



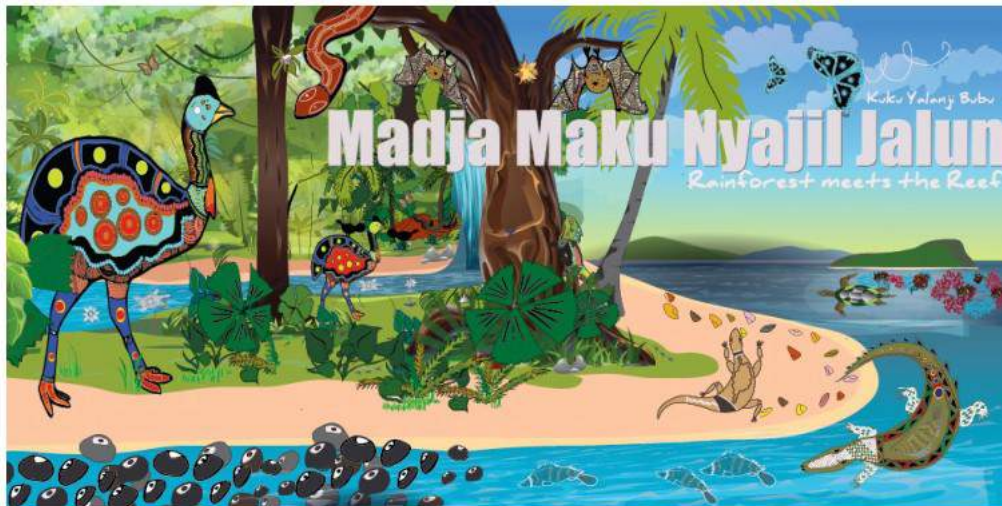
DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday 23 October, 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, 23 OCTOBER, 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), Scott Hahne (Acting General Manager Operations), Nicole Barton (Mayoral and Councillor Support Officer) and Natalie Crimmins (Acting Executive Assistant).

Part Meeting:

Daniel Lamond (Planning Officer), Neil Beck (Team Leader Planning), Robert Donovan (Team Leader Property), Paul Hoyer (Manager Sustainable Communities), John Rehn (Manager Finance and IT), Michael Matthews (Project Engineer), Peter Logan (Acting Manager Infrastructure).

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.

MINUTE OF SILENCE

A minute of silence was observed in honour of Toyah Cordingley.

APOLOGIES

Nil

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Michael Kerr declared a real conflict of interest in Agenda Item 9.1 (as defined in section 173 of the Local Government 2009) due to being the President of the Association involved in the matter and for this reason Cr Kerr advised that he proposes to exclude himself from the meeting while the matter is debated and the vote is taken.

Cr David Carey declared a real conflict of interest in the Mayoral Minute Item 3.1 (as defined in section 173 of the Local Government 2009) due to being the Councillor the subject of consideration to granting leave of absence for the Special Meeting 11 October 2018 and for this reason Cr Carey advised that he proposes to exclude himself from the meeting while the matter is debated and the vote is taken.

3. MAYORAL MINUTE

MEETING WITHDRAWAL

Cr Carey declared a real conflict of interest in regards to Item 3.1 due to being the Councillor the subject of consideration and withdrew from the meeting at 10.04am.

3.1 MAYORAL MINUTE – GRANT LEAVE OF ABSENCE TO CR CAREY

Moved Cr Leu

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

“That Council grant leave of absence to Cr Carey for the Special Meeting that was held on 11 October 2018.”

Carried unanimously

MEETING RE-ATTENDANCE

Cr Carey re-attended the meeting at 10.05am.

3.2 MAYORAL MINUTE – RESCHEDULE 27 NOVEMBER 2018 ORDINARY MEETING

Moved Cr Leu

“That Council amend the date of the Ordinary Meeting scheduled for 27 November 2018 to 20 November 2018 commencing at 10.00am.”

BACKGROUND INFORMATION

The amendment to Council Meeting dates and times is an operational matter.

The amendment can be advertised through all usual media utilised by Council to convey information to the communities.

Carried unanimously

4. CONFIRMATION OF MINUTES

4.1 CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD TUESDAY, 25 SEPTEMBER 2018

Moved Cr Carey

Seconded Cr Kerr

“That the Minutes of the Ordinary Meeting held on Tuesday, 25 September 2018 be confirmed.”

