

**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, 5 MAY 2015, COMMENCING AT 10.00 AM**

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**PRESENT**

Cr Julia Leu, Cr Abigail Noli, 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), Kerrie Hawkes (Executive Officer), Rebecca Assman (Manager Governance), Jenny Elphinstone (Senior Planning Officer), Neil Beck (Planning Officer), Enzo Picerni (Team Leader Environmental Health and Regulatory Services), Scott Hahne (Project Engineer), Helen Coulthard (Community and Economic Development Project Officer), Greg McLean (Communication/Events Officer), Nicole Barton (Mayor & Councillor Support Officer) and Nevinia Davenport (Executive Assistant).

**ACKNOWLEDGEMENT OF COUNTRY**

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

**APOLOGIES**

There were no apologies.

**MINUTES SILENCE**

One minute's silence was observed in honour of the victims of the Nepal earthquake.

**CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST**

Cr Carey stated that he recognises that his past employment with Terrain NRM could reasonably be taken to be a perceived conflict of interest in the Mayoral Minute item before the meeting but he has considered his position and is firmly of the opinion that he can participate in the debate and vote on this matter in the public interest.

Cr Leu stated that she recognises that her current position as Director of Terrain NRM could reasonably be taken to be a perceived conflict of interest in the Mayoral Minute item before the meeting but she has considered her position and is firmly of the opinion that she can participate in the debate and vote on this matter in the public interest.

**MAYORAL MINUTE**

**Moved** Cr Leu

*"That Council write to the Minister for Environment and Heritage Protection and the Minister for National Parks and the Great Barrier Reef, the Hon Dr Steven Miles requesting the provision of funding to the Queensland Parks and Wildlife Service (QPWS) for the temporary and long term replacement of the recently demolished Cow Bay Toilets.*

*Further, that the Minister consider establishing a joint management group involving all agencies, including QPWS, DSC, WTMA, Jabalbina, business, tourism, Terrain NRM and the community to better co-ordinate, communicate and deal with a number of issues in the Wet Tropics region, north of the Daintree River".*

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**Moved** Cr Melchert

**Seconded** Cr Carey

*"That the Mayoral Minute be amended in the second paragraph to read:-*

*Further, that the Council establish a joint management group involving all agencies, including QPWS, DSC, WTMA, Jabalbina, business, tourism, Terrain NRM and the community to better co-ordinate, communicate and deal with a number of issues in the Wet Tropics region, north of the Daintree River".*

The amended motion was to put to the vote.

**Carried** unanimously

**CONFIRMATION OF MINUTES OF COUNCIL MEETING**

**ORDINARY MEETING HELD ON 14 APRIL 2015**

**Moved** Cr Carey

**Seconded** Cr Clarke

*"That the Minutes of the Ordinary Meeting held on Tuesday, 14 April 2015, confirmed."*

**Carried** unanimously.

**5. AGENDA ITEMS**

**5.1 MATERIAL CHANGE OF USE (IMPACT ASSESSABLE) – DISPLAY FACILITIES (CAR & BICYCLE HIRE) – 52 & 54 MACROSSAN STREET, PORT DOUGLAS**

Neil Beck, Planning Officer: MCUI 585/2014 # 435752

**Moved** Cr Carey

**Seconded** Cr Melchert

*That Council approve the development application for a Material Change of Use for Display Facilities (Car and Bicycle Hire) over land described as Lots 502 and 503 on PTD2092, located at 52 & 54 Macrossan Street, Port Douglas, subject to the following:*

APPROVED DRAWING(S) AND / OR DOCUMENT(S)The term 'approved drawing(s) and / or document(s)' or other similar expressions means:Drawing or Document	Reference	Date
Site Plan	Port Douglas Car Hire - Lot 502	Undated
Site Plan	Port Douglas Car Hire Office - Lot 503	Undated

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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;*
  - 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 upon the Development Permit taking effect, unless otherwise specified in these conditions of approval.*

*Display Facilities (Car Hire)*

*Operational Requirements*

3. *The Display Facility (Car Hire) must be undertaken in accordance with the following operational requirements:-*
  - (i) *The use of on-street car parking spaces or the area adjacent the building at 54 Macrossan Street to display vehicles for hire is not permitted. Customers must take possession of their vehicle on Lot 502 and leave the site in a forward gear.*
  - (ii) *Vehicles that are parked in on-street car parking spaces by customers returning vehicles must be moved and returned to the hire fleet on Lot 502 within a reasonable timeframe being 15 – 20 minutes.*
  - (iii) *The washing and/or hosing down of vehicles onsite without a designated wash down facility connected to sewer is not permitted.*
  - (iv) *No other portable advertising device other than those approved and registered by Council are permitted for use either onsite or on road reserve*

*The above operational requirements must be observed and complied with at all times to the satisfaction of the Chief Executive Officer.*

*Limitation of Use*

4. *The Display Facility (Car Hire) component of this Development Permit remains valid only while both Lot 502 & Lot 503 are made available to accommodate the approved use. In the event circumstances change that result in either lot not being available to accommodate or be used for the approved use, the Development Permit to the extent relevant to the Display Facility (Car Hire) has no force or effect.*

