



DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday 28 November 2023

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

DOUGLAS
SHIRE COUNCIL

Rachel Brophy
CHIEF EXECUTIVE OFFICER



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY 28 NOVEMBER 2023 COMMENCING AT 10:00A.M.**

Mayor Cr Kerr opened the meeting at 10:00am by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on 28 November 2023 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 Kerr 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.

**DOUGLAS SHIRE COUNCIL
ORDINARY MEETING
TUESDAY 28 NOVEMBER 2023
10:00AM
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1. ATTENDANCE & APOLOGIES

1.1. PRESENT

Cr Michael Kerr (Mayor), Cr Lisa Scomazzon (Deputy Mayor), Cr Peter McKeown, Cr Abigail Noli, Cr Roy Zammataro.

1.2. APOLOGIES

Nil

1.3. OFFICERS IN ATTENDANCE

Paul Hoye (Acting Chief Executive Officer), Lisa Golding (Manager People and Community Services), Tara Killeen (Chief Financial Officer), Maria Evans (Acting Manager Governance), Wayne Kristalyn (Acting Manager Project Office), Casey De Pereira (Acting Manager Infrastructure), Jenny Elphinstone (Senior Planning Officer), Neil Beck (Team Leader Planning), Natalie Crimmins (Senior Governance Officer), Kelly Dean (Mayor / Councillor Support Officer), Tarren Woodhams (Digital Communications Officer).

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Zammataro informed the meeting that he has a declarable conflict of interest in Item 6.4 (*Indigenous Land and Sea Corporation Trustee Lease Part of L94 SR257 Mossman Gorge*) as he is employed by Bamanga Bubu Ngadimunku Aboriginal Corporation (BBN) who are one of the stakeholders.

As a result of the Cr Zammataro's conflict of interest, Cr Zammataro will leave the meeting room while the matter is considered and voted on.

3. DEPUTATIONS

Nil

4. MAYORAL MINUTES

Nil

5. CONFIRMATION OF MINUTES OF COUNCIL MEETING

5.1. CONFIRM MINUTES - ORDINARY MEETING HELD 26 SEPTEMBER 2023

Moved Cr Noli

Seconded Cr Scmazzon

That the Minutes of the Ordinary Meeting held Tuesday 26 September 2023 be confirmed with the following amendment:

- *That a file note be added to the item of business 4.2 Mayoral Minute – Out of Order Motions and Vote of No Confidence Motion by Councillors. Due to the nature of the motion, all rebuttal responses to the Mayor’s minute be noted via the video link, <https://www.youtube.com/watch?v=U0fg-bL4IVY>*

For Cr Scmazzon, Cr McKeown, Cr Noli, Cr Zammataro

Against Cr Kerr

Carried

The amended motion became the substantive motion and was put to the vote.

That the Minutes of the Ordinary Meeting held Tuesday 26 September 2023 be confirmed with the following amendment:

- *That a file note be added to the item of business 4.2 Mayoral Minute – Out of Order Motions and Vote of No Confidence Motion by Councillors. Due to the nature of the motion, all rebuttal responses to the Mayor’s minute be noted via the video link, <https://www.youtube.com/watch?v=U0fg-bL4IVY>*

Carried Unanimously

5.2. CONFIRM MINUTES - ORDINARY MEETING HELD 31 OCTOBER 2023

Moved Cr Noli

Seconded Cr McKeown

That the Minutes of the Ordinary Meeting held Tuesday 31 October 2023 be confirmed.

Carried Unanimously

6. OFFICERS REPORTS

6.1. FINANCIAL REPORTS OCTOBER 2023

Moved Cr McKeown

Seconded Cr Scmazzon

That Council notes the Statement of Comprehensive Income and the Statement of Financial Position for October 2023.

Carried Unanimously

6.2. QAO FINAL MANAGEMENT REPORT 2022 23

Moved Cr McKeown

Seconded Cr Noli

That Council notes the observations contained within the Final Management Report (Observation Report) from the Queensland Audit Office for the 2022-2023 financial year.

Carried Unanimously

6.3. 2023-2024FY REGISTER OF SOLE AND SPECIALISED SUPPLIERS - INTERIM UPDATE

Moved Cr McKeown

Seconded Cr Kerr

That Council resolves to:

- 1. Approve the additional proposed suppliers attached as nominated Sole Source and Specialised Suppliers under s 235 (a) and (b) of the Local Government Regulation 2012 for the supply of equipment and services, for the remainder of the current 2023-2024 financial year.*
- 2. Approve the removal of the proposed supplier attached for the remainder of the current 2023-2024 financial year.*
- 3. Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to Sole and Specialised Suppliers subject to Council's normal procurement policies and procedures.*

For Cr Kerr, Cr McKeown, Cr Noli

Against Cr Scomazzon, Cr Zammataro

Carried

MEETING WITHDRAWAL

Cr Zammataro had declared a declarable conflict of interest in Item 6.4 (*Indigenous Land and Sea Corporation Trustee Lease Part of L94 SR257 Mossman Gorge*) as he is employed by Bamanga Bubu Ngadimunku Aboriginal Corporation (BBN) who are one of the stakeholders and excluded himself from the meeting whilst the matter was being discussed and voted on. Cr Zammataro withdrew from the meeting at 10:16am.

