



DOUGLAS SHIRE COUNCIL

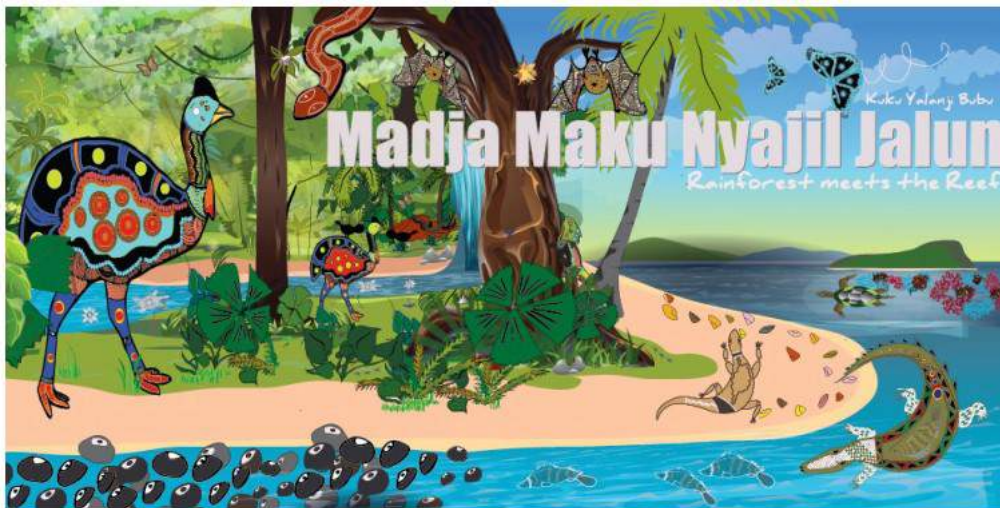
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 26 June 2018

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 AT THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT STREET, MOSSMAN
ON TUESDAY, 26 JUNE, 2018 COMMENCING AT 10.00AM**

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Darryl Crees (Acting Chief Executive Officer), Joanne Jacobson (Acting General Manager Corporate Services), Michael Kriedemann (Acting General Manager Operations), Natalie Crimmins (Acting Mayoral and Councillor Support Officer).

Part Meeting:

Tim O'Brien (Environmental Health Officer); Daniel Lamond (Planning Officer); Lisa Golding (Community & Economic Development Officer); Graham Busby (Property Officer); Robert Donovan (Team Leader Property); Peter White (Coordinator Water and Wastewater); Paul Hoye (Manager Sustainable Communities); Scott Hahne (Principal Project Manager); Lloyd Nunns (Chief Procurement Officer).

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.

APOLOGIES

Cr Roy Zammataro.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil.

3. MAYORAL MINUTES

3.1. LEAVE OF ABSENCE – CR ZAMMATARO

Moved Cr Leu

“That Council grant leave of absence to Cr Zammataro for the Ordinary Meeting today.”

Carried unanimously

3.2. CHANGE OF DATE FOR JULY ORDINARY MEETING

Moved Cr Leu

“That Council amend the date of the Ordinary Meeting on Tuesday 17 July 2018 to Tuesday 24 July 2018.”

BACKGROUND INFORMATION

The amendment to Council Meeting dates and times is an operational matter and the amendment can be advertised through all usual media that Council utilizes to convey information to the communities.

Carried unanimously

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3.3. NATIONAL ASBESTOS AWARENESS CAMPAIGN 2017 AWARDS

Moved Cr Leu

“That Council:-

1. *acknowledge the two Awards received as part of the National Asbestos Awareness Campaign 2017, namely:-*
 - a) *National Council Award: **Most Improved Council Asbestos Awareness Campaigner – Regional Winner**; and*
 - b) *State Based Council Awards – **Best Queensland Regional Council**; and*
2. *continues to participate in the National Asbestos Awareness Month in November of each year.”*

BACKGROUND INFORMATION

In October 2017 I put forward a Mayoral Minute which was unanimously supported, to participate in National Asbestos Awareness Month (November) aimed at educating all Australians about the dangers of asbestos and how to manage asbestos safely when renovating or maintaining homes.

