

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL HELD
AT THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT STREET, MOSSMAN ON
THURSDAY, 28 JANUARY 2016, COMMENCING AT 10.00AM**

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Bruce Clarke, Cr Terry Melchert, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Paul Hoyer (General Manager Operations), John Rehn (Manager Finance and IT), Tracey Crouch (Acting Manager Governance), Scott Hahne (Acting Manager Infrastructure), Lloyd Nunns (Chief Procurement Officer), Kerrie Hawkes (Executive Officer), Simon Clarke (Planning Consultant), Neil Beck (Planning Officer), Susanna Andrews (Technical Planning Officer), Helen Coulthard (Community & Economic Development Officer), Greg McLean (Communications/Events 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

Cr Melchert declared a material personal interest in relation to item 5.11 as he has previously worked for fuel supplier and marina operator Marano Enterprise Pty Ltd.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 16 DECEMBER 2015

Moved Cr Carey

Seconded Cr Noli

“That the Minutes of the Ordinary Meeting held on Wednesday, 16 December 2015, be confirmed.”

Carried unanimously.

5. AGENDA ITEMS

5.01. BARBADOS PORT DOUGLAS

Susanna Andrews, Technical Planning Officer

Moved Cr Leu

Seconded Cr Carey

“That the applicant and the Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General, be advised that Council does not object to the Application for a variation of the Commercial Other Subsidiary on Premises Licence from café to provision of meals for Barbados Port Douglas, Shop 65, The Reef Marina, Wharf Street, Port Douglas, also described as part of Lot 146 on SR861.”

Carried unanimously.

5.02. THE BOAT HOUSE RESTAURANT AND WINE BAR

Susanna Andrews, Technical Planning Officer

Moved Cr Noli

Seconded Cr Carey

“That the applicant and the Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General, be advised that Council does not object to the Application for Commercial Other Subsidiary on Premises Licence for The Boat House Restaurant and Wine Bar, The Reef Marina, Shop 52, Wharf Street, Port Douglas, also described as Lot 146 on SR861.”

Carried unanimously.

5.03. 24 MURPHY STREET, PORT DOUGLAS, REQUEST FOR EXTENSION OF RELEVANT PERIOD – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A HOUSE AND A PRELODGE MENT ENQUIRY FOR ALTERNATIVE ACCESS DESIGN

Simon Clarke, Planning Consultant

Moved Cr Melchert

Seconded Cr Carey

“A. That Council approves a two (2) year extension to the period of approval up to and including 1 February 2018 for the Negotiated Decision Notice issued 1 December 2010 for a Material Change of Use for a House over land described as Lot 1 on PTD2095, located at 24 Murphy Street, Port Douglas.

B. On a without prejudice basis, with respect to the prelodgement enquiry for an alternative access design, that Council advises the following:

- 1. Where built structures are proposed within the road reserve (i.e. the bridge structure), that portion of the road reserve is to be closed and converted to private freehold tenure and incorporated into Lot 1. The maintenance of all driveway infrastructure will be the responsibility of the land owner. The issue of this advice does not fetter Council’s ability to determine a future Development Permit for the driveway;*

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2. *Any part closure of the Grant Street road reserve to facilitate private ownership is the applicant's responsibility. The application seeking such closure is lodged with the Department of Natural Resources and Mines. In pursuing any part closure of the Grant Street road reserve the applicant will need to take into account Council's desire for future pedestrian access through the road reserve from Murphy Street to Island Point Drive and the ability to maintain access for services and infrastructure including drainage work;*
3. *In pursuing the proposal for an alternative driveway access design, the applicant will also need to lodge a request to change for Condition 14 of the Negotiated Decision Notice issued 1 December 2010 to provide for the alternative driveway design;*
4. *The proposed alternative driveway access design must be undertaken via an application for Operational Works that incorporates Lot 1 on PTD2095 as part of the application.*
5. *Any proposed alternative access driveway design is to be designed to:*
 - *minimise impacts on vegetation within the road reserve;*
 - *minimise the extent of earthworks required for the driveway;*
 - *take into account drainage regimes and geo-technical instability*
 - *provide a safe low-speed driveway that is suitable for shared use by pedestrians;*
 - *a standard capable of RPEQ certification.*

C. *That Council notate the property file for Lot 1 on PTD2095 regarding the advice contained in part B of the recommendation."*

Carried unanimously.