6.4. INDIGENOUS LAND AND SEA CORPORATION TRUSTEE LEASE PART OF L94 SR257 MOSSMAN GORGE

Moved Cr Scomazzon

Seconded Cr Noli

That Council:

1. *Offers a further trustee lease to Indigenous Land and Sea Corporation, over part of Lot 94 on SR257 Mossman Gorge, to conduct a cultural tourism venture, including guided walking tours on existing tracks:*
 - a. *for a term of five (5) years from 1 December 2023 expiring on 30 November 2028;*
 - b. *rental of \$1,251.49 (including GST) for the first year of the term and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - c. *lessee to be responsible for all reasonable costs associated with the preparation and registration of the lease;*
2. *Delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to determine and finalise all matters associated with the lease and the Land Management Plan.*

Carried Unanimously

MEETING RE-ATTENDANCE

Cr Zammataro re-joined the meeting at 10:17am.

6.5. LEASE TO DOUGLAS UNITED FOOTBALL CLUB INC OVER LOT 89 SR536, 73 CASSOWARY ROAD, CASSOWARY

Moved Cr Zammataro

Seconded Cr Scmazzon

That Council:

1. *Offers a trustee lease to the Douglas United Football Club over Lot 89 on SR536, 73 Cassowary Road, Cassowary for the purpose of conducting football club activities and ancillary uses, subject to but not limited to the following terms and conditions:*
 - a. *For a term of fifteen years to commence from 1 December 2023;*
 - b. *Rent for the first year of the term to be \$110.00 (including GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - c. *The lessee to be responsible for all reasonable costs associated with the preparation and registration of the lease;*
2. *Delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to determine and finalise any and all matters associated with the lease.*

Carried Unanimously

6.6. CONTRACT W06214 PAVEMENT RENEWAL PROGRAM 2023/24

Moved Cr Noli

Seconded Cr McKeown

That Council resolves to:

1. Enter into contract WO6214 with FGF Bitumen Pty Ltd ABN 53 108 511 637 to the value of \$635,609.63 (GST exclusive)
2. 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 contract.

Carried Unanimously

6.7. FLEET RENEWAL PROGRAM 2023-2024 - TRUCKS

Moved Cr Scomazzon

Seconded Cr Noli

That Council resolves to:

1. Purchase a Hino 300 Series 917 crew cab, Hino 916 AMT 3870 wide cab hybrid and Hino 717 MT 4200 crew cab from Honeycombes Sales & Services Pty Ltd, ABN:54 011 002 556.
2. Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated with the contract.

Carried Unanimously

6.8. 6213 RESEAL RENEWAL PROGRAM 2023/24

Moved Cr Noli

Seconded Cr McKeown

That Council resolves to:

1. Enter into contract CN 2023-6213- 23/24 Reseal Program to FGF Bitumen Pty Ltd (ABN 53 108 511 637) for \$498,201.59 (GST exclusive).
2. 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 contract.

Carried Unanimously

6.9. CONTRACT 2023-6204 - JUNCTION ROAD SPS MA RISING MAIN REPLACEMENT

Moved Cr Scomazzon

Seconded Cr McKeown

That Council:

1. Resolves to award Contract 2023-6204 – Junction Road SPS-MA Rising Main Replacement to JDI Earthworks and Machinery Hire (ABN 27 063 984 762) for \$599,965.07 (GST exclusive).
2. Delegates authority under s 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

6.10. STANDING ORDERS FOR COUNCIL MEETINGS POLICY AND INFORMAL BRIEFING SESSIONS FOR COUNCILLORS POLICY

Moved Cr Kerr

Seconded

That Council adopt:

- *The revised statutory Standing Orders for Council Meetings General Policy to reflect the Best Practice Standing Orders for Local Government Meetings issued by the Department of State Development, Infrastructure, Local Government and Planning in November 2022, and*
- *The Informal Briefing Sessions for Councillors Policy.*

The motion did not have a Seconder and did not proceed.

6.11. CARETAKER PERIOD POLICY

Moved Cr McKeown

Seconded Cr Scomazzon

That Council adopts the Caretaker Period Policy v2 as presented.

