

**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, 7 JUNE 2016, COMMENCING AT 10.00AM**

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), Paul Hoye (General Manager Operations), Joanne Jacobson (Manager Governance), Kerrie Hawkes (Executive Officer), Neil Beck (Planning Officer), Nicola Learmond (Sustainability Officer), Greg McLean (Communications and Events Officer) and Nicole Barton (Mayoral and Councillor Support Officer).

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.

MINUTE OF SILENCE

A minute of silence was observed as a mark of respect for Cindy Waldron and her family and friends.

APOLOGIES

Nil.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Carey referred to Item 8.2 on the agenda – “Douglas Markets Stallholders Request for Review of Fees During Off/Wet Season” and stated that he recognises that his relationship with a regular stallholder at the markets could reasonably be taken to be a perceived conflict of interest in the matter before this meeting but that he has considered his position and is firmly of the opinion that he can participate in debate and vote on the matter in the public interest.

Cr Noli referred to Item 8.2 on the agenda – “Douglas Markets Stallholders Request for Review of Fees During Off/Wet Season” and stated she recognises that she is a stallholder at the markets as are members of her family and she could reasonably be taken to have a perceived conflict interest in the matter before this meeting but that she has considered her position and is firmly of the opinion that she can participate in debate and vote on the matter in the public interest.

3. MAYORAL MINUTE

Nil.

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4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 17 MAY 2016

Moved Cr Carey

Seconded Cr Zammataro

“That the Minutes of the Ordinary Meeting held on Tuesday, 17 May 2016, be confirmed.”

Carried unanimously.

5. AGENDA ITEMS

5.01. MATERIAL CHANGE OF USE (AQUACULTURE & CARETAKER'S RESIDENCE), RECONFIGURATION OF A LOT (BOUNDARY REALIGNMENT) & OPERATIONAL WORKS (BULK EARTHWORKS)

Neil Beck, Planning Officer

Moved Cr Leu

Seconded Cr Carey

“That Council approves the development application for Material Change of Use (Expansion of Aquaculture Facility & Caretaker’s Residence), Reconfiguring a Lot (Boundary Realignment) & Operational Works (Bulk Earthworks) over land described as Lot 8 NR152, Lot 201 SP222765 and Lot 7 on RP846941, located at Captain Cook Highway, Killaloe subject to the following:

A. CONDITIONS APPLICABLE TO EXPANSION OF AQUACULTURE FACILITY & CARETAKER’S RESIDENCE

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>Proposal Plan</i>	<i>Drawing No. 5555 P PP 100</i>	<i>19 August 2015</i>
<i>Concept Plan - Operational Area</i>	<i>Drawing No. 555-P CP01.C</i>	<i>4 September 2015</i>
<i>Statement of Landscape Intent</i>	<i>Drawing No. 555 L L/01 – Plans 01 – 03 inclusive</i>	<i>30 June 2015</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 the commencement of use except where specified otherwise in these conditions of approval.*

Limitation on Use

3. *No direct retail sales to the general public are to be conducted from the site.*

Building Details

4. *Scaled drawings of proposed buildings are to be submitted to Council for its agreement prior to the issue of a development permit for building works. Such buildings will:*
 - a. *not exceed 10 metres in height;*
 - b. *not utilise white and / or shining metallic surfaces on external surfaces, unless otherwise agreed in writing by Council.*

Operational Works

5. *An Operational Works Approval is required for the earthworks, drainage and external road upgrade associated with the development.*

Such works must be completed to the satisfaction of the Chief Executive Officer prior to commencement of use or issue of a compliance certificate for the plan of survey, whichever occurs first. Where plans are required, three (3) A1 size copies of the plans and one (1) copy at A3 size must be submitted to Council.

Earthworks

6. *The extent of the works is to be revised to ensure the limit of works is contained within the site. In particular, the limit of works and interface with the existing surface along the south east boundary is to be confirmed to be within the development site and not to encroach into the existing drainage path.*

The filling of the site must not compromise the drainage of external areas through the site.

The minimum filling for the operations centre pad is to be 3.2m in accordance with the Mortons Urban Solutions drawings.

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Water Supply Works

7. *Undertake the following water supply works to the site to connect the site to existing Council water supply infrastructure:*
- a. *Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage;*
 - b. *Ensure the appropriate minimum water pressure and flows (including fire-fighting flow) requirements can be provided to the site in accordance with FNQROC and the appropriate building classification for the use. Identify any extensions or upgrades proposed including on-site storage if required to achieve compliance for the classification of building and the use. Certification from an appropriately qualified hydraulic designer is required to confirm compliance;*
 - c. *Provide a single metered internal water connection;*

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

The works outlined above require approval from Council. A plan of the works at A1 must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to commencement of use.

