

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, 17 MAY 2016, COMMENCING AT 10.00AM

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Paul Hoye (General Manager Operations), Joanne Jacobson (Manager Governance), Michael Kriedemann (Manager Infrastructure), Wouter van der Merwe (Manager Water and Wastewater), John Rehn (Manager Finance and IT), Kerrie Hawkes (Executive Officer), Simon Clarke (Planning Consultant), Neil Beck (Planning Officer), Susanna Andrews (Property Officer), Mark Halstead (Building Facilities Officer), Helen Coulthard (Community and Economic Development Officer), Brendan Leishman (Senior Community and Economic Development Officer), Greg McLean (Communications/Events Officer), Sara Roberts (Mayoral and Councillor Support Officer) and Nevinia Davenport (Executive Assistant).

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Nil.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

STATUTORY MEETING HELD ON 12 APRIL 2016

Moved Cr Carey

Seconded Cr Noli

“That the Minutes of the Statutory Meeting held on Tuesday, 12 April 2016, be confirmed.”

Carried unanimously.

ORDINARY MEETING HELD ON 19 APRIL 2016

Moved Cr Zammataro

Seconded Cr Kerr

“That the Minutes of the Ordinary Meeting held on Tuesday, 19 April 2016, be confirmed.”

Carried unanimously.

5. AGENDA ITEMS

**5.01. APPLICATION TO EXTEND TRADING HOURS OF LIQUOR LICENSE
FOR BARBADOS PORT DOUGLAS**

Daniel Lamond, Technical Planning Officer

Moved Cr Noli

Seconded Cr Kerr

“That the applicant and the Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General, be advised that Council does not object to the Application to extend Trading Hours for Commercial Other Subsidiary on Premises Licence for Barbados Port Douglas, from 10:00am to 1:00am Monday to Sunday, Shop 65 The Reef Marina, Wharf Street, Port Douglas, also described as Lot 146 on SR861.”

Carried unanimously.

**5.02. REQUEST FOR PERMISSIBLE CHANGE - RECONFIGURING A LOT (1
INTO 5 LOTS) 1L OASIS DRIVE, WONGA BEACH, FLORO PTY LTD**

Simon Clarke, Planning Consultant

Item deferred by applicant and not considered.

**5.03. OPERATIONAL WORK - PLACING AN ADVERTISING DEVICE ON
PREMISES, NOT ASSOCIATED WITH A MATERIAL CHANGE OF USE**

Simon Clarke, Planning Consultant

Moved Cr Carey

Seconded Cr Noli

“That Council approves the development application for Operational Work – Placing an Advertising Device on Premises, not associated with a Material Change of Use over land described as Lot 2 on RP719247, located at 2 Front Street, Mossman, subject to the following:

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

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

| <i>Drawing or Document</i> | <i>Reference</i> | <i>Date</i> |
|-----------------------------|---|-------------------------|
| <i>Overall Block Plan</i> | <i>CUB-AR-2618 Rev B (to be amended in accordance with condition 2)</i> | <i>23 February 2016</i> |
| <i>Proposed signage</i> | <i>CUB-AR-2618 Rev B (to be amended in accordance with condition 2)</i> | <i>23 February 2016</i> |
| <i>Sign 2 Fixing detail</i> | <i>CUB-AR-2618 Rev B</i> | <i>23 February 2016</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*

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- 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

Amendment to Design

2. *The approved signage is limited to:*

- *Illuminated above awning box sign;*
- *Corner 'Exchange Hotel' fascia panel; and*
- *1 sign exhibiting 'Exchange Hotel Great Northern Brewing Co.' with marlin logo, facing Mill Street (not exceeding 14 metres in length and not continuous with the Corner 'Exchange Hotel' panel; and*
- *1 sign exhibiting 'Exchange Hotel Great Northern Brewing Co.' with marlin logo, facing Front (not exceeding 14 metres in length and not continuous with the Corner 'Exchange Hotel' panel;*

Breaks between the beige panelling should remain in the dark green tone to help soften and break down the continuous beige fascia panels.

Amended plans are to be submitted to Council for endorsement prior to a development permit for Building Works being issued for the proposed signage.

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

| <i>Referral Agency</i> | <i>Referral Agency Reference</i> | <i>Date</i> | <i>Council Electronic Reference</i> |
|--|--|----------------------|-------------------------------------|
| <i>Department of Environment and Heritage Protection</i> | <i>Project No:386581 QHR No:602803 Permit No: CHCH06028216</i> | <i>12 April 2016</i> | <i>773076</i> |

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

ADVICE

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of the Sustainable Planning Act 2009.*
2. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*
3. *For information relating to the Sustainable Planning Act 2009 log on to www.dilgp.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au."*

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An amendment to the motion was moved:

Moved: Cr Noli

Seconded Cr Leu

“That the eastern most signage in Mill Street be deleted as the excess signage distracts from the historic aspect of the building. The location being opposite the Mossman youth centre.”

For: Cr Leu, Cr Noli and Cr Zammataro

Against: Cr Carey and Cr Kerr

Carried.

The amended motion became the substantive motion.

The motion was put to the vote.

For: Cr Leu, Cr Noli and Cr Zammataro

Against: Cr Carey and Cr Kerr

Carried.

5.04. REQUEST FOR PERMISSIBLE CHANGE - PUBLIC UTILITIES AND FACILITIES (BUNK HOUSE AND ANCILLARY RESTAURANT)

Simon Clarke, Planning Consultant

Moved Cr Kerr

Seconded Cr Carey

“A. *That Council approves the request for permissible change, in part, to the development permit for Public Utilities and Facilities (Bunk House and ancillary Restaurant) over land described as Lot 2 on SR886, located at the Esplanade, Port Douglas, in accordance with the following:*

1. *Condition 25 (Management) be deleted;*

~~*25. The management agreement between the Port Douglas Surf Club and any third party operating the proposed bistro/restaurant is to be forwarded to Council’s Corporate Services Department for approval prior to the signature of either party to the agreement and prior to the use commencing. The Agreement is to ensure that the proposed bistro/restaurant is to operate as part of the Surf Club and is not a sub-lease arrangement with a third party.*~~

B. *The request for a permissible change to delete condition 9 (Road works) and condition 13 (Car parking) be refused. However, the conditions are to be amended as follows:*

9. *In the event that the use of the existing access to Lot 2 increases significantly and/or the existing track is causing an amenity nuisance (for example, dust, ponding of water), the developer is to construct 6m wide sealed road in the location of the existing access in accordance with the requirements of the FNQROC Development manual. Kerbing and channelling is not required to be provided.*

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13. *The existing informal on site car parking arrangement is to be maintained to a standard that does not cause an amenity nuisance.*

In the event that the use of the existing access to Lot 2 increases significantly and/or the existing track is causing an amenity nuisance (for example, dust, ponding of water), A a formal car parking area on site is to be provided on site with a minimum of seven (7) spaces including a space for disable parking, one (1) motor cycle and five (5) bicycle spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.

- C. *All other conditions contained in Council's Amended Negotiated Decision Notice dated 9 October 2007 remain unchanged.*

Carried unanimously.

