



DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday 18 February 2025

ENSURING EXCELLENCE IN GOVERNANCE
ACCOUNTABLE AND TRANSPARENT DECISION-MAKING
INCLUSIVE ENGAGEMENT, PLANNING AND PARTNERSHIPS
CELEBRATING OUR COMMUNITIES



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY 18 FEBRUARY 2025 COMMENCING AT 10:00A.M.**

Mayor Cr Scmazzone opened the meeting at 10:00am by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on 18 February 2025 at the Mossman Council Chambers.

This Ordinary Meeting of Council is being Live Streamed on Council's Website and will also be available for others to watch at a later time.

Cr Scmazzone acknowledged the Kuku Yalanji people who are the Traditional Custodians of the Land on which this meeting is being held and paid respect to their Elders past, present and emerging, and extended that respect to other Indigenous Australians who may be listening or watching this morning.

**DOUGLAS SHIRE COUNCIL
ORDINARY MEETING
TUESDAY 18 FEBRUARY 2025
10:00 AM
ORDER OF BUSINESS**

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1. ATTENDANCE & APOLOGIES

1.1. PRESENT

Cr Lisa Scmazzon (Mayor), Cr Roy Zammataro (Deputy Mayor), Cr Damian Meadows, Cr Abigail Noli, Cr Michael Rees

1.2. APOLOGIES

There were no apologies

1.3. OFFICERS IN ATTENDANCE

S Osman (Chief Executive Officer), M Eastham (General Manager TC Jasper Corporate and Communities), D Langman (Chief Engineer TC Jasper Infrastructure and Recovery), S Roberts (Manager Community Services), T Killeen (Chief Financial Officer), N Beck (Acting Manager Environment and Planning), W Kristalyn (Acting Manager Project Office), C Chalmers (Team Leader Asset Management), H Coulthard (Property Officer), D Lamond (Acting Team Leader Planning), J Elphinstone (Senior Planning Officer), N Crimmins (Senior Records Officer), K Williams (Executive Officer), M Wilson (Senior Media and Communications Officer), T Woodhams (Digital Communications Officer)

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil

3. DEPUTATIONS

Nil

4. MAYORAL MINUTES

Nil

5. CONFIRMATION OF MINUTES OF COUNCIL MEETING

5.1. CONFIRM MINUTES - ORDINARY MEETING HELD 31 JANUARY 2025

Moved Cr Noli

Seconded Cr Rees

That the Minutes of the Ordinary Meeting held Friday 31 January 2025 be confirmed.

Carried Unanimously

6. OFFICERS REPORTS

6.1. MAYOR'S DIARY FOR JANUARY 2025

Moved Cr Rees

Seconded Cr Meadows

That Council notes the Mayor's external appointments for the month of January 2025.

Carried Unanimously

6.2. CHIEF EXECUTIVE OFFICER'S DIARY FOR JANUARY 2025

Moved Cr Noli

Seconded Cr Zammataro

That Council notes the Chief Executive Officer's external calendar appointments for the month of January 2025.

Carried Unanimously

6.3. JANUARY 2025 FINANCIAL REPORTS

Moved Cr Rees

Seconded Cr Meadows

That Council notes the Statement of Financial Position and Statement of Comprehensive Income for January 2025.

Carried Unanimously

6.4. MAYOR AND COUNCILLORS ATTENDANCE AT LGAQ CIVIC LEADERS SUMMIT 12-13 MARCH 2025, BRISBANE

Moved Cr Meadows

Seconded Cr Noli

That Council endorses the attendance of Mayor Cr Scomazzon, Cr Zammataro, Cr Meadows and Cr Rees at the Local Government Association Queensland (LGAQ) Civic Leaders Summit 12-13 March 2025, Brisbane.

