

DOUGLAS SHIRE COUNCIL

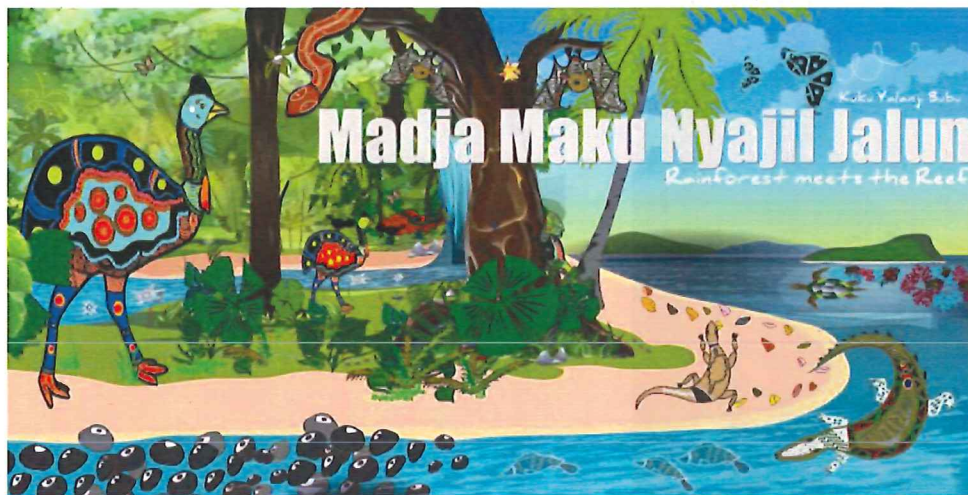
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 19 February 2019

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, 19 FEBRUARY 2019 COMMENCING AT 10.00AM

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr (via teleconference), Cr Roy Zammataro, Mark Stoermer (Chief Executive Officer), Joanne Jacobson (Executive Manager, People & Governance), Michael Kriedemann (Executive Manager Infrastructure), Paul Hoyer (Manager Environment & Regulation), Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

Part Meeting:

Jenny Elphinstone (Senior Planning Officer), Neil Beck (Team Leader Planning), Peter White (Coordinator Water and Wastewater), Peter Logan (Coordinator Public Spaces), Joanne Nicholson (Acting CFO), Lisa Golding (Acting Manager Community Development) and Lloyd Nunns (Senior 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.

ORDER OF BUSINESS SUSPENDED

The Chair suspended the order of business in accordance with the Standing Orders to enable Item 3.1 to be considered in the first instance.

3. MAYORAL MINUTE

3.1 MAYORAL MINUTE – CR KERR TO ATTEND ORDINARY MEETING VIA TELECONFERENCE

Moved Cr Leu

That Council resolves to allow Cr Kerr to attend the Ordinary Meeting today via teleconference.

BACKGROUND

Cr Kerr is currently absent from the Douglas Shire but able to attend the meeting via teleconference.

In accordance with Section 276 of the *Local Government Regulation 2012*, a local government may approve for a Councillor to attend a Council Meeting via teleconference.

Carried Unanimously

ORDER OF BUSINESS RESUMED

The order of business resumed.

APOLOGIES

Nil

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Kerr declared a possible perceived conflict of interest being a personal friend of the General Manager for the applicant in closed session Item 9.1 and believes that he can make a decision based on the best interest of the community and would like to vote on this matter if other Councillors believe it appropriate.

Moved Cr Zammataro

Seconded Cr Noli

That Cr Kerr has a perceived conflict of interest in the matter and, notwithstanding the conflict, Cr Kerr may participate in the matter, discuss and vote upon it.

Carried Unanimously

3. MAYORAL MINUTES

3.2 MAYORAL MINUTE – FINANCIAL ASSISTANCE GRANT

Moved Cr Leu

That Council formally requests the Federal Government to restore the Financial Assistance Grants to at least 1 percent of Commonwealth taxation revenue.

BACKGROUND INFORMATION

The Local Government Association of Queensland (LGAQ) is requesting the formal support of Councils for the restoration of the value of the Financial Assistance Grants to at least 1% of total Commonwealth taxation revenue.

