

**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 16 DECEMBER 2014, COMMENCING AT 10.00 AM**

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), Donna Graham (Manager Planning and Environment), Jenny Elphinstone (Senior Planning Officer), Greg McLean (Communication/Events Officer), and Nicole Barton (Mayor & 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 SILENCE

One minute silence was observed in honour of Daniel Smith and the victims of the siege in Sydney at the Lindt Café.

APOLOGIES

There were no apologies.

CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Leu stated that she recognises that her position as a Director of Tourism Port Douglas Daintree gives the appearance of a perceived conflict of interest, but that she has considered her position and is firmly of the opinion that she can make a decision on the matter before this meeting in the public interest.

Moved Cr Melchert

Seconded Cr Noli

“That the Council acknowledge Cr Leu’s involvement as a director on Tourism Port Douglas Daintree and that Cr Leu remain in the meeting during consideration of items related to Tourism Port Douglas Daintree.”

Carried unanimously.

**MAYORAL MINUTE - PROPOSED SHED – PORT DOUGLAS SPORTS
COMPLEX – PORT DOUGLAS AFL FOOTBALL CLUB**

Moved Cr Leu

That Council resolves to:

- 1. Give preliminary approval of the application by the Port Douglas AFL Football Club to erect a shed adjacent to the Port Douglas Sports Complex, Wharf Street, Port Douglas, generally in accordance with Hunt Design drawing submitted 12 December 2014, Location A, and NQ Sheds and Patios Pty Ltd elevations dated 3 February 2014 excluding the verandah roof subject to the following conditions:*

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- All development (including vegetation damage), building and plumbing approvals are required prior to the commencement of works.
- Council is to be advised in writing prior to commencement of works.
- A safety barrier/fencing is to be erected around the area prior to commencement and for the duration of the works.
- All works are confined to the area shown generally on Hunt Design drawing submitted to Council on 12 December 2014 and identified as Location A.
- All works are to be completed in a good and workmanlike manner by qualified tradespeople.
- The area is to be left in a clean and tidy condition once the works are completed.
- Council is not responsible for the cost of the works (including site preparation), maintenance, and compensation to the Club or any successor, or to repair or restore the works.
- The Club to be responsible for screening the shed from the playing surface with appropriate and attractive landscaping.
- The following documents must be submitted to Council before commencing to use the shed otherwise this preliminary approval lapses and use of the shed will revert to Council:
 - a. Final inspection certificate;
 - b. Certificate of classification as a class 10 building;
 - c. Certificate(s) of insurance for:
 - i. Building;
 - ii. Public liability for \$20,000,000.00;and will nominate Douglas Shire Council and the State of Queensland as co-insurer parties as the trustee and owner of Lot 99 on SP150469.
- The Club is to make application to Council for appropriate tenure, the application to be held in abeyance pending the preparation of a Land Management Plan for Reserve for Recreation Purposes R. 1256 Lot 99 SP150469.

2. Delegate authority to the Mayor and Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate, determine or resolve any and all matters for the proposed shed including form and appearance of the works.

3. Acknowledge that this resolution supersedes Council's resolution of 7 October 2014."

For:- Crs Leu, Noli, Carey and Clarke.

Against:- Cr Melchert

Carried

CONFIRMATION OF MINUTES OF COUNCIL MEETING

ORDINARY MEETING HELD ON WEDNESDAY 3 DECEMBER 2014

Moved Cr Carey

Seconded Cr Clarke

"That the Minutes of the Ordinary Meeting held on Wednesday 3 December 2014, be confirmed."

Carried unanimously.

SUSPENSION OF STANDING ORDERS

Moved Cr Noli

Seconded Cr Carey

"That Standing Orders be suspended to allow for Agenda Items 5.12 and 5.12a to be considered as the last items of the meeting."

Carried unanimously.

AGENDA ITEMS

5.1 TOURISM PORT DOUGLAS DAINTREE - ANNUAL REPORT 2013 / 2014

Kerrie Hawkes: Executive Officer #435066
Linda Cardew: Chief Executive Officer

Moved Cr Noli

Seconded Cr Carey

"That Council receives and notes the Annual Report for Tourism Port Douglas Daintree (TPDD) for the 2013 / 2014 financial year, in accordance with the Resource and Performance Agreement."

Carried unanimously.

**5.2 TOURISM PORT DOUGLAS DAINTREE - QUARTERLY REPORT JULY -
SEPTEMBER 2014**

Kerrie Hawkes: Executive Officer # 435103
Linda Cardew: Chief Executive Officer

Moved Cr Carey

Seconded Cr Clarke

"That Council notes the July – September 2014 Quarterly Report received from Tourism Port Douglas Daintree (TPDD) as per the Resource and Performance Agreement between TPDD and Douglas Shire Council."

Carried unanimously.

5.3 EVENT SPONSORSHIP REQUEST FOR TASTE PORT DOUGLAS 2015

Kerrie Hawkes: Executive Officer (# 435494)
Linda Cardew: Chief Executive Officer

Moved Cr Clarke

Seconded Cr Carey

"That Council resolves to provide in-kind support to Harrisons Restaurant and Bar, for the Taste Port Douglas 2015 three (3) day event through the provision of the identified venue, Rex Smeal Park Port Douglas."

Carried unanimously.

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5.4 FINANCIAL REPORT FOR PERIOD ENDING 30 NOVEMBER 2014

Darryl Crees – General Manager Corporate Services

Moved Cr Carey

Seconded Cr Noli

“That Council notes the Financial Report for the period ended 30 November 2014.”

Carried unanimously.

5.5 REVIEW OF COUNCIL TO CHIEF EXECUTIVE OFFICER DELEGATIONS

Darryl Crees: General Manager Corporate Services #435192

Moved Cr Noli

Seconded Cr Carey

“That Council notes and endorses the work being undertaken with the review of Council to Chief Executive Officer Delegation Register.”

Moved Cr Melchert

Seconded Cr Clarke

“That the motion be amended to include the words ‘and Council request an update on the work at its February 2015 Meeting’”

For:- Crs Melchert and Clarke

Against:- Crs Leu, Noli and Carey.

The motion to amend was lost.

The original motion was put to the vote:-

Moved Cr Noli

Seconded Cr Carey

“That Council notes and endorses the work being undertaken with the review of Council to Chief Executive Officer Delegation Register.”

Carried unanimously.

