

DOUGLAS SHIRE COUNCIL

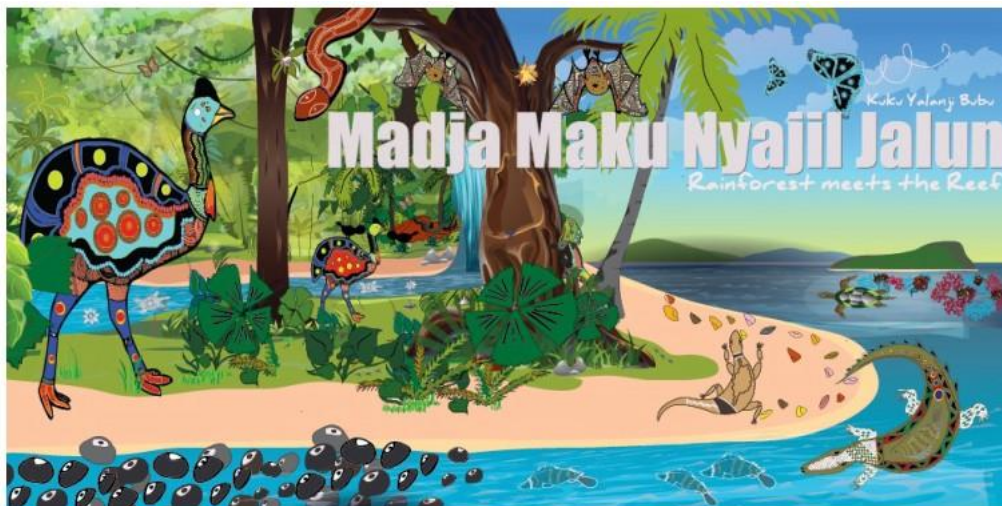
ORDINARY COUNCIL MEETING

MINUTES

Wednesday, 27 January 2021

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 WEDNESDAY, 27 JANUARY 2021 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 restricted in numbers to public access because of health and safety reasons associated with the public health emergency involving COVID-19.

Cr Kerr advised that the Council Meeting can be viewed via live stream on Council's Website 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 Scomazzon (Deputy Mayor), Cr Peter McKeown, Cr Abigail Noli and Cr Roy Zammataro.

APOLOGIES

Nil

OFFICERS IN ATTENDANCE

Mark Stoermer (Chief Executive Officer), Terry Farrelly (Manager People and Community Services), Tara Killeen (Chief Financial Officer), Scott Hahne (Manager Project Office), Juanita Holden (Manager Governance), Peter Tonkes (Manager Water and Wastewater), Scott Hahne (Manager Project Office), Lisa Golding (Team Leader Community & Economic Development), Robert Donovan (Team Leader Property Services), Neil Beck (Team Leader Planning), Daniel Lamond (Planning Officer), Jenny Elphinstone (Senior Planning Officer), Gabriel Nucifora (Project Manager), Tom Volling (Senior Media and Communications Officer) and Brenda Jang (Executive Assistant).

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

4.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING HELD TUESDAY, 15 DECEMBER 2020.

Moved Cr McKeown

Seconded Cr Scomazzon

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That the Minutes of the Ordinary Meeting held on Tuesday, 15 December 2020 be confirmed.

Carried Unanimously

4.2 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING HELD TUESDAY, 12 JANUARY 2021.

Moved Cr Scomazzon

Seconded Cr Kerr

That the Minutes of the Ordinary Meeting held on Tuesday, 12 January 2021 be confirmed.

Carried Unanimously

5. AGENDA ITEMS

5.1. MATERIAL CHANGE OF USE FOR HOTEL (WINE BAR) 5-7 FRONT STREET, MOSSMAN

Daniel Lamond, Planning Officer

Moved Cr Noli

Seconded Cr Zammataro

That Council approves the development application for Material Change of Use (Hotel - Wine Bar) over land described as Lot 3 on RP836113 and Lot 2 on RP804918, 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>Plan prepared by Hortulus Australia Pty Ltd, Drawing No. LP_01</i>	<i>8 October 2020</i>
<i>Ground Plan</i>	<i>Plan prepared by Hortulus Australia Pty Ltd, Drawing No. LP_02</i>	<i>8 October 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;*
 - 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.*

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Air-Conditioning Screens

3. *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

4. *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.*

Vehicle Parking and Access

5. *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, six (6) car parking spaces must be provided on site and must be made available to the public at all times of operation.*

Storage of Machinery and Plant

6. *The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.*

Lawful Point of Discharge

7. *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.*

Landscaping Plan

8. *The site must be landscaped in accordance with the details included on the landscaping plan titled 'Ground Plan' prepared by Hortulus Australia Pty Ltd. Landscaping work must be implemented and completed prior to commencement of use.*