In 1996 the funding provided under the Financial Assistance Grants Program amounted to 1% of total Commonwealth taxation revenue. However, today that figure has fallen to just under 0.55%. During this same timeframe additional responsibilities have been devolved to local government with councils now owning and managing 25% of the nation's infrastructure, including 76% of the total road network.

Carried Unanimously

ACKNOWLEDGEMENT OF LOCAL DISASTER MANAGEMENT GROUP AND COUNCIL STAFF

Cr Leu acknowledged and commended the Local Disaster Management Group, in particular Local Disaster Coordinator Paul Hoye, Chief Executive Officer Mark Stoermer, Communications and Engagement Officer Tom Volling and Local Disaster Administration Officer Georgia Graham, and all Council staff who worked tirelessly during and after the record Australia Day floods.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD TUESDAY, 22 JANUARY 2019

Moved Cr Carey

Seconded Cr Zammataro

"That the Minutes of the Ordinary Meeting held on Tuesday, 22 January 2019 be confirmed."

Carried Unanimously

5. AGENDA ITEMS

5.1. AMENDMENTS TO THE PLANNING ACT 2016, THE PLANNING AND ENVIRONMENT COURT ACT 2016 AND THE PLANNING REGULATION 2017

Jenny Elphinstone, Senior Planning Officer

Moved Cr Carey

Seconded Cr Noli

"That Council officers prepare and lodge a submission in response to the Economic Development and Other Legislation Amendment Bill 2018 raising concern with the proposed website reporting and secondly, seeking further consideration and assistance from the State Government with the issue of gap funding between actual cost and maximum charging for infrastructure development in regional areas. "

Carried Unanimously

5.2. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - TOURIST PARK (15 CAMPSITES TO ACCOMMODATE A MAXIMUM OF 60 PERSONS)

Neil Beck, Team Leader Planning

Moved Cr Noli

Seconded Cr Zammataro

"That Council approves the development application for material change of use for a Tourist Park (15 Campsites accommodating a maximum of 60 persons) over land described as Lot 3 on RP741072 and Lot 11 on RP746567 located at Cape Tribulation Road, Cape Tribulation 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 Plans	Drawing Number 108-18	3 August 2018
Floor Plan - Elevations	Drawing Number 207-09	21 September 2018

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

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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.*

Approved Use

3. *The overall capacity of the use on Lot 3 is limited to a maximum of 15 campsites to accommodate a maximum of 60 persons at any one time.
Facilities located on Lot 11 on RP746567 must remain available for use by guests staying on Lot 3 on RP741072 at all times.*

Water Supply

4. *A suitable and reliable source of potable water supply for hygiene and consumption purposes to service the development must be demonstrated. A water supply management plan will be required as part of registering the premises under the Local Law – Operation of Camp Grounds.*

Landscaping Plan

5. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:*
 - a. *Earth mounding and deep planting along the full frontage of Lot 3 adjacent Cape Tribulation Road in order to screen the camping ground overtime. All landscaping works must be endemic and must be contained on the property;*
 - b. *Delineation of the land application area for waste water which must be kept clear off all traffic including pedestrian traffic. Bollards and garden beds or similar landscape features are to be implemented to achieve this outcome;*
 - c. *Species to have regard to Council's Planning Scheme Policy SC6.7; and*
 - d. *No vegetation removal is permitted unless otherwise approved by the Chief Executive Officer.*

A 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.

Internal Roads & Camp Ground

6. *Details are to be provided with respect to upgrading the internal roads and preparation of the area for the camping ground to ensure that the area is free draining and suitable for the intended purpose to the satisfaction of the Chief Executive Officer.
Such detail must be provided prior to the issue of a Development Permit for Building Work.*

Refuse

7. *A suitable covered area for refuse storage is to be provided proximate to the ablution facility. The refuse area must be kept clean and tidy at all times and regularly serviced.*

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Currency of Approval

8. *Once the use has commenced, the Development Permit will continue to be valid while the use is operated in conjunction with the Camping Ground established on Lot 11. Should either allotment be sold or no longer operate in conjunction with one another, the Development Permit will lapse unless the Development Permit is amended to incorporate communal facilities and managers residence associated with the Camping Ground on Lot 3.*