5.6 PROCUREMENT POLICY

Rebecca Assman: Manager Governance #434684

Darryl Crees: General Manager Corporate Services

Moved Cr Noli

Seconded Cr Carey

“That Council adopts the Procurement Policy for the 2015 year.”

Moved Cr Noli

Seconded Cr Carey

“That the motion be amended include a change to the draft Policy to reflect that the Mayor and/or CEO may have the power for procurement in emergency situations.”

Carried unanimously.

The amendment became part of the original motion.

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Moved Cr Carey

Seconded Cr Melchert

"That motion be amended to include an amendment on Page 23 – the heading 'Exemptions to these requirements' is to now read 'Exemptions to these requirements not including requirements to go to tender'."

Carried unanimously.

The amendment became part of the original motion.

Moved Cr Melchert

"That the motion be amended to include a change to the policy in relation to exemptions where Pre-Qualified contractors or suppliers are to be considered there be documentation confirming consideration of at least three (3) pre-qualified suppliers/contractors where available."

The motion lapsed for want of a seconder.

The original motion with the successful amendments, was put to the vote:-

Moved Cr Noli

Seconded Cr Carey

"That Council adopts the Procurement Policy for the 2015 year subject to the following amendments:-

- The policy be amended to reflect that the Mayor and/or CEO may have the power for procurement in emergency situations."*
- The policy be amended on Page 23 – the heading 'Exemptions to these requirements' is to now read 'Exemptions to these requirements not including requirements to go to tender'."*

Carried unanimously.

5.7 FINAL AUDIT REPORT FROM QUEENSLAND AUDIT OFFICE

Darryl Crees: General Manager Corporate Services #435600

Moved Cr Carey

Seconded Cr Melchert

"That the Council notes the observations contained within the Queensland Audit Office Final Audit Report for the 2013/14 financial year and that a further report on implementation of the responses to the Queensland Audit Office recommendations be provided to the Council prior to 30 June 2015."

Carried unanimously.

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5.8 NEWELL BEACH EROSION MITIGATION

Paul Hoye – General Manager Operations

Moved Cr Carey

Seconded Cr Melchert

“That Council:-

- 1. Proceed immediately to construct a geofabric groyne at the southern end of Newell Beach; and*
- 2. Fund the groyne works from general revenue;*
- 3. Investigate funding options for the dredging of the sandbar at the Mossman River mouth and report back to Council in February, 2015 on the funding options available for completing the dredging; and*
- 4. The Council make the report of Projex Partners publicly available for download via the Council's web page and further, that the Council publicise its intended responses to the Newell Beach erosion issue in accordance with the decisions of this meeting.”*

Carried unanimously.

5.9 PLANNING AND DEVELOPMENT BILL 2014

Jenny Elphinstone : Senior Planning Officer (D#435458)

Moved Cr Noli

Seconded Cr Carey

“That Council makes a submission to the State Development Infrastructure and Planning Committee regarding the Planning and Development Bill 2014 raising issues as outlined in the Officer report.”

Carried unanimously.

**5.10 MATERIAL CHANGE OF USE (CODE ASSESSMENT) HOUSE –
1 MURPHY STREET PORT DOUGLAS**

Jenny Elphinstone: MCUC 15/2014 : 435581

Moved Cr Melchert

Seconded Cr Clarke

“That Council approves the Material Change of Use (Code Assessment) application for a House over land described as Lot 2 on RP742318 located at 1 Murphy 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:

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<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Turning template</i>	<i>APA Architects drawing RFI-TT01, Issue A</i>	<i>27 May 2014</i>
<i>Civil Works General Arrangement</i>	<i>Colefax Associates Project 130066 Drawing C01, Revision A</i>	<i>4 November 2014</i>
<i>Ground Floor Plan</i>	<i>Generally in accordance with DPA Architects Drawing WD-102, Issue A dated 3 October 2013 and as amended by Conditions of this Development Permit.</i>	<i>To be determined</i>

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>First Floor Plans</i>	<i>Generally in accordance with DPA Architects Drawing WD-103, Issue A dated 3 October 2014 and as amended by Conditions of this Development Permit.</i>	<i>To be determined.</i>
<i>Roof Floor Plan</i>	<i>Generally in accordance with DPA Architects Drawing WD-104, Issue A dated 3 October 2013 and as amended by Conditions of this Development Permit.</i>	<i>To be determined.</i>
<i>Elevations – N.E. & N.W.</i>	<i>Generally in accordance with DPA Architects Drawing WD-201, Issue A dated 3 October 2013 and as amended by Conditions of this Development Permit.</i>	<i>To be determined.</i>
<i>Elevations – S.W. & S.E.</i>	<i>Generally in accordance with DPA Architects Drawing WD-202, Issue A dated 3 October 2013 and as amended by Conditions of this Development Permit.</i>	<i>To be determined.</i>
<i>Section 1</i>	<i>Generally in accordance with DPA Architects Drawing WD-301, Issue A dated 3 October 2013 and as amended by Conditions of this Development Permit.</i>	<i>To be determined.</i>
<i>Section 2</i>	<i>Generally in accordance with DPA Architects Drawing WD-302, Issue A dated 3 October 2013 and as amended by Conditions of this Development Permit.</i>	<i>To be determined.</i>

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<i>Landscape Report</i>	<i>Generally in accordance with Hortulus, Revision B report as submitted to Council on 8 July 2014 and as amended by Conditions of this Development Permit.</i>	<i>To be determined.</i>
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ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within technical reports; 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 satisfied prior to Commencement of Use, except where specified otherwise in these conditions of approval.*

Amendment to Design

3. *The proposed development must be redesigned to accommodate the following changes:*
 - i. *Include the retaining wall and engineering works as designed by Colefax and Associates;*
 - ii. *Reduce the building Height where: the total of all floor levels have a maximum height of 6.5 metres above existing ground level; the roof to have a maximum height of 3.5 metres; and the building is a maximum of two (2) storeys (that is, removal of the mezzanine level);*
 - iii. *Reduce the visual bulk and mass of the building;*
 - iv. *Include any requirements of any further geotechnical report that are necessary to ensure the development has a low to very low risk of failure;*
 - v. *Remove the separating wall at the front entrance at ground level, open this entry area to enable access to the whole of the building from the foyer central breezeway and ensure the development to reflect the use of the development as a single House and used by a single Household;*
 - vi. *Provide details of the colours and finishes to the retaining wall in the driveway area. The retaining wall must be constructed of materials and/or finished in colours, which blend with the surrounding natural environment; and*

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- vii. *Provide details of the exterior colours and finishes to the house that are non-reflective and blend with the natural colours of the surrounding environment. Roofs and structures (including Water Tanks) must be of moderately dark to darker shades of green, grey, blue and brown. The building colours are to promote diversity in light and shade and create a suitable backdrop when viewed from outside the site to enhance the scenic vegetated backdrop of Flagstaff Hill;*

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

On- Road Drainage

4. *Provide an updated stormwater plan including the specified street works nominated in Condition 5 below that connect to the downstream drainage inlet pit in Murphy Street prior to the issue of a Development Permit for Building Work.*

The plan must be supported by appropriate stormwater calculations confirming flow width and depth across the driveway confirming runoff is contained on the road and does not overtop into either Lot 1 on RP7142318 or Lot 2 on Rp742318. Where the pipe network is to be extended upstream from the existing inlet pit details of the proposed work must be provided including invert levels, pipe class, size and cover.