**5.05 PRELIMINARY APPROVAL FOR STAGING SELF-ASSESSABLE AND
CODE ASSESSABLE DEVELOPMENT IN ACCORDANCE WITH A
PRECINCT PLAN**

Simon Clarke, Planning Consultant

Moved Cr Carey

Seconded Cr Leu

"That Council approves the development application for a preliminary approval under section 241 of the Sustainable Planning Act 2009 for staging self-assessable and code assessable development in accordance with a precinct plan, a staging plan & other supporting plans over land described as Lot 146 on SR861, Lot 103 on SR500, part of Lot 126 on SR868 and Inlet Street, located at Wharf Street, Port Douglas, subject to the following:

Assessment Manager Conditions

1. *The distribution of approved uses is to be in accordance with Precinct Plan V1.11 prepared by Studio Tekton and dated 11 February 2016 and the following Table of Precincts and associated Notes:*

| <i>Precinct</i> | <i>Corresponding approved land uses</i> |
|-------------------|---|
| <i>Precinct 1</i> | <i>Holiday accommodation</i> |
| | <i>Marina (specifically, facilities used to moor and store marine vessels)</i> |
| | <i>Multi-unit housing</i> |
| | <i>Short term accommodation</i> |
| | <i>Staff quarters (associated with Holiday accommodation or Multi-unit housing)</i> |
| <i>Precinct 2</i> | <i>Caretaker's residence (if associated with a commercial activity)</i> |
| | <i>Business facilities</i> |
| | <i>Holiday accommodation</i> |
| | <i>Marina (Duck Pond)</i> |
| | <i>Multi-unit housing</i> |
| | <i>Restaurant</i> |
| | <i>Shopping facilities</i> |
| | <i>Short term accommodation</i> |

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| | |
|---------------------------|--|
| | <i>Staff quarters (associated with Holiday accommodation or Multi-unit housing and Short term accommodation)</i> |
| | <i>Tavern</i> |
| <i>Precinct 3</i> | <i>Business facilities</i> |
| | <i>Caretaker's residence (if associated with commercial premises)</i> |
| | <i>Car parkⁱ</i> |
| | <i>Holiday accommodation</i> |
| | <i>Health facility</i> |
| | <i>Indoor sport and entertainment</i> |
| | <i>Multi-unit housing</i> |
| | <i>Short term accommodation</i> |
| | <i>Staff quarters (associated with Holiday accommodation or Multi-unit housing and Short term accommodation)</i> |
| | <i>Tourist attractionⁱⁱ</i> |
| <i>Precinct 4</i> | <i>Business facilities</i> |
| | <i>Car parkⁱ</i> |
| | <i>Holiday accommodation</i> |
| | <i>Indoor sport and entertainment</i> |
| | <i>Interpretive facility</i> |
| | <i>Outdoor sport and recreation</i> |
| | <i>Multi-unit housing</i> |
| | <i>Restaurant</i> |
| | <i>Shopping facilities</i> |
| | <i>Short term accommodation</i> |
| | <i>Tavern</i> |
| <i>Tourist attraction</i> | |
| <i>Precinct 5</i> | <i>Car parkⁱ</i> |
| | <i>Marina</i> |
| | <i>Service industryⁱⁱⁱ</i> |

Notes:

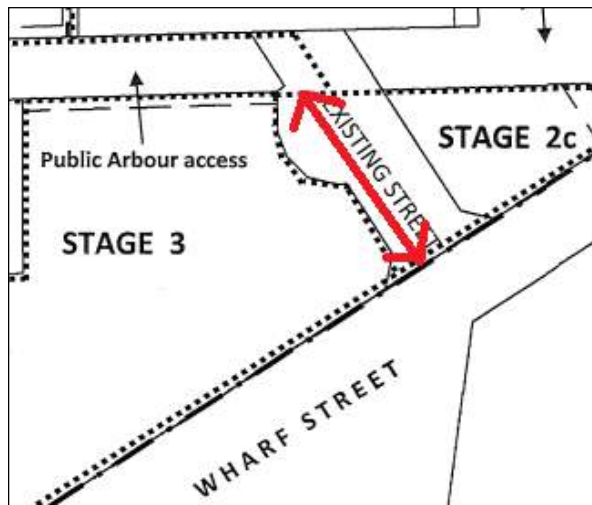
- i. *Car park uses that are part of this preliminary approval are limited to on-ground surface parking (i.e. not involving multi-level structures)*
- ii. *Tourist attraction includes small-scale Tourist attractions only, such as:*
 - *Interpretive/educational facilities;*
 - *Local maritime museum;*
 - *Aquarium (small scale);*
 - *Butterfly/bird aviary;*
 - *Children's activities.*
- iii. *Service industry includes low-impact Service industry limited to the following:*
 - *Cleaning or detailing of motor vehicles, not being an automated car washing facility;*
 - *Catering business;*
 - *Servicing of small items and appliances such as bicycles, cameras, small electrical goods;*
 - *Printing;*
 - *Fishing gear manufacturing.*

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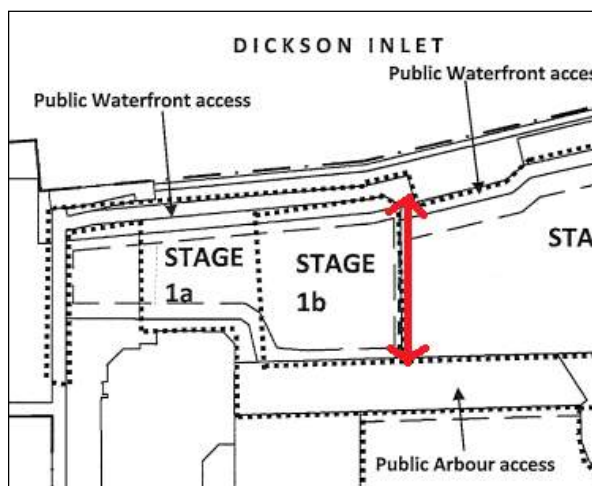
Staging

2. *The Staging of the proposed development is to be generally in accordance with Staging Plan V1.11 prepared by Studio Tekton dated February 2016 and the following:*

a. *The first stage of the Arbour Park is to be completed in association with Stage 1a. In addition, the first stage of the Arbour Park must be provided with connectivity to Wharf Street in the general vicinity of the closed section of Inlet Street at least until such time that access is available via the Public Plaza in Stage 2a (see below).*



b. *The public waterfront access in Stage 1a is to be provided with interim connectivity to the Arbour Park adjacent to the common boundary between Stage 1b and 2a until at least such time that full waterfront connectivity is available in Stage 2a (see below).*



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Pedestrian and Vehicular Access

3. *Public pedestrian and vehicular access is to be generally in accordance with Access Plan – Vehicular V1.11 prepared by Studio Tekton dated 11 February 2016 and Access Plan – Pedestrian prepared by Studio Tekton dated 11 February 2016. Details of access are to be refined in association with applications of development permits for each stage of the development. The Public Waterfront Access will consist of a 4 metre minimum-width boardwalk located immediately adjacent to land that provides public access to the waterfront (i.e. not positioned behind buildings).*

Formalised public spaces and pedestrian pathways are to be made accessible to the public via easements or by other equivalent means deemed to be acceptable to Council.