5.04. RECONFIGURING OF A LOT (1 LOT INTO 68 LOTS AND PARK)

Simon Clarke, Planning Consultant

Moved Cr Leu

Seconded Cr Carey

"That Council approves the development application for a staged Reconfiguring of a Lot over land described as Lot 113 on SP213765, located at 12-36 Alchera Drive Mossman, 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>Stage Plan</i>	<i>Brazier Motti Job 31122/42-1 Drawing 31122/119 G dated 3 November 2015 and to be amended by the conditions of the approval</i>	<i>To be Determined</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.

Lot Yield

3. The allotment yield as detailed on Drawing 31122/119 G dated 3 November 2015 prepared by Brazier Motti may reduce due to constraints. The lot yield will ultimately be determined following compliance with the conditions of this Development Permit requiring further investigation and design have potential implications to the lot layout.

Amendment to Design

4. The lot reconfiguration layout as shown on Drawing 31122/119 G must be amended to provide:
 - a. road access to balance Lot 1000 in minimum of two locations (nominally opposite Lot 349 in Stage 4A and an extension to Daintree Horizons Drive nominally in the vicinity of Lot 368 in Stage 4B). The extension to Daintree Horizons Drive is to be designed to be suitable for buses in accordance with the FNQROC Development Manual;
 - b. The location and configuration of the park as shown in Stage 4A is not approved. A centrally located area of park is to be provided within the estate to provide a centre-piece for the estate and to adequately cater for the existing stages (1, 2 and 3) and remaining stages of the estate. The park is to be provided with substantial road frontage. A minimum of 10% of the entire estate area (i.e. all stages inclusive) is to be provided as park.

An amended plan showing the above amendments must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Traffic Impact Study

5. A Traffic Impact Study must be undertaken by an appropriately qualified professional with respect to the impacts of the current proposed development (components of Stage 4) and for the ultimate development on the road network and compliance with Austroads, (in particular Guide to Traffic Management Part 12: Traffic Impacts of Developments), Queensland Streets and the FNQROC Development Manual. The study is to include but not be limited to the following:

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- a. *Volume of traffic generated by the development for the current proposed stages and for the ultimate development (including ultimate connectivity through to developable land to the South);*
- b. *Impact on the operation of the intersections at:*
 - (i) *Daintree Horizon drive with Johnson Road; and*
 - (ii) *Johnson Road with Front Street,**for current and ultimate development traffic generation rates from the development in addition to existing and expected external traffic growth;*
- c. *Advice on possible intersection reconfiguration or provision of traffic islands, line-marking, signage, street lighting and other necessary external work that may be required as a consequence of the increased traffic volumes at these intersection per the analysis in a and b above;*
- d. *Assessment of the operation of existing lot accesses on Johnson Road and Daintree Horizon Drive (queuing areas, protection of stored vehicles and requirement for clearways) as a consequence of the operation of the intersection and possible upgrades;*

Three (3) copies of the Traffic Impact Study report must be submitted and endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Work. Such works recommended by the approved report must be constructed in accordance with the approved plans to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Road Safety Audit - Road Layout

6. *Further investigations must be undertaken by an appropriately qualified professional with respect to the proposed road layout and compliance with Queensland Streets and the FNQROC Development Manual.*

Three (3) copies of the road safety audit that is approved by an RPEQ and a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Where specific access locations are nominated for particular allotments, the cross-over and aprons must be constructed prior to the issue of a Compliance Certificate for the Plan of Survey.

