

**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, 28 MARCH 2017, COMMENCING AT 10.00AM**

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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), Nicholas Wellwood (General Manager Operations), Kerrie Hawkes (Executive Officer), Joanne Jacobson (Manager Governance), Paul Hoye (Manager Sustainable Communities), John Rehn (Manager Finance & IT), Simon Clarke (Coordinator Planning), Robert Donovan (Senior Property Officer), Graham Busby (Property Officer), Nicola Learmond (Sustainability Officer), Helen Coulthard (Community & Economic Development Officer), Greg McLean (Communications and Event Officer), Nicole Barton (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

Cr Leu ruled as Chair to suspend clause 14.4 of the Standing Orders for the purposes of discussion relating to the Mayoral Minute.

**Moved** Cr Leu

*“That Council resolve to send the letter below in relation to crocodile management in the Douglas Shire, requesting the Minister for Environment and Heritage Protection, The Honourable Dr Steven Miles, to make the following changes to the Queensland Crocodile Management plan:-*

- a) *Four Mile Beach in Port Douglas, Newell Beach, Wonga Beach, Cooya Beach and Oak Beach to be rezoned from “Monitoring and Education” (Zone E) to “Targeted Management Zone” (Zone C);*
- b) *The Ferndale Lake in Port Douglas and the boat ramps located at Newell Beach and Rocky Point, and unofficial boat launching sites at Wonga Beach and Cape Tribulation to be rezoned from “Monitoring and Education” (Zone E) to “Targeted Management Zone” (Zone C);*
- c) *The following freshwater creeks within Douglas Shire be rezoned from “Monitoring and Education” (Zone E) to “Targeted Management Zone” (Zone C):-*
  - i. *Upstream from Foxtton Bridge, Mossman;*
  - ii. *Upstream from Shannonvale Causeway, Shannonvale; and*
  - iii. *Upstream from Spring Creek Crossing, Mowbray.*

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Office of the Mayor

**YOUR REF:**  
**OUR REF:** JFL

**E-mail:** Julia.Leu@douglas.qld.gov.au  
**Mobile:** 0488 987 066

The Honourable Dr Steven Miles  
Minister for Environment and Heritage Protection, and  
Minister for National Parks and the Great Barrier Reef  
GPO Box 2454  
BRISBANE QLD 4001  
E-mail: <mailto:sdnrm@ministerial.qld.gov.au> [environment@ministerial.qld.gov.au](mailto:environment@ministerial.qld.gov.au)

28 March 2017

Dear Minister Miles

**RE: Crocodile Management Plan - Douglas Shire**

I refer to previous communications in relation to crocodile management in the Douglas Shire and in particular, to the recently released Queensland Crocodile Management.

I wish to advise that at an Ordinary Meeting held on 28 March 2017, the Council resolved to request that:-

- a) *Four Mile Beach in Port Douglas, Newell Beach, Wonga Beach, Cooya Beach and Oak Beach be rezoned from "Monitoring and Education" (Zone E) to "Targeted Management Zone" (Zone C);*
- b) *The Ferndale Lake in Port Douglas and the boat ramps located at Newell Beach and Rocky Point, and unofficial boat launching sites at Wonga Beach and Cape Tribulation to be rezoned from "Monitoring and Education" (Zone E) to "Targeted Management Zone" (Zone C)*
- c) *The following freshwater creeks within Douglas Shire be rezoned from "Monitoring and Education" (Zone E) to "Targeted Management Zone" (Zone C):-*
  - i. *Upstream from Foxtan Bridge, Mossman;*
  - ii. *Upstream from Shannonvale Causeway, Shannonvale; and*
  - iii. *Upstream from Spring Creek Crossing, Mowbray.*

The rezoning of the abovementioned beaches, specified boat ramps and freshwater creeks is requested with the objective of targeting for removal (*following a confirmed sighting*) all large crocodiles and any crocodile displaying dangerous behaviour. Zone C is requested due to these areas requiring protection from the moderate to high likelihood of crocodile presence.