On-Site Effluent Disposal

8. *The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. The sewage loading must include the various uses on the site and appropriate supporting information and justification of the sewage loads is to be submitted for Council's review. Location, size, levels and grading of the primary disposal area and reserve area are to be provided.*

Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a development permit for building work.

Vehicle Parking

9. *The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 10 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.*

Turning templates for the design vehicle must be submitted to confirm the manoeuvring areas and to demonstrate the clearances to proposed parking areas.

The parking, manoeuvring and access plans (and construction details) must be endorsed by the Chief Executive Officer prior to the issue of a development permit for building work.

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External Works

10. *Undertake the following works external to the land at no cost to Council:*

- a. *Upgrade the road to the site from the Captain Cook Highway. The road is to be constructed generally in accordance with the typical section provided on Mortons Urban Solutions Drawing 307-01-091 subject to changes required to achieve compliance with these conditions.*
- b. *The pavement design is certified by an RPEQ and must be in accordance with the FNQROC guideline. Traffic assumptions and generation rates are to be provided to Council and are to be certified as appropriate by the RPEQ.*
- c. *The road design must have regard to the stormwater flood modelling outcomes and any inundation per the drainage conditions.*
- d. *The road is to be imperviously sealed to Council's satisfaction. Unless otherwise agreed, the seal width is to be 6.0m to facilitate vehicles passing noting the proximity to the drain and the power poles.*
- e. *Demonstrate how vehicles utilising the public road can turn around within the road reserve without entering private property. The presence of the drainage infrastructure within the reserve is noted in this regard.*
- f. *Confirm the clearance to existing power poles within the road reserve and demonstrate clearance is acceptable in accordance with FNQROC and AUSTRROADS guidelines.*
- e. *The applicant is to engage an appropriately qualified and experienced RPEQ to undertake a risk assessment on road operation and traffic adjacent to the proposed open drain/major overland flow path in accordance with Safety in Design principles and the Workplace Health and Safety Act 2011. The assessment must include, but not be limited to:-*
 - *the operation of the road in dry conditions noting the proximity to the open drain;*
 - *the operation of the road in typical rainfall conditions with the drain containing water;*
 - *the operation of the road in flood conditions noting the predicted inundation of the road and drain and the potential ambiguity of the carriageway delineation.*

The development must be designed to be "low" or "very low" risk. In locations where the identified risk(s) lie outside of these acceptable risk ranges, mitigation measures must be adopted to reduce the risks to these tolerable levels. A copy of the risk assessment and drawings detailing the proposed works shall be certified by the RPEQ as being in accordance with the legislative and conditional requirements. The drawings and risk assessment shall be required to be approved by Council.

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The external works outlined above require approval from Council. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to commencement of use.

Drainage Study of Site

11. *The applicant is to review the existing local drainage study and update where necessary to ensure it addresses the following requirements.*

Undertake a local drainage study of the site 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;*
- b. *The extent of the 1% AEP/100 year ARI flood event in relation to the site both pre and post development;*
- c. *Primary and secondary flow paths for the 5, 20, 50 and 100 year ARI flood events;*
- d. *The location of proposed drainage crossings of the flow paths for pedestrian and vehicle movements within the site and the hydraulic implication of these on the flood modelling;*
- e. *Confirm the extent of the distributor and inlet channels noting the differing extents shown on the Gassman Proposal Plan and the Morton's Urban Solutions Bulk Earthworks plans.*
- f. *Subject to the extents of the channels per e. above, confirm the impacts and interfacing arrangements/structures at the crossing of the existing corridors as follows:*
 - *vegetated drainage corridor along the common boundary of current Lot 7 on RP846941 and Lot 201 on SP222765; and*
 - *on the access easement A on SP222765.*
- g. *Identify any requirement for drainage easements. In particular, the formalised flow paths that convey external runoff through the site;*
- h. *With reference to the typical sections on Mortons Urban Solutions drawing 307-01-091, assess the operation of the drainage swales adjacent the pond batters and confirm that the proposed pond batters are not compromised by the drainage conveyance. Advice on velocities, duration of inundation etc is required. An appropriately qualified engineer is to assess the operation of the drainage elements and satisfy themselves as to the long term stability of the common batters of the drain and pond. Any mitigation measures or stability works are to be nominated and included in the amended drawings;*

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- i. confirm the flow depth in the roadside drain and confirm that the road immunity and depth parameters comply with the FNQROC requirements for the minor and major rainfall events;*
- j. Confirm any additional measures required for pedestrian safety in the event that the drainage depths and flows do not comply with the pedestrian safety parameters set out in FNQROC/QUDM;*
- k. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;*
- l. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development;*
- m. Lawful point of discharge.*

The study must be endorsed by the Chief Executive Officer prior to the issue of a development permit for building work with the necessary works being undertaken prior to commencement of use or issue of a compliance certificate for the plan of survey, whichever occurs first.