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*Display Facilities (Bike Hire)*

*Operational Requirements*

5. *The Display Facility (Bike Hire) must be undertaken in accordance with the following operational requirements*
- (i) The grassed area adjacent the building may be used to display bikes for hire provided such area is kept clean, tidy and presentable*
  - (ii) The display of bikes for hire is not permitted on the road verge of Macrossan Street unless authorised by an approval under Local Law 59 (Commercial Use of Roads).*
  - (iii) Any and all portable advertising devices associated with the use must be approved and registered with Council at all times.*

*The above operational requirements must be observed and complied with at all times to the satisfaction of the Chief Executive Officer.*

**CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS**

<b>Concurrency Agency</b>	<b>Concurrency Agency Reference</b>	<b>Date</b>	<b>Council Electronic Reference</b>
State Development Infrastructure & Planning	SDA-0215-018021	26 March 2015	#451468

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

**ADVICE**

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the Sustainable Planning Act 2009.*
2. *All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*
4. *For information relating to the Sustainable Planning Act 2009 log on to [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).*

**LAND USE DEFINITIONS\***

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

*Means the use of premises for the display, hire or sale, by retail or by auction, of goods such*

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as:

- *building and construction materials with or without hardware;*
- *garden supplies including plants, tools, garden furniture and equipment and other products for use in gardening and Landscaping;*
- *vehicles including cars, trucks, motor cycles, boats, caravans and trailers;*
- *produce, animal fodder and farming goods and equipment.*

*The use includes facilities commonly described as:*

- *garden centre;*
- *produce market;*
- *produce store;*
- *car or truck sales yard;*
- *auction yard; or*
- *car hire centre.*

*and others more particularly described as bulky goods retail such as:*

- *Camping World*
- *Freedom Furniture*
- *Harvey Norman*
- *Capt'n Snooze*
- *Office Works*
- *Pet Cafe, among others.*

*The use does not include retail chain outlets such as:*

- *Crazy Clarke's*
- *The Warehouse*
- *Overflow*

*which are defined as Shopping Facilities.*

*\*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.*

**Carried unanimously**

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**5.2 RECONFIGURING A LOT (CODE ASSESSMENT) (1 LOT INTO 2 LOTS &  
ACCESS EASEMENT) – 53 ENDEAVOUR STREET PORT DOUGLAS**  
Neil Beck, Planning Officer: ROL 722/2015 #452592

**Moved** Cr Noli

**Seconded** Cr Melchert

*That Council approves the development application for Reconfiguration of a Lot (1 Lot into 2 Lots and Access Easement) over land described as Lot 144 on RP747296, located at 53 Endeavour Street, Port Douglas, subject to the following:*

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

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

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Reconfiguration of a Lot prepared by RPS Group</i>	<i>PR125276-1</i>	<i>2/3/2015</i>

**Assessment Manager Conditions**

1. *Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-*
  - a. *The specifications, facts and circumstances as set out in the application submitted to Council;*
  - 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 issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.*

**Amendment to Design**

3. *Demonstrate by way of swept path diagrams that a vehicle can enter and exit proposed Lot 2 in forward gear. This may require amendment to the internal boundaries between proposed Lot 1 and 2, and/or an alternative car accommodation arrangement within proposed Lot 2.*

**Relocation of Services**

4. *Provide written evidence from a licensed surveyor that all services (water, storm water, telecommunications and power) are contained within each respective lot.*

**Sewerage Works Internal**

5. *Undertake the following sewerage works internal to the land:*
  - a. *Augment the existing sewer main to provide Lot 2 with an internal sewer*

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*connection and connect the house drain to this new location point;*

- b. Provide Lot 1 with a separate internal sewer and connect the house drain to this new location point for the existing building.*

*The above works constitutes Operational Works. The above works must be designed and constructed in accordance with a Development Permit for Operational Works and the FNQROC Development Manual.*

*Access Easement/s*

- 6. Create an access easement to allow vehicle access over proposed Lot 2 in favour of proposed Lot 1. The approved easement documents must be submitted at the same time as seeking a Compliance Certificate for the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.*

*Lawful Point of Discharge*

- 7. All stormwater from proposed Lot 1 must be directed to a lawful point of discharge, being Endeavour Street, to the requirements and satisfaction of the Chief Executive Officer.*

*Electricity and Telecommunications*

- 9. 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.*

*Building & Plumbing Works*

- 10. Evidence of a Development Permit for Building Work and Plumbing Work and associated Final Certificates for the self-contained residential dwelling unit on proposed Lot 1 must be provided to Council prior to issue of a Compliance Certificate for the Plan of Survey.*

*Alternatively, in the absence of a Development Permit for Building & Plumbing Work, retrospective approvals and certificates must be obtained and supplied to Council prior to the issue a Compliance Certificate for the Plan of Survey.*

**ADVICE**

- 1. This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse 2 years from the day the approval takes effect in accordance with the provisions of Section 339 and Section 341 of the Sustainable Planning Act 2009.*
- 2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

