

DOUGLAS SHIRE COUNCIL

# ORDINARY COUNCIL MEETING

---

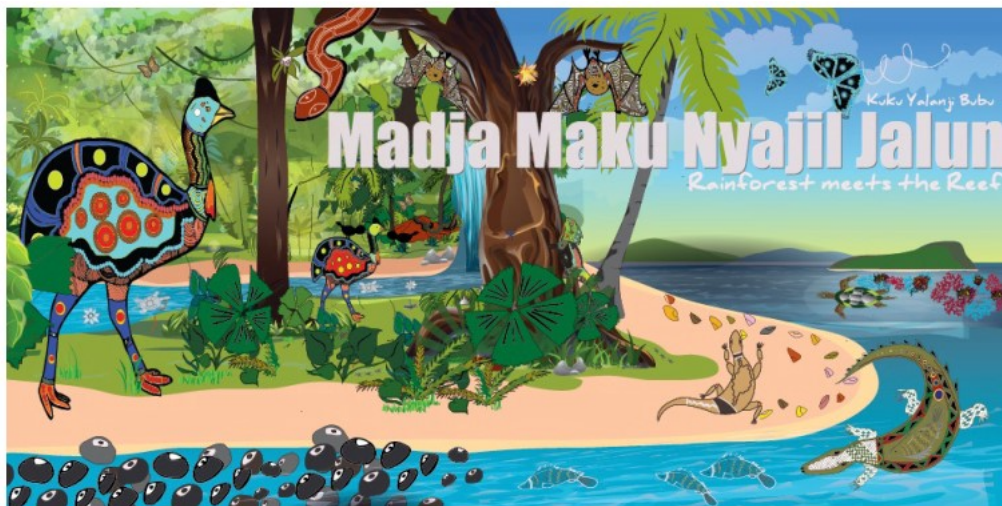
## MINUTES

---

Tuesday, 28 July 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, 28 JULY 2020 COMMENCING AT 10.00AM**

---

Mayor Cr Kerr opened the Meeting by giving Notice that, in accordance with Section 277e of the Local Government Regulation 2012, the Ordinary Meeting of Council will be closed to the public because of health and safety reasons associated with the public health emergency involving COVID-19.

Mayor Cr Kerr advised that the Council Meeting can be viewed via live stream on Council's Facebook page which will also be available to be watched at a later date; and that this Meeting is also being recorded and that the recordings will be posted onto Council's website along with the minutes.

ACKNOWLEDGEMENT OF COUNTRY

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 this morning.

1. ATTENDANCE AND APOLOGIES

PRESENT

Cr Michael Kerr (Mayor), Cr Lisa Scmazzon (Deputy Mayor), Cr Peter McKeown and Cr Roy Zammataro.

APOLOGIES

An apology was received from Cr Abigail Noli

**Moved** Cr Kerr

**Seconded** Cr Scmazzon

*"That Council accepts the apology received from Councillor Noli and leave of absence be granted for the meeting today."*

**Carried** Unanimously

OFFICERS IN ATTENDANCE

Mark Stoermer (Chief Executive Officer), Terry Farrelly (Manager People and Community Services), Tara Killeen (Chief Financial Officer), Juanita Holden (Manager Governance, Paul Hoye (Manager Environment and Planning), Peter Tonkes (Manager Water and Wastewater), Scott Hahne (Manager Project Office), Gaye Scott (Acting Media and Communications Officer), Amy Mail (Tourism & Economic Development Officer), Daniel Lamond (Planning Officer), Jenny Elphinstone (Senior Planning Officer), Neil Beck (Team Leader Planning), Ada Pasanen (Sustainability Officer), Melissa Mitchell (Environmental Technical Officer Water & Wastewater), Robert Donovan (Team Leader Property Services), Colin Chalmers (Asset Management Officer), Luke Chappell (Project Manager), Gabriel Nucifora (Project Manager) and Brenda Jang (Executive Assistant).

