

**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, 8 SEPTEMBER 2015, COMMENCING AT 10.00 AM**

1. 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 Hoye (General Manager Operations), Kerrie Hawkes (Executive Officer), Rebecca Assman (Manager Governance), Donna Graham (Manager Development & Environment), Jenny Elphinstone (Senior Planning Officer), Neil Beck (Planning Officer), Scott Hahne (Project Engineer), Greg McLean (Communications/Events Officer), Krista O'Dell (Senior Records Officer) and Nicole Barton (Mayor and Councillor Support).

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Nil.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Melchert declared a material personal interest in clause 5.4 on the agenda today. He declared that the nature of his material personal interest was that he carried out consultancy work on this project for Marano Enterprises Pty Ltd and he intends to leave the room and not participate in the debate on this matter.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

SPECIAL MEETING HELD ON 14 AUGUST 2015

Moved Cr Carey

Seconded Cr Noli

"That the Minutes of the Special Meeting held on Friday 14 August 2015, be confirmed."

Carried unanimously.

ORDINARY MEETING HELD ON 18 AUGUST 2015

Moved Cr Noli

Seconded Cr Carey

"That the Minutes of the Ordinary Meeting held on Tuesday, 18 August 2015, be confirmed."

Carried unanimously.

5. AGENDA ITEMS

5.1 MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) – UNDEFINED USE (WEDDING & RECEPTION VENUE) – 188R TREZISE ROAD, MOWBRAY

Neil Beck: MCUI 723/2015: (449724)

Moved Cr Leu

Seconded Cr Noli

“That the matter be deferred.”

Carried unanimously.

5.2 PROPOSED COASTAL MANAGEMENT DISTRICTS

Jenny Elphinstone, Senior Planning Officer, #463987

Moved Cr Leu

Seconded Cr Carey

- “A. That Council makes a submission to the Department of Environment and Heritage Protection regarding the proposed Coastal Management District raising the issues as outlined in the agenda report.*
- B. That a copy of Council’s submission on the proposed Coastal Management District to the Department of Environment and Heritage Protection be forwarded to the Local Government Association of Queensland (LGAQ) for inclusion in a joint Council submission to be prepared by the LGAQ.”*

For:- Cr Leu, Cr Noli, Cr Carey and Cr Clarke

Against:- Cr Melchert

Carried.

5.3 REQUEST FOR A NEGOTIATED DECISION FOR RECONFIGURING A LOT (CODE ASSESSMENT) (1 LOT INTO 17 LOTS) – 2L OASIS DRIVE WONGA

Jenny Elphinstone, Senior Planning Officer, #464130

Moved Cr Carey

Seconded Cr Clarke

“A. That Council approves a Negotiated Decision to vary the Decision Notice dated 16 April 2015 for the development application to Reconfigure a Lot (1 Lot into 17 Lots) over land described as Lot 2 on SP259953, located at 2L Oasis Drive Wonga, whereby:

1. *Condition 10 is amended:*

Extent of Earthworks

10. *The concept for excavation and earthworks as detailed on FCG Sketch 3969-SK05 and SK06 is generally approved subject to compliance with the on-site disposal and drainage conditions and subject to the following*

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amendments:

- a. *The earthworks fill zones are to be continuous across the boundaries of lots to avoid localised low points between properties;*
- b. *The rear of allotments are to be graded evenly in accordance with the concepts shown on FCG Sketch 3969-SK05 to ensure that they remain free draining throughout the property and through to the drainage reserve or Esplanade area.*
- c. ~~*The nominated fill level of 2.9m 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 nominated fill level of 2.9m is to be increased to provide immunity to the 1% AEP stormtide event unless otherwise approved by Council. The Cairns BMT-WMB Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 (Council document reference D# 462510) identified the 1% AEP stormtide event as 4.04 metres AHD having regard to a 0.8m sea level rise and intensity of cyclonic action.

The Applicant's submitted DHI Water and Environment Pty Ltd hydrodynamic analysis dated 9 June 2015 (Council document reference D#457391) utilised 0.3m AHD sea level rise and intensity of cyclonic action. The DHI hydrodynamic analysis is acceptable only where a 0.8m sea level rise is utilised and an amended study is required to be submitted to the satisfaction of the Chief Executive Officer.

