

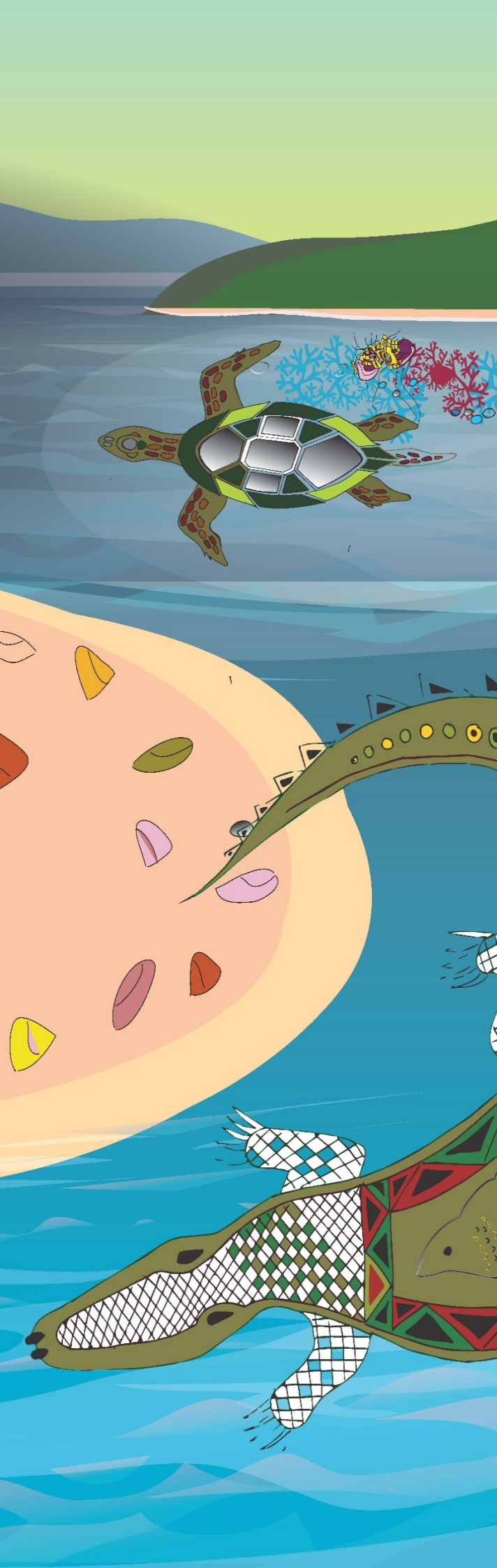
DOUGLAS SHIRE COUNCIL

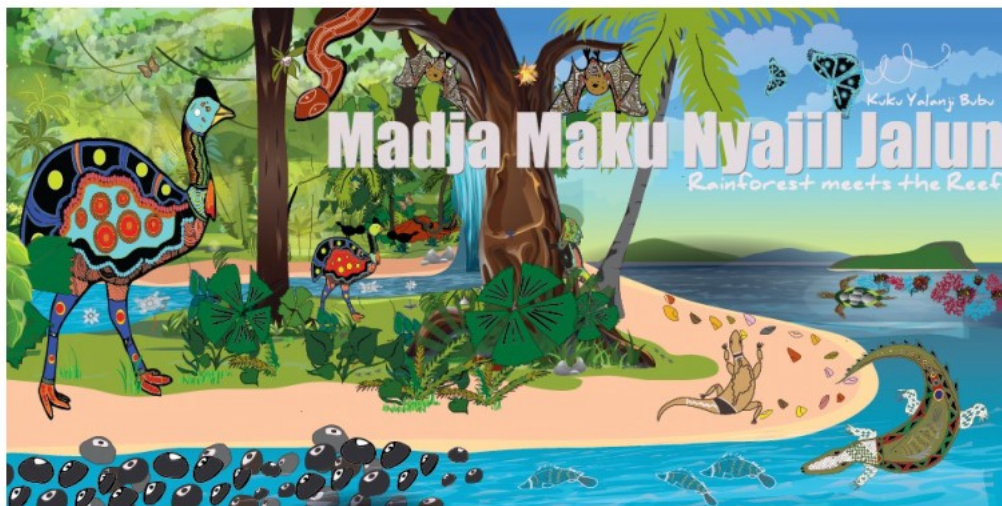
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 16 April 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, 16 APRIL 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), Joanne Jacobson (Executive Manager, People & Governance), Michael Kriedemann (Executive Manager Infrastructure), Natalie Crimmins (Acting Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

