

DOUGLAS SHIRE COUNCIL

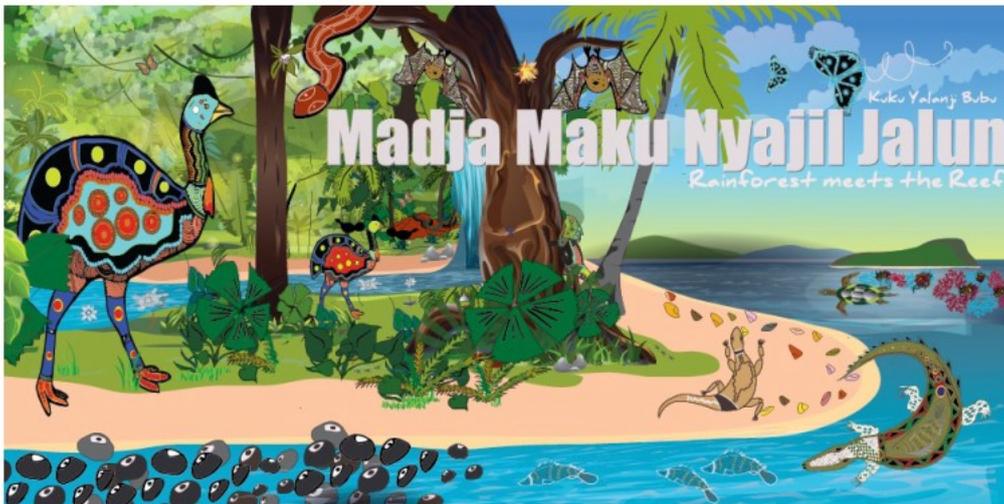
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 28 May 2019

ENSURING EXCELLENCE IN GOVERNANCE
ACCOUNTABLE AND TRANSPARENT DECISION-MAKING
ENGAGING, PLANNING, PARTNERING
CELEBRATING OUR COMMUNITIES





Douglas Shire Council would like to show its appreciation by acknowledging local indigenous artists Lenice Schonenberger, Loretta Pierce (Lenoy) and Ronald Bamboo for providing the cover artwork entitled "**Daintree Ferry**"

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 28 MAY 2019 COMMENCING AT 10.00AM**

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr Michael Kerr, Cr Roy Zammataro, Mark Stoermer (Chief Executive Officer), Joanne Jacobson (Executive Manager, People & Governance), Michael Kriedemann (Executive Manager Infrastructure), Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

Part Meeting:

Paul Hoye (Manager Environment & Planning), Jenny Elphinstone (Senior Planning Officer), Neil Beck (Team Leader Planning), Nicola Learmond (Sustainability Officer), Tara Killeen (Chief Financial Officer), Kate Pilcher (Asset Accountant) and Scott Hahne (Manager Projects Office).

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

Cr David Carey

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Leu declared that she has a conflict of interest in Item 9.3 - the Closed Session report relating to the *Tourism Port Douglas Daintree Quarterly Report January to March 2019* as she is Council's appointed Director of the Tourism Port Douglas Daintree Board and will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

3. MAYORAL MINUTE

Nil.

Cr Leu took the opportunity to thank and congratulate Event Officer Paul Smyth and Council staff for the success of Carnivale's 25th anniversary. Cr Leu also thanked the community for its support for the event which heralded the start of the tourist season.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD TUESDAY,
7 MAY 2019

Moved Cr Noli

Seconded Cr Kerr

"That the Minutes of the Ordinary Meeting held on 7 May 2019 be confirmed."

Carried Unanimously

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5. AGENDA ITEMS

5.1. LOT 2 CAPTAIN COOK HWY, ANDREASSEN RD CRAIGLIE, ROL (1 INTO 32 RESIDENTIAL LOTS, PARK, DRAINAGE RESERVE ROAD AND BALANCE LAND)

Jenny Elphinstone, Senior Planning Officer

Moved Cr Noli

Seconded Cr Zammataro

“That Council:

A. *approves the development application for reconfiguration of a lot, (Stages 1A and 1B) for residential lots, park, drainage reserve, road and a balance lot, over land described as Lot 2 on SR431, located at L2 Captain Cook Highway (Cnr of Andreassen Road), Craiglie, subject to the following:*

i. *APPROVED DRAWING(S) AND / OR DOCUMENT(S) (and as amended by Condition 3 of the Assessment Manager’s conditions.*