*Infrastructure Charges Notice*

- 3. A monetary contribution to Council towards the provision of infrastructure is required in accordance with the Infrastructure Charges Notice attached to this decision. The contribution payable will be in accordance with the Planning Scheme Policy.*

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*Contributions must be paid at the rates applicable at time of payment. Payment is required prior to the issue of a Compliance Certificate for the Plan of Survey.*

4. *For information relating to the Sustainable Planning Act 2009 log on to [www.dsdp.qld.gov.au](http://www.dsdp.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au) .*

**Carried** unanimously

**5.3 RECONFIGURING A LOT (1 LOT INTO 5 LOTS) – 1L OASIS DRIVE WONGA**

**J Elphinstone, Senior Planning Officer: ROL 209/2014 #451776**

**Moved** Cr Carey

**Seconded** Cr Clarke

- A. *That Council approves the development application for reconfiguration over land described as Lot 1 on SP259953, located at 1L Oasis Drive, Wonga Beach, 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>Plan of Proposed Lots</i>	<i>CNS Drawing 30728-PP01</i>	<i>As submitted to Council on 1 August 2014</i>
<i>Filling and Drainage Plan</i>	<i>PDR Engineers drawing 14810 – SK01 Revision A dated February 2015 and to be amended by the conditions of the approval</i>	<i>To be determined.</i>

**ASSESSMENT MANAGER CONDITIONS**

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

*Except where modified by these conditions of approval*

**Timing of Effect**

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

**Access**



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3. *Access for Proposed Lot 1 must only be south of the proposed street trees to either Oasis Drive or Bells Reef Close as detailed on PDR Engineers drawing 14810 – Sk01 Revision A dated February 2015.*

*Layout and Design*

4. *The lot fill design is to be generally in accordance with PDR Filling and Drainage plan 14810 – SK01 Revision A dated February 2015 subject to:*
- a. *Setback of fill areas a minimum of 6m from the property boundary from all roads.*
  - b. *A minimum fill pad of 1000m<sup>2</sup> must be provided for each lot.*
  - c. *Fill lots in compliance with condition 9 below;*
  - d. *The fill pads for proposed Lots 3 and 5 are to be extended to the southern boundary of each lot and retained;*
  - e. *Appropriate protection is to be provided to prevent non authorised vehicles from entering the drainage easement including at a minimum, Barrier Kerbing. The applicant is to assess the need for additional barriers and or landscaping in these areas;*
  - f. *Delete the vehicle access from Bells Reef Close for proposed lot 5; and*
  - g. *Any amendments required to comply with the conditions and the requirements of Queensland Streets and the FNQROC Development Manual.*

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

*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.*

*External Works*

5. *Undertake the following works external to the site::*
- a. *Provide a single water connection to each lot to connect the site to the existing water supply infrastructure. The Applicant is to verify that sufficient pressure is available in the existing system to meet the FNQROC Development Manual operating standard. Where not compliant the Applicant must identify and provide the necessary upgrade to achieve the required pressure; and*
  - b. *Provide under ground power to all lots.*

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*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. Works must be designed in accordance with the FNQROC Development Manual.*

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

*On-Site Effluent Disposal*

6. *The method of on-site effluent disposal must be in accordance with the recommendations contained in the On-Site Sewage Disposal Assessment Report prepared by Zammataro Plumbing Pty Ltd as dated 24 February 2015 or as otherwise approved by the Chief Executive Officer.*

*Acid Sulfate Soil Investigation*

7. *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 DNRW – QASSIT: 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRW: 'Queensland Acid Sulfate Soil Technical Manual' (2002), including Soil Management Guidelines (updated Feb 2003), which must be prepared to the satisfaction of the Chief Executive Officer.*

*Drainage Study of Site*

8. *The design of the drainage infrastructure is to be generally in accordance with the drainage study for the site by PDR Engineers. The applicant must certify that there are no adverse drainage impacts on upstream and downstream properties and/or identify the mitigation measures required to minimise such impacts.*

*The study must be endorsed as remaining current for this development or must be updated and approved by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.*

*Extent of Earthworks*

9. *The concept for excavation and earthworks as detailed on PDR Engineers Fill and Drainage Plan Drawing 14810 – SK01 Revision A dated February 2015 is generally approved subject to compliance with the on-site disposal and drainage conditions and subject to the following amendments:*
  - a. *The earthworks fill zones are to be continuous to the southern boundaries*

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*of Lots 3 and 5;*

- b. For lots 1, 2, 3 and 5 the nominated fill level of 3.4m is to be increased to 4.04m AHD level unless otherwise approved by Council. Any reduction below 4.04m AHD must be supported by a further study, to the satisfaction of Council, to a lower level than 4.04 but no lower than 3.54m AHD. Any reduction below 4.04m AHD must utilise at least a 0.3 Sea Level Rise (SLR) and increase in intensity of cyclone action.*

*The final earthworks design is to be lodged with the application for a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans prior to the issue of a Compliance Certificate for the Plan of Survey.*

