1 into 3 lots and Material Change of Use for Multi-Unit Housing over land described as Lot 60 on PTD20911, located at 24 Mudlo Street, PORT DOUGLAS, subject to the following:*

**MATERIAL CHANGE OF USE**

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

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

Drawing or Document	Reference	Date
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<i>Site</i>	<i>Sheet 1, Prepared by Nathan Verri.</i>	<i>19 July 2016</i>
<i>Floor Plans</i>	<i>Sheet 2, Prepared by Nathan Verri.</i>	<i>19 July 2016</i>
<i>Elevations</i>	<i>Sheet 3, Prepared by Nathan Verri.</i>	<i>19 July 2016</i>
<i>Area Plan General</i>	<i>Sheet 4, Prepared by Nathan Verri.</i>	<i>19 July 2016</i>
<i>Area Plan Site Cover</i>	<i>Sheet 5, Prepared by Nathan Verri.</i>	<i>19 July 2016</i>
<i>Area Plan Gross Floor Area</i>	<i>Sheet 6, Prepared by Nathan Verri.</i>	<i>19 July 2016</i>
<i>3D Views NE &amp; NW</i>	<i>Sheet 7, Prepared by Nathan Verri.</i>	<i>19 July 2016</i>
<i>3D Views SE &amp; SW</i>	<i>Sheet 8, Prepared by Nathan Verri.</i>	<i>19 July 2016</i>
<i>Pictorial NE &amp; NW</i>	<i>Sheet 9, Prepared by Nathan Verri.</i>	<i>19 July 2016</i>
<i>Pictorial SE &amp; SW</i>	<i>Sheet 10, Prepared by Nathan Verri.</i>	<i>19 July 2016</i>

**ASSESSMENT MANAGER CONDITIONS**

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

*Except where modified by these conditions of approval*

*Timing of Effect*

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

*Air-conditioning Screens*

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

*Damage to Council Infrastructure*

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

*Water Supply and Sewerage Works External*

5. *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 provide adequate water supply to the development. The extension of the water main must have regard to the ultimate configuration of the development;*
  - b. *Augment existing sewer main to ensure each proposed unit is adequately controlled by sewer;*

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- c. *Upgrade to the extent necessary water supply and sewer connections to cater for the demand of the development;*

*The external works outlined above constitute Operational Works. Approval for Operational Works must be obtained prior to the issue of a Development Permit for Building Work. Such works must be designed and constructed in accordance with the FNQROC Development Manual. All works must be completed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.*

*Vehicle Parking*

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

*Lighting*

7. *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.*

*Protection of Significant Street Trees*

8. *Undertake a survey identifying the street trees at the Beryl Street verge. Indicate the diameter, canopy cover and root sprawl of the significant street trees. Detail how the proposed access to each dwelling relates to each of the significant street trees and how this may effect a consequent amendment to design.*

*An investigation to develop the most appropriate driveway access and to determine the least impact on the significant street trees within the road reserve of Beryl Street must be undertaken by an appropriately qualified arborist. Regard must be given to Australian Standard 4970-2009/Amdt 1-2010 (Protection of Trees on Development Sites). This investigation will be paramount in determining driveway access and footpath development. A plan detailing the above requirements must be submitted to Council for endorsement by the Chief Executive Officer prior to the issue of the development permit for building work.*

*External Works*

9. *Undertake the following works external to the land at no cost to Council:*
- a. *Provide three vehicle crossovers and aprons to Beryl Street. The location and design of the access must not detrimentally impact on the significant street trees on the road verge of Beryl Street. The location and the design of vehicle access to the site will be in accordance with advice and recommendations of an appropriately qualified arborist to ensure the health of the trees as detailed in other conditions of the Development Permit;*
- b. *Undertake planting of a 600mm wide garden bed with appropriate species along the exterior edge of the perimeter fence on the Mudlo and Beryl Street road reserve.*
- c. *Construct a 1500mm wide concrete footpath across the Beryl Street frontage in accordance with the FNQROC Development Manual. The footpath must not*

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*detrimentally impact on the significant street trees on the road verge of the street.*

- d. *Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.*

*Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size of the above works must be endorsed by the Chief Executive Officer. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.*

*Timing of Lot Reconfiguration*

10. *The development of the Multi-Unit Housing component of the application must be complete prior to Council endorsement of survey plans.*

