



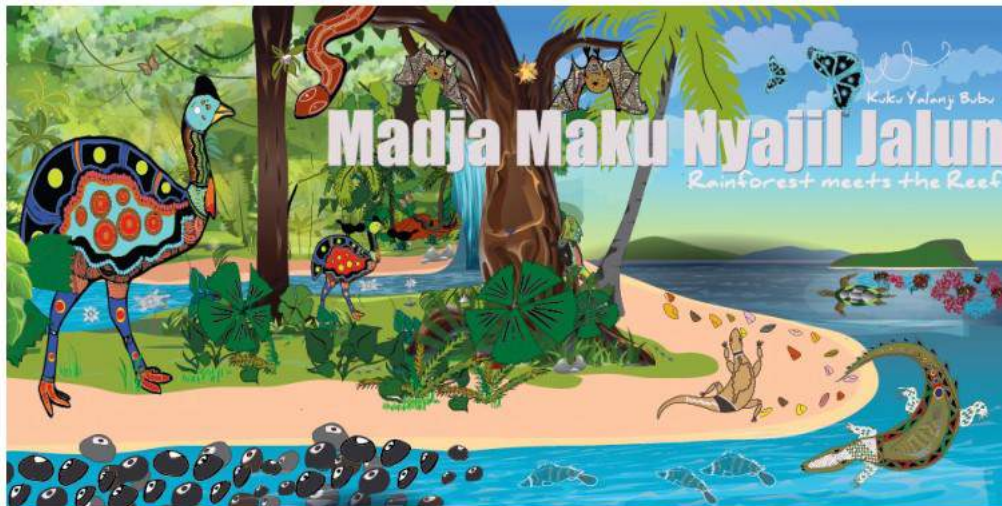
DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 25 September 2018

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



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, 25 SEPTEMBER 2018 COMMENCING AT 10.00AM**

1. PRESENT

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

Part Meeting:

Jenny Elphinstone (Senior Planning Officer), Daniel Lamond (Planning Officer), Neil Beck (Team Leader Planning), Graham Busby (Property Officer), Michael Matthews (Project Engineer), Gary Kerr (Executive Officer), Paul Smyth (Events Officer); and John Rehn (Manager Finance and IT).

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

No apologies.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil

3. MAYORAL MINUTE

Moved Cr Leu

“That Council congratulates the 15 Council Officers who are to be presented with Recognition Awards at this Council meeting today, acknowledging their outstanding contribution in local government to their communities over the last 10 - 40 years of service at Douglas Shire Council.”

BACKGROUND

The Douglas Shire is blessed with not just a spectacular natural environment, but a very dedicated local government team committed to doing its best for our communities.

This morning we will be presenting 15 Council Officers with Recognition Certificates for achieving the milestones of 10 years, 15 years, 20 years, and 40 years of service to Douglas Shire Council and our communities.

These valued staff members have experienced so much in their careers, many enduring first amalgamation and then de-amalgamation and their knowledge and expertise has been invaluable.

On behalf of Council, I would like to sincerely thank them for all of their hard work and commitment over many years and express our gratitude for their valued input to all facets of Council activities.

Please join me in giving them a round of applause for their efforts.

Carried Unanimously

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4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

4.1 ORDINARY MEETING HELD ON TUESDAY, 28 AUGUST 2018

Moved Cr Carey

Seconded Cr Noli

“That the Minutes of the Ordinary Meeting held on Tuesday, 28 August 2018 be confirmed.”

Carried Unanimously

4.2 SPECIAL MEETING HELD ON THURSDAY, 6 SEPTEMBER 2018

Moved Cr Noli

Seconded Cr Carey

“That the Minutes of the Special Meeting held on Thursday, 6 September 2018 be confirmed.”

Carried Unanimously

5. AGENDA ITEMS

5.1. REQUEST SUPERSEDED PLANNING SCHEME AQUACULTURE L3 VIXIES
RD WONGA BEACH
Jenny Elphinstone, Senior Planning Officer

Moved Cr Carey

Seconded Cr Noli

“That Council agrees to the request (lodged on the 21 August 2018 under section 29 of the Planning Act 2016) to accept, assess and decide the application for Material Change of Use for Aquaculture, under the Superseded Planning Scheme, being 2006 Douglas Shire Planning Scheme (as amended), over land described as Lot 3 on SP292103, located at Lot 3 Vixies Road, Wonga Beach and advises the applicant the application must be properly made with Council within six (6) months of the decision notice agreeing to the request.”