Since the Council's previous submission in August 2016, there have been more frequent sightings of crocodiles in a number of Douglas Shire beaches and at boat ramps. Douglas Shire residents and the tourism sector have therefore become increasingly concerned by the potential impact on the safety of residents and visitors as well as our tourism industry as a whole.

The weekend before last, three dogs suffered attacks by crocodiles at three separate beaches – Cow Bay, Rocky Point and Four Mile Beach. The attack at Cow Bay was fatal. This has only heightened community concern and a greater level of protection is being voiced by residents.

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The perceived increasing risk from large mature crocodiles and the consequent reduced safety of our beaches poses a potentially devastating impact on the Douglas tourism industry through lost visitation and reduced length of stay.

As you would be aware, Four Mile Beach is an iconic part of the Douglas Shire and an integral part of our tourism sector as a significant drawcard for those wishing to relax and enjoy our beach lifestyle.

Residents who previously enjoyed the beaches and boat ramps within the Douglas Shire are now feeling under threat and concerned about the unprecedented number of crocodile sightings in recent times. Newell Beach, Cooya Beach, Wonga Beach and Oak Beach are also popular with tourists as well as locals, with caravan parks and holiday rentals in these locations.

It is understood that emergency services, when asked to undertake rescues, will now consider the safety of their Officers in river systems where crocodiles are known to be present.

Council is very proud of our diverse range of tourism experiences showcasing our spectacular natural environment, including the opportunity to view saltwater crocodiles in their natural habitat, particularly in the Daintree River and along the Daintree Coast.

It is therefore crucial that we continue to monitor the circumstances and ensure that we balance the danger of crocodiles with the implementation of adequate action to minimise the potential for tragedy. It is for these reasons that Council is now requesting the Zone C classification for the areas listed in a), b) and c) above.

Please find attached for your reference the Crocodile Management Submission of 9 August 2016.

Minister I greatly appreciate your consideration of this request and the concerns outlined above. Please do not do not hesitate to contact me directly at any time on mobile number 0488 987 066 or alternatively via e-mail [Julia.Leu@douglas.qld.gov.au](mailto:Julia.Leu@douglas.qld.gov.au).

Yours sincerely

Cr Julia Leu  
**MAYOR**  
**DOUGLAS SHIRE COUNCIL**

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**PROCEDURAL MOTION**

Cr Carey tabled a letter from resident, Mr Steven Doble (Attachment 1).

An amendment to the Mayoral Minute was moved.

**Moved** Cr Carey

**Seconded** Cr

- 1. Note that the coastal waters of the Douglas Shire have been determined Zone E in the Queensland Crocodile Management Plan;*



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5. AGENDA ITEMS

- 5.1. NEGOTIATED DECISION LOT RECONFIGURATION 12-36 ALCHERA DRIVE MOSSMAN  
**Simon Clarke, Planning Coordinator**

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council approves the request for a negotiated decision notice for the proposed lot reconfiguration (1 into 67 lot and balance lot) over land described as Lot 113 on SP213765, located at 12-36 Alchera Drive Mossman subject to the following:*

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

Drawing or Document	Reference	Date
Stage Plan	Brazier Motti Job 31122/42-1 <u>Drawing No 31122/121A</u> <del>Drawing 31122/119 G dated 3 November 2015 and to be amended by the conditions of the approval</del>	<u>1 March 2017</u> <del>To be Determined</del>

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.*

*Lot Yield*

3. *The allotment yield as detailed on the approved drawing ~~Drawing 31122/119 G dated 3 November 2015~~ prepared by Brazier Motti may reduce due to constraints. The lot yield will ultimately be determined following compliance with the conditions of this Development Permit requiring further investigation and design have potential implications to the lot layout.*