*Future Redevelopment of Proposed Lot 4*

- 10. In the event that the proposed Lot 4 is redeveloped prior to any such redevelopment the lot must be land must be filled to a level of 4.04m AHD level unless otherwise approved by Council. Any reduction below 4.04m AHD must be supported by a further study, to the satisfaction of Council, to a lower level than 4.04 but no lower than 3.54m AHD. Any reduction below 4.04m AHD must utilise at least a 0.3 Sea Level Rise (SLR) and increase in intensity of cyclone action.*

*Building Envelope Plan*

- 11. A building envelope plan for each of the lots must be lodged with Council prior to the issue of a Compliance Certificate for the Plan of Survey. The building envelope plan must comply with the following requirements:*
  - a. The building envelope must be pegged on site to the requirements and satisfaction of the Chief Executive Officer; and*
  - b. Identify the area of fill that meets the requirements of Condition 10 above.*

*The applicant / owner must also ensure that the endorsed building envelope plans are made known to all prospective purchasers of the lots.*

*Vehicle Access to Proposed Lot 5*

- 12. Other than authorised Council access no vehicle access from Bells Reef Close is permitted for proposed lot 5*

*Stockpiling and Transportation of Fill Material*

- 13. 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.*

*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.*

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14. *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*

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

*Drainage Construction*

16. *The applicant / owner must undertake the development of the land in accordance with the findings of the Concept, Filling and Drainage Plan prepared by PDR Engineers as detailed on drawing 154810 – SK01 revision A dated February 2015.*

*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 to the requirements and satisfaction of the Chief Executive Officer.*

*Sediment and Erosion Control*

18. *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*

19. *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*

20. *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*

21. *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*

22. *The following arrangements for the installation of street lighting for the frontage of the proposed subdivision to Oasis Drive and Bells Reef Close 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 (Including the new turnaround at the northern end of Marlin Drive)*
- *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.*

*Landscape Plan*

23. *Undertake landscaping of the conservation covenant areas for Lots 1 to 6 and 15 to 17 inclusive in accordance with FNQROC Development Manual and in*

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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. The revegetation of cut and fill batters;
- b. provision of suitable street trees; and
- c. 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.

*Damage to Council Infrastructure*

24. In the event that any part of Council's existing 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/owners/builders cost, prior to the Commencement of any Use.

*ADVICE*

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

*Infrastructure Charges Notice*

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

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

Please note that this Decision Notice and the Adopted Infrastructure Charges

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

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

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

5. *For information relating to the Sustainable Planning Act 2009 log on to [www.dsdp.qld.gov.au](http://www.dsdp.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).*
- B. *The following notation will be placed on Council's future rates record in respect of the new lots:*
  1. *For all lots:*
    - a. *The area of fill on the proposed lots must be setback 6m from all roads. Development is limited to a building envelope plan for each lot.*
  2. *For Proposed Lot 4:*
    - a. *In the event that the proposed Lot 4 is redeveloped prior to any such redevelopment the lot must be land must be filled to a level of 4.04m AHD level unless otherwise approved by Council. Any reduction below 4.04m AHD must be supported by a further study, to the satisfaction of Council, to a lower level than 4.04 but no lower than 3.54m AHD. Any reduction below 4.04m AHD must utilise at least a 0.3 Sea Level Rise (SLR) and increase in intensity of cyclone action.*
  3. *For Proposed Lot 5*

*Other than authorised Council access no vehicle access is permitted from Bells Reef Close.*

**Carried** unanimously

**5.4 MATERIAL CHANGE OF USE (CODE ASSESSMENT) – INTENSIVE ANIMAL HUSBANDRY (HOMELESS ANIMAL SHELTER & BOARDING KENNELS & ADMINISTRATION BUILDING) & CARETAKER'S RESIDENCE – L1 CAPTAIN COOK HIGHWAY, KILLALOE**

Jenny Elphinstone, Senior Planning Officer: MCUC 727/2015 #449717

**Moved** Cr Noli

**Seconded** Cr Carey

*That Council approves the development application for a Material Change of Use for Intensive Animal Husbandry (Homeless animal shelter and boarding kennels and administration building) and Caretaker's Residence over land described as Lot 1 on RP843595, located at Captain Cook Highway, Killaloe, subject to the following:*

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

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

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Site Plan and GFA</i>	<i>Paws and Claws Facility</i>	<i>6 March 2015</i>
<i>Site Plan 1:200</i>	<i>Paws and Claws Facility</i>	<i>6 March 2015</i>
<i>Admin and Kennel Plan</i>	<i>Paws and Claws Facility</i>	<i>6 March 2015</i>
<i>Admin and Kennel Elevation /Section</i>	<i>Paws and Claws Facility</i>	<i>6 March 2015</i>
<i>Cat Boarding Plan Elevation-Section</i>	<i>Paws and Claws Facility</i>	<i>6 March 2015</i>
<i>Cane Railway Standard Road Crossing</i>	<i>Mossman Central Mill Drawing No.19/145</i>	<i>8 April 1996</i>

**ASSESSMENT MANAGER CONDITIONS**

*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;*
  - 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.*

*Special Use Conditions*

3. *Animals are to be kept in enclosures, inside buildings at all times, between the hours of 6.00pm and 7.00am.*