Design controls

4. *The proposed form of development is to generally comply with the design controls that apply within the applicable planning scheme at the time of making applications for each development (i.e. building heights, setbacks, landscaping specifications, car parking provisions and other built form design provisions).*

Urban Design

5. *In addition, the Public Waterfront Access, the Public Arbour Access and the Public Plaza are key urban design components that must be incorporated into the overall future development of the Reef Marina Site. These key urban design elements are to be generally designed to provide a coordinated theme across the Reef Marina Site that reflects the identity of Port Douglas as a distinctive tropical north Queensland seaside resort town in both its urban spaces and built form character.*

The urban design theme for the Reef Marina Site is to be submitted to Council prior to any future development permits of a significant nature being issued for the site. Amongst other things, the urban design theme for the Reef Marina Site is to address urban design elements such as street furniture, surface treatments, railings, signage, lighting, built form design elements, materials and colours.

Future development permits of a significant nature are to reflect the approved urban design theme for the Reef Marina Site.

Interim Use of Later Stages of Development

6. *Longer term stages of the development are designed to be landscaped and attractive interim spaces that provide logical connections across precinct boundaries until such time that future stages are developed.*

Sight-lines to Dickson Inlet

7. *A continuous sight-line is to be maintained to the Duck Pond Basin and through to Dickson Inlet, in association with development of the Public Plaza and Precinct 2.*

Balley Hooley Rail Line

8. *The Balley Hooley rail line and turn table infrastructure is retained and incorporated into future development to maintain its functionality.*

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1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of the Sustainable Planning Act 2009.*
2. *Although this preliminary approval only permits broad land uses by precinct, and noting that it still allows for the continuation of the slipway and fishermen's facilities as they currently exist, no development permit will be issued for Stage 2 until agreement has been reached among all relevant stakeholders sufficient to enable Council to provide written confirmation to the Department of Natural Resources and Mines that such development does not diminish the marine uses that directly serve the tourist and fishing operators (including the slipway and the fishermen's facilities) and private boat owners in line with one of the overarching principles of the Port Douglas Waterfront Master Plan.*
3. *Charges to be levied for the supply of trunk infrastructure will be calculated in association with future applications for development permits over the land.*
4. *For information relating to the Sustainable Planning Act 2009 log on to www.dilqp.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.

**5.06. NEGOTIATED DECISION REQUEST FOR A COMBINED APPLICATION
FOR MATERIAL CHANGE OF USE FOR A RETIREMENT FACILITY AND
LOT RECONFIGURATION (1 INTO 2 LOTS)**

Simon Clarke, Planning Consultant

Moved Cr Leu

Seconded Cr Noli

“That Council approves the request for a negotiated decision for a material change of use for a Retirement Facility (Development permit for Stage 1 and Preliminary approval for Stage 2) and Lot reconfiguration (1 into 2 lots) over land described as Lot 1 on RP150474, located at Johnston Road, Mossman Gorge, subject to the following:

AJ *CONDITIONS APPLICABLE TO RETIREMENT FACILITY (STAGE 1) –
DEVELOPMENT PERMIT*

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

The term ‘approved drawing(s) and/or document(s)’ or other similar expression means:

| Drawing or Document | Reference | Date |
|---------------------|---|------------------|
| Site Plan | 15.0285.11 SK02 prepared by Thomson Adsett | 17 December 2015 |
| Floor Plan | 15.0285.11 SK03 prepared by Thompson Adsett | 17 December 2015 |
| Section | 15.0285.11 SK09 prepared by Thomson Adsett | 17 December 2015 |
| Elevations | 15.0285.11 SK15 prepared by Thomson Adsett | 17 December 2015 |

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ASSESSMENT MANAGER CONDITIONS:

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

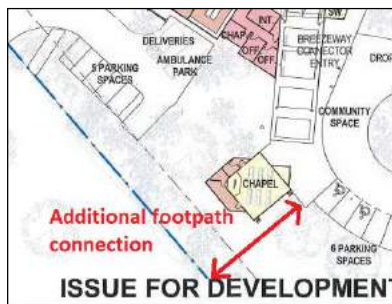
Except where modified by these conditions of approval

Timing of Effect

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

Amendment to Design

3. The proposed building / development must be amended to accommodate the following changes:
 - a. Provide a direct footpath to Johnston Road in the vicinity of the Chapel connecting to the Breezeway Connector Entry (see below).



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. Provide a design for the new access road that is to service Stage 1 ~~and future Stage 2~~ which shall have the following minimum dimensions unless otherwise approved by Council:
 - Verge width of 4.5m;
 - Carriageway width of 4.5m;
 - Median width of 4m;
 - Reserve width of 22m (Note: the additional 3 metres is to be added to proposed Lot 2 on the north-eastern side of the proposed road reserve);
 - 2 metre wide footpath along the north-eastern side verge;

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The design of the road is to be for the full extent shown on Thompson Adsett drawing number SK02-30 dated 11 February 2016 including sufficient interface with Stage 2 to verify the future connection. The extent of the design is to be a minimum of 80m from the Johnston Road reserve boundary.

The actual extent to be constructed with the Stage 1 works is to be agreed between Council and the applicant subject to the construction tenders received and the available Enabling Infrastructure budget. The minimum amount to be constructed beyond the entry driveway to Stage 1 is 5 metres. The extent of works is to be determined in association with an Operational Works application.

- b. Provision of appropriate access arrangements for Stage 1 of the development and access to Stage 2 from the proposed new road in the south east corner of the site. The design must seek to locate infrastructure such that access from the new road is readily facilitated for the future development.
- c. In particular, the operation of the two accesses from the proposed new road must be considered in determining the road form, median breaks and infrastructure locations (including stormwater and street lighting). The road layout and carriageway alignments must be updated to reflect this requirement.

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

All works must be carried out in accordance with the approved plans, for the agreed extent of works, to the requirements and satisfaction of the Chief Executive Officer, prior to Commencement of Use.

Water Supply and Sewerage Master Plan

5. A Water Supply and Sewerage Master Plan accompanied by supporting calculations must be provided which demonstrates how the current and future development can be serviced.

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 Development Permit for Operational Works.

Water Supply and Sewerage Infrastructure Plan

6. An updated water supply and sewerage infrastructure plan and supporting information including hydraulic network analysis must be submitted demonstrating how the development will be serviced by Council's Infrastructure. In particular the plan must:
 - a. Identify external catchments that will be connected to the internal sewer or water networks; and
 - b. Identify any trunk infrastructure external to the site that may require upgrading to accommodate the development.

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.

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Water Supply and Sewerage Works External

7. *Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:*
1. *Extend the water main to provide a loop main within the section of proposed new road. The minimum size is to be 100mm on one side and 50mm internal diameter on the other side subject to pressure and flow conditions. Road crossings are to be minimum of 100 mm. The water connection for the development is to be provided from the extended water main;*
 - b. *Extend the sewer main within the road reserve of Johnston Road to connect to Council's existing system at a point where sufficient capacity exists.*

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 Commencement of Use.