Tree Removal

9. *Remove the large Rain tree at the rear of the site as well as the self sown stand of trees immediately within its proximity to protect the sewer main.*

Easement C

10. *Extinguish Easement C on RP804918 prior to commencement of use.*

Waste Storage

11. *Provide a central bin storage facility within the site with the following attributes:*
 - a. *provided with storage area for the storage of a minimum of 4 bins (240L capacity);*
 - b. *contain an impervious surface for the storage of waste containers with a suitable*

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hosecock with hose attached, located on an external front corner of the enclosure with a reduced pressure zone device; and

- c. *be banded 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 Work provide an updated site plan detailing the central bin storage facility for endorsement by the Chief Executive Officer.

Infrastructure Charges

12. *Prior to commencement of use the applicant must demonstrate and confirm the Gross Floor Area of the previous bicycle shop tenancy to clarify the rate of infrastructure charge to the satisfaction of the Chief Executive Officer. The infrastructure charges notice is included with an approximate charge based on the most current information available and is subject to change at the time payable.*

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<i>Concurrence Agency</i>	<i>Concurrence Agency Reference</i>	<i>Date</i>	<i>Doc ID</i>
<i>State Assessment and Referral Agency</i>	<i>2011-19567 SRA</i>	<i>23 November 2020</i>	<i>984339</i>

Advices

1. *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.*
2. *This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.*
3. *For information relating to the Planning Act 2016 log on to www.dsdmip.qld.gov.au. To access the FNQROC Regional Development Manual, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au*
4. *Prior to Kitchen construction obtain the necessary food licensing in accordance with the Food Act 2006.*
5. *Trade waste discharge to sewer must be in accordance with Council's Trade Waste Environmental Management Plan (TWEMP). A report demonstrating that the facility complies with the TWEMP must be submitted to and be endorsed by Council.*

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.*

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2. *Findings on material questions of fact:*
 - a. *the development application was properly lodged to the Douglas Shire Council on 19 October 2020 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 Centre 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

5.2. STORM TIDE INUNDATION METHODOLOGY STUDY

Jenny Elphinstone, Senior Planning Officer

Moved Cr Scomazzon

Seconded Cr Noli

That Council adopts in principle the draft Storm Tide Inundation Methodologies Study prepared by JBA Pacific Scientists and Engineers Pty Ltd, with the final version being reviewed and approved by the Chief Executive Officer and such final version being considered as Council's best practice position for determining 1% AEP storm tide inundation for the year 2100 having regard to a 0.8m AHD sea level rise.

Carried Unanimously

5.3. SAFE PLACES EMERGENCY ACCOMMODATION FUNDING AGREEMENT

People and Community Services

Moved Cr Noli

Seconded Cr Zammataro

That Council resolves to:

1. *enter into a funding agreement with the Australian Government under the Safe Places Emergency Accommodation Grant to construct emergency accommodation in the Douglas Shire;*
2. *enter into a Head Lease Arrangement with domestic violence service provider to manage and maintain the buildings for a period of 15 years;*
3. *commit the property to operating as emergency or crisis accommodation for a minimum of 15 years; and*

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4. *delegate authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to administer the above matters.*

Carried Unanimously

**5.4. APPLICATION FOR TEMPORARY ROAD CLOSURE OVER PART OF
UNNAMED ROAD ADJOINING LOTS 1 - 6 ON C2254 ANDREASSEN ROAD,
CRAIGLIE**

Property Services

Moved Cr Scomazzon

Seconded Cr Noli

That Council:

1. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to execute a Form Part C as Road Manager, advising the Department of Natural Resources Mines & Energy (DNRME) that Council cannot authorise a proposed temporary road closure over part of unnamed road reserve adjoining Lots 1-6 on C2254 (identified by the locality map attached to this report) Andreassen Road, Craiglie, however it requests DNRME to consider an application under the Land Act in relation to this matter;*
2. *advises DNRME that it has no objection to the proposed application for temporary road closure over unnamed road reserve adjoining Lot 1-6 on C2254 Andreassen Road, Craiglie; and*
3. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise all matters associated with the application.*

Carried Unanimously

**5.5. APPLICATION FOR PERMANENT ROAD CLOSURE ADJOINING LOT 204
ON SP264765 CAPTAIN COOK HIGHWAY, KILLALOE**

Property Services

Moved Cr Scomazzon

Seconded Cr Kerr

That Council:

1. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to execute a Form Part C as Road manager, advising the Department of Natural Resources Mines & Energy (DNRME) that Council cannot authorise a proposed permanent road closure over part of unnamed road reserve adjoining Lot 204 on SP264765 (identified by the locality map attached to this report) Captain Cook Highway, Killaloe, however it requests DNRME to consider an application under the Land Act in relation to this matter;*
2. *advises DNRME that it has no objection to the proposed application for permanent road closure over unnamed road reserve adjoining Lot 204 on SP264765 Captain Cook Highway Killaloe, subject to the following condition:*
 - *the applicant must provide the necessary easements to accommodate access to the aircraft beacon and stormwater discharge where necessary; and*

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3. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise any and all matters associated with the application.*

For: Cr McKeown, Cr Kerr

Against: Cr Scmazzon, Cr Noli, Cr Zammataro

Not carried

5.6. CONTRACT WO5040-02 - DONOVAN RANGE PAVEMENT UPGRADE

Gabriel Nucifora, Project Manager

Moved Cr Noli

Seconded Cr Kerr

That Council:

1. *resolves to award Contract WO5040-02 – Donovan Range Pavement Upgrade to Geo Construct Pty Ltd (ABN 42 640 635 445) for \$2,617,323.85 (GST exclusive); 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.*

Moved Cr Zammataro

Seconded Cr Scmazzon

An amended motion that Council award the contract to MC Group Qld Pty Ltd.

For: Cr Zammataro, Cr Scmazzon

Against: Cr Kerr, Cr McKeown, Cr Noli

Not carried

The proposed amendment to the original motion was lost and a further amendment to the original motion was put to the vote.

Moved Cr Kerr

Seconded Cr McKeown

That Council defer the original motion and that further information is to be presented to a Councillor Workshop with a further recommendation to a future Council Meeting.

The proposed amendment to defer the original motion became the substantive motion and was put to the vote.

For: Cr Kerr, Cr Scmazzon, Cr McKeown, Cr Noli

Against: Cr Zammataro

Carried

5.7. FINANCIAL REPORT DECEMBER 2020

Tara Killeen, Chief Financial Officer

Moved Cr Kerr

Seconded Cr Scmazzon

That Council notes the Financial Report for the period ended 31 December 2020.

Carried Unanimously

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5.8. COMPLAINTS ABOUT THE PUBLIC OFFICIAL POLICY

Juanita Holden, Manager Governance

Moved Cr McKeown

Seconded Cr Scomazzon

That Council:

- *adopts the Complaints about the Public Official Policy as per section 48A of the Crime and Corruption Act 2001; and*
- *delegates authority to the Manager Governance under section 257 of the Local Government Act 2009 to incorporate any administrative changes required to the policy following the review by the Crime and Corruption Commission.*

Carried Unanimously

5.9. PROVISION OF SUPERANNUATION FOR COUNCILLORS

Juanita Holden, Manager Governance

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council:

1. *contributes up to a maximum of 12% superannuation contribution to superannuation funds/schemes complying with the Commonwealth Superannuation legislation for elected members who wish to participate (as per section 226 of the Local Government Act 2009);*
2. *provides for Councillors who make voluntary superannuation contribution of at least 6% to receive a 12% contribution on those payments;*
3. *provides for those Councillors who do not wish to make a voluntary contribution to receive the standard superannuation guarantee payment (9.5%); and*
4. *provides that were a Councillor chooses to make a voluntary contribution that this can be contributed from pretax or post tax.*

Carried Unanimously

**5.10. WATER AND WASTEWATER QUARTERLY REPORT FOR PERIOD ENDING
31 DECEMBER 2020**

Peter Tonkes, Manager Water and Wastewater

Moved Cr Noli

Seconded Cr Scomazzon

It is recommended that the Quarterly Report of the Water and Wastewater branch for the period ending 31 December 2020 be received and noted.

Carried Unanimously

**5.11. OPERATIONAL PLAN PROGRESS REPORT FOR PERIOD OCTOBER TO
DECEMBER 2020**

Mark Stoermer, Chief Executive Officer

Moved Cr Kerr

Seconded Cr Scomazzon

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That Council notes the progress of the implementation of the Operational Plan 2020-2021.

Carried Unanimously

5.12. CEO REPORT FOR PERIOD OCTOBER TO DECEMBER 2020

Mark Stoermer, Chief Executive Officer

Moved Cr Zammataro

Seconded Cr McKeown

That Council receives and notes the Organisational Report Card and the Report from the Chief Executive Officer for the period October to December 2020.

Carried Unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

CLOSURE OF MEETING

The meeting closed at 10.56am.

CONFIRMED THIS 23RD DAY OF FEBRUARY 2021


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MAYOR/CHAIR