Acid Sulfate Soil Management Plan

- 12. 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 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.

Storage of Machinery and Plant

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

Demolish Structures

- 14. 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.*

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Access Easement/s

15. *Demonstrate how the existing Access Easement will be maintained or provide advice on alternative access location and easement proposed to allow vehicle access and on-site manoeuvring for the adjacent property.*

The access and easements are to be to the requirements and satisfaction of the Chief Executive Officer. A copy of any updated easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council.

The approved easement documents must be lodged and registered with the Department of Natural Resources & Mines prior to the Commencement of Use.

Amalgamation of Lots

16. *A Plan of Survey must be prepared amalgamating proposed Lot 202 having an area of 62.06 hectares with Lot 8 on NR153 into one allotment. The Plan of Survey must be registered with the Department of Natural Resources and Mines and a new certificate of title issued at the applicant's/owner's cost prior to Commencement of Use.*

Lawful Point of Discharge

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

Minimum Fill and Floor Levels

18. *The site is to be filled generally in accordance with the Morton's Urban Solutions Bulk Earthworks plans (except where modified by the conditions). The fill level in the operations centre and caretakers is to be filled to 3.2m in accordance with the Bulk Fill drawings.*

In addition, all habitable floor levels must be located 300 mm above the 1% AEP flood immunity level (Q100).

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).*

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Landscape Plan

20. *The site must be landscaped generally in accordance with the Statement of Landscape Intent details and in accordance with a Landscaping Plan. All landscaping works must be contained on the site. The Landscaping Plan must show:*

- *A landscape buffer adjacent the Captain Cook Highway to screen the development when viewed from the Highway. The landscape buffer must have a minimum width of 10 metres unless otherwise approved by the Chief Executive Officer at the time of the assessment of the Landscape Plan.*
- *A landscape buffer adjacent the northern boundary of Lot 8 on NR153 having a minimum width of 5 metres;*
- *Nominate the plant species to be used and planting densities in order to achieve screening of the development from adjoining properties over time;*
- *Detail ground preparation and removal of potential contaminated soils associated with concrete surfacing works. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth;*
- *Detail the interface between landscaping works and the ponds and / road and drainage infrastructure;*
- *Species to have regard to Council's Planning Scheme Policy No.7 Landscaping;*
- *Details of any proposed fencing;*
- *Inclusion of 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.*

The Landscape Plan must be endorsed by the Chief Executive Officer. All landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use and maintained at all times to the satisfaction of the Chief Executive Officer.

Noise

21. *The proposed activity must be conducted in a manner that -*

- a. *applies such reasonable and practicable means necessary to avoid, minimise or manage (in that order) the emission or likelihood of emission of noise that constitutes an intrusive or nuisance noise; and*
- b. *achieves the acoustic quality objectives of the Environmental Protection (Noise) Policy 2008.*

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Air Quality

22. *The activity must be conducted in a manner that –*

- a. *does not cause an environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of odour, fumes, smoke, vapour, steam, particulate matter or other emissions to the air; and*
- b. *is consistent with achieving the air quality objectives of the Environmental Protection (Air) Policy 2008.*

B. CONDITIONS APPLICABLE TO RECONFIGURING A LOT (BOUNDARY REALIGNMENT)

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>Proposed Reconfiguration of Land (Boundary Relocation)</i>	<i>Drawing No. 5555 P ROL 02</i>	<i>15 February 2015</i>
<i>Proposal Plan</i>	<i>Drawing No. 5555 P PP 100 Issue A</i>	<i>19 August 2015</i>

ASSESSMENT MANAGER CONDITIONS

- *Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:*
 - *The specifications, facts and circumstances as set out in the application submitted to Council; and*
 - *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

- *The conditions of the Development Permit must be effected prior to the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.*

Existing Services

- *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*

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- 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.*

C. CONDITIONS APPLICABLE TO OPERATIONAL WORKS (BULK EARTHWORKS)

The standard conditions are shown in Appendix A and must be read in conjunction with any approved plans and project specific conditions identified below.

The information or amended drawings required in accordance with these conditions must be submitted and approved prior to the pre-start meeting unless otherwise noted.