Part Meeting:

Paul Hoye (Manager Environment & Planning), Daniel Lamond, (Planning Officer), Jenny Elphinstone (Senior Planning Officer), Nicola Learmond (Sustainability Officer), Peter Tonkes (Manager Water & Wastewater), Peter White (Coordinator Water & Wastewater), Tara Killeen (Chief Financial Officer) and Helen Coulthard (Grants 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.

APOLOGIES

Cr David Carey

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Kerr declared a conflict of interest in Closed Item 9.1 (Grant Funding) as he is the author of one of the applications being the President of the Douglas Theatre Arts Group Inc.

Cr Kerr will be dealing with this declared conflict of interest by leaving the meeting while the matter is discussed and voted on.

3. MAYORAL MINUTE

3.1 MOSSMAN & DISTRICT SHOW ASSOCIATION (MDSA) SPONSORSHIP

Moved Cr Leu

“That Council:

1. *resolves to allocate in the Community Development 2019-20 Budget \$20,000 (GST Exc) for sponsorship and \$1,200 in-kind assistance for Council fees for Mossman and District Show Society Inc;*
2. *resolves that funds will be paid 1 July 2019; and*
3. *delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to determine and finalise any and all matters associated with this matter.”*

BACKGROUND INFORMATION

Mossman & District Show Association (MDSA) has requested financial assistance from Council to extend the food pavilion at Coronation Park and upgrade associated electrical provisions currently in this area.

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At the Coronation Park User Group Meeting in December 2018, the President of MDSA expressed the need to extend the food court pavilion and upgrade electricals in the surrounding area to service the new shed and food vans which use the area.

MDSA has provided a quote for the food court shed that totalled approximately \$25,000 for the food court shed, which includes building costs, concrete and electrical provisions.

The President of MDSA advised MDSA intends to have the shed built in late June – early July 2019 and will contribute \$5,000 towards the costs of the shed.

MDSA's President has further advised that the committee can contribute in-kind support to help build the shed and provide the electrical provisions which will reduce overall costs.

It is recommended that Council allocate \$20,000 (GST excl) for sponsorship and \$1,200 in-kind assistance for Council fees.

Council currently has no allocated capital work funding available for the proposed improvement works or operational budget allocated for this purpose. The purpose of the sponsorship will be to support MDSA to deliver a successful Show in 2019 and in future years that will benefit the community.

Carried Unanimously

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD 26 MARCH 2019

Moved Cr Noli

Seconded Cr Kerr

"That the Minutes of the Ordinary Meeting held on 26 March 2019 be confirmed."

Carried Unanimously

5. AGENDA ITEMS

5.1. MINOR CHANGE APPLICATION FOR DEVELOPMENT APPROVAL AT LOTS 41 & 42 & 49-51 ESCAPE STREET, PORT DOUGLAS
Daniel Lamond, Planning Officer

Moved Cr Leu

Seconded Cr Kerr

A. *That Council resolve to approve the application for minor change to approval for the combined application for a material change of use and reconfiguration of a lot (30 lots & common property) with a House on each lot and a display home over land described as Lots 41 & 42 on RP747344 and Lots 49 & 51 on SP161464, located at 4-10 and 9 Escape Street, Port Douglas, subject to the following;*

Approved Plan replacing approved plans:

<i>Drawing</i>	<i>Reference</i>	<i>Date</i>
PR133458-7a	Plan Prepared by RPS Australia East Pty Ltd, Sheet 1 of 3.	6 November 2018

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1. *Condition 1 be deleted and replaced with conditions 1, 2 and 3:-*

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 endorsing the Plan of Survey, except where specified otherwise in these conditions of approval.*

Amendment to Design

3. *The approved plan must be amended to accommodate the following requirements:-*

- (a). Provide a staging plan illustrating each stage of the residential development. Each stage is to comprise of a stand alone group of allotments where the opportunity exists;*
- (b). Provide a central waste storage facility accessed via Escape Street. In order to comply with this condition, it is required that Lot 15 be dedicated to contain the waste storage facility and that the surrounding allotment boundaries be reconfigured accordingly; and*
- (c). The nominated building footprints on the approved plan are no longer being pursued and therefore are not approved and do not apply.*

An amended layout plan and staging plan detailing the above requirements must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work for the first house on the land.