Extension to Daintree Horizon Drive ~~Amendment to Design~~

4. ~~The lot reconfiguration layout as shown on Drawing 31122/119 G must be amended to provide:~~
  - a. ~~road access to balance Lot 1000 in minimum of two (2) locations (nominally opposite Lot 349 in Stage 4A and an extension to Daintree Horizons Drive nominally in the vicinity of Lot 368 in Stage 4B). The extension to Daintree~~

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*Horizon Drive is to be designed to be suitable for buses in accordance with the FNQROC Development Manual;*

~~*b. The location and configuration of the park as shown in Stage 4A is not approved. A centrally located area of park is to be provided within the estate to provide a centrepiece for the estate and to adequately cater for the existing stages (1, 2 and 3) and remaining stages of the estate. The park is to be provided with substantial road frontage. A minimum of 10 per cent of the entire estate area (ie all stages inclusive) is to be provided as park.*~~

~~*An amended plan showing the above amendments must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.*~~

#### *Traffic Impact Study*

5. *A Traffic Impact Study must be undertaken by an appropriately qualified professional with respect to the impacts of the current proposed development (components of Stage 4) and for the ultimate development on the road network and compliance with Austroads, (in particular Guide to Traffic Management Part 12: Traffic Impacts of Developments), Queensland Streets and the FNQROC Development Manual. The study is to include but not be limited to the following:*

a. *Volume of traffic generated by the development for the current proposed stages and for the ultimate development (including ultimate connectivity through to developable land to the South);*

b. *Impact on the operation of the intersections at:*

- i. Daintree Horizon drive with Johnson Road; and*
- ii. Johnson Road with Front Street,*

*for current and ultimate development traffic generation rates from the development in addition to existing and expected external traffic growth;*

c. *Advice on possible intersection reconfiguration or provision of traffic islands, line-marking, signage, street lighting and other necessary external work that may be required as a consequence of the increased traffic volumes at these intersections per the analysis in a and b above;*

d. *Assessment of the operation of existing lot accesses on Johnson Road and Daintree Horizon Drive (queuing areas, protection of stored vehicles and requirement for clearways) as a consequence of the operation of the intersection and possible upgrades;*

e. *Consideration of the need for traffic calming to be installed at the internal intersections onto to the major internal collector route Daintree Horizon Drive including in particular at its intersections with Riflebird Close and Springhill Close.*

*Three (3) copies of the Traffic Impact Study report must be submitted and endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Work. Such works recommended by the approved report must be constructed in accordance with the approved plans to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.*

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*Road Safety Audit – Road Layout*

6. *Further investigations must be undertaken by an appropriately qualified professional with respect to the proposed road layout and compliance with Queensland Streets and the FNQROC Development Manual.*

*Three (3) copies of the road safety audit that is approved by a Registered Professional Engineer of Queensland (RPEQ) and a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.*

*Where specific access locations are nominated for particular allotments, the crossover and aprons must be constructed prior to the issue of a Compliance Certificate for the Plan of Survey.*

*Drainage Study of Site*

7. *Undertake a local drainage study of the proposed **development** components of Stage 4 to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:*

- a. The contributing catchment boundaries and supporting information substantiating these boundaries. In particular, the assessment of the capacity, tenure and operation of any upslope diversion drains relied on in assessing 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 and 100 year ARI flood events;*
- d. Identify any requirement for drainage easements. The lot layout does not currently identify drainage easements. Introduction of easements may have implications on Council acceptance of the layout and Council reserves the right to review the layout in the event easements are required within allotments;*
- e. Identify the need and tenure for flood detention areas to ensure a no-worsening impact on downstream properties for the entire development;*
- f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development; and*
- g. 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.*

*Filling Lots*

8. *Each lot must be filled to achieve a Q100 plus hydraulic modelling flood immunity for the building envelope area and access thereto.*