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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>General</i>		
<i>307-01-000</i>	<i>Cover Sheet</i>	<i>2/03/2016</i>
<i>307-01-001</i>	<i>General Notes and Legend</i>	<i>24/06/2015</i>
<i>307-01-003</i>	<i>Key Plan</i>	<i>24/06/2015</i>
<i>307-01-005</i>	<i>Existing Surface Plan- Sheet 01</i>	<i>24/06/2015</i>
<i>307-01-006</i>	<i>Existing Surface Plan- Sheet 02</i>	<i>24/06/2015</i>
<i>307-01-007</i>	<i>Existing Surface Plan- Sheet 03</i>	<i>24/06/2015</i>
<i>Sediment and Erosion</i>		
<i>307-01-010</i>	<i>Control Plan Sheet 01</i>	<i>26/06/2015</i>
<i>307-01-011</i>	<i>Control Plan Sheet 02</i>	<i>26/06/2015</i>
<i>307-01-012</i>	<i>Control Plan Sheet 03</i>	<i>26/06/2015</i>
<i>307-01-013</i>	<i>Control Plan Sheet 04</i>	<i>26/06/2015</i>
<i>307-01-014</i>	<i>Control Plan Sheet 05</i>	<i>26/06/2015</i>
<i>307-01-015</i>	<i>Control Plan Sheet 06</i>	<i>26/06/2015</i>
<i>307-01-016</i>	<i>Control Plan Sheet 07</i>	<i>26/06/2015</i>
<i>307-01-017</i>	<i>Control Plan Sheet 08</i>	<i>26/06/2015</i>
<i>Bulk Earthworks</i>		

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<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
307-01-030	<i>Cut Fill Plan-Sheet 01</i>	<i>26/06/2015</i>
307-01-031	<i>Cut Fill Plan-Sheet 02</i>	<i>26/06/2015</i>
307-01-032	<i>Cut Fill Plan-Sheet 03</i>	<i>26/06/2015</i>
307-01-033	<i>Cut Fill Plan-Sheet 04</i>	<i>26/06/2015</i>
307-01-034	<i>Cut Fill Plan-Sheet 05</i>	<i>26/06/2015</i>
307-01-035	<i>Cut Fill Plan-Sheet 06</i>	<i>26/06/2015</i>
307-01-036	<i>Cut Fill Plan-Sheet 07</i>	<i>26/06/2015</i>
307-01-037	<i>Cut Fill Plan-Sheet 08</i>	<i>26/06/2015</i>
307-01-050	<i>Earthworks Sections Key Plan</i>	<i>24/06/2015</i>
307-01-051	<i>Bulk Earthworks Sections Sheet 01</i>	<i>24/06/2015</i>
307-01-052	<i>Bulk Earthworks Sections Sheet 02</i>	<i>24/06/2015</i>
307-01-053	<i>Bulk Earthworks Sections Sheet 03</i>	<i>24/06/2015</i>
<i>Typical Sections and Details</i>		
307-01-090	<i>Sheet 01</i>	<i>24/06/2015</i>
307-01-091	<i>Sheet 02</i>	<i>24/06/2015</i>

ASSESSMENT MANAGER CONDITIONS – PROJECT SPECIFIC:

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 the request for a Pre-Start Meeting unless except where specified otherwise in these conditions of approval.

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General

3. *This Decision Notice should be read in conjunction with the following;*
 - *Reconfiguring a Lot conditions;*
 - *Material Change of Use conditions.*
4. *This Operational Work Permit Covers:*
 - *Earthworks*
 - *Drainage (overland flow)*

All works not explicitly covered by this approval are required to be covered by a separate operational works approval. It should be noted that additional works approval will need to be sought for roadworks and public utility service works.

Earthworks - Amendment to design

5. *The extent of works is to be revised to ensure that all earthworks for the ponds are wholly contained within the applicant's land. The extent of works on the north west boundary is to be revised to ensure that a 3.0m access and maintenance track is provided on the property side of the road boundary (between drainage channel and toe of the pond batter). The access and maintenance track is to be wholly contained within the applicant's land.*
6. *Confirm (with site survey) the presence of the existing drainage channel along the Lot 201/Lot 7 Property Boundary in relation to the proposed works. The survey is to identify trees of diameter 100mm or greater.*
7. *The earthworks on the Mortons Urban Solutions drawings are to be amended to comply with the footprint per the Gassman Development Perspectives Drawing 5555 PPP 100 dated 19 Dec 2014, unless otherwise approved by Council. In particular, the filled pad for the operations centre and the Northern ponds is to be clear of the vegetation and drainage along the existing boundary between lot 7 and Lot 201.*

Three (3) copies of the amended plans of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. The work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use

8. *The applicant is to provide clarification on the earthworks volumes and to confirm if the proposed earthworks are surplus, balance or imported. Supporting information is to include the volume calculations with outputs from a 3 dimensional design package. Calculations are to confirm the volume of topsoil stripping material and/or material not suitable for bulk filling and to confirm how this material will be managed and stored on site or the approved disposal facility if exported from the site.*

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If the proposed earthworks are not in balance with either surplus material to be exported or additional material to be imported, the volumes are to be advised to Council. Prior to the commencement of filling, the applicant/contractor is to confirm the alternative borrow or fill site has appropriate approvals in place to remove or receive material.

