

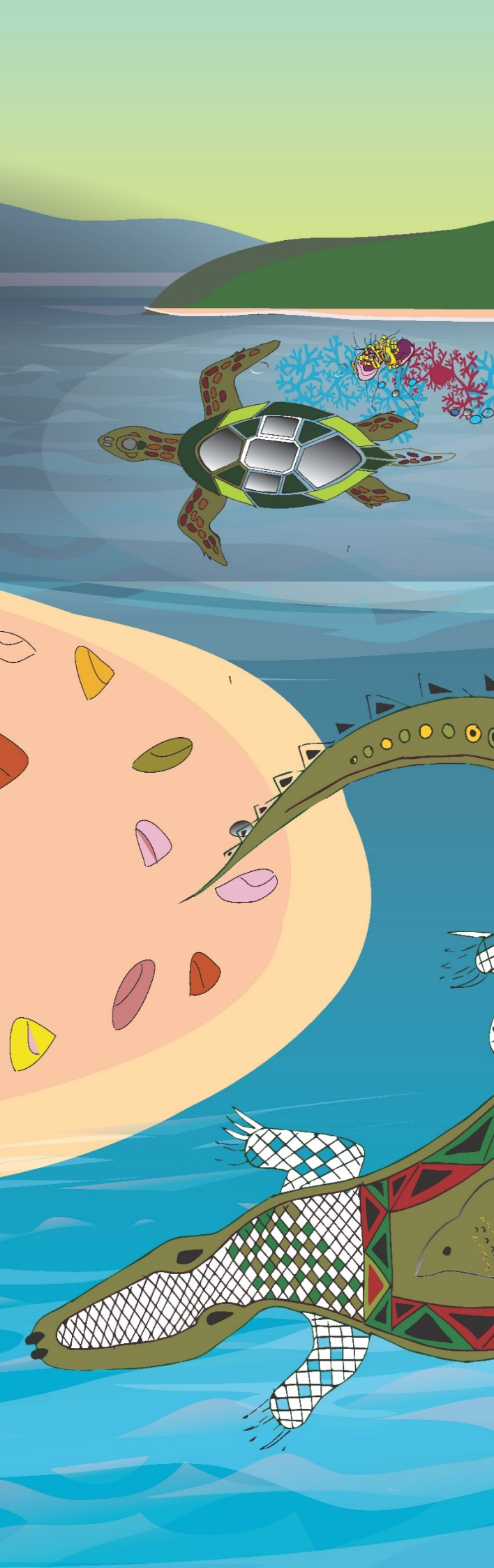
DOUGLAS SHIRE COUNCIL

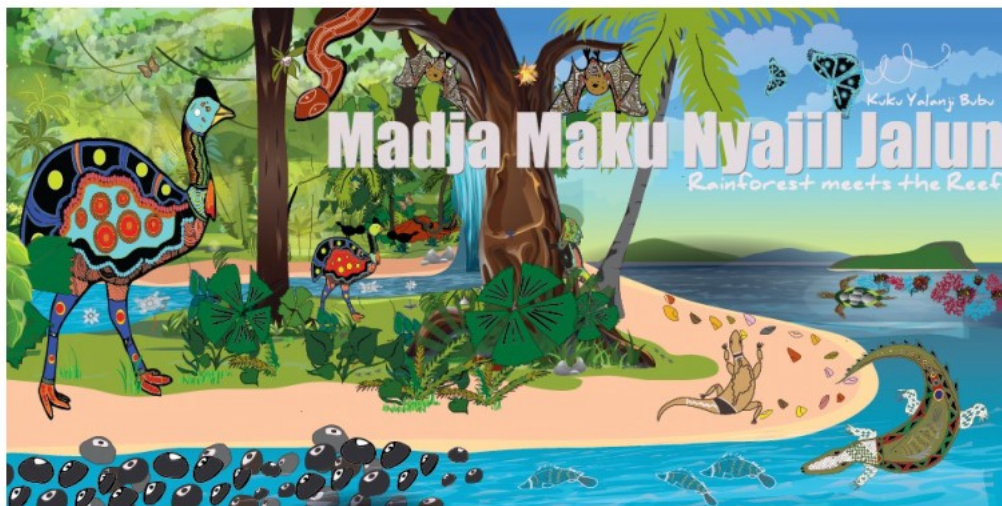
# ORDINARY COUNCIL MEETING

## MINUTES

Tuesday, 26 March 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, 26 MARCH 2019 COMMENCING AT 10.00AM**

---

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr Michael Kerr, Cr Roy Zammataro, Mark Stoermer (Chief Executive Officer), Tara Killeen (CFO), Terry Farrelly (Manager Community Development), Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

**Part Meeting:**

Paul Hoye (Manager Environment & Regulation), Neil Beck (Team Leader Planning), Daniel Lamond (Planning Officer), Sandeep Tut (Team Leader Management Accounting)

ACKNOWLEDGEMENT OF COUNTRY

Cr Leu acknowledged the Kuku Yalanji people who are the Traditional Custodians of the Land and paid respect to their Elders both past and present and extended that respect to other Indigenous Australians present.