As a result of the campaign in November 2017, Council recently received 2 awards:

- a) *National Council Award: **Most Improved Council Asbestos Awareness Campaigner – Regional Winner**; and*
- b) *State Based Council Awards – **Best Queensland Regional Council**.*

The annual awards, known as the “Betty Awards” were established in 2012 to recognise the outstanding contributions of individuals, businesses and governments in being proactively involved in informing their communities about the dangers of asbestos and directing them to resources that can assist them to manage it safely.

In 2017, 537 councils participated in the campaign with Douglas Shire Council receiving 2 awards.

Tragically every year around 700 Australians die from malignant mesothelioma which is one of the highest incidence rates in the world, stemming from the use of asbestos.

Participating in the annual National Asbestos Awareness Month campaign will continue to promote awareness of the dangers of asbestos in and around homes to our community and will also provide other benefits such as reduction in the incidences of illegal dumping of asbestos products.

Carried unanimously

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 5 JUNE 2018

Moved Cr Carey

Seconded Cr Noli

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“That the Minutes of the Ordinary Meeting held on Tuesday 5 June 2018, be confirmed.”

Carried unanimously

SPECIAL MEETING HELD ON 12 JUNE 2018

Moved Cr Kerr

Seconded Cr Noli

“That the Minutes of the Special Meeting held on Tuesday 12 June 2018, be confirmed.”

Carried unanimously

SPECIAL MEETING HELD ON 19 JUNE 2018

This item was deferred to the next Ordinary Council Meeting.

5. AGENDA ITEMS

5.1. MINOR CHANGE APPLICATION TO COMBINED DEVELOPMENT APPROVAL LOTS 41 & 42 ON RP747344, LOTS 49 & 51 ON SP161464
Daniel Lamond, Planning Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council approves the application for minor change to approval for the combined application for a material change of use and reconfiguration of a lot (33 lots & common property) with a House on each lot and a display home over land described as Lots 41 & 42 on RP747344 and Lots 49 & 51 on SP161464, located at 4-10 and 9 Escape Street, PORT DOUGLAS, 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:

Drawing or Document	Reference	Date
<i>Staged Reconfiguration Development of Escape Street Land- Cancelling lots 41 & 42 on RP747344 & Lots 49 & 51 on SP161464 Escape Street, Port Douglas</i>	<i>Drawing 133458-4B prepared by RPS Australia East Pty Ltd.</i>	<i>11 June 2018</i>

ASSESSMENT MANAGER CONDITIONS

Plan of Development

1. *The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with:*
 - (a) *The approved plans of development No.AR02 Rev A, AR03 Rev A, AR04 Rev A, AR00 Rev C, AR01 Rev G prepared by Anna Vaughn Architects dated September 2005 and the Staged Reconfiguration Development Plan, RPS Drawing PR133458-4B attached to this approval. It is acknowledged that the proposed reconfiguration layout may be amended to accommodate the*

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requirements of condition 2(a) and that the proposed development may be undertaken in stages to be determined at the Operational Works stage and/or prior to the issue of a Building Works Development Approval for the first House on the land;

- (b) *The plans and specifications submitted with the application to Council attached to this approval*

Except where such plans and/or specifications are modified by the terms of this approval.

2. *The Plans of Development must be amended as follows;*

- (a) *The minimum setbacks to boundaries as described under the Douglas Shire Planning Scheme shall apply, in particular no building will be permitted within the following setbacks:*
- (i) *Escape Street – four (4) metres, except that Villas 15, 28 and 29 may have a building setback of three (3) metres from Escape Street subject to the provision of dense tropical landscaping between Villas 15, 28 and 29 and the Escape Street frontage subject to a plan to be submitted at Operational Works stage for Council approval. Any densely planted landscape areas adjacent to Villas 15, 28 and 29 will need to be included in the common property for the Development to ensure that the vegetation is retained.*
 - (ii) *St Crispins Avenue – six (6) metres*
 - (iii) *Side boundaries – half the height of the building element*
- (b) *The maximum height of any building is nine (9) metres excluding roof structures. ~~The structures on the roof terraces of dwelling type C will need to be reduced in height to below nine (9) metres. The only permitted roof structure on dwelling type C is over the proposed stairwell.~~*
- (c) *House roof designs shall be re-designed to adopt pitch roof designs consistent with Council's current Planning Scheme Policy – Building Design and Architectural Elements.*
- (d) *In accordance with section 10.6.8 (2) and (3) of the Planning Scheme the whole of the required setback to the road frontage of an allotment shall be provided as landscape and recreation area ~~with no fences within two (2) metres of the road frontages~~. A minimum depth of two (2) metres adjoining the road frontage shall be provided for a deep planted landscaping at natural ground level. A suitable alternative may be negotiable in consultation with Council.*

The amended plan of development is to be provided to Council for the confirmation of compliance prior to the lodgement of an application for building work over the site or prior to Council endorsement of the Plan of Survey for the community titles lots, whichever occurs first.