9. *Subject to the advice in Condition 8 above, if material is to be imported or exported, the applicant is to prepare a plan of the Haul route. Where the haul route utilises Council Roads, the applicant is to prepare a Road Condition Report of the proposed haulage route indicating all existing problems with the roadway along the identified haul route. On completion, the haul route shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. If any additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer. The report is to contain (but not limited to): location of existing deficiencies of the roadway and site photos of the route especially at areas where turning movements will occur.*

Access Easement/s

10. *The applicant is to demonstrate how the existing access easement A/SP22765 will be maintained during and after the completion of the proposed operational works. Reference is made to Condition 15 of the Material Change of Use.*
11. *In the event that the application seeks to amend the location of the access easement and/or nominates alternative access arrangements either temporarily or permanently, these details are to be provided to Council for review.*

Roadworks

12. *The applicant is to nominate the proposed timing for the upgrade to the external road between the site entry and the Captain Cook Highway.*

If roadworks are not intended until completion of the bulk earthworks, demonstrate that construction vehicles can safely enter and exit the site.

Drainage

13. *The Bulk Earthworks profiles and footprint is subject to the review of the drainage study as required in the conditions of the Material Change of Use Decision Notice.*

The study must be endorsed by the Chief Executive Officer prior to the commencement of construction of the earthworks on site.

Any changes to the scope of works and the engineering plans that are required as a result of the approved drainage study must be detailed on amended plans to be approved prior to the commencement of the works.

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Erosion and Sediment Control

14. *An Erosion and Sediment Control (ESC) plan is to be prepared and certified by a suitability qualified person (Certified Professional in Erosion and Sediment Control or suitable equivalent person) and submitted to Council prior to commencement of any works. The ESC Plan must be relevant to all phases of the construction and be updated where necessary as works progress. In particular the ESC plan must define roles and responsibilities on site for the day to day management of the active work site including such items as monitoring weather forecasts, preparing the site for imminent weather events and post event assessment of effectiveness of measures with the plan updated and amended regularly to suit the work staging.*

The erosion and sediment control plan at a minimum must address the following;

- a. Construction traffic entry/exit points and control measures;*
- b. Internal haul routes;*
- c. Dividing the site into hydraulically manageable drainage areas;*
- d. Proposed sequencing and staging (by footprint) of works to minimise soil disturbance at any one time;*
- e. Define the extent of soil disturbance for each stage;*
- f. Proposed installation sequence for ESC measures;*
- g. Control of clean water upstream of the site;*
- h. Control erosion on disturbed areas;*
- i. Control of runoff within active worksite;*
- j. Location of and types of sediment traps and basins within the site;*
- k. Control sediment runoff at site boundary;*
- l. Site revegetation and rehabilitation requirements, (including a staged revegetation plan);*
- m. Assess the potential for inundation of the active work area during tidal events (Highest Astronomical Tide) and rainfall events and identification of management measures to address this;*
- n. identification of roles and responsibilities on site;*
- o. identification of end of day controls.*

The Erosion and Sediment Control Plan must be prepared and submitted to Council for Council's records prior to commencement of works on site. Council may request advice on the suitability of measures, however, it will remain the responsibility of the Contractor's CPESC and/or RPEQ to ensure the measures are adequate for the works occurring on site.

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The erosion and sediment control measures must be installed/implemented prior to discharge of water from the site, such that stormwater flow from the site does not adversely affect surrounding or downstream properties or waterway systems (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Acid Sulfate Soils Management Plan

15. *An Acid Sulfate Soils Management Plan is to be prepared which, amongst other things, is to address:*

- a. bunding and drainage of areas of disturbance;*
- b. control and monitoring of any run-off water that is collected by this bunding or drainage; and*
- c. regular inspections.*

The findings of the Acid Sulfate Soil investigation with respect to the control and monitoring of ground water for de-watering extraction are to be addressed in the Management Plan.

The Acid Sulfate Soils Management plan is to be supplied to Council prior to the commencement of earthworks.