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>Stages 1A & 1B, Port Douglas Estate, Captain Cook Highway Craiglie</i>	<i>Cardno Plan No. Q184103-MP02A, dated 18 December 2018 and as to be amended by Condition 3.</i>	<i>To be confirmed.</i>
<i>Concept Stormwater Culvert Details</i>	<i>Cardno Drawing Q184103-005-SK-01, Revision 2, dated 19 February 2019 and as to be amended by Conditions 14 and 15.</i>	<i>To be confirmed</i>
<i>General Culvert Construction Notes</i>	<i>Cardno Drawing Q184103-005-CI-001, Revision 1, dated 26 February 2019, and as to be amended by Conditions 14 and 15.</i>	<i>To be confirmed</i>
<i>Plan and Sections</i>	<i>Cardno Drawing Q184103-005-CI-002, Revision 1, dated 26 February 2019, and as to be amended by Conditions 14 and 15.</i>	<i>To be confirmed.</i>

ii *ASSESSMENT MANAGER CONDITIONS AND ADVICES*

The approval is subject to the following conditions and advices:

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.

Timing of Effect

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

Lot Layout

3. *The lot layout plan must be revised and provided to the satisfaction of the Chief Executive Officer prior to the lodgement of the application for operational work, generally in accordance with the Cardno Plan No. Q184103-MP02A, dated 18 December 2018, and amended to detail:*
- a. *all residential lots to have a minimum site area of 600m², a minimum road frontage of 15 metres and to be able to contain a rectangle of minimum dimensions 20 metres x 15 metres;*
 - b. *replace the 'Park' at the rear of proposed Lots 16 to 20 with the description "Drainage Reserve";*
 - c. *extend the road in Stage 1B, adjacent to proposed lots 19 and 20, to the new Drainage Reserve (as outlined under condition part b above) and include a ramped profile to enable suitable access by Council vehicles to service the drainage reserve; and*
 - d. *provide a ramp access and vehicle access gate to the east of the new road for access to the existing drainage easement.*

The lot yield may change as a result of the above requirements.

Filling Lots

4. *Each lot must be filled to achieve a Q100 plus hydraulic modelling flood immunity and storm tide inundation (having regard to sea level rise for the year 2100).*

Developer Credits for the Construction of Trunk Infrastructure

5. *The Infrastructure Agreement must detail the circumstances on which the monies will be reimbursed or alternatively the agreed costs of the infrastructure can be claimed against applicable adopted charges generated by the development. For any residual monies owed after the completion of the development, the Infrastructure Agreement must detail the circumstances on which the monies will be reimbursed and the timing of any such reimbursement.*

The cost of constructing Trunk Infrastructure, as identified under Council's Local Government Infrastructure Plan (LGIP) must be agreed to by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works to construct the infrastructure.

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Road Safety Assessment

6. *Provide a Road Safety Assessment by an accredited Road Safety Auditor for the Milman Drive and Wabul Drive road link extending from the proposed new southern drain crossing through to, and including, the intersection with the Captain Cook Highway.*

The intersection analysis for the Captain Cook Highway/Milman Drive intersection is to be undertaken in an approved modelling package (SIDRA or equivalent). All upgrades identified in the Road Safety Audit or the intersection analysis will need to be identified in engineering design plans and associated reports.

- a. *Where the intersection analysis demonstrates that the additional Stage 1 lots create an unacceptable level of service for the intersection operation, the applicant must identify and provide the upgrades necessary to ensure the intersection operates with an acceptable level of service.*

The plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. The agreed traffic improvement works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to the lodgement of the Survey Plan with Council for endorsement.

There is to be no cost to Council for these associated works.

And

- b. *Where the intersection analysis demonstrates there is a component of existing use that contributes to an unacceptable standard of service, then the applicant must obtain an agreement in writing from the Department of Main Roads and Council regarding the timing, costs and responsibility for the necessary works. All works are to be at no cost to Council. The agreement must be to the satisfaction of the Chief Executive Officer and achieved prior to the lodgement of the application for operational work for the subdivision.*

Acid Sulfate Soils

7. *Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in, 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) or updated version of document produced by the Department of Natural Resources, Mines and Energy (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 DNRME – 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

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requirements of the DNRME: '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 and form part of the application for a Development Permit for Operational Work.

