

DOUGLAS SHIRE COUNCIL

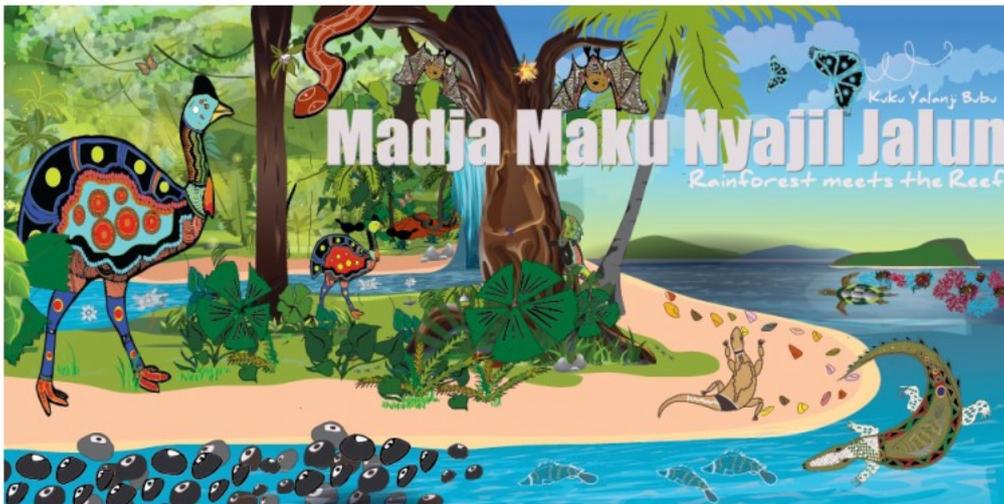
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 10 March 2020

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

DOUGLAS
SHIRE COUNCIL



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, 10 MARCH 2020 COMMENCING AT 10.00AM**

Mayor Cr Leu opened the Meeting by advising the audience that the meeting is being recorded and that the recordings will be posted onto Council's website along with the minutes.

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.

1. ATTENDANCE

PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro,

OFFICERS IN ATTENDANCE

Mark Stoermer (Chief Executive Officer), Michael Kriedemann (Executive Manager Infrastructure), Terry Farrelly (Manager People and Community Services), Tara Killeen (Chief Financial Officer), Juanita Holden (Manager Governance), Tom Volling (Senior Media and Communications Officer), Daniel Lamond (Planning Officer), Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

APOLOGIES

Nil

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Zammataro declared that he has a conflict of interest in Item 8.2 (Petition for Proposal to Install Speed Bumps in Lund Street, Mossman Gorge), (as defined by section 175D of the *Local Government Act 2009*) in that he is employed by Bamanga Bubu Ngadimunku Aboriginal Corporation (BBNAC), the principal petitioner.

Cr Zammataro 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

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD ON TUESDAY,
11 FEBRUARY 2020

Moved Cr Carey

Seconded Cr Noli

"That the Minutes of the Ordinary Meeting held on Tuesday, 11 February 2020 be confirmed."

Carried Unanimously

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5. AGENDA ITEMS

5.1. **MATERIAL CHANGE OF USE FOR TELECOMMUNICATIONS FACILITY- CAPE TRIBULATION**

Daniel Lamond, Planning Officer

Moved Cr Carey

Seconded Cr Kerr

“That Council approves the development application for a Telecommunications Facility over land described as Lot 0 on SP219085 and Lot 4 on SP219085, subject to the following:

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

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

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Overall Site Plan</i>	<i>Drawing No. B8857-P1, Revision 3.</i>	<i>28 January 2020</i>
<i>Draft Site Layout</i>	<i>Drawing No. B8857-P1, Revision 3.</i>	<i>28 January 2020</i>
<i>Draft Site Elevation</i>	<i>Drawing No. B8857-P1, Revision 3.</i>	<i>28 January 2020</i>
<i>Tree Removal Plan</i>	<i>Optus Mobile Site: B8857 Cape Tribulation for Metasite, Rev 1</i>	<i>17 February 2020</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; 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.*

Health

3. *The facility must comply with all relevant State and National Standards in relation to emission of light, vibration, odour and radiation.*

The telecommunications facility must be operated in accordance with Radio Communications (Electromagnetic Radiation – Human Exposure) Standard 2014 in relation to the limits for continuous exposure of the general public to radio-frequency electromagnetic energy or other Standard of the Commonwealth of Australia more relevant at the time.