Drainage Study of Site

7. *Undertake a local drainage study of the proposed components of Stage 4 to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:*
 - a. *The contributing catchment boundaries and supporting information substantiating these boundaries. In particular, the assessment of the capacity, tenure and operation of any upslope diversion drains relied on in assessing contributing catchment boundaries;*
 - b. *The extent of the 100 year ARI flood event in relation to the site both pre- and post-development;*

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- c. *Primary and secondary flow paths for the 5 and 100 year ARI flood events;*
- d. *Identify any requirement for drainage easements. The lot layout does not currently identify drainage easements. Introduction of easements may have implications on Council acceptance of the layout and Council reserves the right to review the layout in the event easements are required within allotments;*
- e. *Identify the need and tenure for flood detention areas to ensure a no-worsening impact on downstream properties for the entire development;*
- f. *Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development; and*
- g. *Lawful point of discharge.*

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

Filling Lots

- 8. *Each lot must be filled to achieve a Q100 plus hydraulic modelling flood immunity for the building envelope area and access thereto.*

Street Layout and Design

- 9. *The street layout and design must be revised to comply with Queensland Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:*
 - a. *Amend the design having regard to any requirements identified under further investigation required of Conditions 4 and 5 above;*
 - b. *All roads must have a minimum road reserve width of 16.5 metres;*
 - c. *Provision of a two (2) metre wide footpath is to be constructed within all Access Streets and higher order roads in accordance with Table D1.3;*
 - d. *Provide a convex viewing mirror at the bend in the pathway between lots 332/333 and 351/352;*
 - f. *Inclusion of a timber paling fence to a standard height of approximately 1.8 metres to the residential lots that have a common boundary to proposed Lot 1000 and suitable headland separation on proposed Lot 1000 from the common boundary to the residential lots and the Park lot for the ongoing agricultural use of the land;*
 - g. *The location of any substantial area of remaining fill / spoil must be suitably mounded, grassed and maintained to ensure no detriment to any property by way of ponding water or impact to drainage flows and not to be of such a height to be desirous to the visual amenity of residential properties;*
 - h. *Ensure the access place 'street leg length' is designed to satisfy the 30 km/hr design speed control criteria;*

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- i. *Ensure the access street 'street leg length' is designed to satisfy the 40 km/hr design speed control criteria;*
- j. *Nomination of location and provision of driveways for the proposed Lots 353, 354, 360, 359, 367, 368, 376, 375, 372, 373, 391, 392, 393 and 394 to ensure the maximum sight distance possible to reduce conflict at the adjoining intersections;*
- k. *A Master Plan for on-street parking must be provided for all lots with frontages less than 20m to demonstrate adequate parking opportunities can be provided to satisfy Qld Streets having regard to street services, road furniture, drainage inlet pits, street lights and driveways; and*
- l. *Provision of on-street car parking spaces as identified in the above parking Master Plan and as a minimum, within the cul-se-sac in the vicinity of lots 403 to 408 to satisfy Qld Streets.*

An amended plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Provision of Park

10. *The applicant is to provide park in accordance with the requirements of Condition 4b in prior to Council being required to issue a certificate of compliance for Stage 4B. The park area must include:*
 - a. *Water service and provision of a tap for the central park;*
 - b. *Bollards around the perimeter to prevent vehicle access with the exception of Council access;*
 - c. *Shelter and seating area in the central park;*
 - d. *Profiling of the park is to be demonstrated on the earthworks plan. In particular site grading, batter height and slope must meet the requirements of the Planning Scheme and FNQROC Development Manual;*
 - e. *Seeded and grassed.*

The inclusion of other embellishments will be determined at the time of seeking a Development Permit for Operational Works.

This area of land must be to the requirements and satisfaction of the Chief Executive Officer. The land must be transferred at the same time as registering the Plan of Survey with the Department of Natural Resources and Mines.

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Water Supply and Sewerage Master Plan

11. *A Water Supply and Sewerage Master Plan accompanied by supporting calculations must be provided which demonstrates how the proposed stages and the ultimate development can be serviced. Any staging issues or future upgrades need to be identified and the timing for such upgrades nominated in the master plan.*

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey.

Water Supply and Sewerage Works Internal

12. *Undertake the following water supply and sewerage works internal to the subject land:*
- a. *Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;*
 - b. *Provide a water supply reticulation network to enable future connection of each lot in accordance with the FNQROC Development Manual;*

All the above works must be designed and constructed in accordance with the FNQROC Development Manual. Plans and supporting documentation incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Acid Sulfate Soil Investigation

13. *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 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 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 DNRM: '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.