28. *The applicant shall connect Proposed Lots 1 and 2 on RPS Drawing PR133458-4B to reticulated water supply via the main contained within the Escape Street road reserve using an easement or the provision of a separate water supply connection.*

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The proposed connection point including all works required to take the reticulated supply to the boundary of the site are to be shown on the plans for Plumbing and Drainage Works approval.

31. *The applicant shall connect Proposed Lots 1 and 2 on RPS Drawing PR133458-4B to Council's reticulated sewerage network using an easement or the provision of a separate sewer connection. The plans and specifications of the internal sewerage works must be submitted to Council at Plumbing & Drainage works application stage of review.*

Electrical & Telephone Services

33. *Prior to the endorsement of the Plan of Survey for the Proposed Lots 1 and 2 on RPS Drawing PR133458-4B and the proposed community titles development, the Applicant must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:*

- (a) an underground electrical supply to the development; and*
- (b) street lighting in accordance with Council's adopted standards.*
- (c) locating of all above ground transformer cubicles clear of footpath area.*

36. *Prior to the endorsement of the Plan of Survey for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B and the community titles development, the Applicant must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:*

- (a) an underground telephone service to the development lot; and*
- (b) locating of all above ground switching station cubicles clear of footpath areas.*

Service and Access Easements

49. *Written confirmation of the location of exiting services (water, sewer, electricity and telecommunications) for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:*

- (a) Relocation of the services to comply with this requirement; or*
- (b) Arrange registration of necessary easements over services and vehicle access located within another lot prior to, or in conjunction with, the lodgement of the plan sealing application for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B.*

Vehicle Parking and Access

50. *The amount of vehicle parking to be provided on Proposed Lot 1 on RPS Drawing PR133458-4B must be as specified in Council's Planning Scheme which is a minimum of 9 car parking spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed of a compacted granitic surface to be confirmed with Council prior to construction. In addition, all parking, driveway and vehicular manoeuvring areas must be drained, use pavers or the like to delineate car parking spaces, include concrete crossover/s and the vehicle parking area shall be provided with two-way access consistent with the design standards adopted in the existing community titles*

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development. The vehicle parking area is to be established in accordance with this condition prior to prior to the endorsement of the Plan of Survey for Proposed Lots 1 and 2 on RPS Drawing PR133458-4B.

ADVICE

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 Local Laws and other statutory requirements.
3. For information relating to the Planning Act 2016 log on to www.dilqp.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.”

Carried unanimously

- 5.2. 2 MURPHY STREET- BUILDING WORK ASSESSABLE AGAINST THE PLANNING SCHEME (ADDITIONS TO DWELLING HOUSE)
Daniel Lamond, Planning Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council approves the development application for a Preliminary Approval for building work (Extensions to Dwelling House) over land described as Lot 26 on PTD20925, located at 2 Murphy Street PORT DOUGLAS, 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:

Drawing or Document	Reference	Date
Existing Second Floor Plan	Plan prepared by Driscoll Carvey Building Design & Interiors, 1752/1 DA	January 2018
Ground Floor Plan	Plan prepared by Driscoll Carvey Building Design & Interiors, 1752/2 DA	January 2018
First Floor Plan	Plan prepared by Driscoll Carvey Building Design & Interiors, 1752/3 DA	January 2018
Proposed Second Floor Plan	Plan prepared by Driscoll Carvey Building Design & Interiors, 1752/4 DA	January 2018
Front Elevation- South West	Plan prepared by Driscoll Carvey Building Design & Interiors, 1752/5 DA	January 2018
Rear Elevation- North East	Plan prepared by Driscoll Carvey Building Design & Interiors, 1752/6 DA	January 2018

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ASSESSMENT MANAGER CONDITIONS

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

Vegetation Clearing

2. Existing vegetation on the subject land must be retained in all areas to the satisfaction of the Chief Executive Officer.

Damage to Council Infrastructure

3. 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, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the commencement of use.