Carried Unanimously

6.12. DATE TIME AND PLACE FOR ORDINARY COUNCIL MEETINGS IN JANUARY, FEBRUARY AND MARCH 2024

Moved Cr Scomazzon

Seconded Cr Noli

That Council, in accordance with s 254B of the Local Government Regulation 2012 (the Regulation), adopt and publicly notify the following schedule of Ordinary Council Meetings for the months of January, February and March 2024:

DAY	DATE	TIME
Tuesday	23 January 2024	10:00AM
Tuesday	27 February 2024	10:00AM
Tuesday	12 March 2024	10:00AM

Carried Unanimously

6.13. CHANGE OF DATE FOR DECEMBER 2023 ORDINARY COUNCIL MEETING

Moved Cr Scomazzon

Seconded Cr McKeown

That Council resolves to move its December 2023 meeting to 10:00am on 12 December 2023, in accordance with s 254B of the Local Government Regulation 2012.

Carried Unanimously

6.14. HERITAGE STRATEGY

Moved Cr Noli

Seconded Cr McKeown

That Council adopts the Heritage Strategy.

Carried Unanimously

6.15. 2023/24 LOCAL DISASTER MANAGEMENT PLAN AND LOCAL DISASTER MANAGEMENT GROUP MEMBERSHIP

Moved Cr Scomazzon

Seconded Cr Kerr

That Council resolves:

1. *In accordance with s 80 (1)(b) of the Disaster Management Act 2003, approve the Local Disaster Management Plan October 2023; and*
2. *In accordance with s 33, 34 and 35 of the Disaster Management Act 2003, appoint the following positions as members of the Local Disaster Management Group for the Douglas Shire Council area:*

DOUGLAS LDMG – CORE MEMBERS
<i>Douglas Shire Council Mayor - Chairperson</i>
<i>Councillor Noli - Deputy Chairperson</i>
<i>Douglas Shire Council - Chief Executive Officer</i>
<i>Douglas Shire Council - Disaster Management Officer</i>
<i>Douglas Shire Council - Manager Environment and Planning</i>
<i>Mossman Multi-Purpose Health Service - Director of Nursing/Facility Manager</i>
<i>Queensland Fire & Emergency Services – FRS Area Commander</i>
<i>Qld Police Service - Emergency Management Coordinator Far North</i>
<i>Qld Police Service – Officer In Charge Mossman</i>
<i>Qld Police Service – Officer In Charge Port Douglas</i>

<i>Qld Ambulance Service – Officer In Charge Mossman</i>
<i>Douglas Shire Council - Manager People and Community Services</i>
<i>Douglas Shire Council - Manager Water and Wastewater</i>
<i>Douglas Shire Council - Manager Infrastructure</i>

Carried Unanimously

6.16. TRANSPORT DEPOT 37 SPLENDOUR ROAD MOSSMAN

Moved Cr McKeown

Seconded Cr Kerr

That Council approves the development application for Material Change of Use for a Transport Depot over land described as Lot 5 on SP297291 (now formally described as Lot 1 on SP337285) 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</i>	<i>Unauthored Drawing Council Doc: 1190398</i>	<i>Submitted with Application on October 2023</i>
<i>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</i>		
<i>Rural Allotment Access</i>	<i>Standard Drawing S1105 Issue E</i>	<i>26 November 2014</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.*

Hours of Operation

3. *Operating vehicles associated with Transport Depot, loading of trucks and transportation of material to and from the site must not occur:*
 - a. *before 6.30 am or after 6:00 pm Monday to Friday;*
 - b. *before 6.30 am or after 1:00 pm Saturdays; or*

- c. *on Sundays or Public Holidays.*

Unless otherwise authorised by the Chief Executive Officer for specific projects over limited periods.

Noise Emissions

4. *Noise from the approved transport depot must not cause environmental nuisance to any sensitive receptor. In accordance with the Environmental Protection Act 1994, any emission of noise from activities on site must ensure that the emissions are consistent with the Environmental Protection (Noise) Policy 2019.*

Off-Site Impacts

5. *Dust emissions or other air pollutants, including odours, must not extend beyond the site and cause an environmental nuisance. In accordance with the Environmental Protection Act 1994, any emission of dust from activities on site must ensure that the emissions are consistent with the Environmental Protection (Air) Policy 2008.*

Work Internal to the Site

6. *The development must undertake the following at no cost to Council:*
- a. *Construct a hard stand area for the LV Parking as per the approved drawing (Council doc id; 1190398). The hardstand area must provide for parking and maneuvering for six (6) rigid vehicles. The hardstand area must be constructed in accordance with FNQROC Development Manual;*
 - b. *Construct an access crossover and a sealed driveway access from the hardstand area to meet with Syndicate Road. The driveway and access crossover must be constructed in accordance with FNQROC Development Manual;*
 - c. *Construct concrete bunded raw material storage bays as per the approved plans (Council doc id; 1190398). The storage bays must be provided with an impervious base; and*
 - d. *Ensure sediment and other potential contaminants are contained onsite at all times and not discharged to areas external to the property in accordance with the requirements of the Environmental Protection Act 1994 and the FNQROC Development Manual.*

The works must be completed within 30 business days of the approval taking effect.