Water Supply and Sewerage Works Internal

8. *Undertake the following water supply and sewerage works internal to the subject land:*
- a. *Provide a single internal sewer connection to proposed lot 1 in accordance with the FNQROC Development Manual;*
 - b. *Provide appropriate valves and fittings to enable the Stage 1 connection to the new main;*
 - c. *Provide appropriate valves and fittings to enable the future connection of a minimum 100mm service at the northern end of the new road.*

All the above 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 commencement of use.

Damage to Infrastructure

9. *In the event that any part of Council's existing sewer / water infrastructure is damaged as a result of construction activities occurring on the site, the applicant / owner must notify Douglas Shire Council immediately of the affected infrastructure and have it repaired or replaced by Douglas Shire Council, at the developer's cost, prior to the Commencement of Use.*

General External Works

10. *Undertake the following external works: -*
1. *Provide design drawings for the Upgrade of the northern side of Johnston Road (eastbound carriageway) for the full frontage of the site to provide a minimum 3.5m wide lane and a 1m sealed shoulder.*

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A tender schedule for these works is to be provided with the civil works tendering as a stand-alone item and allocated as a provisional quantity item. The applicant and Council are to agree the extent of works to be completed with Stage 1 based on the final tender amounts and with consideration of the minimum requirements for safety at the intersection conflict point(s).

- b. Provide a detail design for the intersection and access with Johnston Road including design for drainage between the existing road and the site boundary.*
- c. The design must include suitable treatment for the intersection of the new access road with Johnston Road generally in accordance with Drawing Ref: Concept Site Access 645-001 Rev.1 prepared by Projex Partners dated 17 December 2015;*
- ~~*d. The treatment required for the secondary access to the site (utility and staff access) may be a BAR/BAL treatment in accordance with Austroads Guide to Road design subject to reconfirming the traffic volumes based on the fully developed traffic conditions for the development approved within the catchment.*~~
- de. Construct a 2.0-metre-wide footpath for the full frontage of the Johnston Road frontage of the site;*

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 plan prior to the Commencement of Use.

Drainage Study of Site

- 11. Update the local drainage study of the site to determine the works necessary to provide flood immunity to the site to the 1 in 100 year ARI (1% AEP event) including determining 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. The extent of filling and/or levee required to prevent the 100 year ARI (1%AEP) event from entering the site;*
 - e. The extent of flow and depth of inundation through the site for events above 1 in 100 year ARI and up to 1 in 200 year ARI;*
 - f. Identify any requirement for drainage easements including along the northern boundary of the site to facilitate drainage from the road back to Marrs Creek;*
 - g. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.*
 - h. Lawful point of discharge.*

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The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. All works must be undertaken in accordance with the study prior to commencement of use.

Access Construction

12. *Construct a concrete driveway or other approved surface to the nominated utility and Staff parking area as detailed on the architectural drawings for the site.*

All works must be carried out in accordance with the approved plans and must be 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

13. *Provide appropriate service conduits to Stage 2 to the satisfaction of services authorities and Council to ensure that the road reserve constructed and formalised with stage 1 does not need further works to service the later stage. This includes conduits for underground power supply.*

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to commencement of use.

Stockpiling and Transportation of Fill Material

14. *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.*

15. *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

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

Construction Access

17. *Vehicular access to the site for construction and demolition purposes must be provided from Johnstone Road only, unless authorised by the Chief Executive Officer.*

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Access Adjacent Creeks and Streams

18. *An Access Easement in favour of Council containing all land below the top of the high bank and nominally a minimum 5 metre minimum wide strip adjacent to the top of the bank, relative to the vegetation line that permits practical access along the top of the bank. The drainage easement is to be pegged on-site for Council's approval. 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 prior to commencement of use.*

Existing Creek and Drainage Systems

19. *All existing creek systems and drainage areas 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 Environment & Resource Management for carrying out works in a watercourse.

Lawful Point of Discharge

20. *All stormwater from each lot 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.*
21. *The lawful point of discharge for the new road opened with Stage 1 must be drained to Marrs Creek via an easement within the Stage 1 site or to Johnston Road.*

Sediment and Erosion Control

22. *A sediment and erosion control plan must be prepared as part of the construction phase of the development. Sediment and erosion control 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).*

Existing Services

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

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Electricity Supply

24. *Written evidence from Ergon Energy advising that the substation required for this development has the ability to be upgraded to accommodate the demand of Stage 2 over the balance of the land. 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

25. *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 prior to the issue of a Development Permit for Operational Works.*

Street Lighting

26. *The following arrangements for the installation of street lighting must be provided prior to the Commencement of Use:-*

- a. *Prior to the issue of a Development Permit for Operational Works a Rate 2 lighting scheme is to be prepared by an Ergon Energy 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, applicable to only the new intersection with Johnston Road. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.*

The lighting scheme must show light pole locations that represent the permitted design spacing and must not conflict with stormwater, kerb inlet pits and other services. ~~For lighting associated with the new road, t~~The lighting is to be located within the landscaped median, where practicable.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 and must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard for the intersections.

- 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 development, t*~~*The intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category. This applies for the new access road and Johnston Road intersection.*

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Vehicle Parking

27. *The amount of vehicle parking must be as specified on the approved plan which is a minimum of fifteen (15) spaces of which 10 must be provided as visitor spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.*

Bicycle Parking

28. *Provide secured, on-site bicycle parking in accordance with Table 10-1 of AUSTROADS Guide to Traffic Engineering Practice Part 14 – Bicycles. The bicycle parking area must be constructed prior to Commencement of Use.*

Lighting

29. *All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.*

Air-Conditioning Screens

30. *Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.*

Landscaping Plan

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

Planting Design

- a. *Species to have regard to Council's Planning Scheme Policy No.7 Landscaping.*
- b. *A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species;*
- c. *Provide a hierarchy of planting, which includes shade trees, shrubs and groundcovers.*

Hard Landscaping Works

- a. *Details of location and design of proposed artworks;*
- b. *Natural and finished ground levels including details of all retaining works;*
- c. *Details of any perimeter, private yard or street fencing (Note: A 1.8 metre high screen fence will be required to screen the extent of the working farm along the south-western boundary);*
- d. *Protection of landscaped areas adjoining parking areas from vehicular encroachment by a 150 mm high vertical concrete kerb or similar obstruction;*

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

Street Fencing

32. *Any proposed fences and/or walls to any road frontage are to be limited to the following:*
- a. *1.2 metres in height if solid; or*
 - b. *1.5 metres in height if at least 25% visually transparent; or*
 - c. *1.8 metres in height if at least 50% visually transparent.*

Details of the street fencing must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. In principle, the 'horizontal timber effect aluminium fence with random patterns to the street' as shown on the approved section drawings and perspective drawing 15.0285.11 SK11 prepared by Thomson Adsett and dated 17 December 2016 appear to satisfy this requirement.