The plan and supporting information must be sufficient to demonstrate no adverse impacts on existing Council infrastructure and existing lots.

The plan must be submitted to the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

External Works

5. *The applicant must undertake the following works external to the property at no cost to Council:*
- a. *Identify the clearing required to construct the engineering works in the road reserve. In particular, the vegetation above the retaining wall proposed on Murphy Street to the south of the driveway must be assessed by both the landscaper and Engineer to confirm the practicality of retaining this vegetation.*
 - b. *Construct the retaining wall and engineering works as designed by Colefax and Associates for the driveway and road;*
 - c. *Provide a standard vehicle cross over in accordance with the FNQROC Development Manual Standard Drawing S1015;*
 - d. *Provide a guardrail to the edge of the elevated part of the road, above the driveway where the horizontal separation between the road and driveway levels are 500mm or greater;*
 - e. *Install kerb and channel for the full frontage of the site to prevent run-off down the batter off the Murphy Street road reserve. The kerb and channel and driveway interface needs to ensure the runoff is controlled past the driveway and remains on road;*

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- f. The kerb must continue between the driveway and the stormwater pit in Murphy Street in front of existing Lot 1 on RP742318. Alternatively extend the piped stormwater network from the existing pit up to the driveway for Lot 2 on RP742318 and detail invert levels, pipe class, size and cover;*
- g. Include all works as required by Condition 4 above; and*
- h. All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities. That is, the provision of temporary kerb ramps if pedestrian diversions are necessary.*

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.

Geotechnical

- 6. Provide a revised site specific Geotechnical Assessment Report prepared by a suitably qualified and experienced geotechnical consultant. The report is to include the geotechnical assessment and classification of the site risk per the AGS Guidelines (2007). At a minimum this must include the provision of the Hazard matrix and the resulting assessment of controls necessary to enable the site to be classified as having a low or very low risk in accordance with the guidelines.*

The report must also provide details of the geotechnical parameters, including but not limited to:

- a. Slope stability of the site and any proposed earthworks cut/fill batters;*
- b. Soil/rock parameters for any retaining structure design, (and confirmation of upslope and downslope topography);*
- c. Project specific foundation tests for the proposed dwelling; and*
- d. Requirements for adequate site drainage and foundation maintenance for proposed development;*

The geotechnical report is to indicate the treatments required to be implemented in order to ensure that there is only a low risk of failure in accordance with AGS Guidelines (2007) and show that the factor of safety for saturated and dry conditions are above standard tolerances for residential construction.

The geotechnical report is to be lodged with the application for a Development Permit for Operational Works and must be endorsed by the Chief Executive Officer prior to approval for Operational Works for any filling or excavation on the site or in the Murphy Street Road frontage or prior to the issue of a Development Permit for Building Work whichever issues first.

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Lawful Point of Discharge

7. *The flow of all external 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.*

Water Supply and Sewerage Works Internal

8. *Undertake the following water supply and sewerage works internal to the site:*
 - a. *The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;*

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

Damage to Infrastructure

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

Vegetation Clearing

10. *Existing vegetation on the land must be retained in all areas except those affected by the construction of access driveways and/or the installation of services as detailed on the approved plans. Any further clearing requires a Permit for Operational Works.*

Retention of Vegetation

11. *Trees and vegetation identified to be retained as detailed on the amended Landscape Plan as required under Condition 13 must be protected from any damage to the trunk, roots and branches during the construction period. Effective fencing or barriers are to be installed and maintained in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites.*
12. *All pruning of trees is to be in accordance with the requirements of Australian Standard Pruning of Amenity Trees AS 4373-2007.*

Landscaping

13. *An amended Landscape Plan must be prepared and endorsed by the Chief Executive Officer and comply with the following requirements:*
 - a. *Confirm the retention, or otherwise, of existing vegetation on the site. Where the current visual amenity assessment relies on existing vegetation that is to be removed the landscape plan must identify this as well as any constraints nominated by the geotechnical engineering report;*
 - b. *The Engineer and landscaper are to verify the final design can be implemented without compromising the measures proposed by each activity (visual amenity screening and geotechnical considerations). The landscape plan must detail all vegetation that is to remain on the land;*

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- c. *Landscaping must include planting of all cut and fill batter areas in accordance with any geotechnical Engineering requirements;*
- d. *Landscaping must obscure views of supporting structures; and*
- e. *Landscaping with screening qualities must be planted along the boundary adjoining lots to reduce the impacts of views of neighbouring property.*

The amended Landscape Plan nominating the species and location of trees and shrubs to be planted must be endorsed by the Chief Executive Officer. Sixty per cent of the total proposed species for landscaping must consist of native and endemic species and must be planted in an irregular and random fashion to blend with existing vegetation.

The amended Landscape Plan does not need to be professionally drawn but does need to be of a standard which clearly illustrates the areas to be planted and the schedule of species to be used.

The amended Landscape Plan must be submitted with the application for Operational Works.

All landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use.

Sediment and Erosion Control

- 14. *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).*

House

- 15. *The lot must not contain more than one (1) House and such House is to be occupied by one (1) Household.*

Structural Certification

- 16. *All retaining walls or structures higher than 900 mm must be structurally certified prior to the issue of a Development Permit for Building Work. Where the profile or height of the wall is redesigned during structural certification, amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.*

The Applicant/owner must ensure that the retaining wall does not result in the ponding or concentration of stormwater flows.