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Colours

4. *The exterior finishes and colours of the facility must be non-reflective and must blend with the natural colours of the surrounding environment. Colours must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.*

Fencing and Signage

5. *Construct fencing for the perimeter of the facility with a minimum 2.4 metre high mesh security fence being of a dark colour. The facility is to be signed with appropriate hazard and warning signs.*

Landscaping

6. *Prior to the commencement of use the Applicant must establish, to the satisfaction of the Chief Executive Officer, a landscaped screening buffer to the West, south and eastern side of the compound and tower site. The Landscape Plan must detail species endemic to the locality including trees that will achieve a mature height of no more than 10 metres to obscure direct view of the lower half of the tower, and additional low level trees and shrubs to screen the direct ground level view of the compound and equipment shelter.*

A landscape plan detailing the above requirements must be endorsed by the Chief Executive Officer prior to commencement of construction.

Limited Approval

7. *The Development hereby approved lapses at the expiry of agreement to lease the land from the land owner or entity from which a lease may be attained. Prior to the lapse of the life of the approval the telecommunications tower and all associated infrastructure, buildings, structures and fencing must be decommissioned and removed and the site reinstated to its original condition to the satisfaction of the Chief Executive Officer. All costs associated with the decommissioning and final removal shall be borne by the Applicant or entity that operates the tower at the time of removal.*

Access

8. *Construct practical access from the frontage of Cape Tribulation Road to the tower site and include a hardstand area for service vehicle set down. The access and set down area is not required to be sealed but must be constructed with a base that does not create a dust nuisance.*

Sediment and Erosion Control

9. *All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual and must comply with the following:*
 - a. *Measures nominated in the ESCP must be implemented prior to commencement of any earthworks.*
 - b. *The ESC Plan must address the Institution of Engineers' Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual.*

Flood Immunity

10. *All equipment shelters must have a finished floor level of no less than 4.74 metres AHD.*

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REASONS FOR DECISION

The reasons for this decision are:

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.*

Findings on material questions of fact:

- a) the development application was properly lodged to the Douglas Shire Council on 11 July 2019 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.*

Evidence or other material on which findings were based:

- a) the development triggered assessable development under the Assessment Table associated with the Conservation 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 subject to the development complying with conditions of the Development Permit, the development satisfactorily meets the Planning Scheme benchmarks."*

Carried Unanimously

5.2. MONTHLY FINANCIAL REPORT FOR FEBRUARY 2020

Tara Killeen, Chief Financial Officer

Moved Cr Leu

Seconded Cr Carey

"That Council notes the Financial Report for the period ended 29 February 2020."

Carried Unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

- 8.1 PETITION OBJECTING THE PROPOSED LOCATION OF A PLAYGROUND
AT 49 MILMAN DRIVE, CRAIGLIE
Mark Stoermer, Chief Executive Officer

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Moved Cr Noli

Seconded Cr Zammataro

"That the Petition objecting to the proposed location of a playground at 49 Milman Drive, Craiglie be received and noted."

Carried Unanimously

MEETING WITHDRAWAL

Cr Zammataro had declared a conflict of interest in regards to Item 8.2 due to being employed by Bamanga Bubu Ngadimunku Aboriginal Corporation (BBNAC), the principal petitioner and excluded himself from the meeting whilst the matter was being voted upon, and left the meeting at 10.10am.

**8.2 PETITION FOR PROPOSAL TO INSTALL SPEED BUMPS IN LUND STREET,
MOSSMAN GORGE**

Mark Stoermer, Chief Executive Officer

Moved Cr Noli

Seconded Cr Kerr

"That the Petition for the proposal to install Speed Bumps in Lund Street, Mossman Gorge be received."

Carried Unanimously

MEETING RE-ATTENDANCE

Cr Zammataro re-attended the meeting at 10.12am

CLOSURE OF MEETING

The meeting closed at 10.22am.

CONFIRMED THIS 28TH DAY OF APRIL 2020


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MAYOR/CHAIR