Any reduction below a 0.8m sea level rise must be supported by an appropriate study that deals with sea level rise and intensity of cyclonic action to be approved by Council.

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.

2. *All other conditions remain unchanged.*

B. *That an amended Infrastructure Charges Notice is issued reflecting the current Adopted Charges Policy."*

Carried unanimously.

MEETING WITHDRAWAL – CR MELCHERT

Cr Melchert declared a material personal interest in clause 5.4 and withdrew from the meeting at 10.28am and did not participate in the debate or subsequent decision.

**5.4 REQUEST TO EXTEND RELEVANT PERIOD – RECONFIGURING A LOT
(1 LOT INTO 2 LOTS) AND CREATE AN ACCESS EASEMENT TO A
ROAD – DICKSON INLET, PORT DOUGLAS**

Jenny Elphinstone, Senior Planning Officer, ROL 5513/2013, #462830

Moved Cr Clarke

Seconded Cr Carey

“That Council approves the request to extend the relevant period for the development approval to Reconfiguring a Lot (1 Lot into 2 Lots) and create an access easement to a road over land described as Lot 1 on SP262338, located at Dickson Inlet, Port Douglas, for six months up to and including 8 February 2019.”

Carried unanimously.

MEETING RE-ATTENDANCE – CR MELCHERT

Cr Melchert re-attended the meeting at 10.29am.

**5.5 REQUEST TO EXTEND RELEVANT PERIOD FOR COMBINED
APPROVAL FOR RECONFIGURING A LOT (1 LOT INTO 19 LOTS) AND
USES ASSOCIATED WITH THE SERVICE INDUSTRY PRECINCT – 15-
41, 43 AND 45 BEOR STREET CRAIGLIE**

Jenny Elphinstone, Senior Planning Officer, CA 2876/2008, #464188

Moved Cr Noli

Seconded Cr Carey

“That Council approves the request to extend the relevant period for the Amended Negotiated Decision Notice issued on 6 May 2015 for the reconfiguration of land and the material change of use for the Special Management Area 3 (Service Industry Craiglie) in the Port Douglas and Environs locality code of the Draft Planning Scheme components of the combined approval for Lots 37, 38, 100 on SP248126 (previously known as Lot 83 on SR274) located at 15-41, 43 and 45 Beor Street, Craiglie up to and including 25 August 2019.”

Carried unanimously.

**5.6 NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS
(2014) PROGRESS REPORT #7 – JULY 2015**

Scott Hahne: NDRRA Project Engineer #464196

Paul Hoye: General Manager Operations

Moved Cr Carey

Seconded Cr Clarke

“That Council notes the results achieved to date and the future projections contained in the 2014 NDRRA PCG Monthly Report 7 – July 2015.”

Carried unanimously.

5.7 APPLICATION FOR BUILDING OUR REGIONS FUNDING

Paul Hoye, General Manager Operations

Moved Cr Leu

Seconded Cr Noli

“That Council resolves to submit an application under Round One of the Building Our Regions Fund for an amount of \$5 million being for the construction of a new water storage reservoir to service Port Douglas and Craiglie.”

Carried unanimously.

5.8 CHRISTMAS CLOSE DOWN PERIOD 2015

Rebecca Assman, Manager Governance #463683
Darryl Crees, General Manager Corporate Services

Moved Cr Carey

Seconded Cr Clarke

“That Council resolves to have its Christmas Close Down Period from Friday 25 December 2015 through to Sunday 3 January 2016.”

Carried unanimously.

5.9 REPORT FROM THE CHIEF EXECUTIVE OFFICER

Linda Cardew – Chief Executive Officer #464460

Moved Cr Leu

Seconded Cr Noli

“That Council receives and notes the report.”

Carried unanimously.