2. *Condition 2 be deleted and replaced with the following:-*

Boundary Setbacks

- #. (a) Side and rear boundary setbacks for each dwelling on each lot must be compliant with the Queensland Development Code MP1.1 unless otherwise approved by the Chief Executive Officer;*
- (b). Setbacks to Escape Street may be no less than four (4) metres except for lots 16, 28 and 29 which may have a building setback of three (3) metres from Escape Street for a maximum of 30% of the building fronting Escape Street unless otherwise approved by the Chief Executive Officer;*
- (c). Setbacks to St Crispins Avenue may be no less than four (4) metres; and*
- (d) Setbacks to the internal CTS road must be determined in accordance with Conditions of this approval.*

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3. *Condition 3 be deleted and replaced with the following:-*

Currency Period

- #. *This development approval is valid up to and including 21 January 2021.*

4. *Condition 7 be deleted and replaced with the following:-*

Landscaping and Fencing

- #. *Provide a Landscape Concept Plan for the development that provides for an attractive residential development and details how the development interacts with the external roads of Escape Street and St Crispins Avenue. The Landscape Concept Plan must include:-*

- (a) street tree planting in accordance with the FNQROC Development Manual;*
- (b) seep planting of setback areas fronting Escape Street and St Crispins Avenue;*
- (c) external fencing treatment details;*
- (d) internal plantings;*
- (e) opportunities for internal street tree planting;*
- (f) a species list in accordance with Planning Scheme Policy SC6.7- Landscaping.*

The Landscape Plan must be endorsed by the Chief executive Officer prior to the issue of a Development Permit for Building Work. All landscaping and fence treatments must be installed in accordance with the endorsed landscape plan prior to endorsing the Plan of Survey for the respective allotment or stage.

5. *Condition 8 be deleted.*

6. *Condition 10 be deleted and replaced with the following:-*

Waste Storage and Discharge

- #. *A central waste storage facility must be included in the layout of the development. The facility must;*
- (a) provide storage area for the storage of a minimum of 3 bulk bins (1100L capacity) and 15 (240L capacity) recycling bins;*
 - (b) contain an impervious surface for the storage of waste containers with a suitable hosecock with hose attached, located on an external front corner of the enclosure with a reduced pressure zone device;*
 - (c) be roofed, bunded and connected to sewer with an approved collection device at the drainage point to sewer;*
 - (d) Include a two (2) metre wide sealed path to the road frontage of Escape Street for practical bin display to the satisfaction of the Chief Executive Officer;*
 - (e) the Community Management (CMS) Statement must state that this central facility is the waste storage facility for all of the development and must form part of the*

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common property for the development. The CMS must state waste storage bins are not permitted to be housed within the private Community Title Scheme (CTS) allotments.

- (f) Be screened from view via landscaping treatments to be detailed on a site specific landscaping plan and noted on the landscape concept plan.*
- (g) Be constructed prior to Council endorsing the first CTS allotment Plan of Survey including all landscaping treatments.*

7. *Condition 46 be deleted and replaced with the following:-*

Design Review, Construction & Survey Plan Endorsement

- #. All house designs for each allotment comprising a stage must be submitted for review and endorsement prior to the issue of a Development Permit for Building Work for the first house within the stage.*

Allotments within a stage can have their individual Plans of Survey endorsed by the Chief Executive Officer once the building slab is completed and three courses of blocks have been laid for an individual house or construction work has substantially commenced to the satisfaction of the Chief Executive Officer where not a block house.