Water Supply and Sewerage Master Plan

8. *Individual Master Plans for the provision of Water Supply and Sewerage for the development must be prepared and accompanied by supporting calculations to demonstrate how the development can be serviced. The Development Application for Operational Work must include these Master Plans with supporting information (including Hydraulic Network Analysis) to demonstrate how Stage 1 and the ultimate development will be connected to and serviced by Council's Infrastructure.*

In particular:

- a. *for sewerage the sizing, location and services corridor is to be identified for the new sewage pump station and the pressure main. The pressure main is to be connected to Council's system at a location where sufficient capacity exists. The applicant is to meet with Council's Sewerage Officers to confirm known capacity issues and determine a suitable point of connection. The Master Plan must document the considerations on the selection of the connection point, pressure main corridor and any relevant inputs from Council Officers, (this should include Minutes of Meetings and formal correspondence at a minimum);*
- b. *the location of the pump station is to be confirmed with detailed design to maximise the separation distance from existing and proposed residences. The FNQROC separation distances are to be achieved and may require the future drainage corridor to be considered to optimise the separation available to existing development, Stage 1 lots and future proposed lots. The supporting information must include plans showing the separation distances achieved to the nearest lots for the above development locations; and*
- c. *the Water Supply must include a new main along the Captain Cook Highway and not rely on water supply from the adjacent development to the north, (Wabul Drive). Suitable valving and connectivity is to be provided to the existing system to enable proper operation and management of the water network, however, the development must obtain water connection external to the adjoining estate at a point where sufficient capacity exists.*

In addition, the Master Plans must identify how water supply and sewerage infrastructure capacity will be provided in an orderly and sequential manner having regard to the overall development size and demands. The Master Plans must set out the proposed infrastructure delivery matched to the timing and staging of the development.

In the event that the Master Plan identifies upgrades to the existing Council infrastructure to service the ultimate development, the Master Plan must detail any interim servicing arrangements for the development and identify thresholds (lot yield and timing) associated with those interim and ultimate servicing arrangements.

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The Master Plans must also identify any external catchments that will be connected to and/or serviced by the internal water supply and sewer networks.

The 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 lodgement of the Survey Plan with Council for endorsement.

Water Supply and Sewerage Infrastructure Plan

9. *Water supply and sewerage infrastructure plans for Stage 1 with 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 subdivision 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.

Water Supply and Sewerage Works

10. *The extent of Water Supply and Sewerage Works external to the site to connect the site to existing water supply and sewerage infrastructure will be determined by the Master Plans to be prepared for consideration and approval by Council. The following minimum infrastructure elements are required:*

- a. *extend the water main from the existing services at the corner of Milman Drive and the Captain Cook Highway so that each allotment can be provided with a water service connection to the lot frontage and the trunk main extension is sufficient for the further development of the whole of the balance land (estimated as a total of 300 residential lots) for Lot 2 on SR 431;*
- b. *provide an appropriate pump station, generally in the indicative location on the balance lot as per the Applicant's submission to Council on the 12 April 2019 (Council document reference ID 898733, ensuring such location meets at least the minimum separating distance from residential lots (as required under FNQROC standard) and is sufficiently accompanied by a paved concrete access and pad area for inspection and servicing by Council vehicles, including a crane);*
- c. *provide district meters at locations nominated by Council; and*
- d. *provide a single internal water and sewer connection to each lot in accordance with the FNQROC Development Manual.*

Construction of the sewerage pump station will require full design drawings and a commissioning plan in accordance with FNQROC Development Manual

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submitted with the plan of works and will be subject to compliance with the Council's Purchasing Policy for competitive tendering.

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 lodgement of the Survey Plan with Council for endorsement.