5.10 BUILDING OUR REGIONS FUNDING - MOSSMAN DISTRICT NURSING HOME APPLICATION

MOVED TO CLOSED SESSION – NOW ITEM 9.3

5.11 MATERIAL CHANGE OF USE (CODE) FOR PUBLIC UTILITIES & FACILITIES (WATER RESERVOIR & ASSOCIATED INFRASTRUCTURE) & RECONFIGURING A LOT (1 INTO 2), L8 FERERO ROAD, CRAIGLIE

Jenny Elphinstone, Senior Planning Officer, CA 880/2015, #464831

Moved Cr Carey

Seconded Cr Noli

“That Council approves the combined development application for Material Change Of Use For Public Utilities & Facilities (Water Reservoir & Associated Infrastructure) and Reconfiguring a Lot (1 Lot into 2 lots) over land described as Lot 8 on RP893100, located at 8L Ferrero Road, Craiglie, subject to the following:

A. RECONFIGURATION OF A LOT COMPONENT

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>RECONFIGURATION OF A LOT COMPONENT</i> | | |
|---|--|-------------------------|
| <i>Drawing or Document</i> | <i>Reference</i> | <i>Date</i> |
| <i>Reconfiguration of Lot</i> | <i>RPS Drawing PR109791-4 received by Council on 17 June 2015 and as amended by Condition A.3</i> | <i>To be determined</i> |
| <i>Reservoir Site with Aerial Detail</i> | <i>CRC and BMD Consulting drawing T00039-CG002 Revision C dated 28 March 2013 and as amended by Condition A.3</i> | <i>To be determined</i> |
| <i>Land Acquisition Plan</i> | <i>CRC and BMD Consulting drawing T00039-CG003 Revision C dated 2 April 2013 and as amended by Condition A.3</i> | <i>To be determined</i> |
| <i>Constraint Map</i> | <i>CRC and BMD Consulting drawing T00039-CG005 Revision C dated 2 April 2013 and as amended by Condition A.3</i> | <i>To be determined</i> |
| <i>Roadworks and Drainage Plan</i> | <i>CRC and BMD Consulting drawing T00039-CR001 Revision C</i> | <i>2 April 2013</i> |
| <i>Access Road Longitudinal Section</i> | <i>CRC and BMD Consulting drawing T00039-CR002 Revision C</i> | <i>28 March 2013</i> |
| <i>Access Road Cross Sections (Sheet 1 of 2)n</i> | <i>CRC and BMD Consulting drawing T00039-CR003 Revision C</i> | <i>2 April 2013</i> |
| <i>Access Road Cross Sections (Sheet 2 of 2</i> | <i>CRC and BMD Consulting drawing T00039-CR004 Revision C</i> | <i>2 April 2013</i> |
| <i>Stormwater Longitudinal Sections</i> | <i>CRC and BMD Consulting drawing T00039-CR005 Revision C</i> | <i>2 April 2013</i> |
| <i>Sediment And Erosion Control Plan Construction Phase</i> | <i>CRC and BMD Consulting drawing T00039-CV001 Revision C dated 2 April 2013 and as amended as is necessary under the requirements of Conditions A.5 and A.8</i> | <i>To be determined</i> |
| <i>Sediment And Erosion Control Plan Construction Phase</i> | <i>CRC and BMD Consulting drawing T00039-CV002 Revision C dated 2 April 2013 and as amended as is necessary under the requirements of Conditions A.5 and A.8</i> | <i>To be determined</i> |
| <i>RECONFIGURATION OF A LOT COMPONENT</i> | | |
| <i>Drawing or Document</i> | <i>Reference</i> | <i>Date</i> |
| <i>Sediment And Erosion Control Typical Details</i> | <i>CRC and BMD Consulting drawing T00039-CV003</i> | <i>To be determined</i> |

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| | <i>Revision C dated 2 April 2013 and as amended as is necessary under the requirements of Conditions A.5 and A.8</i> | |
|--|--|--|

ASSESSMENT MANAGER CONDITIONS

A.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

A.2. *The conditions of the Development Permit for the Reconfiguration of a lot component 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.*

Amended Plan

A.3. *The proposed lot plan must be generally in accordance with the RPS Drawing PR109791-4 and the design plans for associated road and stormwater drainage to the road lodged with the application received by Council on 17 June 2015 and must be amended to:*

- a. *remove reference to Lot 8 on SP243566 and the new road over Lot 8 on SP243566; and*
- b. *having regard to the notations on the CRC and BMD Consulting Drawing T00039-CG003 Revision C dated 2 April 2013, site the southwest boundary to be offset a minimum of 10m from the maximum extent of rock outcrops in this area of the land with the boundary alignment to be confirmed on site by the landowner, the Chief Executive Officer and the Cadastral Surveyor.*

Amended plans incorporating the above requirements must be submitted to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey. Prior to endorsement by the Chief Executive Officer the amended plans must be assessed by a qualified and independent person.