Construction Signage

33. *Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:*
- a. *Developer;*
 - b. *Project Coordinator;*
 - c. *Architect / Building Designer;*
 - d. *Builder;*
 - e. *Civil Engineer;*
 - f. *Civil Contractor;*
 - g. *Landscape Architect.*

Colours/Materials of Construction

34. *The colours, textures and materials of construction are to be generally in accordance with perspective drawings 15.0285.11 SK10 – 12 & 14 prepared by Thomson Adsett and dated 17 December 2016.*

Siam Weed Control

35. *In order to prevent the spread of Siam Weed {a class 1 declared pest plant under the Land Protection (Pest and Stock Route Management) Act 2002}, all machinery working on site must be cleaned down on site prior to leaving. No material / soil is to leave the site wherever possible. Should material need to be carted away it should be taken to council's Drum Sarah quarry and placed under quarantine where it can be monitored for recruitment and treated as required.*

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Kitchen Facilities

36. *An application for the construction or alteration of any food premises must be accompanied by two (2) copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the construction or alteration. All works must be carried out in accordance with approved and the requirements of the Food Act 2006, Food Safety Standards and AS 4674 – 2004 – Design, construction and fit-out of food premises. Plans must be approved prior to the issue of a Development Permit for Building Work and all works must be completed in accordance with the approved plan prior to the Commencement of Use.*

ADVICE

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of the Sustainable Planning Act 2009.*
2. *All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

Infrastructure Charges Notice

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

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

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

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

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

5. *For information relating to the Sustainable Planning Act 2009 log on to www.dilgp.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .*

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B) CONDITIONS APPLICABLE TO RECONFIGURATION OF A LOT (1 LOT INTO 2 LOTS)

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

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

| Drawing or Document | Reference | Date |
|---------------------------|--|------------------|
| Proposed Subdivision Plan | 15.0285.11 SK30 prepared by Thomson Adsett | 11 February 2016 |

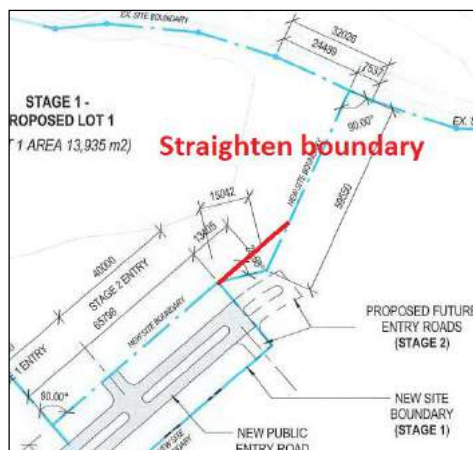
ASSESSMENT MANAGER CONDITIONS

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

Amendment to Design

2. Straighten the boundary between proposed lots 1 and 2 to remove the kink in the common boundary at the end of the proposed road reserve (see below)



Street Layout and Design

3. 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:

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- a. *Provide a design for the new access road that is to service Stage 1 ~~and future Stage 2~~ which shall have the following minimum dimensions unless otherwise approved by Council:*

- *Verge width of 4.5m;*
- *Carriageway width of 4.5m;*
- *Median width of 4m;*
- *Reserve width of 22m (Note: the additional 3 metres is to be added to proposed Lot 2 on the north-eastern side of the proposed road reserve);*
- *2-metre-wide footpath along the north-eastern side verge;*

The design of the road is to be for the full extent shown on Thompson Adsett drawing number SK02-30 dated 11 February 2016 including sufficient interface with Stage 2 to verify the future connection. The extent of the design is to be a minimum of 80m from the Johnston Road reserve boundary.

The actual extent to be constructed with the Stage 1 works is to be agreed between Council and the applicant subject to the construction tenders received and the available Enabling Infrastructure budget. The minimum amount to be constructed beyond the entry driveway to Stage 1 is 5 metres. The extent of works is to be determined in association with an Operational Works application.

- b. *Provision of appropriate access arrangements for Stage 1 of the development and access to Stage 2 from the proposed new road in the south east corner of the site. The design must seek to locate infrastructure such that access from the new road is readily facilitated for the future development.*
- c. *In particular, the operation of the two accesses from the proposed new road must be considered in determining the road form, median breaks and infrastructure locations (including stormwater and street lighting). The road layout and carriageway alignments must be updated to reflect this requirement.*

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

All works must be carried out in accordance with the approved plans, for the agreed extent of works, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

General External Works

4. *Undertake the following external works: -*

- a. *Provide design drawings for the Upgrade of the northern side of Johnston Road (eastbound carriageway) for the full frontage of the site to provide a minimum 3.5m wide lane and a 1m sealed shoulder.*

A tender schedule for these works is to be provided with the civil works tendering as a stand-alone item and allocated as a provisional quantity item. The applicant and Council are to agree the extent of works to be completed with Stage 1 based on the final tender amounts and with consideration of the minimum requirements for safety at the intersection conflict point(s).

- b. *Provide a detail design for the intersection and access with Johnston Road including design for drainage between the existing road and the site boundary.*

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- c. *The design must include suitable treatment for the intersection of the new access road with Johnston Road generally in accordance with Drawing Ref: Concept Site Access 645-001 Rev.1 prepared by Projex partners dated 17 December 2015;*
- ~~d. *The treatment required for the secondary access to the site (utility and staff access) may be a BAR/BAL treatment in accordance with Austroads Guide to Road design subject to reconfirming the traffic volumes based on the fully developed traffic conditions for the development approved within the catchment.*~~
- de. *Construct a 2.0-metre-wide footpath for the full frontage of the Johnston Road frontage of the site;*

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 prior to the issue of a Compliance Certificate for the Plan of Survey, unless otherwise approved by Council.

Drainage Study of Site

- ~~5. *Update the local drainage study of the site to determine the works necessary to provide flood immunity to the site to the 1 in 100 year ARI (1% AEP event) including determining 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. *The extent of filling and/or levee required to prevent the 100 year ARI (1%AEP) event from entering the site;*~~
 - ~~e. *The extent of flow and depth of inundation through the site for events above 1 in 100 year ARI and up to 1 in 200 year ARI;*~~
 - ~~f. *Identify any requirement for drainage easements including along the northern boundary of the site to facilitate drainage from the road back to Marrs Creek;*~~
 - ~~g. *Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.*~~
 - ~~h. *Lawful point of discharge.*~~
- ~~*The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.*~~

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Access Adjacent Creeks and Streams

- 5.6. *An Access Easement in favour of Council containing all land below the top of the high bank and nominally a minimum 5 metre minimum wide strip adjacent to the top of the bank, relative to the vegetation line that permits practical access along the top of the bank. The drainage easement is to be pegged on-site for Council's approval. 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 prior to commencement of use.*

Drainage Easement

- 6.7. *A Drainage Easement must be granted in favour of Council within proposed Lot 1 providing for any required drainage of stormwater from the end of the new road to Marrs Creek. 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 prior to the issue of a Compliance Certificate for the Plan of Survey.*

Service Conduits

- 7.8. *Provide appropriate service conduits to Stage 2 to the satisfaction of services authorities and Council to ensure that the road reserve constructed and formalised with stage 1 does not need further works to service the later stage.*

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

Siam Weed Control

- 8.9. *In order to prevent the spread of Siam Weed {a class 1 declared pest plant under the Land Protection (Pest and Stock Route Management) Act 2002}, all machinery working on site must be cleaned down on site prior to leaving. No material / soil is to leave the site wherever possible. Should material need to be carted away it should be taken to council's Drum Sarah quarry and placed under quarantine where it can be monitored for recruitment and treated as required.*