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*Street Layout and Design*

9. *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. *Amend the design having regard to any requirements identified under further investigation required of Conditions 4 and 5 above;*
- b. *All roads must have a minimum road reserve width of 16.5 metres;*
- c. *Provision of a two (2) metre wide footpath is to be constructed within all Access Streets and higher order roads in accordance with Table D1.3;*
- d. *Provide a convex viewing mirror at the bend in the pathway between lots 402/403 ~~332/333 and 351/352~~;*
- f. *Provide a four (4) metre wide grassed buffer strip between the farm land and the southern boundary of the approved residential lots and park.*

~~*Inclusion of a timber paling fence to a standard height of approximately 1.8 metres to the residential lots that have a common boundary to proposed Lot 1000 and suitable headland separation on proposed Lot 1000 from the common boundary to the residential lots and the Park lot for the ongoing agricultural use of the land;*~~

- g. *The location of any substantial area of remaining fill / spoil must be suitably mounded, grassed and maintained to ensure no detriment to any property by way of ponding water or impact to drainage flows and not to be of such a height to be desirous to the visual amenity of residential properties;*
- h. *Ensure the access place 'street leg length' is designed to satisfy the 30 km/hr design speed control criteria;*
- i. *Ensure the access street 'street leg length' is designed to satisfy the 40 km/hr design speed control criteria;*
- j. *Nomination of location and provision of driveways for the proposed Lots 401, 508, 707, 708, 710, 711, 713, 714 and 715 ~~353, 354, 360, 359, 367, 368, 376, 375, 372, 373, 391, 392, 393 and 394~~ to ensure the maximum sight distance possible to reduce conflict at the adjoining intersections;*
- k. *A Master Plan for on-street parking must be provided for all lots with frontages less than 20m to demonstrate adequate parking opportunities can be provided to satisfy Qld Streets having regard to street services, road furniture, drainage inlet pits, street lights and driveways; and*
- l. *Provision of on-street car parking spaces as identified in the above parking Master Plan and as a minimum, within the cul-de-sac in the vicinity of lots 804 and 809 ~~403 to 408~~ to satisfy Queensland Streets.*

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



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

*Provision of Park*

10. *The applicant is to provide park in accordance with the requirements of Condition 4b in prior to Council being required to issue a certificate of compliance for Stage 5 4B. The park area must include:*

1. *Water service and provision of a tap for the central park;*
2. *Bollards around the perimeter to prevent vehicle access with the exception of Council access;*
3. *Shelter and seating area in the central park;*
4. *Profiling of the park is to be demonstrated on the earthworks plan. In particular site grading, batter height and slope must meet the requirements of the Planning Scheme and FNQROC Development Manual;*
5. *Seeded and grassed.*

*The inclusion of other embellishments will be determined at the time of seeking a Development Permit for Operational Works.*

*This area of land must be to the requirements and satisfaction of the Chief Executive Officer. The land must be transferred at the same time as registering the Plan of Survey with the Department of Natural Resources and Mines.*

*Note: The provision of park in Stage 5 is only in partial compliance with park requirements for the overall master plan approved for the estate.*

*Water Supply and Sewerage Master Plan*

11. *A Water Supply and Sewerage Master Plan accompanied by supporting calculations must be provided which demonstrates how the proposed stages and the ultimate development can be serviced. Any staging issues or future upgrades need to be identified and the timing for such upgrades nominated in the master plan.*

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

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

*Water Supply and Sewerage Works Internal*

12. *Undertake the following water supply and sewerage works internal to the subject land:*
- a. *Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;*
  - b. *Provide a water supply reticulation network to enable future connection of each lot in accordance with the FNQROC Development Manual;*

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*All the above works must be designed and constructed in accordance with the FNQROC Development Manual. Plans and supporting documentation 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, to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.*

*Acid Sulfate Soil Investigation*

13. *Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) or updated version of document produced by Department of Natural Resources and Mines (Previously DNRW – QASSIT), and State Planning Policy 2/02 – 'Planning and Managing Development involving Acid Sulfate Soils'. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.*

*Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRM – QASSIT: 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRM: 'Queensland Acid Sulfate Soil Technical Manual' (2002), including Soil Management Guidelines (updated Feb 2003), which must be prepared to the satisfaction of the Chief Executive Officer.*

*Access to Hatchet or Battleaxe Lots*

14. *Construct a concrete driveway or other approved surface to battleaxe Lot **806 405** extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with the FNQROC Development Manual Standard Drawings. Construction of the concrete driveway must be in accordance with the FNQROC Development Manual.*

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

*Service Conduits*

15. *Provide service conduits to Lot **806 405** adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.*

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

*Demolish Structures*

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

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*Temporary Vehicle Turnaround*

17. *A temporary vehicle turnaround at end of all partially constructed roads where the length of road exceeds 60 metres (ie maximum acceptable reversing distance for garbage truck) must be provided. The turning facility must be of sufficient size to turn around a garbage truck, either in a continuous forward movement or by a three-point turn.*

*Stockpiling and Transportation of Fill Material*

18. *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 unless the mounded earth is grassed, maintained and does not detrimentally impact on stormwater. A drainage plan demonstrating the sufficiency for stormwater approved by an RPEQ must be provided to the satisfaction of the Chief Executive Officer where filling or spoil is stockpiled for more than one (1) month.*

*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.*
19. *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*

20. *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*

21. *Vehicular access to the site for construction and demolition purposes must be provided from Daintree Horizon Drive only, unless authorised by the Chief Executive Officer.*

~~*Fence Requirement—Protection from ongoing cane usage*~~

- ~~22. *Construct an acoustic fence (that may be a standard 1.8m timber paling fence) to the common boundary of the residential lots to the proposed Lot 1000, authorised under this approval.*~~

*Vegetation Clearing*

22. *No vegetation clearing, other than regular agricultural activity is to occur on the Balance Lot 1000 unless further approval is gained as is necessary.*

*Weed Management*

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

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24. *A vehicle wash down and inspection facility for all machinery entering and leaving the site during construction must be provided to reduce the spread of invasive weed species.*

*Lawful Point of Discharge*

25. *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.*

*Plan of Drainage Works*

26. *The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,*
- a. *Drainage infrastructure in accordance with the FNQROC Development Manual*
  - b. *The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:*
    - i. *End-of-line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.*
    - ii. *SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQID must treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.*
    - iii. *The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.*
    - iv. *SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.*
    - v. *In the event that the master plan for the ultimate development proposes a SQID that is not within the current stages the applicant is to advise when the SQID will be provided and what temporary measures are proposed.*
  - c. *All new allotments shall have immunity from flooding associated with a one (1) per cent AEP (ARI 100 year) rainfall event; and*
  - d. *Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).*

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*Sediment and Erosion Control*

27. *A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).*

*Existing Services*

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

*Electricity Supply*

29. *Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.*

*Electricity and Telecommunications*

30. *Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.*

*Street Lighting*

31. *The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the issue of a Compliance Certificate for the Plan of Survey:*
- a. *Prior to the approval and dating of the Plan of Survey, a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.*

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

- *Intersections*
- *Pedestrian Refuges*

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- Cul-de-sacs
- LATM Devices (Including Roundabouts)

*LATM Devices are to be shown on the civil layout design, the electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.*

- 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.*
- Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.*
- Where an existing intersection is required to be upgraded as part of a development approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.*

#### *Damage to Council Infrastructure*

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

#### *Landscape Plan*

- Undertake landscaping of the site and street frontages of new roads in accordance with FNQROC Development Manual and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:*
  - Planting of the footpath with trees, using appropriate species;*
  - The provision of shade trees, especially in parks;*
  - Species to have regard to the Planning Scheme Policy No 7 Landscaping;*
  - Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect / Designer.*

*Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.*

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*REFERRAL AGENCY CONDITIONS & REQUIREMENTS*

<i>Referral Agency</i>	<i>Referral Agency Reference</i>	<i>Date</i>	<i>Council Electronic Reference</i>
<i>State Assessment &amp; Referral Agency</i>	<i>SDA-0215-018102</i>	<i>24 November 2015</i>	<i>761664</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.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*
4. *Road and Site Grading Master Plan*

*Any future development of Lot 1000 will require a Road and Site Grading Master plan to be undertaken for the entire site to a preliminary level. Stages contained in Stage 4 (A, B, C and D) and as amended by the conditions of the approval set the road alignments and geometry for future road connectivity within the estate. In order for any potential future development layouts of Lot 1000 to be accepted, the master plan will need to demonstrate that the proposed ultimate layout provides sufficient opportunities for efficient drainage through the site. ~~In order for Stage 4 layouts to be accepted, the master plan will need to demonstrate that the proposed ultimate layout provides sufficient opportunities for efficient drainage through the site.~~*

*Council notes that the road layout appears to follow the contours indicating limited longitudinal fall along the road. Provision of preliminary road grading together with the drainage study will need to demonstrate that layout is responsive to the topography and does not impose excessive stormwater infrastructure requirements.*

5. *Drainage*  
  
*Future development of Lot 1000 will require the submission of a Drainage Study and master plan.*
6. *Infrastructure Charges Notice*  
  
*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.*

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

7. *For information relating to the Sustainable Planning Act 2009 log on to [www.dilqp.qld.gov.au](http://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](http://www.douglas.qld.gov.au)."*

**Carried** unanimously.

- 5.2. PROPOSED LIQUOR LICENCE DIWAN ECO B&B  
Daniel Lamond, Planning Officer

**Moved** Cr Zammataro

**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 for Commercial Other Subsidiary on Premises (Accommodation) Licence for Diwan Eco B&B, Cape Tribulation Road, Diwan, also described as Lot 41 on RP739765."*

**For:-** Cr Leu, Cr Noli, Cr Kerr and Cr Zammataro

**Against:-** Cr Carey

**Carried.**

- 5.3. PROPOSED PRIVATE RISING SEWER MAIN THROUGH RESERVE  
LAND - LOT 1 ON SR840, HOPE STREET, PORT DOUGLAS  
Graham Busby, Property Officer

**Moved** Cr Carey

**Seconded** Cr Kerr

*"That Council:*

1. *gives in principle approval to allow the owner of Lot 45 on SR835 Captain Cook Highway Port Douglas to construct a private rising sewer main through Reserve land described as Lot 1 on SR840 at Hope Street Port Douglas, subject but not limited to the following terms and conditions:*
  - 1.1. *the route of the sewer main through the Reserve, must be in accordance with the plan which has been approved by Council officers;*
  - 1.2. *a purpose built manhole is required at the point of entry into the Council sewer system;*
  - 1.3. *construction and ongoing maintenance of the sewer main through Lot 1 on SR840, must be at no cost to Council;*



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- 1.4. *the owner of Lot 45 on SR835 is to indemnify Council against any claim for damages or injury which may occur as a result of the proposed works; and*
- 1.5. *in-principle approval being obtained from the Minister of Natural Resources and Mines.*
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 the proposal.*

**Carried** unanimously.

- 5.4. REGISTRATION OF STANDARD TERMS FOR TRUSTEE AND FREEHOLD LEASES  
**Susanna Andrews, Property Officer**

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council resolves to:*

1. *register, with the Department of Natural Resources and Mines, standard terms documents for leasing of both freehold and trustee reserve land and / or buildings; and*
2. *delegate authority to the Chief Executive Officer, in accordance with section 257 of the Local Government Act 2009, to finalise all matters associated with this matter.”*

**Carried** unanimously.

- 5.5. PROPOSED RELOCATION OF ELECTRONIC SCOREBOARD - AFL CROCS PORT DOUGLAS SPORTING COMPLEX  
**Robert Donovan, Senior Property Officer**

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*“That Council resolves to:*