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4. *A person who is responsible for the supervision of the operation of the development is accommodated at the site at all times. Contact details for the responsible person must be made available to the public.*
5. *Facilities that house animals incorporate noise attenuation measures. A report prepared by a qualified Acoustical Consultant must be submitted at the time of lodgement of an application for a Development Permit for Building Work and endorsed by the Chief Executive Officer prior to the issue of the Development Permit for Building Work. The report must indicate design and construction features to be incorporated in the development to ensure that the development is acoustically insulated having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 2008.*
6. *The use of the land must be in accordance with the Environment Protection Act 1994 Environment Protection (Noise) Policy 2008 or any subsequent superseding legislation.*
7. *Animals must not be kept so that they cause a nuisance or are injurious or prejudicial to health, including a nuisance from a dog or any animal that creates noise that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or social well-being of a reasonable person.*
8. *Buildings are adequately ventilated to avoid odour nuisance.*
9. *Buildings used to house animals have impermeable floor surfaces to assist in cleaning and drainage.*
10. *The use provides animal proof fencing immediately surrounding the kennels and catteries, including the pens and runs, that are a minimum of 2.0 metres in height, constructed of chain, mesh or similar materials which prevent animal escape through climbing, jumping or digging.*
11. *The use ensures solid wastes are collected and placed in weather-proof, fly-proof and vermin-proof receptacles and disposed of by a licensed disposal service. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Council.*
12. *The use ensures drainage and disposal of liquid waste is directed to a wastewater treatment system or a holding tank for collection by a licensed liquid waste transporter.*
13. *Stormwater drainage is diverted away from buildings, structures and areas used for the keeping or washing of animals and waste disposal areas.*

*External Works*

14. *Undertake the following works external to the land at no cost to Council:*
  - a. *Provision of a concrete crossover to the sugar mill cane railway to a minimum of 500mm outside the edge of the access roadway in accordance with the Cane Railway Standard Road Crossing drawing No.19/145 prepared by Mossman Central Mill dated 8 April 1996.*

*The design and construction must be certified by a qualified RPEQ Engineer. The work must be undertaken by an approved Mackay Sugar contractor or under a Mackay*

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*Sugar License inspection regime. The construction must only be undertaken at a time suitable to Mackay Sugar.*

*The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer 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.*

*Damage to Council Infrastructure*

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

*Water Supply and Sewerage Works Internal*

16. *Undertake the following water supply works internal to the subject land:*
  - a. *Provide a single internal water connection;*
  - b. *Water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Act 2000 (applies to developments which will be reconfigured by Building Format Plan and separately titled)*

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

*On-Site Effluent Disposal*

17. *The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. 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*

18. *The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of seven (7) spaces of which one (1) must be provided as a visitor space. 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 driveway and vehicular manoeuvring areas must be imperviously sealed. The car parking areas must be graveled to an standard acceptable to the Chief Executive Officer.*

*Protection of Landscaped Areas from Parking*

19. *Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by*

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vehicles.

*Landscaping Plan*

20. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:*
- a. *Deep planting of setback areas, including retention of as many mature trees on site where practical;*
  - b. *Provision of a 1.5m minimum width, deep planting landscape buffer to the frontage of the land to the Captain Cook Highway excepting those areas where sight line visibility is necessary for safe vehicle egress from the land. The landscaping in this area is to provide a buffer for screening for dust with a minimum 2m height to be achieved within 5 years of growth;*
  - c. *Plantings to give protection to western walls;*
  - c. *Species to have regard to Council's Planning Scheme Policy No.7 Landscaping; and*
  - d. *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.*

*Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.*

*Building Colours*

21. *The exterior finishes and colours of buildings must be non-reflective and must blend with the natural colours of the surrounding environment. Roofs and structures must be of moderately dark to darker shades of green, grey, blue and brown. White and shiny metallic finishes are not to be used on external surfaces.*

*Lawful Point of Discharge*

22. *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.*

*Sediment and Erosion Control*

23. *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).*

*Ponding and/or Concentration of Stormwater*

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

*Advertising Signage*

25. *All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.*

**CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS**

<i>Concurrence Agency</i>	<i>Concurrence Agency Reference</i>	<i>Date</i>	<i>Council Electronic Reference</i>
<i>Department of Transport and Main Roads</i>	<i>SDA-0315-019010</i>	<i>31 March 2015</i>	<i>451622</i>

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

**ADVICE**

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 and Section 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 potential cyclone warning 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 relevant Local Laws and statutory requirements.*
4. *Infrastructure Charges*

*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 appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.*

*The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the*

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*Development Assessment Team at council for review of the charge amount prior to payment.*

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

**LAND USE DEFINITIONS**

*In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Intensive Animal Husbandry\* is defined as:*

*Means the use of premises for the keeping or farming of animals as a commercial activity at a density which requires supplementary feeding and/or containment in feed lots, sheds or pens.*

*The use includes facilities commonly described as:*

- *beekeeping;*
- *cattery;*
- *kennels;*
- *lot feeding;*
- *piggeries;*
- *poultry farm; or*
- *stables.*

*\* The proposed Intensive Animal husbandry use is limited to 'Homeless animal shelter and boarding kennels and administration building' as a set out in the application.*

*In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Caretaker's Residence is defined as:*