Inspection of Sewers and Stormwater

11. *CCTV inspections of all constructed sewers and stormwater piped systems must be undertaken for all infrastructure that will become an asset of Council. An assessment of the CCTV records will be undertaken and any identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.*

General External Works

12. *Undertake the following external works:-*
 - a. *provide a full detail design and costing for the proposed culvert crossing, as detailed in Council's Local Government infrastructure plan (LGIP). The culvert size, alignment within the drainage corridor and height of the road surface above are to be confirmed with Council and supported by updated stormwater modelling prior to the lodgement of the application for Operational Work;*
 - b. *construct the culvert crossing connecting to the existing road alignment in the neighbouring residential estate; and*
 - c. *for Milman Drive/Wabul Drive link, provide a full detail design complete with costing and undertake the upgrades identified for the road system and intersection in accordance with the findings of the Road Safety Audit and Intersection Analysis.*

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 to the satisfaction of the Chief Executive Officer prior to the lodgement of the Survey Plan with Council for endorsement.

Further Drainage Study

13. *The applicant is to update the stormwater modelling and reporting in accordance with the following requirements:*
 - a. *provide further information on the model input parameters for review by its external stormwater reviewers;*
 - b. *provide a further assessment of the check flow assessed using the rational method based on alternative time of concentration methods and provide commentary on any variance between the methods;*

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- c. *undertake a sensitivity analysis for the peak flows in the model based on the upper bound assessment from the above check (or 15% increase in peak flows whichever is the greater). Note the assessment of peak flow rates is to enable assessment of the implications for the drain and culvert (and the flood level relative to existing housing);*
- d. *it is unclear how the ground levels for the existing lots have been entered into the flood model and whether the current model set up excludes flow from entering existing lots. In order to properly understand the proposed drain and culverts operation and impacts, cross sections of the drain profile at regular intervals upstream and downstream from the culverts are required. The sections should show:*
 - i. *the proposed drain profile, including the need for a finish to stabilise the drain banks, such as rock lining;*
 - ii. *existing lot levels on the north side and proposed development levels on the south;*
 - iii. *the modelled peak flood level for the 5, 10 and 100 year ARI events, and*
 - iv. *the resulting freeboard;*
- e. *in addition to the colour coding of the flood modelling outputs, flood levels are to be reported with 100mm contours or spot levels at maximum 50m intervals. This requirement is only for the 1% AEP model outputs but applies to both the existing and developed cases; and*
- f. *the proposed culvert design concept is not supported as there is no capacity for overtopping within the drainage corridor. The flood modelling is to be revised for a culvert concept that has a road surface level a minimum of 250mm below the existing road level on the northern side.*

Any ramping of the road levels is to occur outside the alignment of the drainage corridor. Modelling of the blockage scenarios is to be confirmed.

Because the culvert will not be able to achieve significant overtopping capacity, the modelling and reporting needs to clearly address blockage scenarios, sensitivity analysis and assessments of the severe storm impact as set out in QUDM Sections 7.23, &.24 and &.25.

The updated flood model and report together with an amended culvert design 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 lodgement of the Survey Plan with Council for endorsement.

Drainage Construction

- 14. *The applicant / owner must undertake the development of the land in accordance with the findings of the updated Drainage Study.*

Associated earthworks and landscaping must be completed in accordance

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with the approved plans prior to the lodgement of the Survey Plan with Council for endorsement.

Reserves Over Drain

15. *A Drainage Reserve containing all land below the top of the high bank and the area of additional drainage reserve (as outlined in Condition 3 above) adjacent to the top of the bank or the limit of the Q100 ARI event, whichever is the greater must be transferred to the Crown for Drainage Purposes. The land (reserve) must be transferred in conjunction with registration of the Plan of Survey for any lot release under Stage 1B. The existing drainage easement, over the part of the stormwater drain that is to be within the new Drainage Reserve, is to be rescinded at no cost to Council.*

Southern Diversion Drain

16. *Where drainage channel improvements are identified in the flood study and or as a result of performance issues identified with the current drain, these works are to be identified on engineering drawings and included in the application for Operational Works.*

Existing scouring/erosion of the drain batters and banks is to be investigated and advice is to be provided on the soil type, lining and upgrades necessary to address the long-term stability of the channel. It is expected that a revised flatter batter profile will need to be considered. Information on the selected batter profile, lining type or vegetation stabilisation and soil types together with advice on the stream flow velocities will be required to support the proposed drain design.

Access ramps suitable for maintenance plant and equipment are to be provided on each side of the culvert structure to enable maintenance access the drain and culverts.

A plan of the drain improvement 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 lodgement of the Survey Plan with Council for endorsement.