Carried Unanimously

5.2. MATERIAL CHANGE OF USE FOR EXTENSION TO EXISTING
COMMUNITY USE- 20 MILL STREET, MOSSMAN
Daniel Lamond, Planning Officer

Moved Cr Noli

Seconded Cr Zammataro

“That:

- A. *Council approves the development application for material change of use (extension to existing community use) over land described as Lot 4 on RP706271, located at 20 Mill Street MOSSMAN, 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:

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<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Site Plan</i>	<i>Plan prepared by applicant marked up on Lend Lease base plan</i>	<i>Submitted with application 2 August 2018</i>
<i>Elevation and Layout Plan</i>	<i>Plan prepared by Shade Sheds</i>	<i>February 2007</i>

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

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.*

Lawful Point of Discharge

3. *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.*

Ponding and/or Concentration of Stormwater

4. *The development is not to create ponding nuisances.*

Flood Immunity

5. *The development must have a Q100 flood immune floor level.*

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.*
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.*

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*LAND USE DEFINITIONS**

In accordance with the 2018 Douglas Shire Planning Scheme version 1.0, the approved land use of development assessment application MCUC2802/2018 is defined as:

<i>Column 1 Use</i>	<i>Column 2 Definition</i>	<i>Column 3 Examples</i>	<i>Column 4 Does not include the include following examples</i>
<i>Community Use</i>	<i>Premises used for providing artistic, social or cultural facilities and community support services to the public and may include the ancillary preparation and provision of food and drink.</i>	<i>Art gallery, community centre, community hall, library, museum.</i>	<i>Cinema, club, hotel, nightclub entertainment facility, place of worship.</i>

**This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.*

B. That Council resolves to waive the infrastructure charges levy generated by the development under the Local Government Infrastructure Plan.

C. Further Permits

1. The following Development Permits are required to be obtained before the development can be carried out:

a. Development Permit for Building Works.

D. Currency period for the approval

Under section 85(1)(a)(i) of the Planning Act 2016, the relevant period for the Preliminary Approval is six (6) years starting from the day the approval takes effect.

E. Reasons for Decision

The reasons for this decision are:

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

a. A Community Use is code assessable development in the Centre Zone and is an expected form of development to establish in the Centre zone.

b. To ensure the development satisfies the associated benchmarks of the applicable codes within the 2018 Douglas Shire Planning Scheme;

c. To ensure the development satisfies the associated benchmarks of the applicable parts of the State Planning Policy;

d. Where non-compliant with the applicable benchmark, the development does not compromise the corresponding Performance Outcome of the applicable code.

e. 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 7 August 2018 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules; and*
 - b. *The development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2018 Douglas Shire Planning Scheme in making its decision as Assessment Manager.*

3. *Evidence or other material on which findings were based:*
 - a. *The development triggered code assessable development under the Assessment Table associated with the Centre zone;*
 - 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 compliance with conditions of this Development Permit the development satisfactorily meets the Planning Scheme requirements."*

Carried Unanimously

5.3. MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITY - LOT 1 PRINS ROAD LOWER DAINTREE
Neil Beck, Team Leader Planning

Moved Cr Kerr

Seconded Cr Carey

That Council approves the development application for a Telecommunications Facility over land described as Lot 1 on RP706308 located on Prins Road Lower Daintree, 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 Access & Locality Plan</i>	<i>Q115284 – S1</i>	<i>11 July 2018</i>
<i>Site Layout Plan</i>	<i>Q115284 – S1-1</i>	<i>11 July 2018</i>
<i>Antenna Layout</i>	<i>Q115284 – S1-2</i>	<i>11 July 2018</i>
<i>West Elevation</i>	<i>Q115284 – S3</i>	<i>11 July 2018</i>
<i>Antenna Configuration Table</i>	<i>Q115284 – S3-1</i>	<i>11 July 2018</i>

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*

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- 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.*

Limited Approval

4. *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.*

Health

5. *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 2003 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.*

Colours

6. *Colours of the facility must be non-reflective and must blend with the natural colours of the surrounding environment. The exterior finishes of factory grey is approved for use. This requirement extends to attachments added to the monopole in terms of being non-reflective.*

Fencing and Signage

7. *Construct fencing for the perimeter of the facility with a minimum 1.8 metre high mesh security fence being of a dark colour. The facility is to be signed with appropriate hazard and warning signs.*

Landscaping

8. *Prior to the commencement of use the Applicant must establish, to the reasonable satisfaction of the Chief Executive Officer, a landscaped screening buffer to the north and western side of the compound and tower site, specifically comprising native species endemic to the locality including trees that will achieve a mature height of approximately 15 metres (or greater) 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 the issue of a Development Permit for Building Work.