ADVICE

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of 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 www.dip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.dsc.qld.gov.au.*

CJ **CONDITIONS APPLICABLE TO STAGE 2 RETIREMENT FACILITY (PRELIMINARY APPROVAL)**

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

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

| <i>Drawing or Document</i> | <i>Reference</i> | <i>Date</i> |
|----------------------------|--|-------------------------|
| <i>Master Plan</i> | <i>Mossman and District Aged Care Precinct prepared by Hunt Design</i> | <i>10 February 2016</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 Preliminary Approval must be demonstrated in any future application for a development permit for a Retirement Facility over the land to the extent relevant, unless specified otherwise in these conditions of approval.*

Design Parameters (Applicable over proposed Lot 2)

3. *The site coverage of the development does not exceed 40%.*
4. *The gross floor area of the development does not exceed 0.5 x site area.*
5. *Buildings and structures are setback no less than:*
 - a. *6 metres to Johnston Road;*
 - b. *4.5 metres to the new road;*
 - c. *4 metres to the common boundary with the showgrounds and hospital; and*
 - d. *10 metres from the top of the high bank to Marrs Creek; and*
 - e. *Outside that part of the land included within the Conservation planning area.*
6. *Buildings and structures are limited to 2 storeys (8.5 metres) in height (Note: height is inclusive of roof height).*
7. *Future development reduces the appearance of building bulk, ensures a human scale and demonstrates variations in horizontal and vertical profile by incorporating a range of design elements including balconies, verandahs, terraces, recesses and the like.*

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8. *Buildings must exhibit tropical design elements that are appropriate to Douglas Shire's tropical climate, character and lifestyle such as:*
 - a. *pitched roofs;*
 - b. *wide eaves to shade and protect external walls;*
 - c. *light colours;*
 - d. *variations in building colours, materials and texture;*
 - e. *permeable external building facades;*
 - f. *well-considered cross-ventilation;*
 - g. *weather protected external extensions to living spaces;*
 - h. *verandahs;*
 - i. *well-insulated roofs;*
 - j. *low thermal mass construction;*
 - k. *seamless integration of external and internal spaces.*

9. *Communal open space is designed to provide for a range of facilities, typically including some, or all, of the following elements:*
 - a. *seating;*
 - b. *barbecue;*
 - c. *swimming pool;*
 - d. *communal gardens.*

The proposed development must include an 'activities building' as part of stage 1 of any proposed retirement facility.

10. *No development is to occur in that part of the land included within the Conservation Planning Area.*

Access

11. *Access to Jack Street via the Showgrounds is not part of this approval.*

ADVICE

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of the Sustainable Planning Act 2009.*
- 2.. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*
3. *For information relating to the Sustainable Planning Act 2009 log on to www.dilgp.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .*

*LAND USE DEFINITIONS**

In accordance with the Douglas Shire Planning Scheme 2006, the approved land use of Retirement Facility is defined as:

The use of premises as an integrated community for permanent residential accommodation for older or retired persons, generally 55 or more years in age.

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The use can include:

- dwelling units
- serviced rooms/Private rooms
- nursing home accommodation as well as facilities for the use of residents and staff, such as:
 - indoor and outdoor recreational facilities;
 - meeting rooms;
 - medical consulting rooms;
 - therapy rooms;
 - chapels;
 - meal preparation facilities; and
 - staff accommodation
- a display unit which displays to the general public the type of construction or design offered by builder/developer, for a maximum period of twelve months and which is then demolished, (if freestanding replica), or converts to its intended use within the complex.

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

Carried unanimously.

**5.07. MATERIAL CHANGE OF USE - DISPLAY FACILITIES - MOSSMAN
HARDWARE**

Neil Beck, Planning Officer

Moved Cr Noli

Seconded Cr Kerr

"That Council approves the development application for - Display Facilities (hardware store) over land described as Lot 50 on SP706250, located at 5 Mossman Street MOSSMAN, subject to the following:

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

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

| <i>Drawing or Document</i> | <i>Reference</i> | <i>Date</i> |
|---|---------------------------|------------------|
| <i>On-Street Parking & Swept Path</i> | <i>PR128488-2 Issue A</i> | <i>9/09/2015</i> |

ASSESSMENT MANAGER CONDITIONS

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

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Timing of Effect

2. *The conditions of the Development Permit must be effected no later than 6 months from the date the Development Permit takes effect except where specified otherwise in these conditions of approval.*

Operational Works

3. *An Operational Works Approval is required for the site works, concrete surfacing or sealing of hardstand areas and storage areas, drainage and external works associated with the development.*

A Statement of Compliance must be provided for the Operational Works Application as required by the FNQROC Development Manual (refer Appendix A of Application Procedures (AP1)).

All plans submitted to Council must be certified by a suitably qualified and experienced registered professional engineer of Queensland (RPEQ) as required by the FNQROC Development Manual and conditions of this Development Permit.

The works must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer.

Roads and Paths

4. *The applicant must provide supporting information including existing and finished surface contours to demonstrate that the proposed access to be provided from Junction Street does not create a nuisance or impede access to the existing access to Lot 97 on SR836110.*
5. *The applicant must provide an updated traffic assessment for the proposed development identifying the impact of the development on the existing transport network (including a consideration of likely impacts on the road network, the public transport network, freight movements, pedestrians and cyclists); In particular, the report must specifically address: -*
 - a. *Updated swept path diagrams of the access and egress points of the development for the design vehicle for the finalised design layout. Plans showing the swept path diagrams for entry, exit and circulation within the proposed development for the nominated design vehicle(s) are to be provided.*

Compliance with the requirements of AS2890.1 and AS 2890.2. A suitably qualified and experienced RPEQ must be required to certify that the proposed plans comply with these identified Australian Standards, and the FNQROC Development Manual.

- b. *Any mitigation measures required to ameliorate the effects of the proposed development with indicative timings nominated. Specific consideration must be given to the mitigation measures to be provided for any impacts from Junction Road access (access to the site and Lot 97 on SR836110), on and off – street parking considering the required geometry to access the site), and similarly, impacts of the development which are shown to occur on Mossman Street must also be ameliorated with additional on-street parking provided;*
- c. *Traffic controls required for Mossman to control the parking to ensure the carriageway remains clear to facilitate the exit movement;*

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- d. *The traffic study is to consider parking, access, ramping, pedestrian conflicts and movements and cyclists.*

The traffic assessment must be to the satisfaction of the Chief Executive Officer. The Operational Works application must detail the proposed on-street works associated with the point to the development from Mossman Street which is consistent with the findings and recommendations of the traffic assessment.

Heavy Vehicle Access & Unloading & Loading of Vehicles

6. *All heavy vehicles accessing the site must do so via Junction Road. Gates are to be installed on the Junction Road access and are to be closed to prevent general vehicle access to site.*

All unloading and loading of vehicles must be undertaken on-site at all times.

External Works

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

- a. *Provision of a concrete crossovers and aprons for all points of entry and egress in accordance with FNQROC Development Manual Standard Drawings for commercial crossover. The extent of the crossovers is to be minimised where possible to limit the conflict with pedestrians utilising the roadway verge;*

Consideration is to be given to commencing the left turn associated with exit manoeuvre for the semi-trailer within the site to minimise the apron width and the carriageway encroachment on Mossman Street.