Carried unanimously

4.2 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING HELD THURSDAY, 11 OCTOBER 2018

Moved Cr Noli

Seconded Cr Zammataro

“That the Minutes of the Ordinary Meeting held on Thursday, 11 October 2018 be confirmed.”

Carried unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

5. AGENDA ITEMS

- 5.1. MATERIAL CHANGE OF USE – FUNCTION FACILITY ESCAPE STREET
PORT DOUGLAS
Daniel Lamond, Planning Officer

Moved Cr Leu

Seconded Cr Noli

“That Council approves the development application for material change of use for a function facility over land described as Lot 49 and 51 on RP161464, located at 9 St Crispins Avenue and 4-6 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:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Function Facility Site Plan</i>	<i>Drawing Number PR133458-5, prepared by RPS Australia East Pty Ltd</i>	<i>14 June 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*
 - 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.*

Limitation of Patrons

3. *The overall capacity of the use is limited to a maximum of 110 patrons at any one time. The Applicant shall limit the number of guests to 60 patrons for evening functions and limit the use of the lawn area to the west during evening functions to informal use.*

Hours of Operation

4. *The hours of operation are limited to between 10:00am and 10:00pm daily at which all patrons must vacate the site, excluding public holidays.*

Lighting

5. *Light emanating from the site must not cause a light nuisance to surrounding properties in accordance with the Environmental Protection Act 1994.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

Crocodile Risk Management

6. *Develop a crocodile risk management plan for the function facility land use. The plan should consider warning signage, provision of additional staff to observe and direct patrons away from the waters edge, fencing, landscaping barriers, limitations of night time use of areas and any other means relevant. The risk management plan must be submitted and endorsed by the Chief Executive Officer prior to commencement of use.*

Damage to Council Infrastructure

7. *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.*

Vehicle Parking and Servicing

8. *The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 19 spaces. 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 sealed and drained. Car parking spaces must be clearly defined.*

Provision must be made for loading/ unloading of service vehicles.

Provide plans, including swept path diagrams for all parking spaces and the set down area for a medium rigid service vehicle of the vehicle parking area for endorsement by the Chief Executive Officer prior to construction.

The car parking area shall be constructed prior to commencement of use.

Landscaping Plan

9. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:*
 - a. *Deep planting of the perimeter of the parking area;*
 - b. *Species to have regard to Council's Planning Scheme Policy SC6.7*

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

Noise Management Plan

10. *Prepare a Noise Management Plan (NMP) to be endorsed by the Chief Executive Officer prior to commencement of use. The NMP must include procedures for informing prospective clients of the type of venue and the type of sound appropriate for the area and the limited number of guests permitted for evening functions, as well as inductions for waiting staff and instructions for supervising staff. The NMP must state that the venue is not suitable for noisy or rowdy functions, that no amplified music/sound equipment is to be used and include methods for management of rowdy individuals and crowd control measures (including the limited informal use of the lawn area to the west). The NMP must include all measures considered appropriate to ensure that noise nuisance is not caused to the occupiers or users of surrounding properties. The NMP must be updated if the noise levels from the site exceed an average maximum noise level of 10db(A) above the background level at the adjoining boundary of lot 1 on SP154572. In the event that this noise level is exceeded and cannot be complied with, an acceptable solution must be made as an amendment to the NMP to the satisfaction of the Chief Executive Officer prior to any further use of the site as a function facility. The acceptable solution must achieve an average maximum noise level of no more than 5db(A) at the affected building (dwelling) at lot 1 on SP154572.*

Noise Emissions

11. *The average maximum noise level of the use must not exceed 10db(A) above the background level at the adjoining boundary of lot 1 on SP154572. Alternatively, the average maximum noise level must not exceed 5db(A) at the affected building (dwelling) at lot 1 on SP154572.*

Acoustic Compliance Monitoring

12. *The applicant must undertake acoustic compliance monitoring to demonstrate that the use does not exceed an average maximum noise level of 10db(A) above the background level when measured at the adjoining boundary of lot 1 on SP154572.*

The acoustic compliance monitoring must take place at one (1) function per month for a period of 12 months from commencement of use. The monitoring must be undertaken by a qualified acoustic engineer. The results must be submitted to Council every month.