ADVICE

- 1. *For any Operational Work on other land the Applicant must obtain the affected adjoining landowner's consent as part of the application for a Development Permit for Operational Work.*

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2. *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.*
3. *The applicant/owner is advised that this approval does not approve the construction of the building work. A Development Permit for Building Work must be obtained in order for construction to commence.*
4. *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.*
5. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*
6. *For information relating to the Sustainable Planning Act 2009 log on to 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 .*

LAND USE DEFINITIONS*

In accordance with Douglas Shire Planning Scheme 2008 the approved land use of House and Household are defined as:

House

Means the use of premises comprising one Dwelling Unit, located on one (1) lot for the exclusive residential use of one (1) Household. The use includes:

- Outbuildings/structures incidental to and necessarily associated with the residential use;*
- the care of children in accordance with the Child Care (Family Day Care) Regulation 1991;*
- accommodation for a member or members of the extended family of the Household occupying the House and for personal staff;*
- a display house which displays to the general public the type of construction or design offered by a builder/developer, for a maximum period of 12 months and which then converts to a House for the exclusive use of one Household; and*
- the short term letting of a house for the purpose of holiday rental accommodation.*

Household

Means an individual or group of individuals whether related or unrelated, who occupy or share the same Dwelling Unit, Expanded House or House as provided below:

- two (2) or more persons related by blood, marriage or adoption;*
- not more than six (6) persons not related by blood, marriage or adoption;*
- not more than six (6) persons under the age of eighteen years and not related by blood, marriage or adoption, and a married couple having the care and control of these persons either with or without domestic servants.*

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For the purposes of this definition, a group of persons is deemed to be maintaining a Household by a common discipline unless one or more of the members of the group retains the power in and domination over the whole of the Dwelling Unit, Expanded House or House occupied by the group.

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.

5.11 RECONFIGURING A LOT (1 LOT INTO 19 LOTS) – L100 GORGE ROAD, MOSSMAN GORGE

Jenny Elphinstone: ROL 396/2014: 429208

Moved Cr Melchert

Seconded Cr Carey

That Council approves the development application to reconfigure the land described as Lot 100 on RP911412, located at Gorge Road, Mossman Gorge, 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>Proposed Lot Layout</i>	<i>Black and More Drawing Project 7019 Sketch 7019-1 Revision B (As amended by Conditions of this Development Permit)</i>	<i>18 March 2014</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 the issue of a Compliance Certificate for the Plan of Survey except where specified otherwise in these conditions of approval.*

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Street Hierarchy

3. *For the development the following street hierarchy is applied:*
- a. *Lund Street and Bamabubu Street are access streets;*
 - b. *Jankaji Close, Manjal Close, Walkarr Close are access places; and*
 - c. *the extension of Lund Street / new Close past the Bamabubu Street exit is an access place.*

Amended Design - Street Layout and Design

4. *The street layout and design must be revised to comply with Queensland Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:*
- a. *The street hierarchy nominated under Condition 3 above;*
 - b. *Following the endorsement of the Traffic Study required under Condition 5 inclusion of upgrades required to the existing road network;*
 - c. *Following the endorsement of the Drainage Study required under Condition 6 inclusion of the upgrades required to the existing stormwater infrastructure;*
 - d. *Provision of a two (2.0) metre wide footpath is to be constructed within all Access Streets in accordance with Table D1.3 of the FNQROC Development Manual;*
 - e. *Remove the pedestrian links at the end of Jankaji Close, and Manjal Close and Walkarr Close and incorporate these areas into the neighbouring residential lots;*
 - f. *Provision of a bus stop near Bamabubu Street and Mossman Gorge Road;*
 - g. *A temporary vehicle turnaround at end of all roads where the length of road exceeds sixty (60) metres (i.e. maximum acceptable reversing distance for garbage truck) must be provided. The turning facility must be of sufficient size to turn around a garbage truck, either in a continuous forward movement or by a three-point turn. Alternatively, a common refuse collection area may be provided where suitably located. The location of any proposed common refuse collection area must be identified on the amended plans and approved by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work;*
 - h. *Revisit the design of the close, adjacent to Lot 39 and servicing Lots 40 and 41, on the eastern extent of the development. The current design is not supported. The road reserve width and road formation must be upgraded in all locations to comply with the requirements of the FNQROC Development Manual or be redesigned as a shared reciprocal access arrangement to Lots 39, 40, 41 and 53;*
 - i. *Change the description of "Lot 53" that is a lot adjacent to the Mossman River from a freehold lot to land dedicated to the State as a Nature Reserve; and*
 - j. *Note on the plan that Lot 42 is private community land;*

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- k. *Compliance with the current version of Council's FNQROC Development Manual – Road Network*

The Applicant must engage a suitably qualified and experienced Registered Professional Engineer of Queensland (RPEQ) to assess the existing roads infrastructure (including all aspects of the design as noted in condition 5) against the current engineering standards.

Where deviations from the current FNQROC Development Manual standards exist, the Applicant is to:

- i. Identify the non-conformance (location, extent etc).*
- ii. Provide details of the works required to bring the specific non-conformances up to current engineering standards.*

It should be noted that Council may consider non-standard infrastructure where it can be demonstrated that:-

. There is no increased risk to Council accepting the infrastructure (safety, environmental, financial (i.e. increased maintenance costs or likely replacement costs) over the levels which would be expected and accepted with donation of FNQROC Development Manual standard infrastructure; and

. Acceptance of non-standard infrastructure will be undertaken on a case by case basis, once the specific non-conformances have been identified in the report required as part of this condition.

It should be noted that, the acceptance of non-standard infrastructure shall remain at the discretion of the Douglas Shire Council. Where an agreement cannot be reached, the standard FNQROC Development Manual infrastructure requirements shall prevail.

The Applicant must provide a set of amended drawings reflecting any changes required from conditions of approvals (including revised traffic and drainage studies). The Applicant must ensure that an appropriately qualified and experienced RPEQ certifies that the design and construction of the road network infrastructure and associated utilities, signage, lighting etc proposed to be handed over to Council as part of the donated assets process at plan sealing is in accordance with the FNQROC Development Manual, except where an alternative standard has been explicitly agreed between the parties. The Applicant must submit a Statement of Compliance for the Operational Works Design as provided in Appendix A of Section AP 1 of the FNQROC Development Manual with the revised set of drawings.

The set of amended drawings must be submitted to Council and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out by the Applicant at no cost to Council 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.