1. *Approve the relocation of the electronic scoreboard as per site plan drawing No 4-7-16 on Part of Lot 99 SP150469 subject to the following conditions:*
  - 1.1. *All relevant development approvals are obtained prior to the commencement of works.*
  - 1.2. *A safety barrier/fencing is erected around the area prior to commencement and for the duration of the works.*
  - 1.3. *All works are completed by qualified tradespeople.*
  - 1.4. *Both areas are left in a clean and tidy condition once the works are completed.*
  - 1.5. *Council is not responsible for the cost of the works; for the ongoing maintenance, repair or restoration of the scoreboard; or for any compensation to the Club or any successor.*

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- 1.6. *Approval is received from the Department of Environmental and Heritage Protection (EHP) for the proposed project prior to the commencement of any works.*
- 1.7. *Native Title issues are resolved to the satisfaction of Council prior to the commencement of any works;*
2. *Deny the request to install gates on the north eastern boundary;*
3. *Delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate, determine or resolve all matters associated with the relocation of the electronic scoreboard."*

**Carried** unanimously.

- 5.6. FINANCIAL REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2017  
John Rehn, Manager Finance and IT

**Moved** Cr Leu

**Seconded** Cr Noli

*"That Council notes the Financial Report for the period ended 28 February 2017."*

**Carried** unanimously.

- 5.7. ENHANCING GREAT BARRIER REEF REGULATIONS SUBMISSION TO  
EHP  
Paul Hoyer, Manager Sustainable Communities  
Nicola Learmond, Sustainability Officer

**Moved** Cr Carey

**Seconded** Cr Leu

*"That Council resolves to support and submit the attached Enhancing Great Barrier Reef Regulations Submission to the Department of Environment and Heritage Protection."*

**Carried** unanimously.

- 5.8. CORPORATE SUSTAINABILITY GENERAL POLICY  
Nicola Learmond, Sustainability Officer

**Moved** Cr Leu

**Seconded** Cr Noli

*"That Council adopts the Corporate Sustainability General Policy."*

**Carried** unanimously.

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5.9. APPLICATION FOR BUILDING OUR REGIONS FUNDING  
Kerrie Hawkes, Executive Officer

**Moved** Cr Leu

**Seconded** Cr Carey

*“That Council resolves to:*

- 1. support an application under the current round of the State Government 'Building Our Regions' Fund, for \$370,000 towards the Sludge Handling System Upgrade Project; and*
- 2. contribute 50% (\$370,000) towards the total project cost.*

**Carried** unanimously.

5.10. ARTS STRATEGY AND POLICY  
Helen Coulthard, Community & Economic Development Officer

**Moved** Cr Kerr

**Seconded** Cr Carey

*“That Council:*

- 1. Adopts the content of the Douglas Shire Council Arts Strategy 2017-2021;*
- 2. Adopts the Douglas Shire Council Arts General Policy; and*
- 3. Delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 in relation to administering the Strategy and Policy.”*

**Carried** unanimously.

5.11. REGIONAL ARTS DEVELOPMENT FUND (RADF) 2017-18 FUNDING  
APPLICATION  
Helen Coulthard, Community & Economic Development Officer

**Moved** Cr Kerr

**Seconded** Cr Noli

*“That Council:*

- 1. endorses the 2017-2018 Regional Arts Development Fund (RADF) application for \$35,000 (GST Exc) in funding to Arts Queensland based on Council's contribution of \$15,000 (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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5.12. AMENDMENTS TO THE APRIL AND MAY 2017 ORDINARY COUNCIL MEETINGS

Nevinia Davenport, Executive Assistant

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council resolves to:*

1. *amend the date of the Tuesday, 18 April 2017 Ordinary Council Meeting to Wednesday, 26 April 2017 commencing at 10:00am at Council's Administration Office 64-66 Front Street Mossman; and*
2. *cancel the Tuesday, 9 May 2017 Ordinary Council Meeting.”*