General External Works

A.4. *Undertake the following external works:-*

- a. *Construct a Rural Road without sealing in accordance with the FNQROC Development Manual including all associated stormwater drainage*

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generally in accordance with the design plans submitted with the application, being a connection from the existing sealed Ferrero Road to each of the new lots; and

- b. Construct a rural access for each lot in accordance with the FNQROC Development Manual Drawing S110.*

Two (2) 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. Prior to endorsement by the Chief Executive Officer the plan of the works must be assessed by a qualified and independent person. All works must be carried out in accordance with the approved plan prior to the issue of a Compliance Certificate for the Plan of Survey.

Drainage Study of Site

- A.5. Undertake a local drainage study on the required road works under condition A.4 above to determine drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the required road works must have no-worsening effect on the drainage of upstream or downstream properties. The study must also identify the need and location of any drainage works to convey stormwater to the lawful point of discharge. The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Prior to endorsement by the Chief Executive Officer the drainage study must be assessed by a qualified and independent person.*

Cane Railway Crossing

- A.6 Where the road required under Condition A.4 above crosses cane railway the design of the crossing shall be in consultation with the owner of the railway and to an agreed standard to the satisfaction of the Chief Executive Officer. Prior to endorsement by the Chief Executive Officer the agreed standard must be assessed by a qualified and independent person.*

Lawful Point of Discharge

- A.7. 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. Prior to endorsement by the Chief Executive Officer the nominated lawful point of discharge must be assessed by a qualified and independent person.*

Sediment and Erosion Control

- A.8. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works having regard to any requirements identified in Condition A.5 above. Such plans must be installed / implemented prior to commencement of road works associated with the development, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).*

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ADVICE FOR RECONFIGURATION OF A LOT COMPONENT

1. *The Reconfiguration of a lot component of the approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the Sustainable Planning Act 2009.*
2. *This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.*
3. *For information relating to the Sustainable Planning Act 2009, log on to <http://www.statedevelopment.qld.gov.au/resources/ilgp/fact-sheet-guidelines/sustainable-planning-act.html> To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.*

B. MATERIAL CHANGE OF USE COMPONENT

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

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

| MATERIAL CHANGE OF USE COMPONENT | | |
|---|---|-------------------------|
| <i>Drawing or Document</i> | <i>Reference</i> | <i>Date</i> |
| <i>Reservoir Site with Aerial Detail</i> | <i>CRC and BMD Consulting drawing T00039-CG002 Revision C dated 28 March 2013 and as amended by Condition B.3</i> | <i>To be determined</i> |
| <i>Land Acquisition Plan</i> | <i>CRC and BMD Consulting drawing T00039-CG003 Revision C dated 2 April 2013 and as amended by Condition B.3</i> | <i>To be determined</i> |
| <i>Reservoir Layout</i> | <i>CRC and BMD Consulting drawing T00039-CG004 Revision C .</i> | <i>2 April 2013</i> |
| <i>Constraint Map</i> | <i>CRC and BMD Consulting drawing T00039-CG005 Revision C dated 2 April 2013 and as amended by Condition B.3</i> | <i>To be determined</i> |
| MATERIAL CHANGE OF USE COMPONENT | | |
| <i>Drawing or Document</i> | <i>Reference</i> | <i>Date</i> |
| <i>Roadworks and Drainage Plan</i> | <i>CRC and BMD Consulting drawing T00039-CR001 Revision C.</i> | <i>2 April 2013</i> |
| <i>Access Road Longitudinal Section</i> | <i>CRC and BMD Consulting drawing T00039-CR002 Revision C.</i> | <i>28 March 2013</i> |
| <i>Access Road Cross Sections (Sheet 1 of 2)n</i> | <i>CRC and BMD Consulting drawing T00039-CR003 Revision C.</i> | <i>2 April 2013</i> |
| <i>Access Road Cross Sections</i> | <i>CRC and BMD Consulting</i> | <i>2 April 2013</i> |