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Traffic Assessment

5. Undertake a detailed traffic assessment in accordance with Council's requirements to identify and assess:

a. Any impacts of the proposed development upon the Council's Road Network. The assessment must include (but not be limited to):

i. All Intersections – Capacity, Geometry and Treatments

The Applicant must demonstrate that the intersections within the proposed reconfiguration of a lot (RoL) and those that will be traversed to directly access the development from Mossman Gorge Road, comply with current engineering standards and the FNQROC Development Manual. The Applicant must provide amended plans which show and document the extent of works which are required to ensure compliance with Section D1 (specifically Section D1.12) of the FNQROC Development Manual. The amended plans are to identify and nominate all vegetation which requires removal for the safe and efficient movement of vehicles and pedestrians through the proposed development and intersections feeding the development from Mossman Gorge Road;

ii. All Road links – Capacity, Geometry and Form

The Applicant must review all road links within the bounds of the proposed development and those links which link the proposed development to Mossman Gorge Road (Junkurrji Street, Lund Road (Western End) and Bamabubu Street. The Applicant must demonstrate that each road link complies with Section D1 (in particular Section D1.10) of the FNQROC Development Manual or identify what works are required to be undertaken to ensure that compliance with Section D1 of the FNQROC Development Manual. A revised plan showing the extent of works required is to be provided to Council for review and approval, prior to the issue of a Development Permit for Operational Works;

iii. Public Transport Network

The Applicant must demonstrate that the development complies with the requirement for a bus-route and section D1.16 of the FNQROC Development Manual;

iv. Garbage Collection / Emergency Vehicle Access;

The Applicant must demonstrate that the development complies with the requirement for a Section D1 of the FNQROC Development Manual (in particular sections D1.02, D1.10, D1.12 and D1.14) unless an alternative common area for garbage collection is agreed to by the Chief Executive Officer under Condition 4 above; and

v. Pedestrians and Cyclists

The Applicant must demonstrate that the development complies with the requirement for a bus-route and section D1.19 of the FNQROC Development Manual;

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- c. *Compliance of the existing network infrastructure with current engineering standards and the FNQROC Development Manual; and*
- d. *Determine any mitigation measures required to ameliorate the effects of the proposed development and identify these in revised drawings.*

The Applicant must provide a set of amended drawings reflecting any changes required from the traffic study and conditions. The Applicant must ensure that an appropriately qualified and experienced RPEQ certifies that the design and construction of the proposed traffic network, proposed to be handed over to Council as part of the donated assets process, is in accordance with the FNQROC Development Manual. The Applicant must submit a Statement of Compliance for the Operational Works Design as provided in Appendix A of Section AP 1 of the FNQROC Development Manual with the revised set of drawings.

Drainage Study of Site

- 6. *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 100 year ARI flood event in relation to the site both pre and post development;*
 - c. *Primary and secondary flow paths for the 5, 10, and 100 year ARI flood events;*
 - d. *Identify any requirement for drainage easements;*
 - e. *Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;*
 - f. *Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development;*
 - g. *Lawful point of discharge;*
 - h. *Consideration of the following particular requirements:*
 - i. *Stormwater drainage improvements on the eastern end of the proposed development are required. This includes, but is not limited to resolving the poor drainage in the area at the eastern end of the sports oval (proposed Lot 42);*
 - ii. *The headwall adjacent to Lund Street needs to be relocated further from the road carriageway;*
 - iii. *The minimum size RCP to be used within the development is 375mm in accordance with the current requirements of the FNQROC Development Manual;*

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- iv. *Structures must be provided to the western boundary of the land at proposed lots 21, 22 and 23 to mitigate inundation of lots 21, 22 and 23 from overland flows;*
- v. *Consideration must be given to the separation of gross pollutants from the storm water prior to it exiting the community; and*
- vi. *Easements must be established for the drains passing through allotments, or for stormwater infrastructure which is not on a standard alignment;*
- i. *Compliance with the current version of Council's FNQROC Development Manual – Stormwater*

The Applicant must have an suitably qualified and experienced RPEQ assess the existing infrastructure capacity, condition and performance (where possible) against the current engineering standards as defined by the FNQROC Development Manual and associated reference documents (including QUDM)

Where deviations from the current FNQROC Development Manual standards exist, the applicant is to:

- i. *Identify the non-conformance (location, extent etc); and*
- ii. *Provide details of the works required to bring the specific of non-conformances up to current engineering standards.*

It should be noted that Council may consider non-standard infrastructure where it can be demonstrated that:-

- . *There is no increased risk to Council accepting the infrastructure (safety, environmental, financial (i.e. increased maintenance costs or likely replacement costs) over the levels which would be expected and accepted with donation of FNQROC Development Manual standard infrastructure;*
- . *Acceptance of non-standard infrastructure will be undertaken on a case by case basis, once the specific non-conformances have been identified in the report required as part of this condition; and*
- . *The non-standard infrastructure shall be required to be certified as fit-for-purpose.*

The Applicant must provide a set of amended drawings reflecting any changes required from the drainage study and conditions. The Applicant must ensure that an appropriately qualified and experienced RPEQ certifies that the design and construction of the stormwater system proposed to be handed over to Council as part of the donated assets process at plan sealing is in accordance with the FNQROC Development Manual, except where an alternative standard has been explicitly agreed between the parties – in accordance with the provisions outlined above. The Applicant must submit a Statement of Compliance for the Operational Works Design as provided in Appendix A of Section AP 1 of the FNQROC with the revised set of drawings.

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

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It should be noted that in all cases, the acceptance of non-standard infrastructure shall remain at the discretion of the Chief Executive Officer. Where agreement cannot be reached, the standard FNQROC Development Manual infrastructure requirements shall prevail.

Existing Creek and Drainage Systems

7. *All existing creek systems and drainage areas adjacent to or leading into the Mossman River to the North of the proposed development must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.*

The Applicant/owner must obtain any necessary approvals from the Department of Natural Resources and Mines for carrying out works in a watercourse.