ADVICE

1. This approval, granted under the provisions of the Planning Act 2016 shall lapse six (6) years from the date the approval takes effect.
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 cyclone watch 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 all other relevant Local Laws and other statutory requirements."

Carried unanimously

- 5.3. EXTENSION OF DEVELOPMENT LEASE - AGED CARE FACILITY -
JOHNSTON ROAD MOSSMAN
Neil Beck, Planning Officer

Moved Cr Noli

Seconded Cr Kerr

"That Council:

1. resolves in accordance with Section 10.11 of the Development Lease, the Expiry Date of the Development Lease is extended up to and including 31 July 2019 to enable delivery of the Aged Care Facility; and
2. delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the Local government Act 2009 to finalise any and all matters associated with the extension of the Development Lease."

Carried unanimously

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- 5.4. DOMESTIC AND FAMILY VIOLENCE REFUGE SIX MONTH UPDATE
Lisa Golding, Community & Economic Development Officer

Moved Cr Leu

Seconded Cr Carey

“That Council:

1. *Notes the status report on advocacy to secure funding for a Domestic and Family Violence Refuge located in the Douglas Shire; and*
2. *Resolves to continue to advocate to State and Federal governments for a facility as described in the functional brief adopted by Council.”*

Carried unanimously

- 5.5. EXPIRING TRUSTEE PERMIT FOR PROVISION OF COAST GUARD SERVICES - LOT 51 ON SP288958, WHARF STREET PORT DOUGLAS
Graham Busby, Property Officer

Moved Cr Leu

Seconded Cr Noli

“That Council:

1. *offers a Trustee Permit to the Public Safety Business Agency (PSBA) on behalf of Queensland Fire and Emergency Services (QFES) over Lot 51 on SP288958, Wharf Street Port Douglas, for the purpose of providing marine rescue services covering an area from Ellis Beach to the Hope Islands and for the storage of flares and associated flammable materials:*
 - a. *for a term of 10 months commencing from 1 July 2018 and expiring 30 April 2019, or until such time as the dispute between the former Flotilla QF10 volunteers and its parent body the Australian Volunteer Coast Guard Association is resolved and a trustee lease is formally in place; whichever is the sooner;*
 - b. *utilising the terms and conditions of the Standard Terms Document registered under dealing number 713488911 and also the State's Mandatory Standard Terms Document registered under dealing number 711932933; and*
 - c. *rent for the term of the trustee permit to be waived; and*
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 execution of the Trustee Permit.”*

Carried unanimously

- 5.6. APPROVAL TO EXECUTE FORM PART C - PROPOSED BOUNDARY ADJUSTMENT OF LOT 147 SP301681
Robert Donovan, Team Leader Property

Moved Cr Noli

Seconded Cr Kerr

“That Council:

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1. *resolves to allow an application to be lodged with the Department of Natural Resources, Mines and Energy to apply to excise approximately 100M² from Lot 142 CP886634 and incorporate into Lot 147 SR866; and*
2. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalize any and all matters with the application being lodged with the Department of Natural Resources, Mines and Energy, including the execution of the Form C as being owners of the Reserve."*

Carried unanimously

- 5.7. APPROVAL TO EXECUTE FORM PART C - TEMPORARY ROAD CLOSURE CONNOLLY ROAD ABUTTING LOT 193 N15751 DESCRIBED AS LOT A.
Robert Donovan, Team Leader Property

Moved Cr Noli

Seconded Cr Leu

"That Council:

1. *resolves to allow the an application to be lodged with the Department of Natural Resources, Mines and Energy to apply for a temporary road closure being part of Connolly Road abutting the north western boundary of Lot 193 N15751, described as Lot A on Drawing CNS17/027CP; and*
2. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalize any and all matters with this application being lodged with the Department of Natural Resources, Mines and Energy, including the execution of the Form C as being owners of the road reserve."*

Carried unanimously

- 5.8. WATER DELEGATION TO CEO – EXEMPTIONS
Peter White, Coordinator Water and Wastewater

Moved Cr Kerr

Seconded Cr Noli

"That Council resolves to delegate under Section 257(1)(b) of the Local Government Act 2009, the authority to provide an exemption to a water restriction under Section 41(5) of the Water Supply (Safety and Reliability) Act 2008 to the Chief Executive Officer."