*Means the use of premises comprising one (1) Dwelling Unit for the use by a caretaker or manager, including their Household, who is employed for caretaking or management purposes in connection with a commercial, industrial, recreational or other non-residential use conducted on the premises.*

*The use does not include:*

- *A manager's unit located within Multi-Unit Housing; Holiday Accommodation; or Short Term Accommodation.*

*\*These definitions are provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.*

**Carried** unanimously

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**5.5 REQUEST FOR PERMISSIBLE CHANGE & EXTENSION OF RELEVANT PERIOD RECONFIGURING A LOT (1 LOT INTO 19 LOTS) – 15-41, 43 AND 45 BEOR STREET CRAIGLIE**

Jenny Elphinstone: Senior Planning Officer CA 2876/2008 #452869

**Moved** Cr Carey

**Seconded** Cr Clarke

A. That Council approves the request for a permissible change to the Negotiated Decision Notice issued 13 August 2007 for a combined approval of the reconfiguration of land component of the application for Lots 37, 38, 100 on SP248126 (previously known as Lot 83 on SR274) located at 15-41, 43 and 45 Beor Street, Craiglie whereby:

1. Condition 20 is amended as follows:

20. *Plan of Development*

*The approved plan of reconfiguration and carrying out of any works on the premises associated with this development must be in accordance with the following approved plan/s of reconfiguration.*

Title	Plan No.	Date
<i>Proposal Plan (stage 2)</i>	<i>8294-10</i>	<i>21/9/06</i>
<i>Reconfiguration of a Lot, Proposed Stage 2 Craiglie Business Park</i>	<i>RPS Drawing No. PR108905-17</i>	<i>31 July 2014</i>

2. A new condition, 29A, is inserted after Condition 29 as follows:

29A. Stormwater Drainage Design

Stormwater drainage from Lots 37 and 38 must be provided in a piped underground form beneath the easements and carriage way over Lot 37 to discharge onto Lots 36 and 39 (currently known as Lot 100 on SP248126) and to be disposed of to the satisfaction of the Chief Executive Officer.

3. A new Condition 33A is inserted after Condition 33 as follows:

33A. The Applicant must provide six (6) car spaces in the area Easement C to the satisfaction of the Chief Executive Officer.

4. Condition 38 is amended as follows:

~~38. Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 4000m<sup>2</sup> to the Paws and Claws organisation, together with \$200,000 worth of works in lieu and a monetary contribution equivalent to 9% of the total open space and recreation required for Stage One (1) and Stage Two (2) of the development.~~

~~With Stage 2 of the development the applicant is required to contribute the balance of the contribution 43.9% as land in the south-eastern portion of the site as indicated in the plan of development.~~

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Council acknowledges that Park was provided (including the provision of upgrading works) through Stage 1 of the Industrial Estate and that provision is complemented with a financial deed of gift of \$200,000 to the Homeless Animal Society and Boarding Kennels Incorporated IA20194. These provisions of land, upgrading works and deed of gift satisfy the provision of Park and must be provided prior to the issue of a Compliance Certificate for the Plan of Survey.

**Carried** unanimously

**5.6 MAXWELL STREET SOUTH ROAD CLOSURE**

**Jenny Elphinstone: Senior Planning Officer #438732**

**Michael Kriedemann: Manager Infrastructure**

**Moved** Cr Carey

**Seconded** Cr Noli

- A. *That Council require officers to prepare a proposed design to improve the road safety at the intersection of Maxwell Street and Forest Glen Road, undertake community consultation with local residents regarding this design and implement necessary improvements.*
- B. *That Council officers enter into discussions with the Department of Transport and Main Roads regarding the following traffic operations issues:*
1. *The existing intersections of Maxwell Street (North) and Alchera Drive;*
  2. *The lack of connectivity for the pedestrian / bicycle path on the eastern side of Alchera Drive with the residents on the western side of Alchera Drive and the lack of suitable pedestrian connectivity along the western side of Alchera Drive from Maxwell Street to the new Woolworths Supermarket land; and*
  3. *The proposed closure of Maxwell Street (South) as set out in the conditions for the Development Approval for the future stages of the Shepherd Valley estate and the impacts on safe movement of vehicles and bus turning needs.*

**Carried** unanimously

**5.7 LITTERING & ILLEGAL DUMPING SURVEILLANCE - FINDINGS**

**Enzo Picerni: Team Leader Environmental Health & Regulatory Services #453617**

**Paul Hoye: General Manager Operations**

**Moved** Cr Carey

**Seconded** Cr Melchert

*That Council –*

1. *Notes the outcomes of the Illegal Dumping Surveillance Camera Program; and*
2. *Supports the ongoing use of camera surveillance as part of a holistic strategy for the management of illegal dumping activities.*

**Carried** unanimously

**5.8 ILLEGAL CAMPING**

**Enzo Picerni: Team Leader Environment Health & Regulatory Services #453678**  
**Paul Hoye: General Manager Operations**