Appendix A – Standard Conditions (where directly applicable)

1. *The proposed works are permitted subject to any alterations:*

- a. Found necessary by Chief Executive Officer at the time of examination of Engineering drawings or during construction of the works because of particular engineering requirements; and.*
- b. To ensure the works comply in all respects with the requirements of FNQROC Development Manual and good engineering practice; and.*
- c. To comply with project specific conditions and the following standard conditions of approval.*

All works must be carried out in accordance with the approved plans, conditions and specifications, to the requirements and satisfaction of the Chief Executive Officer.

2. *The conditions of any Reconfiguration of Lot or Material Change of Use permits applicable shall be complied with in conjunction with this development permit.*
3. *Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.*

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4. *Notwithstanding any approval given to engineering documents, where a discrepancy occurs between these documents and Council's standards, then Council's standards shall apply. All works must be performed in accordance with Council standards and Local Laws and other statutory requirements.*
5. *If in fact there are errors, omissions or insufficient detail on the plans for the purpose of construction, these deficiencies shall be made good during construction and Council reserves the right to withhold approval of construction until such deficiencies are made good to its satisfaction.*
6. *Work and or Technical Documents identified within these Development Approval Conditions are nominated as requiring Compliance Assessment under section 398 of the Sustainable Planning Act 2009. In particular, As-Constructed Water, Stormwater & Sewerage Plans must be submitted to the Compliance Assessor (Douglas Shire Council) on the approved form (Form 32) and will be assessed against the provisions of Councils FNQROC Development Manual. Council must issue a Compliance Certificate for the assessable Documents prior to granting Early Plan Sealing or Plan Sealing of a Subdivision Plan or the issue of a Works Acceptance Certificate, whichever occurs first.*

Timing of Effect

7. *The conditions of this development permit must be effected prior to the approval and dating of the survey plan, except where specified otherwise in these conditions of approval, or at Council's discretion.*

Easement Documentation

8. *Easement documents are to be submitted to Council's Solicitors for checking in accordance with the conditions of the Development Permit.*

Portable Long Service Leave Notification

9. *As per the QLeave – Building and Construction Industry Authority Guidelines, if the works are over \$80,000, Council must sight a copy of the receipted Portable Long Service Notification and Payment form prior to commencement of work.*

Construction Security Bond

10. *Lodgement of Construction Security Bond as per the FNQROC Development Manual, Section CP1.07, (i.e., 5% of the value of the works) is required, prior to commencement of work. The bond shall be in favour of Council and in the format of cash or an unconditional bank guarantee, which must cover all aspects of the construction and have no termination date.*

Third Party Agreement

11. *The developer must obtain written agreement from third parties and/or Referral Agencies for any works proposed on adjacent properties. The agreement(s) must be provided prior to the associated works commencing on site. All agreements must be available for Council scrutiny, upon request.*

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Commencement of Works

12. Council is to receive written Notice of Intention to Commence Works and all matters relevant to the Pre-Start meeting are to be attended to in accordance with Section CP1.07, CP1.08 and Section CP1.09, of FNQROC Development Manual.

Construction Monitoring Fee

13. Payment of the Construction Monitoring Fee is required prior to work commencing. This figure is based on a \$1,604.00 base fee, plus \$143.00/lot.

Hours of Work

14. Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
 - a. 7.00am to 6.00pm, Monday to Friday;
 - b. 7.00am to 1.00pm Saturdays;
 - c. No work is permitted on Sundays or Public Holidays.

Any variations to the above working hours must be authorised by the Chief Executive Officer, prior to the commencement of such works.

Public Notification of the Works

15. The developer or the nominated representative must provide:
 - a. Public notification of the development in local newspapers in accordance with Section CP1.11 of the FNQROC Development Manual.
 - b. Signage identifying the location of the project, general allotment layout, contact numbers (including out of office hours emergency numbers) must be provided at all entrance points to the development. All signage must be appropriately positioned, prior to the commencement of any works on the site.

Site Inspections

16. Council requires a number of major inspections to be completed as Witness and Hold Points for Consulting Engineers and Council officers during the construction of the works. Inspections undertaken during construction shall be in accordance with Section CP1.16 (Inspection and Testing) of FNQROC Development Manual. These Witness and Hold points are to be included in the contractors Inspection and Test Plan (ITP) and be made available for inspection, prior to the commencement of any works on the site.