Lawful Point of Discharge

8. *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.*

Access to Hatchet or Battleaxe Lots

9. *Construct a concrete driveway or other approved surface to battle-axe Lot 40 extending the full length of the access leg from the T-head intersection adjacent, with a Standard Cross-over in accordance with Council Standard Drawing S1015B. Construction of the concrete driveway must be in accordance with Council Standard Drawing S1110.*

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

Service Conduits

10. *Provide service conduits to Lot 40 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.*

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

Street Lighting

11. *The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the approval and dating of the Plan of Survey:*
 - a. *Prior to the issue of a Compliance Certificate for 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.*

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The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:

- i. Intersections;*
- ii. Pedestrian Refuges;*
- iii. Cul-de-sacs; and*
- iv. 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 spans either side of the intersection to the relevant Lighting Category; and*
- 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 spans either side of the intersection to the relevant Lighting Category.*

Water Supply and Sewerage Infrastructure Plan

- 12. An updated water supply and sewerage infrastructure plan and supporting information including hydraulic network analysis must be submitted demonstrating how the development can be adequately serviced by Council's existing infrastructure.*

The analysis must identify any deficiencies or non-compliances of the existing water and sewer networks which are used to service the proposed development. Where non-compliances are identified, the Applicant must modify, repair, replace or design and construct any augmentations or remediation works required to bring the infrastructure up to current engineering standards at no cost to Council.

In particular the plan must:

- a. Identify the materials that the sewer and water networks are constructed from;*
- b. Identify any non-conformances in terms of the performance, design and construction of the infrastructure networks against current standards (FNQROC Development Manual);*
- c. Identify what works are required to be undertaken to enable certification that the infrastructure is compliant in all regards to the requirements of the FNQROC Development Manual (Sections D6 and D7);*
- d. Identify any locations where easements would be required to be obtained for water and sewer on non-standard alignments;*

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- e. *Identify any external catchments that will be connected to the internal sewer or water networks; and*
- f. *Identify any trunk infrastructure external to the proposed subdivision that may require upgrading to accommodate the development.*
- g. *Compliance with the current version of Council's FNQROC Development Manual – Water and Sewerage*

The water supply and sewerage infrastructure plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

The Applicant must engage a suitably qualified and experienced RPEQ to assess the infrastructure against the current engineering standards.

Where deviations from the current FNQROC Development Manual standards exist, the applicant is to:

- i. *Identify the non-conformance (location, extent etc); and*
- ii. *Provide details of the works required to bring the specific non-conformances up to current engineering standards.*

It should be noted that Council may consider non-standard infrastructure where it can be demonstrated that:

- . *There is no increased risk to Council accepting the infrastructure (safety, environmental, financial (i.e. increased maintenance costs or likely replacement costs) over the levels which would be expected and accepted with donation of FNQROC Development Manual standard infrastructure;*
- . *Acceptance of non-standard infrastructure will be undertaken on a case by case basis, once the specific non-conformances have been identified in the report required as part of this condition; and*
- . *The Applicant must provide a set of amended drawings reflecting any changes required from conditions of approvals. The amended drawings must be submitted to Council and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.*

It should be noted that in all cases, the acceptance of non-standard infrastructure shall remain at the discretion of the Douglas Shire Council. Where agreement cannot be reached, the standard FNQROC Development Manual infrastructure requirements shall prevail.

Prior to the acceptance of works by Council, the Applicant must ensure that an appropriately qualified and experienced RPEQ certifies that the design and construction of the water and sewer infrastructure proposed to be handed over to Council as part of the donated assets process at plan sealing is in accordance with the FNQROC Development Manual, except where an alternative standard has been explicitly agreed between the parties – in accordance with the provisions outlined above. The Applicant must submit a Statement of Compliance for the Operational Works Design as provided in Appendix A of Section AP 1 of the FNQROC Development Manual with the revised set of drawings.

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Water Supply and Sewerage Works (External)

13. *The Applicant must undertake the following works:*

- a. *Upgrade, replace or provide any works as are required from Condition 6 (Water Supply and Sewerage Infrastructure Plan)*
- b. *Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-*
 - i. *Upgrade the sewer pump station on the Eastern extent of the development, located opposite to block number 39, within the Mossman Gorge Road reserve. It should be noted that any upgrade to or construction of a sewerage pump station will require full design drawings and a commissioning plan in accordance with the FNQROC Development Manual submitted with the plan of works and will be subject to compliance with the State Purchasing Policy for competitive Tendering;*
 - ii. *Provide district meters at locations nominated by Douglas Shire Council; and*
 - iii. *CCTV footage taken after the completion of works must be submitted to Council.*

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

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

Water Supply and Sewerage Works (Internal)

14. *The Applicant must undertake the following works:*

- a. *Upgrade, replace or provide any works as are required from Condition 12 (Water Supply and Sewerage Infrastructure Plan);*
- b. *Provide water and sewerage infrastructure free of defects, constructed to current engineering standards and in accordance with Council's FNQROC Development Manual; and*
- c. *Required works are, but not limited to:*
 - i. *All non-compliances and defects of the sewerage reticulation system as identified in Condition 12 (Water Supply and Sewerage Infrastructure Plan) must be rectified;*
 - ii. *Provide easements over any water or sewer infrastructure assets that are on non-standard alignments OR relocate the water and sewer assets to be on a standard alignment (as per the FNQROC Development Manual);*

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- iii. *The sewerage system must be extended to provide a defect free connection to each existing dwelling. In the case when a dwelling does not exist provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual; and*
- iv. *If any existing sewer connection is required to be retained but is inadequately sized to service the development, it must be upgraded. Existing sewer connections not retained must be decommissioned.*

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

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

Inspection of Sewers

15. *CCTV inspections of all constructed sewers must be undertaken for all sewers that will become an asset of Council. The CCTV records must be provided to Council the issue of a Compliance Certificate for the Plan of Survey. An assessment of the CCTV records will be undertaken and any identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.*

Vegetation Clearing

16. *Existing vegetation on the subject land must be retained in all areas except those affected by the construction of access driveways, the installation of services as detailed on the approved plans. Any further clearing requires a Development Permit for Operational Works.*

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

Wildlife

17. *Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.*

Parkland Protection

18. *Any common boundaries with the adjacent Mossman Gorge River must be temporarily delineated and fenced off to restrict building access for the duration of construction activity.*

Weed Management

19. *A Weed Management Plan for invasive pest species must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.*

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Demolish Structures

20. *All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior the issue of a Compliance Certificate for the Plan of Survey.*

Stockpiling and Transportation of Fill Material

21. *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.*
22. *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

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

Access Easement/s

24. *Create a reciprocal Access Easement to allow vehicle access and on-site manoeuvring for lots 39, 40, 41 and 53, to the requirements and satisfaction of the Chief Executive Officer. A copy of the 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 submitted at the same time as seeking approval and dating of 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.*

Sewer Easement/s

25. *Create an easement in favour of Council over all sewers on non-standard alignments or within any private lots to be created, to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval by Council's solicitors at no cost to Council prior to the issue of a Compliance Certificate for the Plan of Survey. The approved easement documents must be submitted at the same time as seeking approval and dating of 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.*

Existing Services

26. *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:*

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- 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 submission of the application for a Compliance Certificate for the Plan of Survey.*

Electricity Supply

27. *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.*

Electricity and Telecommunications

28. *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.*

29. *Infrastructure Charges*

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.