The extent of crossovers proposed is to be substantiated with the swept path diagrams for the design vehicle at each point of entry or egress.

Note: The maximum grade for a cross-over is 2.5% and the new cross-over must not interfere with existing footpath formation.

- b. *Confirm clearance to existing power poles for the swept path of the design vehicles having regard to the proposed ingress and egress points of the site. This may determine if further works are required to the electrical reticulation system and poles;*

- c. *Replacement of the displaced on street parking with additional parking on the western side of Mossman Street to the satisfaction of the Chief Executive Officer as follows:*

(i) *Angled parking generally as shown on the RPS Drawing PR128488-2 Issue A dated 26 November 2015 except that the northern extent must be for the full frontage of the development (generally aligning with the northern boundary of Lot 15 on RP706250;*

(ii) *The parking is to be angled parking and is to be imperviously sealed and line-marked;*

(ii) *The parking must be graded to drain back to a new FNQROC Type 1 concrete invert to be provided at the current kerb location;*

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- (iv) Where required to protect existing trees including their roots, construct tree guard around the existing trees in the road reserve;*
- d. Repair the existing damaged kerb and channel commencing approximately 3m south from the southern entry/exit and extending to tie into the driveway to adjacent lot 49 on RP706250. These sections of kerb having been damaged by previous entry, exit and unloading operations associated with the use of this site.*
- e. Repair any damage to footpaths, verges or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development;*
- f. Suitable traffic and parking signs are to be located along Mossman Street to control parking and keep the carriageway free for the exit manoeuvre. The signage is to be in accordance with MUTCD and to the satisfaction of Council.*

The external works outlined above require operational works approval. The works 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.

Earthworks

- 8. Earthworks and/or ramping required to provide access to and from the property must be created within the bounds of the property unless otherwise approved by Council. Ramping of the access in the public road reserve steeper than 5% is not supported.*

The concrete footpath cross fall must not exceed 2.5% as required under the access codes.

Landscaping Plan

- 9. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:*
 - a. a 2-metre-wide landscaped buffer adjacent the northern and eastern boundary of the site;*
 - b. Nominate the plant species to be used and planting densities in order to achieve screening of the development from adjoining properties over time;*
 - c. Detail ground preparation and removal of potential contaminated soils associated with concrete surfacing works. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth;*
 - d. The selection of plant species to ensure the integrity of the retaining wall adjacent the eastern boundary is not compromised;*
 - e. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping;*
 - f. Detail the extent and height of the screen fence to be provided. The top of the fence must have the same reduced level and be designed in consultation with adjoining property owners with respect to the overall height of the fence.*

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- g. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.*

The Landscape Plan must accompany the application for Operational Works and be endorsed by the Chief Executive Officer. All landscaping works must be undertaken in accordance with the endorsed plan and maintained at all times to the satisfaction of the Chief Executive Officer.

10. *Details of the proposed retaining walls and the interface between the proposed concrete hardstand surfacing must be provided with the operational works application. This must include section through the wall, landscaped buffer and into existing properties to enable the relative levels and interface to be assessed.*

The landscaped buffer on the northern boundary is to be a minimum of 2m wide and must include a solid screen fence.

Structural Certification must be required for any new or existing retaining walls over 1.0m in height. The certification must include consideration of the additional loading which may be applied to the wall as a consequence of the design vehicle for the site.

Protection of Landscaped Areas from Parking

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

Stormwater

12. *The applicant must demonstrate how the proposed development is able to convey the stormwater run-off to a lawful point of discharge – as required by the principals of QUDM and the FNQROC Development Manual (D4.04 Cl.2).*
13. *The size and extent of the existing stormwater infrastructure must be identified and assessed for compliance with the principals of QUDM and the Council's FNQROC Development Manual (D4.04 Cl.4, 5 and 6). A plan of works must be submitted with the application for Operational Works.*

Such works must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer.

Drainage Study of Site

14. *Undertake a local drainage study on the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the subject site 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 easements 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 with such works being undertaken in accordance with the endorsed study.*

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Inspection of Existing Stormwater Drainage

15. *CCTV inspections of existing stormwater drainage must be undertaken prior to commencement of works on site and a condition report provided to Council as supporting information to the application for Operational Works for the concrete hardstand and storage areas.*

The condition report must identify the age, material type, class of pipe and cover. An assessment of the proposed loads and the pipes ability to carry those loads must also be provided. This must include loads from construction equipment when pipe cover may be compromised.

Further CCTV inspections of the stormwater drainage must be undertaken at works completion and a condition report provided to Council. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.

Amalgamation of Lots Required

16. *A Plan of Survey must be prepared amalgamating Lot 50 and Lot 51 into one allotment. The Plan of Survey must be registered with the Department of Natural Resources and Mines and a new certificate of title issued at the applicant's/owner's cost.*

Drainage Easements

17. *Create a Drainage Easement having a minimum width of 3 metres along the entire length of the existing drainage line within the site must be provided. A copy of the easement documents must be submitted to Council for approval.*

The approved easement documents must be lodged and registered with the Department of Natural Resources & Mines at the same time as the amalgamation of Lot 50 & Lot 51.

Lawful Point of Discharge

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

Sediment and Erosion Control

19. *Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).*

Inspection of Sewers

20. *CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.*

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Damage to Council Infrastructure

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

Noise Nuisance & Traffic Impact Mitigation Measures

22. *Operational aspects of the approved development must be undertaken in accordance with the following requirements: -*
 - a. *Delivery and loading of goods are only permitted to occur between the hours of 7.00am and 7.00pm Monday to Saturday (excluding public holidays).*
 - b. *Noise generated by activities on the site must be mitigated and managed to ensure that the environmental values for noise sensitive receptors (e.g. dwellings) are achieved, as per section 7 of the Environmental Protection (Noise) Policy 2008.*
 - c. *The delivery of goods to and from the site must be co-ordinated to avoid delivery trucks arriving at the site prior to times stated in Item (a) above and to avoid multiple trucks arriving at the site at the same time.*

Lighting

23. *All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.*

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

| <i>Referral Agency</i> | <i>Referral Agency Reference</i> | <i>Date</i> | <i>Council Electronic Reference</i> |
|---|----------------------------------|----------------------|-------------------------------------|
| <i>State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)</i> | <i>SDA-0216-028001</i> | <i>10 March 2016</i> | <i>#769399</i> |

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

ADVICE

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the Sustainable Planning Act 2009.*
2. *All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*

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3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*
4. *Further noise mitigation and amenity concerns can be improved through investigating operational aspects of the activity being undertaken onsite. Examples of noise mitigation measures include:*
 - *replacing tonal reversing beepers with directional broadband noise emitters or other non-auditory alarm signals.*
 - *ensuring the layout of the loading/delivery area encourages only forward movement of vehicles attached with reversing beepers or other auditory alarms.*
 - *locating noise generating equipment in places with less potential for impacting noise sensitive receptors.*

LAND USE DEFINITIONS*

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

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

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

**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.*

For: Cr Leu, Cr Kerr, Cr Noli, and Cr Zammataro
Against: Cr Carey

Carried.