Soil and Water Management

17. All works must be in accordance with Section CP1.13 and D5 of the FNQROC Development Manual, and must comply with the following:

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- a. *A copy of the contractors Erosion and Sediment Control (ESC) Plan is to be submitted to Council and endorsed by the Consulting Engineer, prior to commencement of any works. In particular, the ESC Plan must address the Institution of Engineers Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual. The ESC Plan must be relevant to all phases of the construction and be updated where necessary as works progress.*
- b. *Any dewatering activities will require approval from Council, telephone 07 4099 4999, and a valid permit obtained prior to commencement.*
- c. *During the construction period, the Consulting Engineer shall randomly audit and inspect ESC measures for compliance with the Engineer endorsed Contractors ESC Plan, derived from the Engineers ESC Strategy (As per FNQROC CP1 Appendix A).*
- d. *It is the Contractors responsibility to ensure that the ESC Plan is updated and amended to reflect any changes in the construction methodology. All such amendments shall be approved by the Engineer and presented to Council.*
- e. *The developer shall be held responsible for any rectification works required to clean up dust, pollutants and sediments that may leave the site as a result of construction activities.*
- f. *The developer or their representative shall be responsible for communicating with third parties affected by any dust, pollutants or sediment leaving the site as a result of any construction activity that is associated with the project site.*

Infrastructure Plans for Utility Services

18. *Approved infrastructure plans for gas, electrical and telecommunications services must be endorsed by Council, prior to the commencement of associated works.*

Landscaping General

19. *Landscaping shall be provided in accordance with Part D9 and Part S8 of the FNQROC Development Manual, unless approved otherwise by Council.*
20. *The landscaping works must be constructed in accordance with the approved plans and conditions. The developer must seek approval in writing from the Council for any changes to the plan or the landscaping works on the site. This approval must be obtained prior to commencement of these works on site.*
21. *The landscape must be maintained in good order by the developer for at least three months during the Works Acceptance period, and generally timed to coincide with the Final Works Acceptance Inspection, when all landscaping works must be in a condition suitable for Council to commence regular maintenance.*

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Structures and Retaining Walls

22. *Separate building certification and/or structural certification is required for any works to alter existing structures, provide new structures or construct retaining walls that are over 900mm high. Certification by a suitably qualified engineer must be provided, prior to opening the work site to the public.*

The Location of Stormwater Quality Interception Devices (SQIDS)

23. *Council must approve the location of any SQIDS prior to installation. They shall be positioned to allow for economic and efficient maintenance operations, and will require a reinforced concrete hard standing area to be provided from the edge of the carriageway to the SQID location. Vehicular access from the public road reserve to the SQID must remain unrestricted.*

Sewer and Water

24. *All water and sewerage works must be in accordance with Sections D6 and D7 of FNQROC Development Manual, and must comply with the following:*
- a. *Council requires a minimum of five (5) working days notice of intention to commence water and sewerage related works. The notice shall be given to the Plumbing Inspector at Council either in writing, by telephone (07) 4099 9444 or email to enquiries@douglas.qld.gov.au prior to the commencement of works.*
 - b. *The developer shall be responsible for confirming the location of all existing sewer, water and utility service infrastructure prior to the commencement of works on site. Any permits necessary to alter/interfere with such services must be obtained prior to the commencement of work and be available for Council inspection if required.*
 - c. *Any works over or within the zone of influence of Council's existing water and sewerage infrastructure must be approved by Council prior to the commencement of the proposed works. Unless otherwise approved in writing, existing infrastructure impacted by the development shall be subject to the maintenance period provisions contained in this Decision Notice.*

Construction works shall include any works that may impact on existing infrastructure such as, but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, site filling, stockpiling of materials and installation of erosion and sediment control measures.

- d. *All testing and acceptance of water and sewerage works shall be in accordance with CP1 Construction Procedures of the FNQROC Development Manual. Works are to be certified as acceptable by Council, and any operating manuals etc. be provided to Council, prior to making an application for the acceptance of the works.*

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- e. *Any works over or within the zone of influence of Council's existing water and sewerage infrastructure must be approved by Council prior to the commencement of the proposed works. Unless otherwise approved in writing, existing infrastructure impacted by the development shall be subject to the maintenance period provisions contained in this Decision Notice. Construction works shall include any works that may impact on existing infrastructure such as, but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, site filling, stockpiling of materials and installation of erosion and sediment control measures.*
- f. *All testing and acceptance of water and sewerage works shall be in accordance with CP1 Construction Procedures of Council's FNQROC Development Manual. Works are to be certified as acceptable by Council, and any operating manuals etc. be provided to Council, prior to making an application for the acceptance of the works.*