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.

ADVICE

1. *Prior negotiations with Cairns Regional Council are not considered to confer any ongoing concessions or agreements to the application made to Douglas Shire Council. Council has made an independent assessment of the current application against Council policies and guidelines and current engineering standards.*
2. *It is Council's expectation that all created allotments need to be adequately serviced. Urban allotments, with urban use rights are expected to be serviced with urban standards of infrastructure that comply in full with the current engineering standards and Council's FNQROC Development Manual.*
3. *Neither Lot 53 or Lot 42 are accepted as Park or considered as Park.*
4. *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.*
5. *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.*
6. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

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Infrastructure Charges Notice

7. *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 Development and Environment Branch 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.

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

Carried unanimously.

6. NOTICES OF MOTION

6.1 NOTICE OF MOTION – CR CAREY - WASTE COLLECTION NORTH OF THE DAINTREE RIVER

Moved Cr Carey

Seconded Cr Leu

"That a comprehensive assessment and costing of a full hard waste collection service for both residential and commercial properties north of the Daintree River be carried out with a view to offering a compulsory service to all occupied properties north of the river with the application of a full cost recovery garbage collection charge applied to each property receiving a service.

That this assessment and costing be completed within a time frame which will permit consultation with the communities north of the river so that the Council is in a position to make a decision, based on the results of the consultation, whether or not to implement the collection service and charging regime with effect from 1 July 2015."

Cr Carey amended his Notice of Motion with the removal of the words "with the application of a full cost recovery garbage collection charge applied to each property receiving a service." in the first paragraph.

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Motion now reads:-

Moved Cr Carey

Seconded Cr Leu

"That a comprehensive assessment and costing of a full hard waste collection service for both residential and commercial properties north of the Daintree River be carried out with a view to offering a compulsory service to all occupied properties north of the river.

That this assessment and costing be completed within a time frame which will permit consultation with the communities north of the river so that the Council is in a position to make a decision, based on the results of the consultation, whether or not to implement the collection service and charging regime with effect from 1 July 2015."

The motion lay on the table.

Moved Cr Melchert

Seconded Cr Clarke

"That a comprehensive assessment of the feasibility of providing a Council waste collection service for both residential and commercial properties north of the Daintree River be provided to Council for discussion and consultation with the community north of the Daintree River and for any outcomes to be considered in the context of the Council's 2015/16 budget.

That this assessment and costing be completed within a time frame which will permit consultation with the communities north of the river so that the Council is in a position to make a decision, based on the results of the consultation, whether or not to implement the collection service and charging regime with effect from 1 July 2015."

Carried unanimously.

6.2 NOTICE OF MOTION – CR MELCHERT - DELEGATIONS – LEASE OF COUNCIL RESERVES AND FREEHOLD LAND

Moved Cr Melchert

Seconded Cr Clarke

"That Council remove all implied or documented delegations to the Chief Executive Officer regarding the lease of Council Trustee or Freehold land and direct that all negotiations and actions regarding the proposed lease of such land must not occur without such proposals being formally approved by resolution of the Council."

For:- Crs Melchert, Clarke

Against:- Crs Leu, Noli and Carey.

Lost.

6.3 NOTICE OF MOTION – CR MELCHERT - REGISTER OF PRE-QUALIFIED SUPPLIERS FOR HIRE OF MOBILE AND FIXED PLANT (WET AND DRY)

Moved Cr Melchert

Seconded Cr Clarke

“That Council request the Chief Executive Officer to provide all Councillors with details of the auditable and documented system which will be put in place for Council Staff to utilise in equitably and transparently allocating the hire of fixed plant (wet and dry).”

For:- Cr Melchert and Clarke

Against:- Crs Leu, Noli and Carey.

Lost

6.4 NOTICE OF MOTION – CR MELCHERT - PRUNING OF DANGEROUS TREE PLANTINGS – COUNCIL ADMINISTRATON BUILDING AND HARPER STREET RESIDENTIAL PROPERTY BOUNDARY

Moved Cr Melchert

Seconded Cr Clarke

“That Council move as soon as possible, and prior to the cyclone season, to arrange for all the large and tall trees planted by Council on the boundary of the Administration Building and residential properties in Harper Street either pruned back to a maximum height of 8 metres, or removed completely.”

For:- Crs Melchert and Clarke

Against:- Crs Leu, Noli and Carey.

Lost.

7. URGENT BUSINESS

7.1 CR MELCHERT - PROPOSED AFL STORAGE SHED – PORT DOUGLAS SPORTS OVAL

Background Provided By Cr Melchert

At the briefing session and stakeholder meeting last week there seemed to be a consensus that the storage shed be located at the side of the joint use building in an area generally described as “the former caretaker’s site”.

My understanding and that of others is that the matter would be listed for discussion on the Agenda for the forthcoming meeting as either a Mayoral Minute or as a separate item. This has not occurred.