8. *Additional conditions be added as follows:-*

Design Guidelines

- #. A set of design guidelines must be prepared and submitted for endorsement by the Chief Executive Officer prior to submission of house and stage designs for endorsement. The design guidelines must include but no limited to the following design outcomes:-*
 - (a) The internal CTS road is not dominated by garages with reduced setbacks with the elements of the house fronting the internal street to promote casual surveillance from the residence;*
 - (b) Houses have staggered setbacks to the internal CTS road to create visual interest and opportunity for landscaping treatments internal to the site;*
 - (c) House designs do not create a nuisance or detrimentally impact the safety of people upon entry and egress of vehicles to the CTS allotments;*
 - (d) House designs provide adequate daylight and ventilation to habitable rooms;*
 - (e) House designs provide adequate daylight and ventilation to habitable rooms of houses on adjoining lots within each stage;*
 - (f) House designs do not impact of the amenity and privacy of residents or future residents on adjoining lots.*
9. *All other conditions remain unchanged and conditions are renumbered to accommodate the above amendments."*

Carried Unanimously

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5.2. RECONFIGURING OF A LOT 21 SPRING CREEK ROAD MOWBRAY
Jenny Elphinstone, Senior Planning Officer

Moved Cr Noli

Seconded Cr Zammataro

“That Council refuse the development application for reconfiguration of a lot, one lot into two lots, over land described as Lot 11 on SP212654, located at 21 Spring Creek Road, Mowbray, on the following grounds:

- 1. the development creates lots which are not of an appropriate size and configuration to retain and sustain the utility and productive capacity of the land for rural purposes. The proposed development will fragment rural land, in particular good quality agricultural land that is identified as Class A Agricultural Land Classification. The development is incapable of being conditioned to achieve compliance with the required codes;*
- 2. the development is inconsistent with the 2018 Douglas Shire Planning Scheme in regards to: the Rural Zone Code and the Reconfiguring A Lot Code. The development is incapable of being conditioned to achieve compliance with the required codes;*
- 3. the fragmentation of agricultural land and the size and configuration of the proposed lots is development that is inconsistent with the Far North Queensland Regional Plan 2009-2031, the State Planning Policy 2017 and the Planning Scheme. There is no identified need for the smaller lots in the rural area in order to achieve the outcomes of: the State Planning Policy 2017, the Far North Queensland Regional Plan 2009-2031 and the Planning Scheme; and*
- 4. there are insufficient grounds to justify approval despite the conflicts with the State Planning Policy 2017, the Far North Queensland Regional Plan 2009-2031 and the Planning Scheme.*

Carried Unanimously

5.3. WET TROPICS MANAGEMENT PLAN SUBMISSION TO WTMA
Nicola Learmond, Sustainability Officer

Moved Cr Leu

Seconded Cr Noli

“That Council resolves to support and submit the attached Wet Tropics Management Plan Review Submission to the Wet Tropics Management Authority.”

Carried Unanimously

5.4. QUEENSLAND DISASTER RESILIENCE FUND 2018-19 FUNDING
SUBMISSIONS

Helen Coulthard, Grants Officer, Paul Hoyer, Manager Environment and Planning and Michael Kriedemann, Executive Manager Infrastructure

Moved Cr Noli

Seconded Cr Kerr

“That Council resolves to:

- 1. support a submission to the Queensland Reconstruction Authority's 2018-19 Disaster Resilience Fund for \$8,500 (GST Exc) for portable flood barriers;*
- 2. support a submission to the Queensland Reconstruction Authority's 2018-19 Disaster Resilience Fund for \$30,500 (GST Exc) for automated road warning signs for Barratt*

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Creek Daintree;

3. *support a submission to the Queensland Reconstruction Authority's 2018-19 Disaster Resilience Fund for \$23,000 (GST Exc) to install automated rain gauges (two) in the catchments of the Upper Daintree River and the Bloomfield River;*
4. *support a submission to the Queensland Reconstruction Authority's 2018-19 Disaster Resilience Fund for \$22,000 (GST Exc) to upgrade existing automated road warning signs at Anichs and Foxton Bridges Mossman;*
5. *support a submission to the Queensland Reconstruction Authority's 2018-19 Disaster Resilience Fund for \$4,250 (GST Exc) for a portable two-way radio base;*
6. *support a submission to the Queensland Reconstruction Authority's 2018-19 Disaster Resilience Fund for \$65,000 (GST Exc) for a flood camera and automated road warning signage at Junction Bridge, Mossman;*
7. *support a submission to the Queensland Reconstruction Authority's 2018-19 Disaster Resilience Fund for \$42,000 (GST Exc) for portable Variable Message Signs (VMS);*
8. *contribute 50% towards eligible project costs for any or all the above submissions, if successful with grant funding; and*
9. *delegate authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to administer these matters."*