APOLOGIES

Cr David Carey, Joanne Jacobson (Executive Manager, People & Governance), Michael Kriedemann (Executive Manager Infrastructure)

MINUTE OF SILENCE

A minute of silence was observed to honour those who tragically died in the Christchurch massacre on 15 March 2019. Cr Leu also acknowledged the leadership of New Zealand Prime Minister, Jacinda Ardern.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Kerr declared a conflict of interest in Item 5.2 (as defined by section 175D of the Local Government Act 2009) as he is a member of the Club with the Application. As per the Club's rules, any local who lives within the capture radius must be a member to utilise the facility.

Cr Kerr has determined that this personal interest is not of sufficient significance in that it will lead him to making a decision on the matter that is contrary to the public interest. Cr Kerr will best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

Cr Kerr acknowledged that the remaining Councillors must now determine, pursuant to section 175E of the *Local Government Act 2009*):-

- (a) whether he has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (b) if so, whether:-
  - i. he must leave the meeting while this matter is discussed or voted on; or
  - ii. he may participate in the meeting in relation to the matter, including by voting on the matter."

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 26 MARCH 2019 COMMENCING AT 10.00AM**

---

**Moved** Cr Zammataro

**Seconded** Cr Noli

*“That Cr Kerr does not have either a real conflict of interest or perceived conflict of interest in the matter and is accordingly free to participate in the meeting while this matter is discussed, including by voting on the matter.”*

**Carried** unanimously

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD TUESDAY,  
5 MARCH 2019

**Moved** Cr Noli

**Seconded** Cr Kerr

*“That the Minutes of the Ordinary Meeting held on Tuesday, 5 March 2019, be confirmed.”*

**Carried** unanimously

5. AGENDA ITEMS

- 5.1. REQUEST TO EXTEND TRADING HOURS OF LIQUOR LICENSE - N17  
BURGER CO  
Daniel Lamond, Planning Officer

**Moved** Cr Noli

**Seconded** Cr Kerr

*“That the Office of Liquor & Gaming Regulation, Department of Justice & Attorney-General, be advised that Council does not object to the Application for extended trading hours for the Commercial Other Subsidiary on Premises Licence for N17 Burger Co, Shop 1, 22 Macrossan Street, Port Douglas, also described as Lot 1 on BUP70644. The extended trading hours are considered to be consistent with the town planning intent for the site.”*

**Carried** unanimously

- 5.2. MATERIAL CHANGE OF USE- EXTENSION TO EXISTING RESTAURANT  
7 ASHFORD AVENUE  
Daniel Lamond, Planning Officer

**Moved** Cr Leu

**Seconded** Cr Kerr

*That Council*

- A. *Approves the Material Change of Use development application for extension to existing premises (Restaurant) over land described as Lot 5 on RP288958 (Lease F on SR697) over land at 7 Ashford Avenue Port Douglas, subject to the following:*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 26 MARCH 2019 COMMENCING AT 10.00AM**

---

**APPROVED DRAWING(S) AND/OR DOCUMENT(S)**

*The term ‘approved drawing(s) and/or document(s)’ or other similar expression means:*

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Cover Sheet</i>	<i>PDCC0103. Drawing No. 00-00, Revision A.</i>	<i>19 December 2017</i>
<i>Ground Floor Plan</i>	<i>PDCC0103. Drawing No. 02-01, Revision A.</i>	<i>19 December 2017</i>
<i>Elevations</i>	<i>PDCC0103. Drawing No. 04-01, Revision A.</i>	<i>19 December 2017</i>
<i>First Floor Plan</i>	<i>PDCC0103. Drawing No. 02-02, Revision C.</i>	<i>19 December 2017</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;*
  - 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, including but not limited to mobilisation of heavy construction equipment, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the Lessee’s cost, prior to the Commencement of Use.*

**Construction Access Details**

5. *Provide a detailed submission demonstrating how practical access for the construction of the proposed works will be achieved, noting the proximity of the public boat ramp to the site. Note that public access to the boat ramp should not be inhibited by construction activities. The submission is to be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 26 MARCH 2019 COMMENCING AT 10.00AM**

---

**State Planning Assessment**

6. *Provide confirmation from the State Assessment and Referral Agency that the proposed works do not trigger tidal works or prescribed tidal works assessment prior to the issue of a Development Permit for Building Works.*