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Access to Hatchet or Battleaxe Lots

14. *Construct a concrete driveway or other approved surface to battleaxe Lot 405 extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with the FNQROC Development Manual Standard Drawings. Construction of the concrete driveway must be in accordance with the FNQROC Development Manual.*

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Service Conduits

15. *Provide service conduits to Lot 405 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.*

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Demolish Structures

16. *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 the issue of a Compliance Certificate for the Plan of Survey.*

Temporary Vehicle Turnaround

17. *A temporary vehicle turnaround at end of all partially constructed roads where the length of road exceeds sixty (60) metres (ie maximum acceptable reversing distance for garbage truck) must be provided. The turning facility must be of sufficient size to turn around a garbage truck, either in a continuous forward movement or by a three-point turn.*

Stockpiling and Transportation of Fill Material

18. *Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works unless the mounded earth is grassed, maintained and does not detrimentally impact on stormwater. A drainage plan demonstrating the sufficiency for stormwater approved by an RPEQ must be provided to the satisfaction of the Chief Executive Officer where filling or spoil is stockpiled for more than 1 month..*

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.*

19. *Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.*

Storage of Machinery and Plant

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

Construction Access

21. *Vehicular access to the site for construction and demolition purposes must be provided from Daintree Horizon Drive only, unless authorised by the Chief Executive Officer.*

Fence Requirement – Protection from ongoing cane usage

22. *Construct an acoustic fence (that may be a standard 1.8m timber paling fence) to the common boundary of the residential lots to the proposed Lot 1000, authorised under this approval.*

Vegetation Clearing

23. *No vegetation clearing, other than regular agricultural activity is to occur on the Balance Lot 1000 unless further approval is gained as is necessary.*

Weed Management

24. *A Weed Management Plan for invasive pest species must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.*
25. *A vehicle wash down and inspection facility for all machinery entering and leaving the site during construction must be provided to reduce the spread of invasive weed species.*

Lawful Point of Discharge

26. *All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.*

Plan of Drainage Works

27. *The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,*
- a. *Drainage infrastructure in accordance with the FNQROC Development Manual*
 - b. *The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:*
 - i. *End-of-line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.*

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- ii. *SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQID must treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.*
 - iii. *The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.*
 - iv. *SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.*
 - v. *In the event that the master plan for the ultimate development proposes a SQID that is not within the current stages the applicant is to advise when the SQID will be provided and what temporary measures are proposed.*
- c. *All new allotments shall have immunity from flooding associated with a 1%AEP (ARI 100 year) rainfall event; and*
 - d. *Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).*

Sediment and Erosion Control

- 28. *A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans 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).*

Existing Services

- 29. *Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:*
 - a. *Relocate the services to comply with this requirement; or*
 - b. *Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of a Compliance Certificate for the Plan of Survey creating the lot.*

Electricity Supply

- 30. *Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.*

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Electricity and Telecommunications

31. *Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.*

Street Lighting

32. *The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the issue of a Compliance Certificate for 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:

- *Intersections*
- *Pedestrian Refuges*
- *Cul-de-sacs*
- *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.

- 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.*

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Damage to Council Infrastructure

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

Landscape Plan

34. *Undertake landscaping of the site and street frontages of new roads in accordance with FNQROC Development Manual and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:*
- a. *Planting of the footpath with trees, using appropriate species;*
 - b. *The provision of shade trees, especially in parks;*
 - c. *Species to have regard to the Planning Scheme Policy No.7 Landscaping;*
 - d. *Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to 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 prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

ADVICE

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four 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.*

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4. *Road and Site Grading Master Plan*

Any future development of Lot 1000 will require a Road and Site Grading Master plan to be undertaken for the entire site to a preliminary level. Stages contained in Stage 4 (A, B, C and D) and as amended by the conditions of the approval set the road alignments and geometry for future road connectivity within the estate. In order for Stage 4 layouts to be accepted, the master plan will need to demonstrate that the proposed ultimate layout provides sufficient opportunities for efficient drainage through the site.