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|--|---|--------------|------------------|
| (Sheet 2 of 2 | drawing Revision C. | T00039-CR004 | |
| Stormwater Longitudinal Sections | CRC and BMD Consulting drawing Revision C. | T00039-CR005 | 2 April 2013 |
| Reservoir Site Earthworks | CRC and BMD Consulting drawing Revision C. | T00039-CE001 | 2 April 2013 |
| Trunk Main Longitudinal Section (sheet 6 of 7) | CRC and BMD Consulting drawing Revision C. | T00039-CW007 | 2 April 2013 |
| Sediment And Erosion Control Plan Construction Phase | CRC and BMD Consulting drawing Revision C dated 2 April 2013 and as amended as is necessary under the requirements of Conditions A.5 and A.8 | T00039-CV001 | To be determined |
| Sediment And Erosion Control Plan Construction Phase | CRC and BMD Consulting drawing Revision C dated 2 April 2013 and as amended as is necessary under the requirements of Conditions A.5 and A.8 | T00039-CV002 | To be determined |
| Sediment And Erosion Control Typical Details | CRC and BMD Consulting drawing Revision C dated 2 April 2013 and as amended as is necessary under the requirements of Conditions A.5 and A.8 | T00039-CV003 | To be determined |
| Framing Elevations Sheet 1 of 2 | Glynntucker Consulting Engineers Project 24021 drawing S-301 Revision B1 | | 5 April 2013 |
| Framing Elevations Sheet 2 of 2 | Glynntucker Consulting Engineers Project 24021 drawing S-302 Revision B1 | | 5 April 2013 |

ASSESSMENT MANAGER CONDITIONS

B.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

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

Amended Plans

B.3. *The proposed development must be generally in accordance with the design plans lodged with the application received by Council on 17 June 2015 and must be amended to remove reference to Lot 8 on SP243566 and the new road over Lot 8 on SP243566.*

Amended plans incorporating the above requirements must be submitted to the satisfaction of the Chief Executive Officer prior to the issue of any further Development Permit required to undertake any work associated with the Material Change of Use. Prior to endorsement by the Chief Executive Officer the amended plans must be assessed by a qualified and independent person.

External Works

B.4. *Undertake the following external works:-*

a. *Construct a Rural Road with sealing in accordance with the FNQROC Development Manual including all associated stormwater drainage generally in accordance with the design plans submitted with the application, being a connection from the existing sealed Ferrero Road to proposed lot 100.*

Two (2) 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. Prior to endorsement by the Chief Executive Officer the plan of the works must be assessed by a qualified and independent person. All works must be carried out in accordance with the approved plan prior to commencement of the use.

Drainage Study of Site

B.5. *Undertake a local drainage study on the development site and the required road works under condition B.4 above to determine drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the required road works must have no-worsening effect on the drainage of upstream or downstream properties. The study must also identify the need and location of any drainage works to convey stormwater to the lawful point of discharge. The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Prior to endorsement by the Chief Executive Officer the drainage study must be assessed by a qualified and independent person.*

Cane Railway Crossing

B.6 *Where the road required under Condition B.4 above crosses cane railway the design of the crossing shall be in consultation with the owner of the railway and to an agreed standard to the satisfaction of the Chief Executive Officer. Prior to endorsement by the Chief Executive Officer the agreed standard must be assessed by a qualified and independent person.*

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Lawful Point of Discharge

- B.7. *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. Prior to endorsement by the Chief Executive Officer the nominated lawful point of discharge must be assessed by a qualified and independent person.*

Sediment and Erosion Control

- B.8. *A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works having regard to any requirements identified in Condition B.5 above. Such plans must be installed / implemented prior to commencement of road works associated with the development, 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).*

Batter Treatment

- B.9. *The height of batters/retaining structures shall be generally limited to 1.8 metres with a total height of 3.6 metres in successive batters. All batters must be constructed in a manner that minimises the construction footprint and has the ability to be screened.*

Typical details of the various methods to be used to achieve this must be submitted to the Chief Executive Officer prior to the issue of a Development Permit for Building Work. In instances where batters will exceed 1.8 metres in height, the Chief Executive Officer will require details to be submitted that include, but are not limited to, the following:

- a. Details of the specific means of supporting or retaining to be used. This must include a geotechnical report supporting each of the proposed treatments at each location;*
- b. Drawings (plans, longitudinal and cross sections) showing the extent of the proposed treatments at each location;*
- c. Methods to be used to minimise the visual impact; and*
- d. Elevations showing the visual impact when viewed from vantage points.*

A geotechnical assessment by a qualified and experienced geotechnical consultant must also be endorsed by the Chief Executive Officer prior to the Commencement of Use. Prior to endorsement by the Chief Executive Officer the submissions must be assessed by a qualified and independent person.

