

DOUGLAS SHIRE COUNCIL

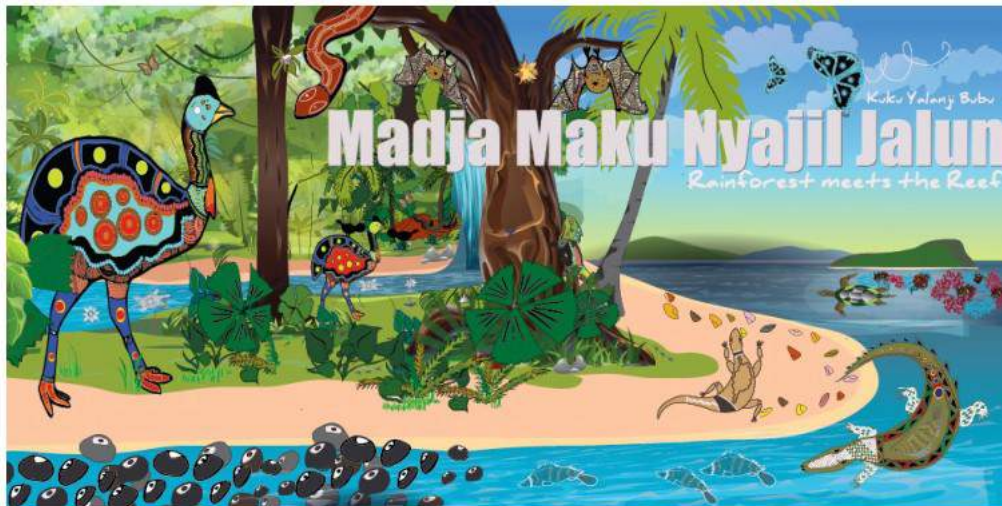
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 6 November, 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, 6 NOVEMBER, 2018 COMMENCING AT 9.00AM**

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); Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

Part Meeting:

Neil Beck (Team Leader, Planning), Jenny Elphinstone (Senior Planning Officer), Peter White (Coordinator Water and Wastewater), John Rehn (Manager Finance and IT) and Scott Hahne (Principal Project Manager).

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

Nil

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Zammataro declared a real conflict of interest in regards to Item 9.4 due to his son being employed by the company in question and proposed to exclude himself from the meeting while the matter is debated and the vote is taken.

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD TUESDAY,
23 OCTOBER, 2018

Moved Cr Carey

Seconded Cr Kerr

“That the Minutes of the Ordinary Meeting held on Tuesday, 23 October, 2018 be confirmed.”

Carried unanimously

5. AGENDA ITEMS

5.1. AMEND APPROVAL AND EXTEND CURRENCY, MCUC 100 MULTIPLE DWELLINGS (TOURIST), A CARETAKER'S RESIDENCE AND ANCILLARY FACILITIES, 97-107 DAVIDSON ST, PT DOUGLAS
Jenny Elphinstone, Senior Planning Officer

Moved Cr Carey

Seconded Cr Kerr

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“That

- A. Council approve the application for a minor change (change to Assessment Manager conditions) of the Negotiated Decision Notice issued on 23 February 2005 for Material Change of Use for the construction of 100 Multiple Dwellings (Tourist) including 92 x 2 bedroom and 8 x 1 bedroom units, a Caretaker’s Residence and ancillary facilities whereby:

1. Condition 6 of the approval is deleted as follows:

~~Currency Period~~

- ~~6. This development approval lapses 4 years after the day that the development approval takes effect, unless either works have substantially commenced on the land or this approval is extended under Section 3.5.22 of the Integrated Planning Act 1997.~~

2. Condition 7 is amended as follows:

Air Conditioning & Service Equipment

7. All service equipment, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Policy - Noise.
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.