*Demolish Structures*

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

*Stockpiling and Transportation of Fill Material*

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

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

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

*Emissions*

13. *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*

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

*Landscaping Plan*

15. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must detail the following:*
- b. *Deep planting of setback areas and planter beds within the development;*
  - e. *Landscaping of areas and treatments external to the development as detailed in conditions of approval;*

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- f. *Include any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.*

*Two (2) A1 copies and one (1) A3 copy 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 issue of a Certificate of Classification or Commencement of Use whichever occurs first. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.*

*Lawful Point of Discharge*

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

*Ponding and/or Concentration of Stormwater*

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

*Minimum Fill and Floor Levels*

18. *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*

19. *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).*

*Refuse Storage Area*

20. *The refuse bin enclosure must be roofed, banded, and connected to sewer with a bucket trap. A hose cock fitting must also be provided to the refuse facility.*

*Construction Signage*

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

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*Sediment and Erosion Control*

22. *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).*

*Boundary Fence Height*

23. *Advice is to be sought by an RPEQ certified traffic engineer or equivalent pertaining to the perimeter fence height at the corner of Mudlo and Beryl Street. The advice is to determine whether the fence needs to be truncated or lowered.*

*Plan of Subdivision*

25. *A Plan illustrating the future reconfiguration of the lot must be submitted to Council for endorsement by the Chief Executive Officer prior to the issue of a development permit for building work.*

**RECONFIGURATION OF A LOT**

**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>Sub-division plan to be provided</i>	<i>TBA</i>	<i>TBA</i>

**ASSESSMENT MANAGER CONDITIONS**

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

*Except where modified by these conditions of approval*

*Timing of Effect*

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

*Fire Separation*

3. *The boundary placement between each dwelling must be in accordance with the National Construction Code and in particular, the building setbacks from the side boundaries must comply with the fire regulations within the code.*

*Timing of Lot Reconfiguration*



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4. *The development of the Multi-Unit Housing component of the application must be complete prior to Council endorsement of survey plans.*

**ADVICE**

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the Sustainable Planning Act 2009.*
2. *All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

*Infrastructure Charges Notice*

4. *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.*
5. *The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.*

*Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.*

*The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development Assessment and Coordination at Council for review of the charge amount prior to payment.*

*The time when payment is due is contained in the Adopted Infrastructure Charges Notice.*

6. *For information relating to the Sustainable Planning Act 2009 log on to [www.dilqp.qld.gov.au](http://www.dilqp.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).*

**LAND USE DEFINITIONS\***

*In accordance with the Douglas Shire Planning Scheme 2006, the approved land use of Multi-Unit Housing is defined as:*

**Multi-Unit Housing**

**Means** the use of premises comprising two or more dwelling units on one lot for residential purposes.

The use includes accommodation commonly described as:

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- a. duplexes;
- b. flats;
- c. home units;
- d. apartments;
- e. townhouses;
- f. villa houses; or
- g. 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.

*\*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."*

**Carried** unanimously.

**5.3. MATERIAL CHANGE OF USE DEVELOPMENT APPLICATION 33  
DAVIDSON STREET, PORT DOUGLAS (MULTI-UNIT HOUSING AND  
HOLIDAY ACCOMMODATION)**

Daniel Lamond, Planning Officer

**Moved** Cr Kerr

**Seconded** Cr Carey

*"That Council grants approval for Material Change of Use to the development application for Multi-Unit Housing and Holiday Accommodation (10 Units) over land described as Lot 903 on PTD2092, located at 33 Davidson Street Port Douglas, subject to the following:*