Transportation of Fill Material

- B.10 *Transportation of fill or spoil to and from the site must not occur within:*

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

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B.11. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Landscaping Plan

B.12 The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:

- a. Deep planting of areas to the north and east of the reservoir structure to provide screening;*
- b. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping and be native or endemic species selected for screening, durability and low-maintenance to ensure the scenic values of the Shire are maintained*

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. Prior to endorsement by the Chief Executive Officer the landscape plan must be assessed by a qualified and independent person. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Vegetation Clearing

B.13. 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 and the reservoir and associated structures and infrastructure as detailed on the approved plans. Any further clearing requires an Operational Works Approval.

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

Building Colours

B.14. The exterior finishes and colours of reservoir must be non-reflective and must 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.

Wildlife

B.15 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.

Removal of Protected Vegetation

B.16 An Ecoaccess approval must be obtained from the Department of Environment and Heritage Protection prior to the clearing of vegetation and/or tree removal as

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plant species protected under the provisions of the Nature Conservation Act 1992 are known to occur within the area covered by this development approval. Information on Ecoaccess approvals may be obtained at www.derm.qld.gov.au or by contacting the Ranger Flora at the Cairns office of Queensland Parks and Wildlife Service on phone: 07 4046 6609.

Notification of Vegetation Clearing

B.17 Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing.

ADVICE FOR MATERIAL CHANGE OF USE COMPONENT

- 1. The Material Change of Use component of the approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the Sustainable Planning Act 2009.*
- 2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first 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. For information relating to the Sustainable Planning Act 2009, log on to <http://www.statedevelopment.qld.gov.au/resources-ilgp/fact-sheet-guidelines/sustainable-planning-act.html> 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 the Douglas Shire Planning Scheme 2008, the approved land use of Public Utilities and Facilities is defined as:

Public Utilities and Facilities

Means the use of premises for the provision of public facilities and services such as water, sewerage, electricity, gas, telecommunications, transport, drainage and refuse collection and disposal by Local Government or State Government.

The use includes emergency services such as:

- ambulance;*
- fire (urban or rural);*
- police services; and*
- State Emergency Services.”*

**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.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY, 8 SEPTEMBER 2015, COMMENCING AT 10.00 AM**

Carried unanimously.

6. NOTICES OF MOTION

6.1 ROCKY POINT BOAT RAMP

Moved Cr Melchert

Seconded Cr Clarke

“That Council note that the design, construction and the provision of funding for the Rocky Point Boat Ramp has been the sole responsibility of the State Government Department of Transport and Main Roads and, Council thank the Member for Cook Mr Billy Gordon for responding very quickly to community concerns regarding safety and design concerns attaching to the recently refurbished boat ramp. Further Council request Mr Gordon to seek funding from the State Government to carry out corrective works on the Rocky Point boat ramp, and to carry out minor dredging works at the Newell Beach boat ramp and navigation channel to facilitate the use of this ramp while the corrective works are being carried out at Rocky Point ramp and to increase the accessibility and usability of the Newell Beach Boat Ramp into the future.”

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

Lost.

6.2 AUDIO RECORDINGS AND LIVE STREAMING OF COUNCIL MEETINGS

Moved Cr Melchert

Seconded Cr Clarke

“That:-

- in accordance with Section 19 of Local Law 2 – Meetings and Clause 18.9 of the Standing Orders Council direct that Council Meetings be Audio Recorded and the recordings be utilised for validating Council minutes, and then retained as a permanent Council record available for review by Councillors and members of the Community on request.*
- Clause 18.8 of the Standing Orders be deleted and removed.*
- Council investigate the feasibility and cost of live streaming Council Meetings.”*

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

Lost.