5.08. DIXIE SHED, PORT DOUGLAS

Mark Halstead, Building Facilities Officer
Michael Kriedemann, Manager Infrastructure

Moved Cr Leu

Seconded Cr Kerr

“That Council resolve to allocate an additional \$10,000 from the 2015/16 Capital Budget for Dixie Shed re-stumping.”

Carried unanimously.

**5.09. OPERATIONAL PLAN 2015 - 2016 FOR THE PERIOD JANUARY TO
MARCH 2016**

Darryl Crees, General Manager Corporate Services

Moved Cr Carey

Seconded Cr Zammataro

"That Council notes the progress of the implementation of the Operational Plan 2015 – 2016."

Carried unanimously.

5.10. CAPITAL WORKS PROGRESS REPORT 3RD QUARTER 2015-2016

Paul Hoye, General Manager Operations

Moved Cr Noli

Seconded Cr Carey

"That Council receives and notes the progress of the Capital Works Program for the 2015 - 2016 financial year."

Carried unanimously.

**5.11. WATER AND WASTEWATER QUARTERLY REPORT FOR THE PERIOD
ENDING 31 MARCH 2016**

Wouter van der Merwe, Manager Water and Wastewater

Moved Cr Carey

Seconded Cr Zammataro

"It is recommended that the Quarterly Report of the Water and Wastewater branch for the period ending 31 March 2016 be received and noted."

Carried unanimously.

**5.12. REGIONAL ARTS DEVELOPMENT FUND (RADF) APPLICATION FOR
FUNDING 2016-2017**

Helen Coulthard, Community & Economic Development Officer

Moved Cr Kerr

Seconded Cr Noli

"That Council:

- 1. endorses the 2016-2017 Regional Arts Development Fund (RADF) application for funding to Arts Queensland based on Council's contribution of \$12,857 (GST Exc); and*
- 2. delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to administer Council's RADF program including the development of the funding application to Arts Queensland, development of local RADF Guidelines and the application form."*

Carried unanimously.

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5.13. DAINTREE RIVER FERRY - FEES AND CHARGES 2016/17

Darryl Crees, General Manager Corporate Services

Moved Cr Noli

Seconded Cr Kerr

“That Council adopts the Daintree River Ferry Fees and Charges for the 2016/17 financial year.”

Carried unanimously.

5.14. FINANCIAL REPORT FOR THE PERIOD ENDED 30 APRIL 2016

John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Noli

“That Council notes the Financial Report for the period ended 30 April 2016.”

Carried unanimously.

**5.15. ZONE 1 REPRESENTATIVE - AUSTRALIAN LOCAL GOVERNMENT
WOMEN'S ASSOCIATION**

Sara Roberts, Mayoral and Councillor Support Officer

Moved Cr Leu

Seconded Cr Carey

“That Council endorse Cr Abigail Noli as the Zone 1 representative for the Australian Local Government Women's Association Executive.”

Carried unanimously.

5.16. LAND USE PLANNING TRAINING FOR ELECTED MEMBERS

Sara Roberts, Mayoral and Councillor Support Officer

Moved Cr Leu

Seconded Cr Carey

“That Council resolves to support and fund attendance by Councillors Abigail Noli, David Carey, Michael Kerr and Roy Zammataro at the Land Use Planning Training to be conducted by the Local Government Association of Queensland (LGAQ) in Cairns on 20 June 2016.”

Carried unanimously.

5.17. REPORT FROM THE CHIEF EXECUTIVE OFFICER

Linda Cardew, Chief Executive Officer

Moved Cr Carey

Seconded Cr Noli

“That the report be noted and Council be provided with a report on possible opportunities for funding applications as part of the Queensland Government's Coastal Hazards Adaptation Program.”

Carried unanimously.

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

- 9.1 *Prejudicial Matter S275 (1) (H) Local Government Regulations 2012 – Business Development Fund (BDF) Funding Recommendations 2015-2016*
- 9.2 *Contractual Matter S275 (1) (E) Local Government Regulations 2012 – Sole Source Supplier for Enabling Infrastructure for the Aged Care Facility – The Salvation Army*
- 9.3 *Prejudicial Matter S275 (1) (H) Local Government Regulations 2012 – Renewal of Special Lease 9/49523.”*

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Noli

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

Carried unanimously.

**9.1. PREJUDICIAL MATTER S275 (1) (H) - BUSINESS DEVELOPMENT FUND
(BDF) FUNDING RECOMMENDATIONS 2015-2016**

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

Moved Cr Noli

Seconded Cr Kerr

“That Council:

1. *Approves one grant totalling \$3,000 (GST Exc) in the Business Development Fund 2015 – 2016, for projects as per Attachment 1, Part A;*
2. *Delegates authority to the Mayor and Chief Executive Officer in Accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the administering the Business Development Fund 2015-2016 applications.”*

For: Cr Noli and Cr Kerr

Against: Cr Leu, Cr Carey and Cr Zammataro

Lost.

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Moved Cr Carey

Seconded Cr Kerr

“That Council:

- 1. Approves one grant totalling \$4,000.00 (GST Incl) in the Business Development Fund 2015 – 2016, for projects as per Attachment 1, Part B;*
- 2. Delegates authority to the Mayor and Chief Executive Officer in Accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the administering the Business Development Fund 2015-2016 applications.”*

Carried unanimously.

Moved Cr Zammataro

Seconded Cr Carey

“That Council:

- 1. Approves one grant totalling \$3,500.00 (GST Incl) in the Business Development Fund 2015 – 2016, for projects as per Attachment 1, Part D;*
- 2. Delegates authority to the Mayor and Chief Executive Officer in Accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the administering the Business Development Fund 2015-2016 applications.”*

Carried unanimously.

**9.2. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 - SOLE SOURCE SUPPLIER FOR ENABLING
INFRASTRUCTURE FOR THE AGED CARE FACILITY - THE SALVATION
ARMY**

Neil Beck, Planning Officer

Moved Cr Noli

Seconded Cr Carey

“That Council resolves:

- that in accordance with section 235 of the Local Government Regulation 2012, Council is satisfied that because of the scope and extent of works to be performed, it would be impractical and an inefficient use of available resources for the local government to invite quotes or tenders for part of the works; and*

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- *that The Salvation Army be approved as a sole source supplier for the purpose of constructing Enabling Infrastructure utilising grant funding provided by the State Government under The Building our Regions: Regional Infrastructure Fund Program to facilitate the construction of the Mossman Aged Care Plus Centre at Johnston Road Mossman."*

Carried unanimously.

**9.3. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - RENEWAL OF SPECIAL LEASE 9/49523**

Susanna Andrews, Property Officer

Moved Cr Kerr

Seconded Cr Noli

"That Council:

1. *advises the Department of Natural Resources and Mines that it does not object to the renewal of Special Lease 9/49523, on land described as Lot 4 on Crown Plan C9641, located at 5 Bougainvillea Street, Cooya Beach; and*
2. *delegates authority to the Chief Executive Officer, in accordance with section 257 of the Local Government Act 2009, to finalise all matters associated with this request."*

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 11.25am.

CONFIRMED THIS 7th **DAY OF** JUNE **2016**


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MAYOR/CHAIR