**Moved** Cr Carey

**Seconded** Cr Melchert

*That Council:*

- 1. Approves an allocation of funding in the 2015/16 budget to facilitate the recruitment of a permanent part time local laws officer to assist Regulatory Services with the management of illegal camping, including early morning patrols, and associated enforcement; and*
- 2. Approves the allocation of funds in the 2015/16 budget, to install illegal camping signage at hot spot locations in the Shire; and*
- 3. Approves the allocation of funds in the 2015/16 budget for the purpose to engage the local Police on a commercial basis to assist Local Laws as required.*
- 4. That the long term options identified in the report with the inclusion of, but not limited to, consideration to establishing at least two (2) free or low cost camps in the Douglas Shire be referred to the 2015/16 operation plan and budget for consideration.*

**Carried** unanimously

**5.9 RESULTS OF COMMUNITY ENGAGEMENT – EXHIBITING NON  
NATIVE FAUNA ON COUNCIL PARKS AND RESERVES**

**Darryl Crees: General Manager Corporate Services #453089**

**Moved** Cr Carey

**Seconded** Cr Noli

*That Council notes the results of the recent community engagement on Exhibiting Non Native Fauna on Council Parks and Reserves.*

**Carried** unanimously



**5.9 DEFERRED ITEM: 5.1: 3 MARCH 2015  
EXHIBITING NON NATIVE FAUNA ON COUNCIL PARKS AND  
RESERVES**

Robert Donovan: Property Officer #448835  
Darryl Crees: General Manager Corporate Services

Moved Cr Carey

Seconded Cr Leu

*"That the Council, as a matter of policy, determine, with effect immediately, that circuses which use exotic animals for entertainment shall not be granted approval to utilise any Council controlled land, parks or reserves."*

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

Lost

Moved Cr Noli

Seconded Cr Melchert

*That Council not restrict circuses utilising Council Land for events subject to any applicant holding all necessary State Government licences pertaining to exhibiting animals.*

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

Carried

**5.10 GENERAL POLICY- STRATEGIC FREEHOLD LAND POLICY**

Rebecca Assman – Manager Governance #451680  
Darryl Crees – General Manager Corporate Services

Moved Cr Noli

Seconded Cr Clarke

*That Council adopts the Strategic Freehold Land Policy*

Moved Cr Melchert – *That Council adopts the Strategic Freehold Land Policy with the inclusion of a 3<sup>rd</sup> point in the second paragraph under the heading of Provisions:-*

*"• no land is to be disposed of or acquired without a formal resolution of Council."*

The amendment was put to the vote.

Seconded Cr Clarke

Carried unanimously

The amendment became part of the motion and the amended motion was put to the vote.

Carried unanimously

**5.11 NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS  
(2014) PROGRESS REPORT #3 – MARCH 2015**

Scott Hahne: NDRRA Project Engineer #453266  
Paul Hoye: General Manager Operations

Moved Cr Carey

Seconded Cr Melchert

*That Council notes the results achieved to date and the future projections contained in the 2014 NDRRA PCG Monthly Report 3 – March 2015.*

Carried unanimously

**5.12 REGIONAL ARTS DEVELOPMENT FUND (RADF) APPLICATION FOR  
FUNDING 2015-2016**

Helen Coulthard, Community & Economic Development Officer #450976  
Kerrie Hawkes, Executive Officer

Moved Cr Noli

Seconded Cr Melchert

*That Council:*

- 1 *endorses the 2015-2016 Regional Arts Development Fund application for funding to Arts Queensland based on a Council contribution of \$12,600;*
- 2 *adopts the new Douglas Shire Council Regional Arts Development Fund Guidelines and application form; 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 the Regional Arts Development Fund funding application 2015-2016.*

Carried unanimously

**5.13 REPORT FROM THE CHIEF EXECUTIVE OFFICER**

Linda Cardew – Chief Executive Officer #453897

Moved Cr Carey

Seconded Cr Noli

*That Council receives and notes the report.*

Carried unanimously

**5.14 PORT DOUGLAS MARKETS – INTRODUCTION OF HOT FOOD**

Darryl Crees: General Manager Corporate Services #453752

Moved Cr Carey

Seconded Cr Melchert

*“That an issues paper be documented on a proposition to introduce hot food preparation and sale at the Port Douglas Markets and that this be followed by a thorough community consultation process to determine community and stakeholder aspirations in respect of this proposition”.*

Carried unanimously

**6. NOTICES OF MOTION**

**6.1 NOTICE OF MOTION – CR MELCHERT – MAINTENANCE OF NATIONAL PARKS INFRASTRUCTURE INCLUDING TOILETS NORTH OF THE DAINTREE RIVER**

Moved Cr Melchert

Seconded Cr Clarke

*“That Council resolves to approach the local Member for Parliament, Billy Gordon and request he support and advocate for making arrangements, as a matter of urgency, for Council as a whole to meet with the Queensland Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef the Hon Steven Miles and the Regional Director National Parks and Wildlife Service (NPWS)/(DEH) to discuss the need for the State Government to commit to proper maintenance of tourism infrastructure north of the Daintree River, including boardwalks and toilets. This does not in anyway supersede the Mayoral Minute.”*