Carried Unanimously

- 5.5. UPDATED WATER RESTRICTIONS SCHEDULE AND POLICIES
Lara Balzarolo, Technical Support Officer

Moved Cr Zammataro

Seconded Cr Kerr

"That Council receives and notes the updated Water Restrictions Schedule within Douglas Shire. Council also receives and notes the updated Water Conservation Policy and the Water Restrictions General policy"

Carried Unanimously

- 5.6. MONTHLY FINANCIAL REPORT MARCH 2019
Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr Leu

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

Carried Unanimously

- 5.7. CAPITAL WORKS PROGRESS REPORT FOR THE 3RD QUARTER 2018 –
2019
Michael Kriedemann, Executive Manager Infrastructure Services

Moved Cr Noli

Seconded Cr Zammataro

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“That Council receives and notes the progress of the Capital Works Program to 31 March 2019 for the 2018 - 2019 financial year.”

Carried Unanimously

5.8. OPERATIONAL PLAN PROGRESS REPORT JANUARY TO MARCH 2019
Mark Stoermer, Chief Executive Officer

Moved Cr Kerr

Seconded Cr Noli

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

Carried Unanimously

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

8.1 PETITION OBJECTING DOG RUN AND SCREENING VEGETATION
PROPOSED FOR HUTCHINGS PARK
Brenda Jang, Executive Assistant

Moved Cr Zammataro

Seconded Cr Noli

“That the Petition be received and tasked to Chief Executive Officer to respond to the principal petitioner.”

Carried Unanimously

8.2 PETITION URGING COUNCIL TO ALLOCATE NECESSARY FUNDING
AND RESOURCES TO NEWELL BEACH FORESHORE
Brenda Jang, Executive Assistant

Moved Cr Noli

Seconded Cr Kerr

“That Council receive the Petition and refer it to a responsible officer for investigation and consideration in the Playground Renewal Program and 2019/20 Annual Budget.”

Carried Unanimously

9. CLOSED SESSION

Moved Cr Kerr

Seconded Cr Zammataro

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

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9.1 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – Council Grants Programs 2018-2019 Round Two*

Carried Unanimously

MEETING WITHDRAWAL

Cr Kerr had declared a real conflict of interest in regards to Item 9.1 as he is the author of one of the applications being the President of the Dougals Theatre Arts Group Inc. and withdrew from the meeting at 10.46am.

MEETING RE-ATTENDANCE

Cr Kerr re-attended the meeting at 10.55am.

OUT OF CLOSED SESSION

Moved Cr Kerr

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 - COUNCIL GRANTS PROGRAMS 2018-19 ROUND
TWO

Moved Cr Noli

Seconded Cr Zammataro

“That Council:

1. *approves the grant totalling \$10,000 (GST Exc) under the 2018 - 2019 Event Funding Program Round Two; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Mayor and Chief Executive Officer to finalise any and all matters associated with the above approvals.”*

Carried Unanimously

MEETING WITHDRAWAL

Cr Kerr had declared a real conflict of interest in regards to Item 9.1 as he is the author of one of the applications being the President of the Dougals Theatre Arts Group Inc. and withdrew from the meeting at 10.59am

Moved Cr Noli

Seconded Cr Leu

“That Council:

1. *approves the grant totalling \$5,000 (GST Exc) under the 2018 - 2019 Event Funding Program Round Two; and*

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2. *delegates authority under section 257 of the Local Government Act 2009 to the Mayor and Chief Executive Officer to finalise any and all matters associated with the above approvals."*

Carried Unanimously

MEETING RE-ATTENDANCE

Cr Kerr re-attended the meeting at 11.00am

CLOSURE OF MEETING

The meeting closed at 11.00am

CONFIRMED THIS 7TH DAY OF MAY 2019


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MAYOR/CHAIR