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

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

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Street View Render</i>	<i>Project No: DANBRY001, Drawing No: A.1 REV A. Prepared by Hunt Design</i>	<i>16 August 2016</i>
<i>Basement Level</i>	<i>Project No: DANBRY001, Drawing No: A.2 REV A. Prepared by Hunt Design</i>	<i>16 August 2016</i>
<i>Level 1</i>	<i>Project No: DANBRY001, Drawing No: A.3 REV A. Prepared by Hunt Design</i>	<i>16 August 2016</i>
<i>Level 2</i>	<i>Project No: DANBRY001, Drawing No: A.4 REV A. Prepared by Hunt Design</i>	<i>16 August 2016</i>
<i>Level 3</i>	<i>Project No: DANBRY001, Drawing No: A.5 REV A. Prepared by Hunt Design</i>	<i>16 August 2016</i>
<i>Roof Level</i>	<i>Project No: DANBRY001, Drawing No: A.6 REV A. Prepared by Hunt Design</i>	<i>16 August 2016</i>
<i>Rear View Render</i>	<i>Project No: DANBRY001, Drawing No: A.7 REV A. Prepared by Hunt Design</i>	<i>16 August 2016</i>
<i>North and East Elevations</i>	<i>Project No: DANBRY001, Drawing No: A.8 REV A. Prepared by Hunt Design</i>	<i>16 August 2016</i>
<i>South and West Elevation</i>	<i>Project No: DANBRY001, Drawing No: A.9 REV A. Prepared by Hunt Design</i>	<i>16 August 2016</i>
<i>Section Plan</i>	<i>Project No: DANBRY001, Drawing No: A.10 REV A. Prepared by Hunt Design</i>	<i>16 August 2016</i>
<i>Rear View Render 2</i>	<i>Project No: DANBRY001, Drawing No: A.11 REV A. Prepared by Hunt Design</i>	<i>16 August 2016</i>

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<i>Appendix A- Drawing Not to Scale</i>	<i>Project No: DANBRY001, Drawing No: A.12 REV A. Prepared by Hunt Design</i>	<i>16 August 2016</i>
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**ASSESSMENT MANAGER CONDITIONS**

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

*Except where modified by these conditions of approval*

**Timing of Effect**

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

**Approved Land Use**

3. *The Development Permit for the Material Change of Use Multi-Unit Housing and Holiday Accommodation extends over eight (8) of the ten (10) approved units. The remaining two (2) units are approved for Holiday Accommodation only. Plans nominating those units to be used for Holiday Accommodation must be submitted to Council prior to the issue of a Development Permit for Building Works. The Community Management Statement must detail those units to be used as Holiday Accommodation and be to the satisfaction of the Chief Executive Officer prior to endorsement of the Building Format Plan. Those units approved for Multi-Unit Housing can also be used for Holiday Accommodation. Such requirements must be made known to future purchasers.*

*Alternatively, the development must be redesigned to accommodate the following changes:*

- a. *reduce the number of units to nine (9), or*
- b. *provide an additional two car-parking spaces onsite.*

*Details of the above requirements must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.*

**Amendment to Design**

4. *The layout of the proposed development must be amended to accommodate the following changes:-*
  - a. *Provide a refuse storage area which makes provision for commercial bins which are of sufficient size and capacity to service the development. Suitable access must also be provided to allow access to the facility to enable the bins to be emptied.*
  - b. *Detail any above ground transformer cubicles and/or electrical sub-station required to service the development. Such facilities are to be positioned so that they do not detract from the appearance of the streetscape.*

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*Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.*

*Air-conditioning Screens*

5. *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.*

*Damage to Council Infrastructure*

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

*Lockable Storage*

7. *Provide each unit with a minimum of 2.5 m<sup>2</sup> (minimum five (5) m<sup>3</sup> volume) of lockable storage space conveniently located with respect to car accommodation.*

*Water Supply and Sewerage Works Internal*

8. *Undertake the following water supply and sewerage works internal to the subject land:*
  - a. *The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;*
  - b. *Water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008;*
  - c. *Upgrade to the extent necessary water supply and sewer connections to cater for the demand of the development;*
  - d. *The sewer connection must be a minimum of 1.5 metres away from the swimming pool and clear of the zone of influence from the footings and foundations of any building/structure.*

*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.*

*Vehicle Parking*

9. *The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of twelve (12) spaces unless otherwise amended by conditions of this Development Permit. 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.*

*Lighting*

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10. *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*