Carried Unanimously

6.5. TRUSTEE LEASE - STATE OF QUEENSLAND (REPRESENTED BY THE QUEENSLAND POLICE SERVICE) LOT 51 SP288958, 37 WHARF STREET PORT DOUGLAS (VOLUNTEER MARINE RESCUE SQUADRON)

Moved Cr Noli

Seconded Cr Meadows

That Council:

1. *Resolves to apply an exemption on the disposal of a valuable non-current asset under Section 236(1)(b)(i) of the Local Government Regulation 2012 as the disposal is to a government agency;*
2. *Enters a Trustee Lease with The State of Queensland represented by the Queensland Police Service (QPS) over Lot 51 on SP288958, 37 Wharf Street Port Douglas, for the purpose of marine rescue services and storing flares and associated flammable materials, subject to but not limited to the following terms and conditions:*
 - i) *a term of thirty (30) years from 30 April 2025 to 29 April 2055;*
 - ii) *rent of \$110 (GST Inc) for the first year and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - iii) *lessee responsible for all reasonable costs associated with preparing and registering the lease;*
 - iv) *the Standard Terms Document registered under dealing number 720830775 and Schedule 3 of Land Regulation 2020; and*
3. *Delegates authority under Section 257(1)(b) of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated with the trustee lease.*

Carried Unanimously

6.6. TRUSTEE LEASE PART OF LOT 92 ON SR81, 44 GROGAN STREET MOSSMAN - CORAL COAST JUDO CLUB INC

Moved Cr Meadows

Seconded Cr Noli

That Council:

1. *Resolves to apply an exception on the disposal of a valuable non-current asset under Section 236 (1)(b)(ii) of the Local Government Regulation 2012 as the disposal is to a community organisation;*
2. *Enters a trustee lease with Coral Coast Judo Club Inc. for the purposes of a training, competition and storage area over approximately 665m² being the Victor Crees Pavilion on Lot 92 on SR81, 44 Grogan Street Mossman, subject to but not limited to the following terms and conditions:*
 - a) *for a term of ten (10) years from 1 March 2025 to 28 February 2035;*
 - b) *with rent for the first year of the term being \$132.00 (GST Inc) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - c) *with the lessee responsible for all reasonable costs associated with preparing and registering the lease, including surveying;*
 - d) *the standard terms document for trustee leasing registered under dealing number 720830775 and Schedule 3 of the Land Regulation 2020; and*

e) the trustee lease schedule includes variations to the standard terms document 720830775 removing rates charges normally levied by Council as trustee; and

3. *Enters a shared user agreement with Coral Coast Judo Club Inc over the amenities building change rooms; and*
4. *Delegates authority under Section 257(1)(b) of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated with the trustee lease and shared user agreement.*

Carried Unanimously

6.7. MATERIAL CHANGE OF USE (HOTEL) 35-37 REEF STREET PORT DOUGLAS

Moved Cr Noli

Seconded Cr Rees

That Council approves the development application for Material Change of Use (Refurbishment of the Barrier Reef Tavern - Hotel) over land described as Lot 16 on RP 851567, subject to the following:

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

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

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Site Plan- Existing Ground</i>	<i>Informed Architects Plan 0005B-SD- A-001</i>	<i>May 2024</i>
<i>Site Plan- Existing Upper Floor</i>	<i>Informed Architects Plan 0005B-SD- A-002</i>	<i>May 2024</i>
<i>Site Plan- Proposed Ground</i>	<i>Informed Architects Plan 0005B-SD- A-003</i>	<i>May 2024</i>
<i>Site Plan- Proposed Upper Floor</i>	<i>Informed Architects Plan 0005B-SD- A-004</i>	<i>May 2024</i>
<i>Main Floor Plan- Proposed</i>	<i>Informed Architects Plan 0005B-SD- A-104</i>	<i>May 2024</i>
<i>Upper Floor Plan</i>	<i>Informed Architects Plan 0005B-SD- A-105</i>	<i>May 2024</i>
<i>Beer Garden Plan</i>	<i>Informed Architects Plan 0005B-SD- A-107</i>	<i>May 2024</i>
<i>Elevation 1</i>	<i>Informed Architects Plan 0005B-SD- A-400</i>	<i>May 2024</i>
<i>Elevation 2</i>	<i>Informed Architects Plan 0005B-SD- A-401</i>	<i>May 2024</i>
<i>Elevation 3</i>	<i>Informed Architects Plan 0005B-SD- A-402</i>	<i>May 2024</i>
<i>Elevation 4</i>	<i>Informed Architects Plan 0005B-SD- A-403</i>	<i>May 2024</i>
<i>Area Plan Ground</i>	<i>Informed Architects Plan 0005B-SD- A-900</i>	<i>May 2024</i>
<i>Area Plan- upper Floor</i>	<i>Informed Architects Plan 0005B-SD- A-901</i>	<i>May 2024</i>