2. Condition 9 is amended as follows:

- ~~9. All conditions shall be complied with prior to the Certificate of Classification being issued for the proposed buildings on the land or as otherwise stated in any condition of this approval.~~

Timing of Effect

9. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

3. Condition 10 is amended as follows:

Waste Storage & Discharge

10. The applicant is to include a waste storage area that must be located outside of a three (3) metre wide landscape strip to the road frontage. The waste storage area must:
- (a) Be roofed and contain an impervious surface for the storage of waste containers suitably screened so as not to be visible from adjoining properties, the private open space and amenity areas associated with the individual units on the land or the road reserve;

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(b) *Include a stop cock and stormwater diversion valve at the drainage point;
and*

(c) *Contain sufficient storage space for the storage of ~~a 240litre refuse bin for each unit in~~ sufficient commercial bulk general waste and recyclable waste to cater for the whole the development.*

4. Condition 13 is amended as follows:

Car Parking

13. *A car parking area shall be constructed, sealed, drained and line marked for a minimum of 100 spaces internal to the site. All staff parking is to be provided on site. Parking for service vehicles must be provided for on site. Parking for 10 bicycle spaces must be provided on site.*

A sufficient number of disabled driver car parking spaces must be provided and 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.

The car parking and bicycle parking areas, including associated accesses, must be constructed prior to Commencement of Use.

5. Condition 17 is amended as follows:

Minimum Floor Levels

17. *The minimum floor level for all habitable rooms in any building erected on the premises must be a minimum of ~~3.2m~~ 3.7m AHD.*

6. Condition 18 is deleted as follows:

~~*Water Supply & Sewerage Headworks*~~

~~18. *The Applicant shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Local Planning Policy: "Determination of Contributions for Water Supply and Sewerage Headworks and External Works" ("the Policy").*~~

~~*The contribution shall be calculated at the rate per Equivalent Domestic Connection ("EDC") applicable at the time of payment in accordance with the Policy.*~~

~~*For information purposes only:*~~

~~(a) *The current rates per EDC at the time of this approval are:*~~

~~*Water Supply \$ 5,330.00*~~

~~*Sewerage \$ 2,218.00*~~

~~(b) *The current number of EDCs for the approved use are:*~~

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~~Water Supply~~51

Sewerage—————71

7. *The following additional conditions are included on the approval:
Basement Parking*

42. *Submit a report prepared by a qualified and experienced, registered engineer on the basement parking and a separate report prepared by a qualified and experienced hydrologist on the dewatering process. Both reports must be endorsed by the Chief Executive Officer prior to commencement of any works on the site.*

a. *The basement parking report must include, but is not limited to the following:*

- i. *Construction techniques;*
- ii. *Techniques to imperviously seal the basement; and*
- iii. *Method of basement ventilation.*

b. *The dewatering report must include, but is not limited to the following:*

- i. *Method of water extraction pre- and post-development and the layout of the dewatering pumps and pipelines;*
- ii. *Water quality;*
- iii. *Lawful discharge of water; and*
- iv. *How the results (being the form and frequency) will be reported to Council.*

c. *The access to the basement parking area must be designed to prevent 100 year ARI flood and storm tide waters from entering the basement parking area and must have a minimum vertical clearance of 2.1 metres.*

43. *Damage to Council Infrastructure*

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.

Limitations on Balcony Screening

44. *Street frontage balconies are not to be screened by shutters, glazing, louvres or similar permanent structures to a greater extent than twenty-five per cent of their horizontal dimension.*

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Vehicle Wash Bay

45. *A vehicle wash bay must be provided. It must be roofed and bunded and wastewater must be discharged through a 550 litre triple interceptor to sewer or as agreed to by the Chief Executive Officer.*

Above Ground Transformer Cubicles / Electrical Sub-Station

46. *Where an above ground transformer cubicles and/or electrical sub-stations are required, these are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind a screen of landscaping, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.*

Street Fencing

47. *Any proposed fences and/or walls to any road frontage are to be limited to the following:*
- a. *1.2 metres in height if solid; or*
 - b. *1.5 metres in height if at least 25% visually transparent; or*
 - c. *1.8 metres in height if at least 50% visually transparent.*

Details of the street fencing must be detailed in the Landscape Plan and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Acid Sulfate Soils – Basement / Pool Disturbance

48. *The basement / pool excavation proposed may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' produced by the Department of Natural Resources and Mines (previously DNRW), and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRM 'Queensland Acid Sulfate Soil Technical Manual'.*

Construction Signage

49. *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:*

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- a. *Developer;*
- b. *Project Coordinator;*
- c. *Architect / Building Designer;*
- d. *Builder;*
- e. *Civil Engineer;*
- f. *Civil Contractor;*
- g. *Landscape Architect.*