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 JULY 2020 COMMENCING AT 10.00AM**

---

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

4.1 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON TUESDAY, 30 JUNE 2020

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*“That the Minutes of the Special Meeting held on Tuesday, 30 June 2020 be confirmed.”*

**Carried** Unanimously

4.2 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 30 JUNE 2020

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

*“That the Minutes of the Ordinary Meeting held on Tuesday, 30 June 2020 be confirmed.”*

**Carried** Unanimously

5. AGENDA ITEMS

5.1. DAINTREE WATER BOTTLING FACILITY REQUEST FOR NEGOTIATED DECISION NOTICE  
Daniel Lamond, Planning Officer

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*“That Council issue a Negotiated Decision Notice for the material change of use development approval for medium impact industry (water bottling facility) over land described as LOT:10 SP:304851, subject to the following:*

**APPROVED DRAWING(S) AND / OR DOCUMENT(S)**  
*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>Access Road and Building Pad concept Arrangement</i>	<i>Plan Prepared by Civil Walker Consulting Engineers, Drawing No. 106-002-C01</i>	<i>28 November 2019</i>
<i>Part Site Plan</i>	<i>Plan prepared by Greg Skyring Design and Drafting Pty Ltd, Plan No. 101-19</i>	<i>3 September 2019</i>
<i>Floor Plan</i>	<i>Plan prepared by Greg Skyring Design and Drafting Pty Ltd, Plan No. 101-19</i>	<i>3 September 2019</i>

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 JULY 2020 COMMENCING AT 10.00AM**

Elevations	<i>Plan prepared by Greg Skyring Design and Drafting Pty Ltd, Plan No. 101-19</i>	3 September 2019
<i>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</i>		
Rural Allotment Access	<i>Standard Drawing S1105 Issue E</i>	26 November 2014

**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.*

*Building Colours*

3. *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.  
Landscaping Plan*
4. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must detail the following:
 
  - (a). *a ten (10) metre wide planting buffer separating the bottling facility and the common boundary to Lot 180 on C157273 having regard to Planning Scheme Policy SC6.7- Landscaping;*
  - (b). *planting of setback areas immediately in front of the facility on the hillslope separating the facility and Upper Daintree Road;*
  - (c). *A species list detailing all proposed vegetation types to be used.**

*One A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.*

*Acoustic Report / Attenuation Measures*

6. *The development application material advised that the proposed use can utilise acoustic, noise attenuated building design measures to mitigate noise produced by plant. A noise impact assessment report must be prepared to demonstrate the affect of reasonable and practicable measures proposed to be implemented to minimise the impact of noise on the existing acoustic environment of the surrounding dwelling houses. Provide a report*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 JULY 2020 COMMENCING AT 10.00AM**

---

*prepared by a suitably qualified and experienced acoustic engineer which identifies measures to be built into the building to attenuate noise and identify other noise management initiatives specifically for the operation of the facility at the site. The acoustic report must;*

7.
  - (a). *investigate potential noise impacts on sensitive land uses external to the site, namely the dwelling houses neighbouring the site;*
  - (b). *establish the noise profile of the locality;*
  - (c). *the generation of noise associated with all noise emitting plant to be used;*
  - (d). *detail proposed attenuation treatments to the building;*
  - (e). *any other matters considered relevant by the acoustic engineer to ensure the proposed development does not unduly impact on neighbouring or surrounding properties.*

*The acoustic report must be submitted and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.*

#### *Acoustic Report / Noise Emissions*

6. *Average maximum noise level (L<sub>max,T</sub>) of plant must not exceed at an affected building:*
  - *Day (7am to 6pm): Background noise level L<sub>90,T</sub> + 5 dBA (with the exemption of reverse signals from machinery and plant).*
  - *Night (6pm to 7am): No audible noise.*