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.*
4. *The premises must be registered under Local Law 1 (Administration) Schedule 12 – Operation of Camping Grounds. Please contact Council's Environmental Health Unit on 409 99444 for further details regarding the Local Law approval process and matters to be addressed in any future application.*

B. Statement of Reasons

The reasons for this decision are:

1. *Sections 60, 62 and 63 of the Planning Act 2016:*
 - a. *A Tourist park is impact assessable development in the Conservation zone and is an anticipated form of development to take place within the Precinct 6 of the Cape Tribulation & Daintree Coast Local Plan.*
 - b. *To ensure the development satisfies the associated benchmarks of the applicable codes within the 2018 Douglas Shire Planning Scheme;*
 - c. *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 27 September 2018 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 impact assessment development under the Assessment Table associated with the Conservation zone. No submissions were received;*

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- 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. MINOR CHANGE APPLICATION (BUILDING WORK ASSESSABLE AGAINST PLANNING SCHEME)

Neil Beck, Team Leader Planning

Moved Cr Noli

Seconded Cr Carey

"That Council approves the Minor Change Application for additions to the Storage Shed over land described as Lot 64 on RP573, located at 14-22 Reef Street Port Douglas, subject to the following:

- 1. The table of approved drawing detailed in the Development Permit to be amended to read as follows:-

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	Received 13 June 2017 (#817814)	Undated
Floor Plan & Elevations	Drawing No. 608-16 Rev C	8 May 2017
Floor Plan & Elevations	Drawing No. 608-16	20 August 2016

- 2. All other Conditions and Advice Statements as contained within the Development Permit dated 12 July 2017 remain unchanged."

Carried Unanimously

5.4. WANGETTI TRAIL HUB

Neil Beck, Team Leader Planning

Moved Cr Leu

Seconded Cr Carey

"That Council resolve to:

- A. give "In Principle" support for the establishment of the Wangetti Trail Hub on the corner of Quaid Road and the Captain Cook Highway, Wangetti over land described as Lot 48 on CP910509, Lot 1 & Lot 2 on AP15771 and including part of the road reserve of Quaid Road.

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The Trail Hub could contain a range of land uses that reflect the aspirations of the Traditional Owners to the extent that such uses are complimentary and necessary to support the Trail Hub and the continued ongoing operation and maintenance of the trail.

Such uses may include, but not limited to:-

- *Visitor / interpretation facility / Tour desk;*
- *A shop (limited Gross Floor Area);*
- *Arts display / studio and associated sales of the goods;*
- *Café' / Restaurant;*
- *Rangers station / depot;*
- *Camping / overnight stays in cabins;*
- *Other facilities to support users of the track i.e bike assembly area and other complimentary facilities; and*

B. that the above advice is offered on a "without prejudice" basis. The determination of any future Development Application will be subject to an assessment against the Planning Scheme in addition to any submissions received during the public notification period."

Carried Unanimously

5.5. FINANCIAL REPORT FOR THE PERIOD ENDED 31 JANUARY 2019

Joanne Nicholson, Acting Chief Financial Officer

Moved Cr Carey

Seconded Cr Leu

"That Council notes the Financial Report for the period ended 31 January 2019."

Carried Unanimously

**5.6. WATER AND WASTEWATER QUARTERLY REPORT FOR THE PERIOD
ENDING DECEMBER 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 31 December 2018."

Carried Unanimously

5.7. DATE, TIME AND PLACE OF ORDINARY COUNCIL MEETINGS

Joanne Jacobson, Executive Manager People and Governance

Moved Cr Zammataro

Seconded Cr Noli

"That the Ordinary Meetings of Council be held in the Council's Administration Office, 64-66 Front Street, Mossman on the following days, dates and times for the 2019-2020 financial year until March 2020 when the Local Government Elections are proposed to be held:

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<i>DAY</i>	<i>DATE</i>	<i>TIME</i>
<i>Tuesday</i>	<i>9 July 2019</i>	<i>10:00AM</i>
<i>Tuesday</i>	<i>30 July 2019</i>	<i>10:00AM</i>
<i>Tuesday</i>	<i>20 August 2019</i>	<i>10:00AM</i>
<i>Tuesday</i>	<i>10 September 2019</i>	<i>10:00AM</i>
<i>Tuesday</i>	<i>1 October 2019</i>	<i>10:00AM</i>
<i>Tuesday</i>	<i>22 October 2019</i>	<i>10:00AM</i>
<i>Tuesday</i>	<i>12 November 2019</i>	<i>10:00AM</i>
<i>Tuesday</i>	<i>3 December 2019</i>	<i>10:00AM</i>
<i>Tuesday</i>	<i>21 January 2020</i>	<i>10:00AM</i>
<i>Tuesday</i>	<i>11 February 2020</i>	<i>10:00AM</i>
<i>Tuesday</i>	<i>3 March 2020</i>	<i>10:00AM</i>
<i>Tuesday</i>	<i>24 March 2020</i>	<i>10:00AM</i>

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:

- 9.1 *Prejudicial Matter S275(1)(H) Local Government Regulations 2012 – Proposal to amend the Mirage Port Douglas Scheme of Integrated Resort Development.*
- 9.2 *Prejudicial Matter S275(1)(H) Local Government Regulations 2012 – Contract for Uninet (Stinger Net).*
- 9.3 *Prejudicial Matter S275(1)(H) Local Government Regulations 2012 – Daintree River Ferry Contract 2021 – Expression of Interest.*

Carried Unanimously

OUT OF CLOSED SESSION

Moved Cr Zammataro

Seconded Cr Noli

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

Carried Unanimously

**9.1. PREJUDICIAL MATTER S275(1)(H) LOCAL GOVERNMENT REGULATION
2012 - PROPOSAL TO AMEND THE MIRAGE PORT DOUGLAS SCHEME
OF INTEGRATED RESORT DEVEL**

Jenny Elphinstone, Senior Planning Officer

Moved Cr Carey

Seconded Cr Leu

"That Council advise the Department of State Development, Manufacturing, Infrastructure and Planning in regards to the proposed further amendments to the Scheme and applicant's response to further information as follows:

- 1. no concern is raised with the proposed further amendments to the wording of proposed Scheme Amendment;*
- 2. Council reiterates the need to maintain the 20 metre vegetation buffer to the foreshore. Any access way to the foreshore must be discreet. Council's consideration of the buffer area is that this is to be natural endemic vegetation and not utilised for recreation or open space purposes; and*
- 3. for the development of land adjacent to the foreshore Council refers to the BMT WBM Cairns Region Storm Tide Inundation Study January 2013, Reissued on 12 December 2017 and recommends the minimum ground level height of 3.87 metres AHD with an additional one (1) metre freeboard, for the consideration of wave effect run-up, apply to new development. Council acknowledges the assessment of new development in the erosion prone area and the Coastal Management District is State matter. "*

Carried Unanimously

**9.2. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATIONS 2012 - CONTRACT FOR UNINET (STINGER NET)**

Peter Logan, Coordinator Public Spaces

Moved Cr Noli

Seconded Cr Zammataro

"That Council resolves to:

- 1. in accordance with section 235 of the Local Government Regulation 2012 that the Council's register of sole source suppliers be extended to include Uninet Enclosure Systems; and*
- 2. delegate authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters in relation to this contractual arrangement."*

Carried Unanimously

**9.3. PREJUDICIAL MATTER S275(1)(H) LOCAL GOVERNMENT REGULATION
2012 - DAINTREE RIVER FERRY CONTRACT 2021 - EXPRESSION OF
INTEREST**

Michael Kriedemann, Executive Manager Infrastructure

Moved Cr Leu

Seconded Cr Noli

"That Council resolve to:

1. *Invite Expressions of Interest for the provision of the Daintree River Ferry service (under Section 228 (3) of the Local Government Regulations 2012);*
2. *Notes it is in the public interest to invite expressions of interest before inviting written tenders for the following reasons:*
3. *Undertaking Early Market Engagement with potential Suppliers;*
4. *Understanding the scope potential and what the market may be able to offer;*
5. *Enabling the market to better understand potential compliance issues with the project and environmental controls due to the location of the site; and*
6. *Enabling the market to better understand the logistics of working in Far North Queensland, particularly within the Wet Tropics."*

Carried Unanimously

CLOSURE OF MEETING

The meeting closed at 11.02am

CONFIRMED THIS 5TH DAY OF MARCH 2019


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MAYOR/CHAIR