**Delivery Vehicles**

7. *Delivery vehicles must not be parked on land where they are to interfere with the function of the public boat ramp. Delivery vehicles must be parked entirely within Lease F on SR697.*

**Storage of Machinery and Plant**

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

**Lawful Point of Discharge**

9. *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.*

**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 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 all other relevant Local Laws and statutory requirements.*
4. *For information relating to the Planning Act 2016 log on to [www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.dsc.qld.gov.au](http://www.dsc.qld.gov.au).*

**B. Reasons for Decision**

*The reasons for this decision are:*

1. *Sections 60, 62 and 63 of the Planning Act 2016:*
  - a. the approved plan(s) and document(s) as per A above;*
  - b. the Conditions and Advices as per B above;*
  - c. the development is an extension of an existing lawfully established use; and*
  - d. to ensure compliance with the Planning Act 2016.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 26 MARCH 2019 COMMENCING AT 10.00AM**

---

2. *Findings on material questions of fact:*
  - a. *the development application was properly lodged to the Douglas Shire Council on 22 December 2017 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
  - b. *the application was properly publicly notified;*
  - c. *the development application contained information from the applicant which Council reviewed together with Council's own investigation of assessment against the State Planning Policy and the 2006 Douglas Shire Planning Scheme in making its assessment manager decision. Consideration was given to the 2018 Douglas Shire Planning Scheme.*
3. *Evidence or other material on which findings were based:*
  - a. *the development triggered assessable development under the Assessment Table associated with the Community and Recreation Facilities 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 conditions the development satisfactorily meets the Council's intent for the land.*

**C. *Reasons Development Application was approved despite non-compliance with the relevant benchmarks from the 2006 Douglas Shire Planning Scheme:***

***Assessment Benchmark***

- (1) *The proposal conflicts with the Overall Outcomes of the Community and Recreational Facilities Planning Area Code, namely;*
  - *accommodate community facilities such as schools, churches, community centres, State and Local Government facilities and major public utility depots or operations which are important to a locality or to the Shire, in locations which are convenient and accessible to the communities which the facilities serve;*
  - *ensure that any expansion or redevelopment of community facilities is in keeping with the purpose and character of the facility and reflect contemporary community needs; and*
  - *ensure that the use of recreational or club facilities does not affect the amenity of adjacent areas, particularly residential or environmental areas, through the sensitive design and siting of facilities and through buffering of facilities from sensitive land uses.*

***Response***

*The development involves adding an additional floor to an existing building currently approved and operating as a Restaurant. The zoning of the land in the 2006 Planning Scheme does not align with the lawfully established use of the site.*



**Assessment Benchmark**

- (2) *The proposal conflicts with the overall outcomes of the Vehicle Parking and Access Code, namely;*
- *sufficient vehicle parking is provided on-Site to cater for all types of vehicular traffic accessing and parking on the Site, including staff, guests, patrons, residents and short term delivery vehicles;*
  - *sufficient bicycle parking and end of trip facilities are provided on-Site to cater for customers and staff; and*
  - *the provision of on-Site parking, loading/unloading facilities and the provision of Access to the Site, do not impact on the efficient function of the street network or on the area in which the development is located.*

**Response**

*The development is within walking distance of the commercial centre of Port Douglas. Visitors to the commercial centre of Port Douglas often park in one location then walk from premises to premises as part of what is considered to be the regular modal transport pattern.*

*Visitation to the Club is likely to be coupled with visitation to other premises in close proximity so the demand on parking supply is decreased. The townscape is walkable and sealed. The development is considered to be able to achieve a sound outcome where the efficient function of the surrounding street network and parking supply is not compromised.*

*In addition, Council is currently exploring a number of options to provide designated car parking area/s proximate to the Village of Port Douglas which in turn will assist all businesses and visitors to the village.*

**Assessment Benchmark**

- (3) *The proposal conflicts with Performance Criteria P1 of the Vehicle Parking and Access Code.*

*P1- Sufficient parking spaces are provided on the Site to accommodate the amount and type of vehicle traffic expected to be generated by the use or uses of the Site, having particular regard to:*

- *the desired character of the area in which the Site is located;*
- *the nature of the particular use and its specific characteristics and scale;*
- *the number of employees and the likely number of visitors to the Site;*
- *the level of local accessibility;*
- *the nature and frequency of any public transport serving the area;*
- *whether or not the use involves the retention of an existing Building and the previous requirements for car parking for the Building;*



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 26 MARCH 2019 COMMENCING AT 10.00AM**

---

- *whether or not the use involves an identified Valuable Conservation Feature and Valuable Site; and*
- *whether or not the use involves the retention of significant vegetation.*

**Response**

*Vehicle traffic expected to be generated by the development is minimal as patrons will generally walk to the premises after centrally parking or arriving at the commercial centre of Port Douglas via numerous modes of transport.*