#### *Attenuation Measures for Machinery and Service Truck*

7. *Machinery and trucks used at the facility which are required to be fitted with reversing signal equipment must be fitted with a directional broadband noise emitter or another non-auditory alarm signal rather than a tonal reversing beeper, to the satisfaction of the Chief Executive Officer.*

#### *Hours of Operation*

8. *Hours of operation are limited to between 7am and 6pm daily.*

#### *Rate of Production*

- ~~9. *No more than 200 tonnes per annum of beverage can be produced at the facility.*~~

#### *Vehicle Parking and Access*

10. *A minimum of three (3) car parking spaces must be provided at the facility. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and Australian Standard AS2890.6. In addition, all parking and vehicular maneuvering areas must be imperviously sealed, drained and line marked. The parking area must be provided prior to the issue of a Certificate of Classification or commencement of use, whichever occurs first. The access driveway can be constructed with a finished treatment of gravel but must not cause a dust nuisance to surrounding properties.*



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 JULY 2020 COMMENCING AT 10.00AM**

---

*Erosion and Sediment Control*

11. 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.

*Emissions*

12. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

*Refuse Storage*

13. Refuse storage is required to service the site in accordance with Council requirements.

*Operational Works*

14. The construction of the facility triggers the requirement for a Development Permit for Operational Works given the earthwork required to establish a pad for the facility. Obtain a development permit for Operational Works for earthworks prior to the issue of a Development Permit for Building Work.

*Raw Water Purchase Agreement*

15. Enter into a commercial agreement with Council for the purchase of up to 10,000 litres per day of raw water from the Daintree water intake. The agreement must bind the applicant to pay a rate for raw water to be used as part of the operation of the water bottling facility and must allow the Chief Executive Officer the discretion to ultimately regulate the applicant's access to the raw water main during times of water restriction.

*Access Crossover*

16. Provide an access crossover in accordance with standard drawing S1105D from the FNQROC Development Manual.

*Heavy Vehicle Movements*

17. No more than ~~one~~ ten (10) body truck or heavy vehicle movements to and from the facility is permitted per ~~day~~ week.

Changes to conditions are to be renumbered accordingly.

*Reasons for Decision*

The reasons for this decision are:

Sections 60, 62 and 63 of the Planning Act 2016:

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 JULY 2020 COMMENCING AT 10.00AM**

---

*to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*

*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 30 September 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:*

- c) *the development triggered assessable development under the Assessment Table associated with the Rural zone;*
- d) *Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and*
- e) *the applicant's reasons have been considered and the following findings are made:*

*Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.*

**Moved** Cr Kerr

*That the motion be put, that Council defers Item 5.1 "Daintree Water Bottling Facility Request for Negotiated Decision Notice" subject to further information coming forward to a future Ordinary Council Meeting.*

**For:** Cr Scomazzon, Cr McKeown and Cr Zammataro

**Against:** Cr Kerr

**Carried**

5.2. QUEENSLAND PLANNING FRAMEWORK CHANGES - PLANNING INITIATIVES TO SUPPORT ECONOMIC RECOVERY  
Jenny Elphinstone, Senior Planning Officer

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

*"That:*

1. *Council makes a submission to the Minister of Infrastructure and Planning regarding the proposed changes as outlined in the agenda report; and*
2. *that a copy of Council's submission be forwarded to the Local Government Association of Queensland (LGAQ) for inclusion in a joint Council submission to be prepared by the LGAQ."*

**Carried** Unanimously



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 JULY 2020 COMMENCING AT 10.00AM**

---

5.3. TRUNK INFRASTRUCTURE WORKS CRAIGLIE  
Neil Beck, Team Leader Planning

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*“That Council resolves to:-*