**Carried** unanimously.

5.13. REPORTS FROM THE OFFICE OF THE CHIEF EXECUTIVE OFFICER FOR THE PERIOD DECEMBER 2016 - FEBRUARY 2017

Linda Cardew, Chief Executive Officer

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council receives and notes the Organisational Report Card and the Report from the Chief Executive Officer for the period December 2016 – February 2017.”*

**Carried** unanimously.

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

**Moved** Cr Kerr

**Seconded** Cr Carey

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

- 9.1 *Contractual Matter S275 (1) (E) Local Government Regulation 2012 - Proposed Land Resumption and Road Opening - Part of Lot 8 SP243566 Crees Road Craiglie; and*
- 9.2 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Proposed Relocation of the Port Douglas Commercial Fisherman's Association.”*

**Carried** unanimously.

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OUT OF CLOSED SESSION

**Moved** Cr Noli

**Seconded** Cr Kerr

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

**Carried** unanimously.

9.1. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT  
REGULATION 2012 - PROPOSED LAND RESUMPTION AND ROAD  
OPENING - PART OF LOT 8 SP243566 CREES ROAD CRAIGLIE  
**Robert Donovan, Senior Property Officer**

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“That Council:*

- 1. acquires either by private agreement or by agreement under section 15 of the Acquisition of Land Act 1967 approximately 820M2 of land being part of Lot 8 SP243566 Crees Road Craiglie at the agreed price to facilitate the construction of a water main from the proposed reservoir at Lot 801 SP279536 Ferrero Road;*
- 2. provides in-kind support as requested by the owners of Lot 8 SP243566 consisting of the supply of 200 plants from Council’s nursery and the installation of a 25mm water connection to the lot;*
- 3. approves the road opening of the acquired land to enable continued use of the road and enable water infrastructure to be installed within the road reserve.*
- 4. delegates authority to the Chief Executive Office in accordance with section 257 of the Local Government Act 2009 to negotiate, determine and finalize at Council’s expense any and all matters associated with this purchase, including compensation, settlement and the execution of any agreements and plans.”*

**Carried** unanimously.

9.2. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT ACT 2009 -  
PROPOSED RELOCATION OF THE PORT DOUGLAS COMMERCIAL  
FISHERMAN'S ASSOCIATION  
**Linda Cardew, Chief Executive Officer**

**Moved** Cr Leu

**Seconded** Cr Carey

*“That Council resolves to:*

- 1. note and support the negotiations between representatives of Douglas Shire Council, the Port Douglas Commercial Fishermen's Association (PDCFA) and The Reef Marina (TRM) to relocate the commercial fishing trawlers to berths in the southern corner of Lot 146 SR 861;*
- 2. issue the PDCFA with a Permit to Occupy approximately 600m2 of Lot 96 SP134234 adjacent to Lot 146 SR861 for non-commercial purposes including storage associated with trawler/fishing operations, amenities, parking and the out of season storage of dories for a term of three years;*

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3. *apply an annual fee of \$150.00 for the Permit to Occupy to be reviewed annually in accordance with CPI;*
4. *prior to the expiration of the three year period consult with the PDCFA to determine whether a further period of tenure for non-commercial use is required;*
5. *facilitate the approvals required for the construction of the trawler berthing facility and onshore infrastructure (including any easements required for the provision of services) by TRM at its cost;*
6. *at Council's cost, to construct access for the PDCFA through Lot 96 and undertake any civil works required to bring the portion of Lot 96 to be occupied under the Permit, to the standard required for the intended use; and*
7. *delegate authority to the Chief Executive Officer further to s.257 of the Local Government Act to finalise the commercial terms of the Permit to Occupy generally in accordance with those set out in this report.*

**Carried** unanimously.

**CLOSURE OF MEETING**

The meeting closed at 11.31am.

**CONFIRMED THIS 26TH DAY OF APRIL 2017**

  
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MAYOR/CHAIR