Approved Use Area

7. *The use of the site as a Transport Depot is restricted to the area identified in the approved plan.*

Shed Layout

8. *Submit a Shed Layout Plan for both sheds for endorsement by the Chief Executive Officer within 5 business days of the approval taking effect. The plan must detail the area of the sheds associated with parking and activities ancillary to the proposed use.*

Please note that the area of the sheds identified for use will result in a variation to the infrastructure charges payable.

Fire Management

9. *Mulch kept at the premises must be;*
 - a. *Limited to one (1) storage bay with a maximum of 80m³ of mulch stored within the bay;*
 - b. *Must be broken-up, turned and sufficiently watered to prevent self-combustion. Mulch must not be mechanically compacted;*
 - d. *Provided with a 5m wide fire break continuous around the storage bay area. The firebreak must be maintained by mowing such that grass is a maximum of 10cm high;*
 - e. *Separated from flammable liquids by a distance of 20m; and*
 - f. *Provided with a 10,000 litre onsite water storage/supply. The water storage must be fitted with a 50mm ball valve with a camlock fitting.*

Fuel Storage

10. *All fuel storage must be secured and banded and comply with AS1940:2017 Storage and Handling of Flammable and Combustible Materials.
Fuel storage in excess of 10,000 litres is not permitted on the site.*

Landscaping

11. *Provide a Landscape Plan that details:*
 - a. *Landscaping that can provide adequate screening from viewpoints external to the site within five (5) years from the commencement of use.*
 - b. *Species to be used in plantings that have regard to Council's Planning Scheme Policy SC6.7 Landscaping.*
 - c. *Detailed ground preparation and landscape maintenance schedule. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth; and*
Prior to the undertaking of landscaping works a landscape plan must be submitted to the satisfaction of the Chief Executive Officer. The approved landscaping must be implemented as detailed in the approved landscape plan within 30 business days.

The landscaping must be maintained to the satisfaction of the Chief Executive Officer at all times.

Site Maintenance

12. *The area surrounding the development site, as depicted in the approved plans, must be kept free of stockpiled rubbish, metal and machinery and be kept in a presentable condition to the satisfaction of the Chief Executive Officer.*

Storage of Raw Materials

13. *All bulk materials held on the site must be contained within the bunded concreted bin areas to the satisfaction of the Chief Executive Officer.*

Contaminants

14. *All reasonable and practicable measures must be taken to prevent pollution to the existing open drains, waterways or drainage lines, as a result of silt and sediment run-off from the storage of raw materials, oil and grease spills from any machinery. Wastewater for cleaning equipment must not be discharged or in-directly released to any watercourses or stormwater systems.*

Sales to Public and signage

15. *This approval does not permit sale of landscape supplies to the general public or the erection of signage.*

Disposal of Garden Waste and Other Waste

16. *The incineration of garden waste and other waste is not permitted at the development site. All waste must be disposed of in a lawful manner.*

ADVICE

1. *This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the Planning Act 2016.*
2. *All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
3. *This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.*
4. *For information relating to the Planning Act 2016 log on to www.dsdmip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.*

Infrastructure Charges Notice

5. *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. 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. The amount in the Infrastructure Charges Notice is subject to index adjustments and*

may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment. The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

REASONS FOR DECISION

The reasons for this decision are:

1. The reasons for this decision are:
 - a. Sections 60, 62 and 63 of the Planning Act 2016:
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - c. 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 11 April 2023 under s51 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 Rural 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.

Assessment Benchmarks

The following are the benchmarks applying to the development.

Benchmarks applying for the development	Benchmark reference
Strategic Framework	Douglas Shire Planning Scheme 2018 (V1.0) in effect 2 January 2018
Rural zone code	
Acid sulphate soils overlay code	
Bushfire hazard overlay	
Flood and storm tide hazard overlay code	
Landscape values overlay code	
Natural areas overlay code	
Transport network overlay code	
Access, parking and servicing code	
Environmental performance code	
Filling and excavation code	
Infrastructure works code	
Landscaping code	

Moved Cr McKeown

Seconded Cr Zammataro

That Item 6.16 Transport Depot 37 Splendour Road Mossman be deferred.

Carried Unanimously

6.17. QUESTIONS ON NOTICE FROM 31 OCTOBER 2023 ORDINARY COUNCIL MEETING

Moved Cr Scomazzon

Seconded Cr Noli

That Council notes the responses to the Questions on Notice received at the Ordinary Council Meeting held 31 October 2023.

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 10:36am.

CONFIRMED THIS 12TH DAY OF DECEMBER 2023.


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MAYOR/CHAIR