6.3 PROPOSED AMENDMENT TO CODE OF CONDUCT FOR COUNCILLORS GENERAL POLICY

Moved Cr Melchert

Seconded Cr Clarke

“That Council delete the following provision from the Code of Conduct for Councillors General Policy :-

8) not carbon copy or blind carbon copy email communications about any aspect of Council business to private email accounts associated with a Councillor”

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
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For: Cr Melchert and Cr Clarke
Against: Cr Leu, Cr Noli and Cr Carey

Lost.

7. URGENT BUSINESS

Nil

8. PETITIONS

The Mayor tabled a petition from residents of the Shire reading as follows:-

“As a resident or rate payer of the Douglas Shire I believe that the Paws and Claws facility offers a service that is not only needed but required to protect the local area in which we live. It is imperative that our council and councillors take all steps necessary to ensure its long term survival by ensuring that a location is sourced to build a refuge suitable for the needs of the service that it offers.”

Moved Cr Leu

Seconded Cr Carey

“That in accordance with 8.4 of the Douglas Shire Council Standing Orders for Council meetings, the petition from Paws and Claws be received and referred to an Officer for consideration and a report to Council.”

Carried unanimously.

9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

- 9.1 – *“Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – Audit Committee Meeting 29 June 2015”;*
- 9.2 – *“Contractual Matter S275 (1) (E) Local Government Regulation 2012 – Transfer Portion Lot 1 SP150474 (Johnston Road Mossman)”;* and
- 9.3 – *“Prejudicial Matter S275(1)(H) Local Government Regulation 2012 - Application For Building Our Regions Funding – Enabling Aged Care In Mossman”.*

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Clarke

Seconded Cr Melchert

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

Carried unanimously.

9.1 PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT

REGULATION 2012 – AUDIT COMMITTEE MEETING 29 JUNE 2015

Rebecca Assman, Manager Governance, #460070
Darryl Crees, General Manager Corporate Services

Moved Cr Carey

Seconded Cr Noli

“That Council accepts the minutes from the Audit Committee Meeting held on 29 June 2015.”

Carried unanimously.

**9.2 CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 – TRANSFER PORTION LOT 1 SP150474
(JOHNSTON ROAD MOSSMAN)**

Linda Cardew, Chief Executive Officer #464754

Moved Cr Leu

Seconded Cr Carey

“That Council resolves:

- (a) *to transfer in freehold title and at no charge, a site comprising approximately 1.5ha to be excised from Lot 1 SP150474 (Johnston Road Mossman) as identified in the Mossman District Nursing Home Business Case (May 2015), to The Salvation Army (QLD) Property Trust in accordance with Section 236(1)(b)(ii) of the Local Government Regulation 2012,*

noting that:

- 1. while the Reconfiguring a Lot application will form part of the development application over the entire site, the precise area to be excised from the parent parcel to accommodate the Aged Care Facility will be determined following the detailed assessment and approval of the Material Change of Use application for the Aged Care Facility;*

and subject to:

- 2. the site being utilised solely for the construction and operation of an aged care facility by The Salvation Army Aged Care Plus*
- 3. the development application for the construction of the aged care facility being lodged with Council by 30 June 2016*
- 4. The Salvation Army entering into a development lease with Douglas Shire Council prior to the commencement of construction, with the transfer of the site to be undertaken on completion of the construction of the aged care facility in accordance with the Development Consent*
- 5. construction of the Aged Care facility to be completed by 30 June 2018*
- 6. The Salvation Army meeting all costs associated with the development application and development lease; and*

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- (b) *to delegate authority to the Mayor and Chief Executive Officer under the Local Government Act 2009 to negotiate, determine and finalise any and all matters associated with this transfer of land.*

Carried unanimously.

**9.3 PREJUDICIAL MATTER S275(1)(H) LOCAL GOVERNMENT
REGULATION 2012 - APPLICATION FOR BUILDING OUR REGIONS
FUNDING – ENABLING AGED CARE IN MOSSMAN
Linda Cardew, Chief Executive Officer #465009**

Moved Cr Noli

Seconded Cr Carey

“That Council resolves to submit an application under Round One of the Building Our Regions Fund for an amount of \$1,088,300 being for the construction of enabling infrastructure to support the delivery of the proposed Aged Care facilities in Johnston Road, Mossman.”

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 11.45am.

CONFIRMED THIS 29th DAY OF SEPTEMBER 2015


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MAYOR/CHAIR