*A significant portion of the patronage would be from tourists who holiday in accommodation close to the commercial centre of Port Douglas alleviating pressure on parking spaces. The development is not considered to be to the detriment of the character or amenity of the area.*

*In addition, Council is currently exploring a number of options to provide designated car parking area/s proximate to the Village of Port Douglas which in turn will assist all businesses and visitors to the village.*

**D. Infrastructure Charges**

*That Council resolves to apply the infrastructure charges as detailed in Attachment 2 - Infrastructure Charges Schedule.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 26 MARCH 2019 COMMENCING AT 10.00AM**

**Attachment 2 – Infrastructure Charges Schedule**

<b>DOUGLAS SHIRE COUNCIL</b>		2008 Douglas Shire Planning Schemes Applications	
<b>ADOPTED INFRASTRUCTURE CHARGES NOTICE</b>			
Plymber Dixon Qld Pty Ltd C/- Brazier Mottl Pty Ltd		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
7 Ashford Avenue	Port Douglas	L5 on SP2089258 & L126 on SR868	2630, 157900
STREET No. & NAME	SUBURBS	LOT & RP No.s	PARCEL No.
Material Change of Use- Extension to existing premises (Restaurant)		MCU2454/2017	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
DR24514	1		
DSC Reference Doc. No.	VERSION No.		

Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Port Douglas and Environs				Code 895 GL 67500.0135.0825
Proposed Demand- Extension to Commercial Floor Area	309	129.34		
	0	0.00		
	0	0.00		
	0	0.00		
Total		51,606.66		
<b>TOTAL</b>		<b>\$51,606.66</b>		

Prepared by	D Lamond	12-Mar-18	Amount Paid	
Checked by	N Beck	14-Mar-18	Date Paid	
Date Payable			Receipt No.	
Amendments		Date	Cashier	

**Note:**  
The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the Planning Act 2016 as from Council's resolution from the Special meeting held on 5 June 2018.

Charge rates under the current Policy are not subject to indexing.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

**Carried** unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 26 MARCH 2019 COMMENCING AT 10.00AM**

---

5.3. REGIONAL ARTS DEVELOPMENT FUND (RADF) 2019-20 FUNDING APPLICATION

Tim Ellis, Arts & Culture Officer; Helen Coulthard, Grants Officer

**Moved** Cr Noli

**Seconded** Cr Kerr

*“That Council:*

1. *endorses the 2019-2020 Regional Arts Development Fund (RADF) application for \$30,000 (GST Exc) in funding to Arts Queensland based on Council's contribution of \$15,000 (GST Exc); and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Mayor and Chief Executive Officer to administer Council's RADF program including the development of the funding application to Arts Queensland, development of local RADF Guidelines and the application form.”*

**Carried** unanimously

5.4. BLOOMFIELD RIVER BRIDGE

Sandeep Tut, Team Leader Management Accounting

**Moved** Cr Noli

**Seconded** Cr Leu

*“That Council resolves to accept ownership of Bloomfield River Bridge.”*

**Carried** unanimously

5.5. MONTHLY FINANCIAL REPORT FEBRUARY 2019

Tara Killeen, Chief Financial Officer

**Moved** Cr Leu

**Seconded** Cr Zammataro

*“That Council notes the Financial Report for the period ended 28 February 2019.”*

**Carried** unanimously

5.6. COUNCIL TO CEO DELEGATION UPDATE

Susanna Andrews, Administration Officer

**Moved** Cr Noli

**Seconded** Cr Kerr

*“That Council delegates authority under section 257(1)(b) of the Local Government Act 2009 to the Chief Executive Officer to the authority listed in Attachment 1 of this report.”*

**Carried** unanimously

5.7. CEO REPORT FOR DECEMBER 2018 - FEBRUARY 2019

Mark Stoermer, Chief Executive Officer

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“That Council receives and notes the Organisational Report Card and the Report from the Chief Executive Officer for the period December 2018 – February 2019.”*

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 26 MARCH 2019 COMMENCING AT 10.00AM

---

Carried unanimously

**6. NOTICES OF MOTION**

Nil.

**7. URGENT BUSINESS**

Nil.

**8. PETITIONS**

**8.1 PETITION – CONCERNS OVER PROPOSED SHARKS’ CLUBHOUSE  
LICENCE CHANGES AT MOSSMAN SHOWGROUNDS**

Brenda Jang, Executive Assistant

Moved Cr Noli

Seconded Cr Kerr

*“That the Petition be received and referred to a responsible officer for investigation and response.”*

Carried unanimously

**CLOSURE OF MEETING**

The meeting closed at 10.35am

**CONFIRMED THIS 16TH DAY OF APRIL 2019**

  
.....  
MAYOR/CHAIR