Council notes that the road layout appears to follow the contours indicating limited longitudinal fall along the road. Provision of preliminary road grading together with the drainage study will need to demonstrate that layout is responsive to the topography and does not impose excessive stormwater infrastructure requirements.

5. *Drainage*

Future development of Lot 1000 will require the submission of a Drainage Study and master plan.

6. *Infrastructure Charges Notice*

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

7. *For information relating to the Sustainable Planning Act 2009 log on to 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."*

An amendment to section 5. Traffic Impact Study, to include the following additional condition:

- "e. Consideration of the need for traffic calming to be installed at the internal intersections onto to the major internal collector route Daintree Horizon Drive including in particular at its intersections with Riflebird Close and Springhill Close."*

Carried unanimously.

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5.05 FINANCIAL REPORT FOR THE PERIOD ENDED 31 DECEMBER 2015

John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Carey

“That Council notes the Financial Report for the period ended 31 December 2015.”

Carried unanimously.

**5.06. OPERATIONAL PLAN 2015 - 2016 FOR THE PERIOD OCTOBER TO
DECEMBER 2015**

Darryl Crees, General Manager Corporate Services

Moved Cr Carey

Seconded Cr Clarke

“That Council notes the progress of the implementation of the Operational Plan 2015 - 2016.”

Carried unanimously.

MEETING WITHDRAWAL

Cr Leu declared a conflict of interest in relation to item 5.07 as she is a Douglas Shire Council appointed Director on the Tourism Port Douglas Daintree (TPDD) Board and would not participate in the debate or vote on the matter.

Cr Leu withdrew from the meeting at 10.35am.

Cr Noli took the Chair.

**5.07. TOURISM PORT DOUGLAS DAINTREE - QUARTERLY REPORT JULY -
SEPTEMBER 2015**

Kerrie Hawkes, Executive Officer

Moved Cr Carey

Seconded Cr Clarke

“That Council notes the July - September 2015 Quarterly Report received from Tourism Port Douglas Daintree (TPDD) further to the Resource and Performance Agreement dated 1 July 2014 to 30 June 2017 between TPDD and Douglas Shire Council.”

Carried unanimously.

MEETING RE-ATTENDANCE

Cr Leu re-attended the meeting at 10.38am and resumed the Chair.

5.08. NDRRA PROGRESS REPORT #11 - NOVEMBER 2015

Scott Hahne, NDRRA Project Engineer

Moved Cr Noli

Seconded Cr Leu

“That Council notes the results achieved to date and the future projections contained in the 2014 NDRRA PCG Monthly Report 11 – November 2015.”

Carried unanimously.

5.09. FAR NORTH QUEENSLAND PRINCIPAL CYCLE NETWORK PLAN

Michael Kriedemann, Manager Infrastructure

Moved Cr Noli

Seconded Cr Carey

“That Council resolve to:

- 1. Endorse the Far North Queensland Principal Cycle Network Plan; and*
- 2. Advise the Queensland Department of Transport and Main Roads of Douglas Shire Council’s endorsement of the Plan.”*

Carried unanimously.

5.10. REPORT FROM THE CHIEF EXECUTIVE OFFICER

Linda Cardew, Chief Executive Officer

Moved Cr Noli

Seconded Cr Carey

“That Council receives and notes the report.”

Carried unanimously.

MEETING WITHDRAWAL

Cr Melchert declared a material personal interest in relation to item 5.11 and withdrew from the meeting at 11.07am.

5.11. PORT DOUGLAS REEF MARINA STATUS REPORT

Linda Cardew, Chief Executive Officer

Moved Cr Leu

Seconded Cr Carey

“On the basis of the information provided and the Minister’s broad prima facie support for the approach undertaken in discussions with The Reef Marina (TRM) as detailed in the report, it is recommended that Council request officers to:

- request formal confirmation from the fishermen that Lot 96 on SP 134234 and the adjoining portion of Lot 146 on CP861 is an acceptable location for the fishing industry;*
- prepare a detailed proposal for the purchase by Council of the freehold title to Lot 96 on SP 134234 including potential uses, all costs, source of funds, and planning opportunities and constraints;*
- progress discussions with TRM requesting it relinquish a portion of Lot 146 on CP861 for the purpose of locating the fishing berths and providing water access to Lot 96;*
- in the event discussions with TRM fail, that officers bring a report to Council recommending the compulsory acquisition of the necessary portion of Lot 146 SR861, lease land below the high water mark in accordance with the Acquisition of Land Act 1967 to be incorporated into Lot 126 SR868 of which Council is Trustee; and*
- that Council re-affirm its continued support for the Minister’s direction that an alternative location for the fishermen be found “and made operational”.*

Carried unanimously.

MEETING RE-ATTENDANCE

Cr Melchert re-attended the meeting at 11.25am

6. NOTICES OF MOTION

**6.1. NOTICE OF MOTION - SOLAR HEROES NON DISCLOSURE
AGREEMENT ADVOCACY TO STATE GOVERNMENT**

Moved Cr Clarke

Seconded Cr Melchert

“That Council write to the Hon. Mark Bailey, Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply, to encourage the Minister to sign a NDA, (Non-Disclosure Agreement) which is in his possession, in order to allow the company “Solar Heroes” to present to State Government a full disclosure and presentation of a Complete Renewable Energy Power Unit which would be suitable for installation to the communities north of the Daintree River.”

For: Cr Leu, Cr Clarke, Cr Noli and Cr Melchert

Against: Cr Carey

Carried.

6.2. NOTICE OF MOTION - LINE MARKING DAINTREE ROAD

Moved Cr Melchert

Seconded Cr Clarke

“That Council instruct the Chief Executive Officer to arrange, as soon as possible, and by not later than 30th June 2016, the complete restoration/repainting of line marking on the Daintree to Cape Tribulation Road. If the usual Council contractor cannot carry out the work within the prescribed time frame then an alternate contractor is to be engaged via separate quotation.”

For: Cr Melchert and Cr Clarke

Against: Cr Leu, Cr Noli and Cr Carey

Lost.

**6.3. NOTICE OF MOTION - RECONFIGURATION OF FACILITIES DIWAN
CLINIC**

Moved Cr Melchert

Seconded Cr Clarke

“That Council resolve to:-

- (i) Confirm approval for the Cow Bay Clinic to be relocated into the main Community Facilities Building at Diwan, with the Community facilities and internet access facilities being relocated into the existing Clinic annex adjacent to Community Facilities building,*
- (ii) Approve building modifications, including the installation of ceiling insulation material to facilitate the immediate location of all clinic facilities into one building, with all required relocation works being funded by Queensland Health.”*

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON THURSDAY, 28 JANUARY 2016, COMMENCING AT 10.00AM

For: Cr Melchert and Cr Clarke
Against: Cr Leu, Cr Noli and Cr Carey

Lost.

**6.4. NOTICE OF MOTION - RESTORATION OF SAFE 4 WHEEL DRIVE
CROSSING EMMAGEN CREEK**

Moved Cr Melchert

Seconded Cr Clarke

"That Council instruct the Chief Executive Officer to arrange, as soon as possible, the restoration of the safe and convenient 4 WD crossing at Emmagen Creek on the Daintree to Cape Tribulation Drive with the same even "small rock" surface and low flow water levels (30 to 40cm) as was created by Council's contractor during road construction works North of the crossing, and Council confirm its commitment maintaining the Cape Tribulation to Bloomfield River Road as a good quality 4WD drive track."

For: Cr Melchert and Cr Clarke
Against: Cr Leu, Cr Noli and Cr Carey

Lost.

**6.5. NOTICE OF MOTION - ROAD MAINTENANCE WORKS NORTH OF THE
DAINTREE RIVER**

Moved Cr Melchert

Seconded Cr Clarke

"That Council require that the following Road Maintenance works be carried out as soon as possible:-

- i. Repair to pavement deformation in one lane of the Daintree-Cape Tribulation Road in the vicinity of the "Fan Palm" café.*
- ii. Repair or removal of damaged/rusted steel bridge girders on the bike/pedestrian crossing over Hutchison Creek. Further until the removal/repairs are done a proper security/exclusion fence be erected at each end of the structure to physically prevent access by people and in particular children. This is really important because the site is very close to the Alexander Bay School."*

An amendment was moved:

Moved: Cr Carey

Seconded: Cr Leu

"That the suggested works be referred to the 2016-2017 Capital Works Program."