1. *allocate, in the 21 / 22 Capital Works budget, \$1 Million for payment towards the construction and delivery of planned trunk infrastructure works being undertaken as part of the construction of the first two stages of the approved residential estate at Craiglie over land described as Lot 2 on SR431; and*
2. *delegate authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any, and all matters, associated with the payment of outstanding monies associated with the delivery of trunk infrastructure and to enter into an Infrastructure Agreement with the owner of Lot 2 on SR431.”*

**Carried** Unanimously

5.4. SINGLE-USE PLASTIC FREE POLICY  
Ada Pasanen, Sustainability Officer

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

*“That Council adopt a Single-Use Plastic Free Policy”*

**Carried** Unanimously

5.5. WATER AND WASTEWATER CUSTOMER SERVICE STANDARDS REVIEW  
Melissa Mitchell, Environmental Technical Officer Water and Wastewater

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

*“That Council receives and notes the updated Water and Wastewater Customer Service Standards review 2020 within Douglas Shire.”*

**Carried** Unanimously

5.6. WATER AND WASTEWATER QUARTERLY REPORT FOR PERIOD ENDING  
30 JUNE 2020  
Peter Tonkes, Manager Water and Wastewater

**Moved** Cr Zammataro

**Seconded** Cr McKeown

*“That the Quarterly Report of the Water and Wastewater Department for the period ending 30 June 2020 be received and noted.”*

**Carried** Unanimously

5.7. MOSSMAN GOLF COURSE PROPOSAL OF PURCHASE  
Terry Farrelly, Manager People and Community Services

**Moved** Cr McKeown

**Seconded** Cr Scomazzon

*“That Council resolves to:*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 JULY 2020 COMMENCING AT 10.00AM**

---

1. *delegate its power pursuant to Sections 257 and 262 of the Local Government Act 2009 to the Chief Executive Officer to purchase Lot 21 on SP212664 and associated buildings on the land and on adjacent land on Lot 20 SP212664 by negotiation for a maximum amount;*
2. *after purchase approves a trustee permit for Lot 263 SR540 and freehold leases on Lots 20 and 21 SP212664 with Mossman Memorial Bowls Club for twelve (12) months with an option agreeable to both parties to extend into a trustee permit or management rights options on Council freehold land up to a further two (2) years, to manage operations of the Mossman Golf Course; and*
3. *delegates authority under s257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise any and all matters associated with this report.”*

**Carried** Unanimously

- 5.8. WAIVE DAINTREE FERRY BUS FEES AUGUST AND SEPTEMBER 2020  
Tara Killeen, Chief Financial Officer

**Moved** Cr Zammataro

**Seconded** Cr McKeown

*“That Council:*

1. *resolves to endorse the proposed waiver of Daintree Ferry charges for buses for the period 1 August 2020 – 30 September 2020; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to administer the above relief provisions.*

**Carried** Unanimously

- 5.9. INTERIM FINANCIAL REPORT JUNE 2020  
Tara Killeen, Chief Financial Officer

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*“That Council notes the Interim Financial Report and the Estimated Financial Position for the 2019/20 financial year.”*

**Carried** Unanimously

- 5.10. CEO REPORT FOR PERIOD APRIL TO JUNE 2020  
Mark Stoermer, Chief Executive Officer

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*“That Council receives and notes the Organisational Report Card and the Report from the Chief Executive Officer for the period April to June 2020.”*

**Carried** Unanimously

6. NOTICES OF MOTION

Nil

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 JULY 2020 COMMENCING AT 10.00AM**

---

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

9. CLOSED SESSION

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

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

- 9.1. ***Contractual Matter S275 1 E Local Government Regulation 2012 - Use Of Confidential Information In The Daintree River Crossing Options Assessment Report***
- 9.2. ***Contractual Matter S275 1 E Local Government Regulation 2012 - Contract 2020-130 Amended Craiglie Reservoir Lining And External Painting***
- 9.3. ***Prejudicial Matter S275 1 E Local Government Regulation 2012 - Sole Supplier Addition***
- 9.4. ***Prejudicial Matter S275 1 H Local Government Regulation 2012 - Golf Course Purchase."***