Carried unanimously

- 5.9. WATER RESILIENCE STRATEGY - INVESTIGATION INTO SMART WATER METERS
Peter White, Coordinator Water and Wastewater

Moved Cr Noli

Seconded Cr Kerr

"That Council receives and notes the investigation report into the implementation of smart water meters."

Carried unanimously

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5.10. SUBMISSION ON TRANSFORMING QUEENSLAND'S RECYCLING AND WASTE INDUSTRY-DIRECTIONS PAPER
Paul Hoye, Manager Sustainable Communities

Moved Cr Leu

Seconded Cr Carey

"That Council resolves to:

1. *lodge the proposed submission to the Department of Environment and Science; and*
2. *delegate authority in accordance with section 257 of the Local Government Act 2009 to the Chief Executive Officer to make any changes to the submission as required."*

Carried unanimously

5.11. SUBMISSION TO DEPARTMENT OF LOCAL GOVERNMENT, RACING AND MULTICULTURAL AFFAIRS
Darryl Crees, Acting Chief Executive Officer

Moved Cr Carey

Seconded Cr Kerr

"That Council delegates authority in accordance with section 257 of the Local Government Act 2009 to the Chief Executive Officer to lodge a submission to the Department of Local Government Racing and Multicultural Affairs as outlined in this report."

Carried unanimously

5.12. CEO REPORT FOR MARCH - MAY 2018
Darryl Crees, Acting Chief Executive Officer

Moved Cr Leu

Seconded Cr Noli

"That Council receives and notes the Organisational Report Card and the Report from the Acting Chief Executive Officer for the period March to May 2018."

Carried unanimously

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Carey

Seconded Cr Noli

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

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- 9.1. *Contractual Matter S275 1 E Local Government Regulation 2012 – **Contract MWWTP 2nd Clarifier***
- 9.2. *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – **Ribbon and St Crispins Avenues Drainage***
- 9.3. *Prejudicial Matter S275 1 (A) Local Government Regulation 2012 – **Staff Matter***

Carried unanimously

OUT OF CLOSED SESSION

Moved Cr Kerr

Seconded Cr Carey

“That Council resolves to move out of Closed Session.”

Carried unanimously

- 9.1. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT
REGULATION 2012 - CONTRACT MWWTP 2ND CLARIFIER
Lloyd Nunns, Chief Procurement Officer & Scott Hahne, Principal Project Manager

Moved Cr Carey

Seconded Cr Kerr

“That Council:

- 1. accepts the withdrawal of John Beever (Aust) Pty Ltd to deliver the civil works in relation to this contract;*
- 2. resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract Number 2018-001 Mossman Wastewater Treatment Plant Secondary Clarifier and Associated Works to LDI Constructions Pty Ltd for an amount of \$1,373,713.00 exclusive of GST;*
- 3. accepts LDI Constructions Pty Ltd to deliver the full scope of the works (i.e. civil, mechanical and electrical works); and*
- 4. delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to this contract.”*

Carried unanimously

- 9.2. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - RIBBON AND ST CRISPINS AVENUES
DRAINAGE
Michael Kriedemann, Acting General Manager Operations

Moved Cr Leu

Seconded Cr Kerr

“That Council resolves to delegate authority in accordance with section 257 of the Local Government Act 2009 to the Chief Executive Officer to discuss all aspects of the preferred option (Option 8) with residents in the Ribbon and St Crispins Avenue area throughout the detailed design and documentation phase of the project.”

Carried unanimously

**9.3. PREDJUDICIAL MATTER S275 1 (A) LOCAL GOVERNMENT
REGULATION 2012 - STAFF MATTER**

Darryl Crees, Acting Chief Executive Officer

Moved Cr Carey

Seconded Cr Noli

"That Council resolves, in accordance with section 195 of the Local Government Act 2009, to appoint Ms Joanne Jacobson as Acting Chief Executive Officer for the period 13 July 2018 to 12 August 2018 inclusive."

Carried unanimously

Moved Cr Carey

Seconded Cr Noli

"That Council resolves, in accordance with section 257 of the Local Government Act 2009, to delegate authority to the Mayor and Chief Executive Officer to appoint an Acting Chief Executive Officer as and when the need arises but limited to a period of up to 13 weeks."

Carried unanimously

CLOSURE OF MEETING

The meeting closed at 11.28am

CONFIRMED THIS 24TH DAY OF JULY 2018


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MAYOR/CHAIR