Crime Prevention Through Environmental Design

50. *All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).*
51. *Swimming pool water quality must be maintained in accordance with the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004.*

Amalgamation Required

52. *The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 1 and 2 on RP723702 into one (1) lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines at the applicant's / owner's cost prior to Commencement of Use.*

Minimum Ceiling Clearance

53. *All units must have a minimum floor to ceiling clearance of 2.7 metres.*

7. *The following Advice is included on the approval:*

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 in accordance with the provision Section 85 of the Planning Act 2016.*
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 potential cyclone warning 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 relevant Local Laws and statutory requirements.*
4. *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.*

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5. *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 appeal 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 the Development Assessment Team 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.

6. *The subject site is located within a pest quarantine area declared under section 4(1) of the Plant Protection (Electric Ant) Quarantine Notice 2006. The Plant Protection (Electric Ant) Quarantine Notice 2006 places restrictions on the movement of electric ants and "high risk items" within and out of the pest quarantine area and places certain obligations and restrictions on land owners within the quarantine area. For further information on the Plant Protection (Electric Ant) Quarantine Notice 2006 consult either the Department of Employment, Economic Development and Innovation (21-23 Redden Street, Cairns), Council's Land Protection Unit or the following website: www.deedi.qld.gov.au*
7. *An Ecoaccess approval should be obtained, if necessary, from the Department of Environment and Heritage Protection prior to the clearing of vegetation and/or tree removal that involves damage or destruction of plant species protected under the provisions of the Nature Conservation Act 1992. Information on Ecoaccess approvals may be obtained at www.dehp.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of Queensland Parks and Wildlife Service on phone: 07 4046 6609.*

LAND USE DEFINITIONS*

In accordance with the 1996 Douglas Shire Planning Scheme the approved land uses of land are defined as follows.

"Caretaker's Residence" – Any premises used or intended for use for self-contained accommodation for the exclusive use of a caretaker and his family in connection with a particular purpose on the same parcel of land.

"Multiple Dwelling (Tourist)" – Any premises comprising two or more dwelling units, where not dwelling-houses nor dwelling house/attached flat, and any of the following:-

- (a) a reception area;

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- (b) *an administration office; and/or*
- (c) *Any signage visible from the road adjoining the subject premises indicating the presence of a reception area or administration office, whether in the subject premises or elsewhere, or in any other way indicating that the premises are available for holiday accommodation;*

The term does not include a retirement community as defined herein.

**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.*

- 9. *All other conditions and advices of the Negotiated Decision Notice issued on the 23 February 2005 remain unchanged.*

B. That Council extends the currency period of the amended approval for the Material Change of Use for the construction of 100 Multiple Dwellings (Tourist) including 92 x 2 bedroom and 8 x 1 bedroom units, a Caretaker's Residence and ancillary facilities for a further six (s) years up to and including the 23 February 2025.

C. Reasons for Decisions

The reasons for these decisions are:

- 1. *Sections 81 and 87 of the Planning Act 2016:*
 - a. *The original application, together with the Negotiated Decision Notice dated 25 February 2005 (including the concurrence agency conditions issued by the then Department of Main Roads) and the approved minor changes as per A above;*
 - b. *to ensure the development satisfies the benchmarks of the 1996 Douglas Planning Scheme;*
 - c. *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Council planning Scheme; and*
 - d. *to ensure compliance with the Planning Act 2016.*
- 2. *Findings on material questions of fact:*
 - a. *the application for a minor change was properly lodged to the Douglas Shire Council on the 23 October 2018 under sections 78-80 of the Planning Act 2016;*
 - b. *the application for an extension to the currency period was properly lodged to the Douglas Shire Council on the 25 September 2018 under section 86 of the Planning Act 2016;*
- 3. *Evidence or other material on which findings were based:*
 - a. *Council undertook an investigation of assessment of the development, including the proposed minor change, against the State Development Requirements, the 1996 Douglas Shire Planning Scheme and the 2018*

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Douglas Shire Council Planning Scheme in making its assessment manager decision;

- b. Council undertook an assessment in accordance with the provisions of sections 81 and 87 of the Planning Act 2016; and*
- c. The following findings are made:*
 - i. Subject to amended assessment manager's conditions the development satisfactorily meets the State Planning Policy considerations and the 2018 Douglas Shire Council Planning Scheme requirements sufficient for the assessment of the applications against sections 81 and 87 of the Planning Act 2016."*

Carried unanimously

- 5.2. WATER AND WASTEWATER QUARTERLY REPORT FOR THE PERIOD
ENDING SEPTEMBER 2018
Peter White, Coordinator Water and Wastewater

Moved Cr Noli

Seconded Cr Zammataro

"That Council receives and notes the Quarterly Report of the Water and Wastewater branch for the period ending 30 September 2018."