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Access

9. *The construction of the cross-over and apron onto Prins Road must be undertaken in accordance with the following requirements:-*
 - a. *The cross-over to access the Telecommunications Facility must be constructed in accordance with Standard Drawing S1105 Issue E for Rural Allotment Accesses as detailed in the FNQROC Development Manual and contained at Attachment 2.*
 - b. *Any batters located within the road reserve of Prins Road must not exceed 1:4 in slope for maintenance purposes.*
 - c. *All works must be completed to the satisfaction of the Chief Executive Officer with the site and road entrance being left in a clean and tidy manner once works are complete.*

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.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

LAND USE DEFINITIONS*

In accordance with the 2018 Douglas Shire Planning Scheme the approved land use is defined as follows.

<i>Column 1 Use</i>	<i>Column 2 Definition</i>	<i>Column 3 Examples</i>	<i>Column 4 Does not include the include following examples</i>
<i>Telecommunications Facility</i>	<i>Premises used for systems that carry communications and signals by means of radio, including guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled</i>	<i>Telecommunication tower, broadcasting station, television station.</i>	<i>Aviation facility, "low-impact telecommunications facility" as defined under the Telecommunications Act 1997.</i>

**This definition is provided for convenience only. This Development Approval is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme.*

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B. Further Permits

1. *The following Development Permits are required to be obtained before the development can be carried out:*
 - a. *Development Permit for Building Works.*

C. Currency period for the approval

Under section 85(1)(a)(i) of the Planning Act 2016, the relevant period for the Preliminary Approval is six (6) years starting from the day the approval takes effect.

D. Reasons for Decision

The reasons for this decision are:

1. *Sections 60, 62 and 63 of the Planning Act 2016:*
 - a. *A Telecommunications Facility is code assessable development in the Rural zone and are expected forms of development to establish in rural areas.*
 - b. *To ensure the development satisfies the associated benchmarks of the applicable codes within the 2018 Douglas Shire Planning Scheme;*
 - c. *Where non-compliant with the applicable benchmark, the development does not compromise the corresponding Performance Outcome of the applicable code.*
 - d. *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 on 26 July 2018 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules; and*
 - b. *The development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2018 Douglas Shire Planning Scheme in making its decision as Assessment Manager.*
3. *Evidence or other material on which findings were based:*
 - a. *The development triggered code 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 compliance with conditions of this Development Permit the development satisfactorily meets the Planning Scheme requirements."*

Carried Unanimously

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- 5.4. SUPERSEDED PLANNING SCHEME REQUEST- BOUGAINVILLEA STREET
COOYA BEACH
Daniel Lamond, Planning Officer

Moved Cr Leu

Seconded Cr Zammataro

“That Council agrees to the request (lodged on 8 August 2018 under section 29 of the Planning Act 2016) to carrying out an intensification of Park and Open Space that was accepted development under the Superseded Planning Scheme, being the 2006 Douglas Shire Planning Scheme (as amended), over land described as Lot 86 on SP104236, located at Bougainvillea Street, Cooya Beach and that such land remain available to the public for use as Park.

LAND USE DEFINITIONS*

In accordance with the Douglas Shire Planning Scheme 2006 (as amended), the land use of Park and Open Space is defined as:

Park and Open Space

Means the use of premises for active and passive recreation, aesthetic appreciation and environmental protection.

The use includes facilities for the enjoyment and convenience of users of the park and open space, such as:

- *kiosks;*
- *picnic places;*
- *scenic lookouts;*
- *shelters;*
- *boardwalks*
- *children’s play areas;*
- *car parking areas; and*
- *public toilets.”*

Carried Unanimously

- 5.5. APPLICATION FOR PERMANENT ROAD CLOSURE OVER PART OF
UNNAMED ROAD ADJOINING LOT 138 ON SR454, TOLL GATE ROAD
OAK BEACH
Graham Busby, Property Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council:

1. *advises the Department of Natural Resources Mines and Energy that it has no objection to the application for a permanent road closure over part of the unnamed road adjoining Lot 138 on SR454, (identified as Lot 1 on drawing TSV18111) Toll Gate Road Oak Beach, subject to the following:*
 - 1.1 *that, prior to the formal closure of the road, the applicant obtains a Development Permit for a Material Change of Use that provides for the extension of residential uses on Lot 138 on SR454 over that area of road reserve which is subject of the road closure application; and*

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- 1.2 *the applicant realigns the existing allotment boundary of Lot 38 on SR454 to include the area of road to be closed.*
- 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 application."*

Carried Unanimously

- 5.6. BRIDGE RENEWAL PROGRAM - POLETTI'S BRIDGE
Michael Matthews, Project Engineers

Moved Cr Noli

Seconded Cr Zammataro

"That Council resolves to:

- apply to the Australian Government to have surplus grant funding of \$439,000 approved under Round Three of the Bridges Renewal Program for Diggers Bridge Replacement Program to be transferred to the Poletti's Bridge Renewal Project;*
- commit to providing the required capital funds of \$511,000 to complete the Poletti's Bridge Renewal Project should the application to transfer the grant funding be successful; and*
- delegates authority to the CEO under section 257 of the Local Government Act 2009 to finalise any and all matters associated with the transfer of grant funds application."*

Carried Unanimously

- 5.7. WONDERLAND SPIEGELTENT - RESOURCE & PERFORMANCE AGREEMENT
Gary Kerr, Executive Officer

Moved Cr Kerr

Seconded Cr Noli

"That Council:

- resolves to enter into a three year Resource and Performance Agreement with Wonderland Entertainment and Leisure Pty Ltd for \$56,700 (Ex GST) plus \$10,000 in-kind, per annum, to provide Wonderland Spiegeltent for the 2019, 2020 and 2021 Port Douglas Carnivale subject to conditions contained within this report; and*
- delegates to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 the authority to finalise any and all matters associated with this three year Resource and Performance Agreement."*

Carried Unanimously

- 5.8. CARNIVALE 2019 PROPOSED PROGRAM AND CONTRACTUAL ARRANGEMENTS
Gary Kerr, Executive Officer

Moved Cr Leu

Seconded Cr Carey

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“That Council endorses the draft program for Carnivale 2019 and delegates the authority, in accordance with section 257 of the Local Government Act 2009, for the Chief Executive Officer to finalise the program and execute any necessary contracts.”

Carried Unanimously

5.9. SECTION 235 OTHER EXCEPTIONS ECOTOURISM AUSTRALIA
Gary Kerr, Executive Officer

Moved Cr Noli

Seconded Cr Leu

“That Council:

- 1. resolves, in accordance with Section 235 of the Local Government Regulation 2012, that the Council’s register of sole source suppliers be extended to include: Ecotourism Australia Limited (ABN 92 909 103 274)*
- 2. delegates authority to the Mayor and Chief Executive Officer in accordance with Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to this contractual arrangement.”*

Carried Unanimously

5.10. FINANCIAL REPORT FOR THE PERIOD ENDED 31 AUGUST 2018
John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Carey

“That Council notes the Financial Report for the period ended 31 August 2018.”

Carried Unanimously

5.11. CHRISTMAS CLOSE DOWN PERIOD 2018
Joanne Jacobson, Manager Governance

Moved Cr Carey

Seconded Cr Kerr

“That Council resolves to nominate the close down period for 2018 as being from close of business Friday 21 December 2018 to start of business Wednesday 2nd January 2019.”

Carried Unanimously

5.12. DAINTREE RIVER FERRY - TRAFFIC ANALYSIS PROJECT
Darryl Crees, General Manager Corporate Services

Moved Cr Carey

Seconded Cr Zammataro

“That Council delegates authority to the CEO under section 257 of the Local Government Act 2009 to proceed with the traffic engineering analysis project at the Daintree River Ferry and the associated costs be incorporated in the upcoming 2018-19 Annual Budget Review.”

Carried Unanimously

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5.13 CEO REPORT FOR JUNE - AUGUST 2018
Darryl Crees, General Manager Corporate Services

Moved Cr Carey

Seconded Cr Kerr

“That Council receives and notes the Organisational Report Card and the Report from the Chief Executive Officer for the period June 2018 – August 2018.”

Carried Unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

8.1 PETITION - FOR INSTALLATION OF CLOSED CIRCUIT TELEVISION
CAMERAS IN FRONT STREET, MOSSMAN
Darryl Crees, General Manager Corporate Services

Moved Cr Zammataro

Seconded Cr Carey

“That Council receives the Petition and refer it to the Chief Executive Officer to submit a grant application under the Safer Communities Fund - Round 13 Infrastructure Grants for the purpose of CCTV installation in Front Street Mossman.”

Carried Unanimously

8.2 PETITION - REQUEST TO INSTALL TRAFFIC CONTROL SPEED BUMP AT
OR CLOSE TO 30 MARLIN DRIVE.
Darryl Crees, General Manager Corporate Services

Moved Cr Zammataro

Seconded Cr Noli

“That, as the petition is of an operational nature, Council resolves to receive the petition and refer it to the Chief Executive Officer to investigate the need to install a traffic control calming device at or close to 30 Marlin Drive and for the project be considered in the 2019/2020 budget if warranted.”

Carried Unanimously

CLOSURE OF MEETING

The meeting closed at 10.55am

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 25 SEPTEMBER 2018 COMMENCING AT 10.00AM

CONFIRMED THIS 23RD DAY OF OCTOBER, 2018


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MAYOR/CHAIR