Water

- 25. *Council must be contacted to perform any direct connection to live water mains whether being as a permanent connection, a connection for irrigation purposes or for construction water. Unless otherwise approved in writing, separate applications on the prescribed forms shall be made to Council for connections, together with payment of the relevant fee. All connections are to be provided subject to the terms and conditions of Council's "Application for a Water Service Connection".*
 - a. *Amended drawings in accordance with these conditions must be approved prior to the pre-start meeting.*
 - b. *The Inspection and Test Plan must be approved prior to the pre-start meeting. At project completion the completed and validated ITP must be submitted and approved prior to the issue of a Works Acceptance Certificate.*
 - c. *Minimum clearances between water mains and other services must be in accordance with the Water Supply Code of Australia in particular the minimum clearance between water mains and sewer mains must be 500mm with the sewer under the water main.*
 - d. *As-constructed water drawings must be approved prior to Issue of a Works Acceptance Certificate. The as-constructed submission is to include the "Statement of Compliance – As-constructed Documentation" and must be the final issue.*

Roads and Footpaths

- 26. *All works are to be designed and constructed in accordance with AS 1428.1-2001: 'Design for access and mobility' - General requirements for access - New building work, and associated standard AS/NZS 1428.4 2002, 'Design for Access and Mobility' - Tactile Indicators. The design is required to provide equal access for people with disability and include the provision of suitable ramps and landing areas and the installation of Tactile Ground Surface Indicators (TGSIs) where required.*

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Cultural Heritage

27. *The Aboriginal Cultural Heritage Act 2003 seeks to protect artefacts and cultural sites that are of significance to Aboriginal people. The Act requires anyone carrying out an activity to exercise a Duty of Care. Guidelines have been produced to enable assessment of sites under the Act. These are available from Department of Environment & Heritage Protection (DEHP) and can be downloaded from their website at www.dehp.qld.gov.au. The work identified in the project documentation is likely to require assessment of the site under the Act.*

Carried unanimously.

**5.02. DISCUSSION PAPER - CONSIDERATIONS FOR DEVELOPING A
DOUGLAS RV FRIENDLY STRATEGY**

Brendan Leishman, Senior Community and Economic Development Officer
Kerrie Hawkes, Executive Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council:

- a. Note the 'Discussion Paper – Considerations for developing a Douglas Recreational Vehicle (RV) Friendly Strategy';*
- b. Resolve that the Discussion Paper forms the general foundation and framework for developing a Draft Douglas RV Friendly Strategy.”*

Carried unanimously.

**5.03. AMENDED LAND MANAGEMENT PLAN-LOT 18 CROWN PLAN PTD
20939**

Robert Donovan, Property Officer

Moved Cr Kerr

Seconded Cr Zammataro

“That Council:

- 1. endorse the amended Land Management Plan for Lot 18 Crown Plan PTD 20939 and register the Land Management Plan on the title.*
- 2. delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise any and all matters associated with this with the lodgment and execution of the Land Management Plan.”*

Carried unanimously.

**5.04. ADOPTION OF UPDATED POLICY - STANDING ORDERS FOR
COUNCIL MEETINGS**

Joanne Jacobson, Manager Governance

Moved Cr Carey

Seconded Cr Leu

“That Council adopt the updated Standing Orders for Council Meetings General Policy subject to the following amendments:-

- *That Clause 12.2 be amended to read:*

“Notwithstanding clause 12.1 a Councillor who moves a motion or an amendment to a motion may speak with the permission of the Chair before it is seconded to explain or clarify the intent of the motion or amendment”, and

- *That Clause 14.5 be amended to read:*

“Each speaker shall be restricted to no more than five (5) minutes unless the Chair grants the speaker additional time”

Carried unanimously.

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

**8.01. PETITION REQUESTING IMPROVED WHEELCHAIR ACCESS TO FOUR
MILE BEACH**

Joanne Jacobson, Manager Governance

Moved Cr Leu

Seconded Cr Kerr

“That Council resolves to receive the petition and notes that the request will be considered when developing the 2016-17 Capital Budget.”

Carried unanimously.

**8.02. DOUGLAS MARKETS STALL HOLDERS REQUEST REVIEW OF FEES
DURING OFF/WET SEASON**

Joanne Jacobson, Manager Governance

Moved Cr Noli

Seconded Cr Kerr

“That Council resolves to receive the petition and notes that the request will be considered when developing the fees and charges for the 2016-17 financial period.”

Carried unanimously.

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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 matters:

9.1 *Prejudicial Matter S275 (1) (H) Local Government Regulations 2012 – Audit Committee Meeting 29 April 2016."*

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Noli

Seconded Cr Zammataro

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

Carried unanimously.

9.1. AUDIT COMMITTEE MEETING 29 APRIL 2016

Nevinia Davenport, Executive Assistant

Moved Cr Noli

Seconded Cr Kerr

"That Council notes the minutes from the Audit Committee Meeting held on 29 April 2016."

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 10.20 am.

CONFIRMED THIS 28th DAY OF JUNE 2016


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MAYOR/CHAIR