Carried unanimously

- 5.3. COUNCILLOR CODE OF CONDUCT
Joanne Jacobson, Manager Governance

Moved Cr Noli

Seconded Cr Zammataro

"That effective 3 December 2018, Councillors resolve to:

- 1) rescind Council's 'Code of Conduct for Councillors General Policy' (adopted June 2015) and;*
- 2) publish the Queensland Government's 'Code of Conduct for Councillors in Queensland' on Council's website with Council's adopted policies."*

Carried unanimously

- 5.4. ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT POLICY AND
PROCEDURES
Joanne Jacobson, Manager Governance

Moved Cr Carey

Seconded Cr Noli

"That Council adopts the updated Administrative Action Complaints Management Policy and Procedures."

Carried unanimously

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- 5.5. FINAL MANAGEMENT REPORT FROM QUEENSLAND AUDIT OFFICE
John Rehn, Manager Finance & IT

Moved Cr Leu

Seconded Cr Carey

“That Council notes the observations contained within the Final Management Report (Observation Report) from the Queensland Audit Office for the 2017/18 financial year.”

Carried unanimously

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Kerr

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

- 9.1 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – **Council Grants Programs***

Matter deferred to a future Council Meeting

- 9.2 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – **Internal Audit Plan 2018/19***

- 9.3 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – **Internal Audit Projects 2017/18***

- 9.4 *Prejudicial Matter S275 (1) (E) LG Regulation 2012 – **Contract for Rex & Whyanbeel Ck Intakes***

Carried unanimously

MEETING WITHDRAWAL

Cr Zammataro declared a real conflict of interest in regards to Item 9.4 due to his son being employed by the company in question and left the meeting at 9.17am.

OUT OF CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

Carried unanimously

MEETING RE-ATTENDANCE

Cr Zammataro re-attended the meeting at 9.21am

- 9.1. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - COUNCIL GRANTS PROGRAMS
Gary Kerr, Executive Officer

Matter deferred to a future Council Meeting.

- 9.2. PREJUDICIAL MATTER S275(1)(H) LOCAL GOVERNMENT REGULATION
2012 - INTERNAL AUDIT PLAN 2018/19
Darryl Crees, General Manager Corporate Services

Moved Cr Carey

Seconded Cr Noli

“That Council endorses the Annual Internal Audit Plan for the 2018/19 Financial Year.”

Carried Unanimously

- 9.3. PREJUDICIAL MATTER S275(1)(H) LOCAL GOVERNMENT REGULATION
2012 - INTERNAL AUDIT PROJECTS 2017/18
Darryl Crees, General Manager Corporate Services

Moved Cr Noli

Seconded Cr Zammataro

“That Council notes the findings of the Internal Auditor on projects undertaken in the 2017/18 Internal Audit Plan.”

Carried Unanimously

MEETING WITHDRAWAL

Cr Zammataro declared a real conflict of interest in regards to Item 9.4 due to his son being employed by the company in question and left the meeting at 9.22am.

- 9.4. CONTRACTUAL MATTER S275 1 E LG REGULATION 2012 CONTRACT
FOR REX & WHYANBEEL CK INTAKES
Simon Wood (Consultant GHD), Scott Hahne (Principal Project Manager)

Moved Cr Leu

Seconded Cr Carey

“That Council:

- 1. resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract Number DSC2018-079-081 Rex Creek and Whyanbeel Intake Upgrades to Kenmac Constructions Pty Ltd for an amount of \$513,200 exclusive of GST*

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2. *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

CLOSURE OF MEETING

The meeting closed at 9.23am

CONFIRMED THIS 20TH DAY OF NOVEMBER 2018


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MAYOR/CHAIR