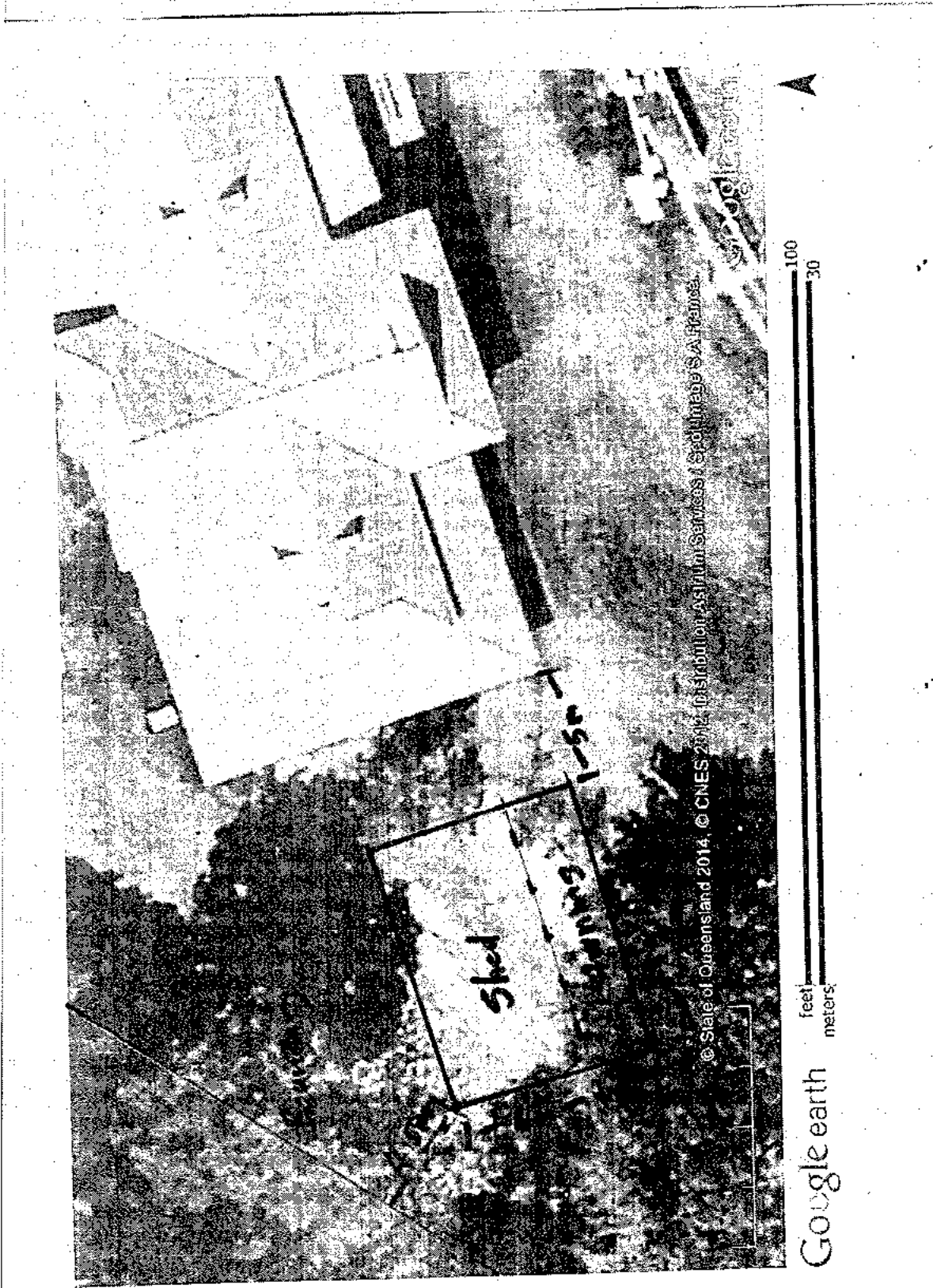
To put the matter beyond doubt I have prepared this Urgent Business motion.

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The motion seeks to address the following:-

- A requirement for relevant Native Title clearances to be obtained prior to commencement of construction.
- Siting of the building at the side of the existing structure including the required setback dispensations which Council is entitled to grant.
- Siting the building so there is a 5 metre wide clear area between the existing building and the new storage shed.
- Council being responsible for preparing the site so as to set the floor level of the new shed at a similar height to that of the existing building. This will provide better access to the storage building and reduce its visual impact. Council has had an extraordinary increase in Local Government Grants, over and above the budgeted figure, and this is a likely source of funding for this minor work.

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 16 DECEMBER 2014, COMMENCING AT 10.00 AM



**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 16 DECEMBER 2014, COMMENCING AT 10.00 AM**

Moved Cr Melchert

Seconded Cr

"That Council resolves to:

1. Subject to relevant Native Title approvals being obtained and all stakeholder clubs providing written support for the siting and construction of the building, grant preliminary approval of the application to erect a storage shed at the side of the Port Douglas Sports Complex, Wharf Street, Port Douglas, generally in accordance with the attached plan and NQ Sheds and Patios Pty Ltd elevations dated 3 February 2014 subject to the following conditions:

- All development, building and plumbing approvals are required prior to the commencement of works and Council preparing and lowering the site at Council's cost;*
- Council is to be advised in writing prior to commencement of works;*
- A safety barrier/fencing is to be erected around the area prior to commencement and for the duration of the works;*
- All works are to be completed in a good and workmanlike manner by qualified tradespeople;*
- The area is to be left in a clean and tidy condition once the works are completed;*
- Council is not responsible for the cost of the works, maintenance, compensation to the Club or any successor, or to repair or restore the works;*
- The following documents must be submitted to Council before commencing to use the shed otherwise this preliminary approval lapses and use of the shed will revert to Council:
 - a. Final inspection certificate;*
 - b. Certificate of classification as a class 10 building;*
 - c. Certificate(s) of insurance for:
 - i. Building;*
 - ii. Public liability for \$20,000,000.00;***

2. Council grant approval in accordance with Building Code Australia and relevant legislation for setback dispensations to allow the building to be sited in accordance with the attached plan.

3. Undertake the site works required to lower and prepare the building pad to allow the floor level of the proposed storage shed to be set generally at the same floor level as the existing joint use club rooms, including tree removal, at Council's cost.

Moved Cr Carey

Seconded Cr Noli

"That given the Mayoral Minute adopted earlier in the meeting, this urgent business item not be considered."

For:- Crs Leu, Noli and Carey.

Against:- Cr Melchert and Clarke

Carried

MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 16 DECEMBER 2014, COMMENCING AT 10.00 AM

5.12 REPORT FROM THE CHIEF EXECUTIVE OFFICER

Linda Cardew – Chief Executive Officer

Moved Cr Carey

Seconded Cr Noli

“That Council receives and notes the report.”

Carried unanimously.

5.12a DOUGLAS! CELEBRATING 2014

http://issuu.com/douglasshirecouncil/docs/go_douglas_celebrating_2014_a954e381199f44/0

Cr Leu moved a vote of thanks to the Chief Executive Officer and all staff for the preparation of “Go Douglas! Celebrating 2014” and for the huge amount of achievements throughout the first year of the new Douglas Council. Cr Leu also wished everyone a very Merry Christmas and a Happy New Year.

CLOSURE OF MEETING

The meeting closed at 12.20 pm.

CONFIRMED THIS 20TH DAY OF JANUARY 2015


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MAYOR/CHAIR