11. *Undertake the following works external to the land at no cost to Council:*
- a. *Undertake bitumen widening adjacent to the existing carriageway of Davidson Street in the vicinity of the existing street light to seal and improve the visual appearance of the street frontage of the development;*
  - b. *Construct a barrier consisting of a kerb treatment around the existing street light in the Davidson Street road reserve. The barrier must provide a clearance of 820mm from the streetlight to face of kerb in accordance with the FNQROC Development Manual;*
  - c. *Provide a vehicle crossover and apron to Davidson Street. The location and design of the access must not detrimentally impact on the significant street trees as detailed on Drawing No. A.12 Rev A. The location and the design of vehicle access to the site will be determined in conjunction with the Department of Transport & Main Roads and in accordance with advice and recommendations of an appropriately qualified arborist to ensure the health of the trees as detailed in other conditions of the Development Permit;*
  - d. *Taper the existing garden bed adjacent the carriageway of Davidson Street on the southern side of the existing street light;*
  - e. *Undertake deep planting of the existing garden beds for the frontage of the site and partly along the frontage of 27 – 31 Davidson Street with appropriate species and in accordance with other conditions of this Development Permit;*
  - f. *Continue existing garden edging present along the frontage of the site and continue in a southerly direction beyond the existing street light;*
  - g. *Detail if any modification to the existing road verge is proposed in order to achieve a lawful point of discharge to the development and adequate cover of stormwater infrastructure;*
  - h. *Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.*

*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. 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.*

*Protection of Significant Street Trees*

12. *An investigation to develop the most appropriate driveway access in order to determine the least impact on the single stem tree within the road reserve of*

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*Davidson Street must be undertaken by an appropriately qualified arborist. Regard must be given to Australian Standard 4970-2009/Amdt 1-2010 (Protection of Trees on Development Sites). This investigation will be paramount in determining driveway access.*

*Demolish Structures*

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

*Stockpiling and Transportation of Fill Material*

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

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

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

*Emissions*

15. *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*

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

*Landscaping Plan*

17. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must detail the following:*
- a. Further planting of appropriate trees and shrubs within established gardens beds along the frontage of the site and adjoining land to the north having regard to Planning Scheme Policy No 7;*
  - b. Deep planting of setback areas and planter beds within the development;*
  - c. Provide fencing details (materials and finishes), particularly with respect to any fencing fronting Davidson Street;*
  - d. Deep planting of the front setback area to provide for an attractive street appearance and to soften building bulk;*
  - e. Landscaping of areas and treatments external to the development as detailed in conditions of approval;*

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- f. *Include any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.*

*Two (2) A1 copies and one (1) A3 copy 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 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*

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

*A hydraulic plan complete with supporting calculations and certified by an RPEQ must be provided demonstrating how stormwater from the site is appropriately and adequately delivered to a lawful point of discharge. Such details must be to the satisfaction of the Chief Executive Officer.*

*Ponding and/or Concentration of Stormwater*

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

*Minimum Fill and Floor Levels*

20. *All floor levels in all buildings must be located 150 mm 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*

21. *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).*

*Refuse Storage Area*

22. *The refuse bin enclosure must be roofed, bunded, and connected to sewer with a bucket trap. A hose cock fitting must also be provided to the refuse facility.*

*Details of Development Signage*

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

*Construction Signage*

24. *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*

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*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.

*Acid Sulfate Soil Investigation*

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 updated version of document produced by the Department of Natural Resources and Mines (Previously DNRW – QASSIT), and State Planning Policy 2/02 – 'Planning and Managing Development involving Acid Sulfate Soils'. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.*

*Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRW – 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 DNRW: 'Queensland Acid Sulfate Soil Technical Manual' (2002) including Soil Management Guidelines (updated Feb. 2003) which must be prepared to the satisfaction of the Chief Executive Officer.*

*Sediment and Erosion Control*

26. *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).*

**REFERRAL AGENCY CONDITIONS & REQUIREMENTS**

<i>Referral Agency</i>	<i>Referral Agency Reference</i>	<i>Date</i>	<i>Council Electronic Reference</i>
<i>State Assessment &amp; Referral Agency (Department of Infrastructure, Local Government &amp; Planning)</i>	<i>SDA-0716-031872</i>	<i>13 September 2016</i>	<i>#785209</i>

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

**ADVICE**



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1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the Sustainable Planning Act 2009.*
2. *All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

*Infrastructure Charges Notice*

4. *A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.*

*The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.*

*Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.*

*The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development Assessment and Coordination at Council for review of the charge amount prior to payment.*

*The time when payment is due is contained in the Adopted Infrastructure Charges Notice.*

5. *For information relating to the Sustainable Planning Act 2009 log on to [www.dilqp.qld.gov.au](http://www.dilqp.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).*

**LAND USE DEFINITIONS\***

*In accordance with the Douglas Shire Planning Scheme 2006, the approved land uses of Multi-Unit Housing and Holiday Accommodation are defined as:*

**Multi-Unit Housing**

**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;

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- 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.