Lawful Point of Discharge

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

Plan of Drainage Works

18. *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.*

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- 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 SQIDs 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; and*
 - iv. *SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.**
- c. *all new allotments shall have immunity from flooding associated with an 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).*

Sediment and Erosion Control

- 19. *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).*

Landscape Plan and Provision of Park

- 20. *Undertake landscaping of the site, including the Park, 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:
 - a. *planting of the footpath with trees, using appropriate species with consideration to be given to creating an individual sense of place and character to the estate;*
 - b. *provision of an earth mound, landscaping and appropriate fencing along the western boundary;**

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- c. *the provision of suitable shade trees, especially in parks;*
- d. *species to have regard to the Planning Scheme Policy No.SC6.7 Landscaping;*
- e. *park and road verges to be seeded and grassed; and*
- f. *bollards around the perimeter to prevent vehicle access with the exception of gates that enables Council vehicle access.*

Permanent irrigation or any other embellishments are not permitted.

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.

The applicant is to provide park in accordance with the approved plan in Stage 1B. This area of park must be to the requirements and satisfaction of the Chief Executive Officer. The land and embellishments must be established at no cost to Council. The land must be transferred at the same time as registering the Plan of Survey for any lot for Stage 1B with the Department of Natural Resources and Mines.

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 the lodgement of the Survey Plan with Council for endorsement and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

Electricity Supply

- 21. *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

- 22. *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 lodgement of the Survey Plan with Council for endorsement.*

Street Lighting

- 23. *The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the lodgement of the Plan of Survey for signing and dating:*
 - 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*

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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:

- i intersections;*
- ii pedestrian Refuges;*
- iii cul-de-sacs; and*
- iv LATM Devices (Including Roundabouts)*

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

- b. prior to the lodgement of the Survey Plan with Council for endorsement written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.*
- c. where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.*
- d. where an existing intersection is required to be upgraded as part of a development approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.*

Stock Piling and Transportation of Fill Material

- 24. 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*

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d. *on Sundays or Public Holidays.*

25. *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

26. *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

27. *Vehicular access to the site for construction purposes of the reconfiguration of a lot approval must only be provided from Andreassen Road unless authorised by the Chief Executive Officer.*

Fencing

28. *Lots backing the Drainage Reserve (as required under Condition 3 above) are to be fenced to the satisfaction of the Chief Executive Officer.*

Fencing and continued agricultural use of balance land.

29. a. *Where the continued agricultural use of the balance land abuts new lots, the lots adjacent to this activity must be provided with a standard timber paling fence of 1.8 metres (approximate) height together with a grassed setback of a further 20 metres (minimum) beyond the fencing.*
- b. *Where the continued agricultural use of the balance of the land occurs adjacent to the existing of Wabul Street a grassed buffer separation of 20 metres (minimum is to be provide on the balance land, beyond the road). Works occurring in this buffer area may include trunk infrastructure.*

Damage to Council Infrastructure

30. *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 lodgement of the Survey Plan with Council for endorsement.*

Advices

1. *This approval, granted under the provisions of the Planning Act 2016, shall lapse four (4) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the Planning Act 2016.*
2. *This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.*
3. *For information relating to the Planning Act 2016, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local*

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Laws and other applicable Policies log on to www.douglas.qld.gov.au.

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 Infrastructure Charges Notice, refer to Attachment 2. The original Infrastructure Charges Notice will be provided under cover of a separate letter. The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution. Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.*
5. *The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance. Further information on the EPBC Act can be obtained from the Department of the Environment, Water, Heritage and the Arts website www.environment.gov.au/epbc EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct. 2009).*

iii. Further Permits

1. *The following Development Permits are required to be obtained before the development can be carried out:*
 - a. *Development Permit for Operational Work.*

iv. Currency period for the approval

Under section 85(1)(a)(i) of the Planning Act 2016, the relevant period for the Preliminary Approval is to be four (4) years starting from the day the approval takes effect.

v. Reasons for Decision

The reasons for this decision are:

1. *Sections 60, 62 and 63 of the Planning Act 2016:*
 - a. *the approved plan(s) and document(s) as per A above;*
 - b. *the Conditions and Advices as per B above;*
 - c. *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme; and*
 - d. *to ensure compliance with the Planning Act 2016.*
2. *Findings on material questions of fact:*
 - a. *the development application was properly lodged to the Douglas Shire Council on 16 January 2019 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
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b. *the development application contained information from the applicant which Council reviewed together with Council's own investigation of assessment against the State Planning Policy and the 2018 Douglas Shire Planning Scheme in making its assessment manager decision.*

3. *Evidence or other material on which findings were based:*

a. *the development triggered assessable development under the Assessment Table associated with the Zone Code;*

b. *Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and*

c. *the applicant's reasons have been considered and the following findings are made:*

i. *Subject to conditions the development satisfactorily meets the Planning Scheme requirements.*

vi. *Concurrence Agency Conditions & Requirements*

<i>Concurrence Agency</i>	<i>Concurrence Agency Reference</i>	<i>Date</i>	<i>Council Electronic Reference</i>
<i>State Department Manufacturing, Infrastructure and Planning</i>	<i>1901-9940 SRA</i>	<i>12 April 2019</i>	<i>898767</i>

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

B. *provides the Applicant with the following separate advice regarding the future development of the balance area of the land, as depicted in the Master Plan Port Douglas Estate, Captain Cook Highway, Craiglie, prepared by Cardno Plan Q184103-MP01B dated 5 April 2019, as follows:*

1. *The Planning Scheme supports appropriate residential development of the remaining balance of the land;*

2. *Council anticipates further development of the balance of the land is complimented by: the upgrade of the intersection of the Captain Cook Highway and Andreassen Road; the construction of an internal, connecting road; and an appropriate sound mound and landscaping to ensure the visual amenity of the Highway and the entrance to Port Douglas and Craiglie is of a high standard; and*

3. *The future development of the balance lot must consider and have due regard to projected storm tide inundation and coastal erosion for the year 2100. To this extent the applicant is encourage to seek particular expertise in this matter."*

Carried Unanimously

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- 5.2. REQUEST TO HAVE SITE REMOVED FROM DECLARED SEWER SERVICE AREA - 82-90 MITRE STREET, CRAIGLIE
Neil Beck, Team Leader Planning

Moved Cr Zammataro

Seconded Cr Kerr

“That Council resolves to remove 82–90 Mitre Street Craiglie, formally described as Lot 901 on SP274759 from the declared sewer service area under the Water (Safety & Reliability Act) 2008 in order to facilitate the installation of an onsite wastewater treatment plant to service one dwelling.”

Carried Unanimously

- 5.3. RESILIENT COAST STRATEGIC PLAN
Nicola Learmond, Sustainability Officer

Moved Cr Leu

Seconded Cr Noli

“That Council resolves to:

- 1. adopt the Resilient Coast Strategic Plan;*
- 2. adopt the 2019 Storm Tide Inundation and Erosion Prone Areas mapping; and*
- 3. delegate authority to the CEO to liaise with the Queensland Government regarding the recommended State adoption of the 2019 Erosion Prone Areas.”*

Carried Unanimously

- 5.4. SCHEDULE OF FEES AND CHARGES 2019-2020
Sandeep Tut, Team Leader Management Accounting

Moved Cr Noli

Seconded Cr Zammataro

“That Council:

- 1. adopts the Schedule of Fees and Charges for the 2019/20 financial year; and*
- 2. delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate fees and charges where circumstances warrant and to make minor administrative amendments to the Schedule.”*

Carried Unanimously

- 5.5. MONTHLY FINANCIAL REPORT APRIL 2019
Tara Killeen, Chief Financial Officer

Moved Cr Leu

Seconded Cr Noli

“That Council notes the Financial Report for the period ended 30 April 2019.”

Carried Unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
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- 5.6. AMENDED WATER USAGE CHARGE FOR UNTREATED WATER SUPPLY
Lara Balzarolo, Technical Support Officer Water and Wastewater

Moved Cr Noli

Seconded Cr Zammataro

“That Council adopts the amended water usage charge for residents that utilise untreated water supply within Douglas Shire.”