Noise Impacts on Surrounding Lots

13. *The approved use of Proposed Lots 9, 8, 7, 26, 25, 24 and 23 must be changed to Short Term Accommodation, in place of the existing approved use of Dwelling House as per Development Approval CA2639/2008, prior to the occupation of the premises established on Proposed Lots 9, 8, 7, 26, 25, 24 and 23, otherwise the approved Function Facility use shall cease or be changed to adequately manage potential adverse noise impacts to the satisfaction of the Chief Executive Officer.*

Limitation of Use

14. *Where applicable, the change of use of proposed lots 9, 8, 7, 26, 25, 24 and 23 to Short Term Accommodation be noted on Council's rate file for each Proposed Lot, once the change of use is in effect, advising that the approved use of each lot is for Short Term Accommodation only.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

Amendment to Development Approval

15. *Development approval CA2639/2008 must be amended to reflect the conditions of this development approval to the extent relevant.*

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. *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.dsdmip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.*

LAND USE DEFINITIONS*

In accordance with the 2018 Douglas Shire Planning Scheme version 1.0, the approved land use of development assessment application MCUC2719/2018 is defined as:

Function Facility

Premises used for conducting receptions or functions that may include the preparation and provision of food and liquor for consumption on site.

**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. "*

For: Cr Leu, Cr Kerr, Cr Zammataro

Against: Cr Noli, Cr Carey

Carried

5.2. MINOR CHANGE APPLICATION TO MATERIAL CHANGE OF USE (MULTI-UNIT HOUSING) 14 MUDLO STREET

Daniel Lamond, Planning Officer

Moved Cr Carey

Seconded Cr Noli

"That Council approves the application for minor change to approval for a material change of use (Multi-unit Housing) over land described as Lot 919 on PTD2092, located at 14 Mudlo 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
Site Plan	Plan prepared by TPG Architects, Drawing No. DA.01c	November 2017
Ground & First Floor Plan	Plan prepared by TPG Architects,	November 2017

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

	Drawing No. DA.02b	
Site Elevations	Plan prepared by TPG Architects, Drawing No. DA.03a	November 2017
Elevations	Plan prepared by TPG Architects, Drawing No. DA.04b	November 2017
Sections	Plan prepared by TPG Architects, Drawing No. DA.05a	November 2017
Landscape Master Plan	Plan prepared by Andrew Prowse Landscape Architect, Drawing No. LA-M.01	17 November 2017
Landscape Planting Plan	Plan prepared by Andrew Prowse Landscape Architect, Drawing No. LA-P.01	16 November 2017
Landscape Planting Scheme	Plan prepared by Andrew Prowse Landscape Architect, Drawing No. LA-S.01	17 November 2017

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.

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, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council.

Water Supply Works External

5. Undertake the following water supply works external to the site to connect the site to existing water supply:

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

- a. Augment existing water supply infrastructure to provide adequate water supply to the development. The extension of the water main must have regard to the ultimate configuration of the development.

Vehicle Parking

6. 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.

External Works

7. Undertake the following works external to the land at no cost to Council:
 - a. Provide a vehicle crossover and apron to Mudlo Street. The location and design of the access must not detrimentally impact on the significant street tree on the road verge.
 - b. Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

Demolish Structures

8. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to Commencement of Use.

Stockpiling and Transportation of Fill Material

9. Soil excavated from the site is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times;
- b. before 7:00 am or after 6:00 pm Monday to Friday;
- c. before 7:00 am or after 1:00 pm Saturdays; or
- d. on Sundays or Public Holidays.

Emissions

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

Storage of Machinery and Plant

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

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

Lawful Point of Discharge

12. All stormwater from the property must be directed to a lawful point of discharge being Mudlo Street or Beryl Street, such that it does not adversely affect surrounding properties or properties downstream from the development.

Ponding and/or Concentration of Stormwater

13. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Minimum Fill and Floor Levels

14. All habitable floor levels in all buildings must be located 300mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Construction Signage

15. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:
 - a. Developer;
 - b. Project Coordinator;
 - c. Architect/Building Designer;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor;
 - g. Landscape Architect.