**Holiday Accommodation**

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

The use may also include:

- restaurants;
- bars;
- meeting and function facilities;
- dining room;
- facilities for the provision of meals to guests;
- a managers 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 use 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.

*\*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.\**

**Carried** unanimously.

**5.4. FINANCIAL REPORT FOR THE PERIOD ENDED 31 OCTOBER 2016**

John Rehn, Manager Finance and IT

**Moved** Cr Leu

**Seconded** Cr Carey

*"That Council notes the Financial Report for the period ended 31 October 2016."*

**Carried** unanimously.

**5.5. ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT SYSTEM  
POLICY**

Joanne Jacobson, Acting General Manager Corporate Services

**Moved** Cr Noli

**Seconded** Cr Carey

*"That Council adopts the revised Administrative Action Complaints Management System Policy."*

**Carried** unanimously.

**5.6. OPERATIONAL PLAN PROGRESS QUARTERLY REPORT JULY -  
SEPTEMBER 2016**

Nevinia Davenport, Executive Assistant

**Moved** Cr Noli

**Seconded** Cr Leu

*“That Council notes the progress of the implementation of the Operational Plan 2016 – 2017.”*

**Carried** unanimously.

**5.7. CAPITAL WORKS PROGRESS REPORT FOR THE 1ST QUARTER 2016  
- 2017**

Michael Kriedemann, Manager Infrastructure  
Nicholas Wellwood, General Manager Operations

**Moved** Cr Carey

**Seconded** Cr Kerr

*“That Council receives and notes the progress of the Capital Works Program for the period 1 July 2016 to 30 September 2016.”*

**Carried** unanimously.

**5.8. WATER AND WASTEWATER QUARTERLY REPORT FOR THE PERIOD  
1 JULY 2016 TO 30 SEPTEMBER 2016**

Nicholas Wellwood, General Manager Operations

**Moved** Cr Carey

**Seconded** Cr Noli

*“It is recommended that the Quarterly Report of the Water and Wastewater branch for the period ending 30 September 2016 be received and noted.”*

**Carried** unanimously.

**6. NOTICES OF MOTION**

Nil.

**7. URGENT BUSINESS**

Nil.

**8. PETITIONS**

Nil.

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**9. CLOSED SESSION**

**Moved** Cr Noli

**Seconded** Cr Carey

*"That Council resolves to move into Closed Session to discuss the following matter:*

- 9.1 *Contractual and Prejudicial Matter S275 (1) (E) and (H) Local Government Regulation 2012 - Deed of Novation Mirage Port Douglas Development Deeds."*

**Carried** unanimously.

**OUT OF CLOSED SESSION**

**Moved** Cr Carey

**Seconded** Cr Kerr

*"That Council resolves to move out of Closed Session."*

**Carried** unanimously.

**9.1. CONTRACTUAL AND PREJUDICIAL MATTER S275 (1) (E) AND (H)  
LOCAL GOVERNMENT REGULATION 2012 - DEED OF NOVATION  
MIRAGE PORT DOUGLAS DEVELOPMENT DEEDS**

Paul Hoyer, Manager Sustainable Communities

**Moved** Cr Leu

**Seconded** Cr Noli

*"That Council delegates to the Mayor and Chief Executive Officer, in accordance with section 257 of the Local Government Act 2009, the authority to execute the Deed of Novation (Mirage Port Douglas Resort Development Deeds) on behalf of Council."*

**Carried** unanimously.

**9.2. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT  
REGULATION 2012 - PAWS AND CLAWS LOT 84 SP204459 -  
APPLICATION TO PURCHASE STATE LAND BEING RESERVE FOR  
ENVIRONMENTAL PURPOSES**

Robert Donovan, Senior Property Officer

Item deferred.

**CLOSURE OF MEETING**

The meeting closed at 10.38am.

**CONFIRMED THIS 12<sup>th</sup> DAY OF DECEMBER 2016**

  
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MAYOR/CHAIR