Carried Unanimously

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Kerr

Seconded Cr Noli

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

- 9.1 *Contractual Matter S275 (1)(E) Local Government Regulations 2012 - Contract 2019-019 Craiglie Reservoir Roof Replacement;*
- 9.2 *Prejudicial Matter S275 (1)(H) Local Government Regulation 2012 - RADF 2018-19 Committee Funding Recommendations;*
- 9.3 *Prejudicial Matter S275 (1)(H) Local Government Regulation 2012 - Tourism Port Douglas Daintree Quarterly Report January To March 2019; and*
- 9.4 *Prejudicial Matter S275 (1)(E) Local Government Regulation 2012 - Water Park, Port Douglas*

Carried Unanimously

MEETING WITHDRAWAL

Cr Leu had declared a real conflict of interest in regards to Item 9.3 *Tourism Port Douglas Daintree Quarterly Report January to March 2019* as she is Council’s appointed Director of the Tourism Port Douglas Daintree Board and withdrew from the meeting at 10.21am.

Deputy Mayor, Cr Noli took the Chair during the absence of the Mayor

MEETING RE-ATTENDANCE

Cr Leu re-attended the meeting at 10.22am and resumed the Chair.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
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OUT OF CLOSED SESSION

Moved Cr Kerr

Seconded Cr Zammataro

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

Carried Unanimously

9.1. CONTRACTUAL MATTER S275 (1)(E) LOCAL GOVERNMENT REGULATIONS 2012 - CONTRACT 2019-019 CRAIGLIE RESERVOIR ROOF REPLACEMENT
Scott Hahne, Manager Projects Office

Moved Cr Kerr

Seconded Cr Z

“That Council:

1. *resolves to award Contract Number 2019-019 Craiglie Reservoir Roof Replacement to EDMS Australia for an amount of \$1,299,906 exclusive of GST; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters in relation to this contract.”*

Carried Unanimously

9.2. PREJUDICIAL MATTER S275 (1)(H) LOCAL GOVERNMENT REGULATION 2012 - RADF 2018-19 COMMITTEE FUNDING RECOMMENDATIONS
Tim Ellis, Arts and Culture Officer

Moved Cr Zammataro

Seconded Cr Noli

“That Council:

1. *ratifies the RADF Committee funding recommendations totaling \$52,177 (GST Exc) for fifteen Regional Arts Development Fund (RADF) projects for 2018– 2019 detailed in Attachment One of this report; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Mayor and Chief Executive Officer to finalise any minor amendments in relation to administering the Regional Arts Development Fund program for 2018–2019.”*

Carried Unanimously

MEETING WITHDRAWAL

Cr Leu had declared a real conflict of interest in regards to Item 9.3 as she is Council’s appointed Director of the Tourism Port Douglas Daintree Board and withdrew from the meeting at 10.23am.

Deputy Mayor, Cr Noli took the Chair during the absence of the Mayor

**9.3. PREJUDICIAL MATTER S275 (1)(H) LOCAL GOVERNMENT REGULATION
2012 - TOURISM PORT DOUGLAS DAINTREE QUARTERLY REPORT
JANUARY TO MARCH 2019**

Terry Farrelly, Manager Community Development

Moved Cr Kerr

Seconded Cr Zammataro

"That Council:

- 1. receives and notes the 3rd Quarter Report for Tourism Port Douglas Daintree (TPDD) for 2018-19, submitted in accordance with the Resource and Performance Agreement between TPDD and Douglas Shire Council; and*
- 2. notes TPDD's Strategic Objectives 2019-22 to achieve economic growth for the shire through effective tourism marketing."*

Carried Unanimously

MEETING RE-ATTENDANCE

Cr Leu re-attended the meeting at 10.24am and resumed the Chair.

**9.4. PREJUDICIAL MATTER S275 (1)(E) LOCAL GOVERNMENT REGULATION
2012 - WATER PARK, PORT DOUGLAS**

Mark Stoermer, Chief Executive Officer

Moved Cr Leu

Seconded Cr Kerr

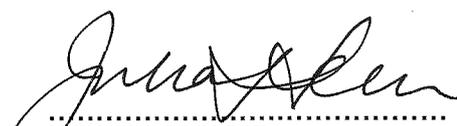
"That Council resolves to, due to the specialised nature of the services sought, engage the services of Phillip Johnson Landscapes for the development of a Master Plan for a water park in Port Douglas."

Carried Unanimously

CLOSURE OF MEETING

The meeting closed at 10.26am

CONFIRMED THIS 18TH DAY OF JUNE 2019


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MAYOR/CHAIR