Landscaping Plan

16. The site must be landscaped in accordance with the details included on the landscape plans prepared by Andrew Prowse Landscape Architect, Drawing No. LA-M.01, No. LA-P.01 and No. LA-S01. In the event the fig tree at the frontage of the site is required to be removed, a plan detailing the replacement landscaping must demonstrate deep planting of the setback area to the satisfaction of the Chief Executive Officer, prior to commencement of use or Survey Plan endorsement, whichever occurs first.

Sewer Works Internal

17. Undertake the following internal sewer works:
 - a. ~~Upgrade the existing sewer line within the allotment boundaries and to the manhole on the adjacent allotment 0 on BUP70906 with extra heavy pipe to allow for the unit development to be constructed over the sewer. The works must~~

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

~~be completed to the satisfaction of the Chief Executive Officer. All works, including the submission and approval of the as-constructed drawings must be undertaken prior to the issue of a Development Permit for Building Works.~~

- a. Repair the two holes within the existing sewer line within the allotment boundaries to the satisfaction of the Chief Executive Officer.
- ~~b. Provide a detailed solution to protect the new sewer line located under the development to the satisfaction of the Chief Executive Officer. The design of the development to extend over the sewer line must utilise the as-constructed detail of the new sewer line and be RPEQ Certified.~~
- b. Provide a detailed solution to protect the new sewer line located under the development to the satisfaction of the Chief Executive Officer. The design of the development to extend over the sewer line must utilise the as-constructed detail of the sewer line works and be RPEQ Certified to demonstrate that the building will not cause any detrimental impact to the sewer line.
- ~~c. The detailed solution must include sewer line replacement with a suitable heavy duty sewer pipe to the satisfaction of the Chief Executive Officer. A new manhole must be developed at the northern side boundary incorporating a dropper for a new house connection branch which must be installed for the reliant development to the rear, this must be sited clear of any building work. An inspection manhole must be installed at the common boundary to lot 0 on SP199695 for the house connection branch. All redundant house connection branches must be removed.~~
- c. Provide a new manhole at the northern side boundary with a house connection branch to service the development. All redundant house connection branches must be removed.

Sewer Easement

18. Create an easement in favour of Council having a width of three (3) metres over the sewer within the site area that is clear of the building footprint and covering the new manhole location, to the requirements and satisfaction of the Chief Executive Officer. An access easement is required over the access driveway to the sewer easement.

A copy of the easement documents must be submitted to Council for the approval by Council's solicitors at no cost to Council.

- a. The approved easement documents must be submitted at the same time as seeking approval and dating of the Building Format Plan and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.

Inspection of Sewer

- ~~19. CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to~~

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

~~Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.~~

19. CCTV inspections of the sewer must be undertaken at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Protection of Landscaped Areas from Parking

20. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Perimeter Fencing

21. Prior to the issue of a development permit for building work, demonstrate the detail of the perimeter fencing with respect to each boundary and treatment of each area, to the satisfaction of the Chief Executive Officer.

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.

Infrastructure Charges Notice

1. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

Assessment and Coordination at Council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

2. For information relating to the Planning Act 2016 log on to www.dilgp.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

- 5.3. APPROVAL TO SUBMIT LIQUOR LICENCE APPLICATION – PORT DOUGLAS FOOTBALL CLUB LOT 99 SP 150489
Robert Donovan, Team Leader Property

Moved Cr Zammataro

Seconded Cr Leu

“That Council:

1. *resolves to allow an application to be lodged with the Office of Liquor and Gaming Regulation to apply for a Community Club liquor Licence on part of Council Trustee Land Lot 99 SP150469 Wharf Street Port Douglas (Port Douglas Sports Ground).*
2. *delegate 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 this application being lodged with the Office of Liquor and Gaming Regulations including the execution of the application.”*

For: Cr Leu, Cr Kerr, Cr Zammataro

Against: Cr Carey, Cr Noli

Carried

- 5.4. RESOURCE RECOVERY INDUSTRY DEVELOPMENT PROGRAM
Abbey Hastie, Resource Management Technical Officer

Moved Cr Leu

Seconded Cr Kerr

“That Council resolves to:

1. *Endorse a funding application to the State Government’s ‘Stream One: Resource Recovery Grants Fund’ for \$282,500 (GST Excl) for the Killaloe Resource Recovery Centre project;*
2. *Co-fund the project to at least 50 per cent of the eligible project costs; and*
3. *Delegate 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 grant application.”*

Carried unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

5.5. LOCAL GOVERNMENT LEVY READY GRANT PROGRAM
Abbey Hastie, Resource Management Technical Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council resolves to:

1. *Endorse the funding application to the State Government’s ‘Local Government Levy Ready Grant Program’ for \$36,791 (GST Exc) for the Killaloe Waste Disposal Facility Infrastructure Upgrade Project; and*
2. *Contribute \$15,767 (GST Exc) (30 per cent) towards the eligible project costs; and*
3. *Delegate 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 grant application.”*

Carried unanimously

5.6. REGIONAL WATER SUPPLY SECURITY ASSESSMENTS
Michael Kriedemann, Acting General Manager Operations

Moved Cr Carey

Seconded Cr Leu

“That Council resolves to:

1. *Adopt the Regional Water Supply Security Assessments report.”*

Carried unanimously

5.7. DRUG AND ALCOHOL POLICY
Joanne Jacobson, Manager Governance

Moved Cr Noli

Seconded Cr Carey

“That Council adopts the updated Drug and Alcohol Policy.”

Carried unanimously

5.8. CAPITAL WORK PROGRESS REPORT FOR THE 1ST QUARTER 2018-2019
Michael Kriedemann, Acting General Manager Operations

Moved Cr Noli

Seconded Cr Carey

“That Council receives and notes the progress of the Capital Works Program to the 30 September 2018 for the 2018 - 2019 financial year.”

Carried unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM**

5.9. FINANCIAL REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2018
John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Zammataro

“That Council notes the Financial Report for the period ended 30 September 2018.”

Carried unanimously

5.10. OPERATIONAL PLAN PROGRESS REPORT JULY TO SEPTEMBER 2018
Mark Stoermer, Chief Executive Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council notes the first quarterly report detailing the progress of the Operational Plan for 2018-2019.”

Carried unanimously

5.11. RIBBON AVENUE DRAINAGE UPGRADES
Michael Matthews, Project Engineer

Moved Cr Carey

Seconded Cr Zammataro

“That Council resolves:

- 1. Pursuant to section 262 of the Local Government Regulation 2012, to repeal the resolution of 15 May 2018, clause 9.4, to adopt option 8 as the preferred upgrade option for Ribbon and St Crispins Avenues drainage;*
- 2. To proceed to detailed design and documentation of option 3 (optimised) following stakeholder consultation; and*
- 3. Delegates authority, in accordance with section 257 of the Local Government Act 2009, to the Chief Executive Officer to finalise any and all matters associated with the detailed design and documentation.”*

Carried unanimously

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 23 OCTOBER, 2018 COMMENCING AT 10.00AM

9. CLOSED SESSION

Moved Cr Leu

Seconded Cr Kerr

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

- 9.1 *Prejudicial Matter S275 1 (F) (G) Local Government Regulation 2012 – Planning and Environment Court Appeal 181 of 2018 (Cairns)*

Carried unanimously

MEETING WITHDRAWAL

Cr Kerr declared a real conflict of interest in regards to Item 9.1 due to being the President of the Association involved in the matter and withdrew from the meeting at 11.23am

OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Noli

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

Carried unanimously

**9.1. PREJUDICIAL MATTER S275 1 (F) (G) LOCAL GOVERNMENT
REGULATION 2012 - PLANNING AND ENVIRONMENT COURT APPEAL
181 OF 2018 (CAIRNS)**

Jenny Elphinstone, Senior Planning Officer

Moved Cr Noli

Seconded Cr Carey

"That Council:

- 1. Notes the content of the report; and*
- 2. Delegates authority to the Chief Executive Officer pursuant to the Local Government Act 2009 and the Planning and Environment Court Act 2016 to progress any and all matters in relation to Planning and Environment Court Appeal 181 of 2018 (Cairns)."*

Carried unanimously

CLOSURE OF MEETING

The meeting closed at 11.37am

CONFIRMED THIS 6TH DAY OF NOVEMBER, 2018


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MAYOR/CHAIR