**Carried** Unanimously

(Meeting moved into Closed Session at 10.31am)

OUT OF CLOSED SESSION

**Moved** Cr Zammataro

**Seconded** Cr Scomazzon

*"That Council resolves to move out of Closed Session."*

**Carried** Unanimously

(Meeting moved out of Closed Session at 10.52am)

- 9.1. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION 2012 - USE OF CONFIDENTIAL INFORMATION IN THE DAINTREE RIVER CROSSING OPTIONS ASSESSMENT REPORT  
Colin Chambers, Asset Management Officer

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*"That Council agrees to:*

1. *the proposed conditions in return for Sirron Enterprises Pty Ltd (Sirron) granting permission to use confidential tender information in the Daintree River Crossing Options Assessment Report and associated community consultation;*
2. *enter into discussions with Sirron Enterprises Pty Ltd to modify the current ferry service contract No. 5-05/06, to extend the term (only) of the contract for one year initially and options for a further three periods of two years each to allow the preferred Daintree River Crossing Option to be undertaken; and*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 JULY 2020 COMMENCING AT 10.00AM**

---

3. *delegates authority under Section S257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise any and all matters associated with this report.*

**Carried** Unanimously

- 9.2. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION 2012 - CONTRACT 2020-130 AMENDED CRAIGLIE RESERVOIR LINING AND EXTERNAL PAINTING  
Luke Chappell, Project Manager

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

*“That Council:*

1. *resolves to award Contract Number 2020-130 Craiglie Reservoir Lining and External Painting to Pensar Building Pty Ltd for an amount of \$589,588.00 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

- 9.3. PREJUDICIAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION 2012 - SOLE SUPPLIER ADDITION  
Gabriel Nucifora, Project Manager

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*“That Council resolves to approve Future Engineering & Communication to the list of sole suppliers and/or specialised suppliers under S235(a) & (b) of the Local Government Regulation 2012 for the supply of equipment and services, for a period of two years.”*

**Carried** Unanimously

- 9.4. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION 2012 - GOLF COURSE PURCHASE  
Terry Farrelly, Manager People and Community Services

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*“That Council resolves to:*

1. *delegate its power pursuant to Sections 257 and 262 of the Local Government Act 2009 to the Chief Executive Officer to purchase Lot 21 on SP212664 and associated buildings on the land and on adjacent land on Lot 20 SP212664 by negotiation for a maximum purchase price of \$202,181 (GST Exc);*
2. *authorise the Chief Executive Officer to delegate the exercise of the powers contained in Attachment 2 – Instrument of Delegation - to Preston Law to act on behalf of Council for all acquisition negotiations and enter into a Contract on behalf of Council in regard to this purchase;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 JULY 2020 COMMENCING AT 10.00AM**

---

3. *approves a trustee permit for Lot 263 SR540 and freehold leases on Lots 20 and 21 SP212664 with Mossman Memorial Bowls Club for twelve (12) months with an option agreeable to both parties to extend into a trustee permit or management rights options on Council freehold land up to a further two (2) years, to manage operations of the Mossman Golf Course;*
  - a. *terms and conditions of Standard Terms Document register under dealing number 713488911 and 717940168 and also the State's Mandatory Standard Terms Document registered under dealing number 711932933;*
  - b. *associated costs of the trustee permit and council leases, including survey plans to be met by the lessee; and*
  - c. *lessee will be responsible for the grounds and general maintenance of buildings and facilities;*
4. *permit and lease payments as per the financial section of the report, noting Council will receive an annual return on investment; and*
5. *delegates authority under s257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise any and all matters associated with this report."*

**Carried** Unanimously

**CLOSURE OF MEETING**

The meeting closed at 10.53am.

**CONFIRMED THIS 25TH DAY OF AUGUST 2020**

  
.....  
MAYOR/CHAIR