Carried unanimously

**6.2 NOTICE OF MOTION – CR MELCHERT - REQUESTS FOR BUILDING SITING DISPENSATION – COUNCIL DECISION PROCESS**

Moved Cr Melchert

Seconded Cr Clarke

*“That Council resolves that in future where property owners make development applications for building siting dispensations the applications be referred to Council for decision unless Council Officers form a view that the requested dispensation should be approved exactly as detailed in the application. Where the matter is to be referred to Council, action is to be taken to extend for a short period the decision making period to allow the referral to Council to be completed and a decision to be made.”*

**Notice of motion withdrawn by Cr Melchert**

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**6.3 NOTICE OF MOTION – CR MELCHERT – REGULATION OF SIGNAGE**

**Moved** Cr Melchert

**Seconded** Cr Clarke

*“That Council resolves to request the Chief Executive Officer to have prepared a report for consideration by Council which details all signage in Port Douglas which Officers believe is in some way or other at variance to development approvals and or the Planning Scheme or Local Laws. And until such time as Council has had the opportunity to consider the report no further action be taken by Council Officers to issue compliance notices for pre-existing advertising signage”*

**For:-** Cr Melchert, Cr Clarke

**Against:-** Cr Leu, Cr Noli, Cr Carey

**Lost**

**7. URGENT BUSINESS**

Nil

**PETITION – CR MELCHERT**

*Councillor Melchert tabled a petition in relation to the establishment of a 24 hour Police service in the Shire.*

**8. CLOSED SESSION**

**Moved** Cr Melchert

**Seconded** Cr Carey

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

- Contractual Matter S.275(1)(E) Local Government Regulation Remote NDRRA Works On Eastern Kuku Yalanji Country – Cultural Awareness Training – Appointment Of Prescribed Body Corporate*
- Event Sponsorship Request For Port Douglas Beach Picnic Races*
- Prejudicial Matter – Community Support Program (Csp) Funding Recommendations 2014-2015 Round Two*
- Audit Committee Meeting Minutes – 30 March 2015 And 16 April 2015.”*

**Carried** unanimously.

**WITHDRAWAL CR MELCHERT**

Cr Melchert withdrew from the meeting 12.35pm

**REATTENDANCE CR MELCHERT**

Cr Melchert reattended the meeting at 12.41pm

**OUT OF CLOSED SESSION**

Moved Cr Noli

Seconded Cr Carey

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

Carried unanimously.

**8.1 CONTRACTURAL MATTER S.275(1)(E) LOCAL GOVERNMENT  
REGULATION REMOTE NDRRA WORKS ON EASTERN KUKU YALANJI  
COUNTRY – CULTURAL AWARENESS TRAINING – APPOINTMENT OF  
PRESCRIBED BODY CORPORATE**

Linda Cardew: Chief Executive Officer #453890

Moved Cr Carey

Seconded Cr Noli

*That Council resolves:*

- 1. that in accordance with Section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders; and*
- 2. that in its capacity as the Prescribed Body Corporate, Council appoints Jabalbina Yalanji Aboriginal Corporation RNTBC as the supplier of Traditional Owner consultancy services to provide cultural awareness training for the successful NDRRA contractors.*

Carried unanimously

**8.2 EVENT SPONSORSHIP REQUEST FOR PORT DOUGLAS BEACH  
PICNIC RACES**

Kerrie Hawkes: Executive Officer #453565

Linda Cardew: Chief Executive Officer

Moved Cr Carey

Seconded Cr Ciarke

*That Council resolves:*

- 1 To provide financial support to Medieval Horse Sports Australia to the value of \$10,000 (Ex GST) and in-kind support identified in the attached proposal.*
- 2 To delegate authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments to this sponsorship agreement.*

Carried unanimously

**8.3 PREJUDICIAL MATTER – COMMUNITY SUPPORT PROGRAM (CSP)  
FUNDING RECOMMENDATIONS 2014-15 ROUND TWO**

**Moved** Cr Noli

**Seconded** Cr Carey

*That Council:*

1. *approves five grants totalling \$32,499 (GST Exc) in the Community Support Program 2014-2015 Round Two, for projects as per Attachment A;*
2. *does not approve three grants requesting \$20,862 (GST Exc) in the Community Support Program 2014-2015 Round Two, for projects as per Attachment B – Part 1;*
3. *does not approve one grant requesting \$9,090 (GST Exc) in the Community Support Program 2014-2015 Round Two, for projects as per Attachment B – Part 2;*
4. *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 Community Support Program 2014-2015 Round Two applications.*

**Carried** unanimously

**8.4 PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT  
REGULATION 2012 – AUDIT COMMITTEE MEETING MINUTES – 30  
MARCH 2015 AND 16 APRIL 2015**

Rebecca Assman, Manager Governance #453219

Darryl Crees, General Manager Corporate Services

**Moved** Cr Noli

**Seconded** Cr Carey

*That Council accepts the minutes from the Audit Committee Meeting held on 30 March 2015 and 16 April 2015.*

**Carried** unanimously

**CLOSURE OF MEETING**

The meeting closed at 12.53pm.

**CONFIRMED THIS 26<sup>TH</sup> DAY OF MAY 2015**

  
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MAYOR/CHAIR