Carried unanimously.

The amended motion became the substantive motion.

The motion was put to the vote.

Carried unanimously.

6.6. NOTICE OF MOTION - BITUMENING OF GRAVEL ROADS IN DOUGLAS SHIRE

Moved Cr Melchert

Seconded Cr Clarke

“That Council consider in its 2016/2017 Budget deliberations the feasibility of establishing a road upgrade sinking fund with contributions in the order of \$150,000 per year and with funds to be allocated to gravel road bitumening as and when NDRRA funds become available to repair and stabilise gravel roads after Cyclonic and Flood events.”

For: Cr Melchert and Cr Clarke

Against: Cr Leu, Cr Noli and Cr Carey

Lost.

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

- 9.1 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Regional Arts Development Fund (RADF) Funding Recommendations*
- 9.2 *Contractual Matter S275 (1) (E) Local Government Regulation 2012 - Contract Award Under S234 the Contract is Made Under and Exception for LGA Arrangement*
- 9.3 *Contractual Matter S275 (1) (E) Local Government Regulation 2012 - Contract Award Under S234 Tender Process”*

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Leu

Seconded Cr Clarke

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

Carried unanimously.

**9.1. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - REGIONAL ARTS DEVELOPMENT FUND (RADF)
FUNDING RECOMMENDATIONS 2015 - 2016**

Helen Coulthard, Community & Economic Development Officer

Moved Cr Noli

Seconded Cr Carey

“That Council:

- 1. approves funding of \$16,437 (GST Exc) for six Regional Arts Development Fund (RADF) projects for 2015 – 2016 detailed in Attachment One of this report;*
- 2. not approve funding for one Regional Arts Development Fund (RADF) project for 2015 – 2016 detailed in Attachment Two of this report; and*
- 3. delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to administering the Regional Arts Development Fund program for 2015 – 2016.”*

Carried unanimously.

**9.2. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 - CONTRACT AWARD UNDER S234 THE
CONTRACT IS MADE UNDER AN EXCEPTION FOR LGA
ARRANGEMENT**

Lloyd Nunns, Chief Procurement Officer

Moved Cr Leu

Seconded Cr Carey

“That Council:

- 1. Resolves in accordance with section 234 of the Local Government Regulation 2012 to award Contract No 39-2015 Sewer Rehabilitation to Relining Solutions Pty Ltd for the period from 28 January 2016 to 30 June 2016, with the option of two (2) one year extensions (01 July 2016 - 30 June 2017 and 01 July 2017 - 30 June 2018); and*
- 2. Delegates authority to the Mayor and Chief Executive Officer in accordance with Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to this contract.”*

Carried unanimously.

**9.3. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 - CONTRACT AWARD UNDER S228 TENDER
PROCESS**

Lloyd Nunns, Chief Procurement Officer

Moved Cr Clarke

Seconded Cr Melchert

"That Council:

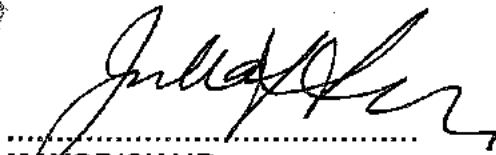
- 1. Resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract No 36-2015 Operation and Maintenance of Killaloe Transfer Station and Landfill to Killaloe Resources and Recovery Pty Ltd (KR&R) ABN: 77 347 395 778 for the period from 01 February 2016 to 01 February 2021, with the option of two (2) one year extensions (01 February 2021 - 01 February 2022 and 01 February 2022 - 01 February 2023); and*
- 2. Delegates to the Mayor and Chief Executive Officer in accordance with Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to this contract."*

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 12.19pm.

CONFIRMED THIS 23rd DAY OF FEBRUARY 2016


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MAYOR/CHAIR