ASSESSMENT MANAGER CONDITIONS & ADVICES

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;
 - 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.

Vehicle Parking and Access

3. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked. As a minimum, 22 car parking spaces must be provided on site, and;
 - A. the two car parking spaces at the rear of the site must be designated for the on-site accommodation;
 - B. the gas bottles in the parking space must be relocated and evidence of this must be endorsed by the Chief Executive Officer prior to the issue of a Certificate of Classification; and
 - C. all car parking spaces must remain available for car parking at all times and must not be used for storage.

Waste Storage

4. Provide a central bin storage facility within the site with the following attributes:
 - A. Storage area for all general waste bins, recycling bins and container refund bins;
 - B. contain an impervious surface for the storage of bins with a suitable hose attached;
 - C. be bunded and connected to sewer with an approved collection device at the drainage point to sewer.

Prior to the issue of a Development Permit for Building Works, provide an updated site plan detailing the central bin storage facility for endorsement by the Chief Executive Officer.

Landscaping Plan

5. The site must be landscaped in accordance with the details included on a landscaping plan, and;
 - A. must be prepared in accordance with Planning Scheme Policy SC6.7 Landscaping;
 - B. must not include species with large root structures at the sites front boundary;
 - C. must not include seating or tables in the garden area in front of the beer garden; and

D. Must include fencing design and detail.

A landscape plan detailing the above requirements must be endorsed by the Chief Executive officer prior to the issue of a Development Permit for Building Works. All landscaping must be implemented in accordance with the approved plan prior to the Commencement of Use.

Limitation of Use

- 6. The landscaping setback area between the beer garden and the street frontage must not be licensed area and must not be used as an extension to the beer garden. Tables and chairs are not permitted in this area.*

Air-Conditioning Screens

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

Damage to Council Infrastructure

- 8. 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, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the Lessee's cost, prior to the Commencement of Use.*

Storage of Machinery and Plant

- 9. The storage of a forklift must not be within car parking spaces.*

Lawful Point of Discharge

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

Kitchen Facilities

- 11. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the Food Act 2006 and the Food Standards Code. Please contact Councils Environmental Health Officers for further information.*

ADVICE

- 1. This approval, granted under the provisions of the Planning Act 2016, shall lapse four (4) years from the day the approval takes effect.*
- 2. The applicant/owner is advised that this approval does not approve the construction of the building work. A Development Permit for Building Work must be obtained in order for construction to commence.*
- 3. 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.*
- 4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

5. For information relating to the Planning Act 2016 log on to www.statedevelopment.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

REASONS FOR DECISION

The reasons for this decision are:

1. Sections 60, 62 and 63 of the Planning Act 2016:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. 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 20 August 2024 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 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 Tourist Accommodation 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 benchmarks.

Carried Unanimously

6.8. DAINTREE RIVER FERRY UPDATE JANUARY 2025

Moved Cr Zammataro

Seconded Cr Noli

That Council receives and notes the Daintree River Ferry financial information and tender progress for January 2025.

Carried Unanimously

7. NOTICES OF MOTION

Nil

8. URGENT BUSINESS

Nil

9. PETITIONS

Nil

10. CLOSED SESSION

Nil

11. MEETING CLOSURE

The meeting closed at 10:19am.

CONFIRMED THIS 25TH DAY OF MARCH 2025.


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MAYOR/CHAIR