

DOUGLAS SHIRE COUNCIL

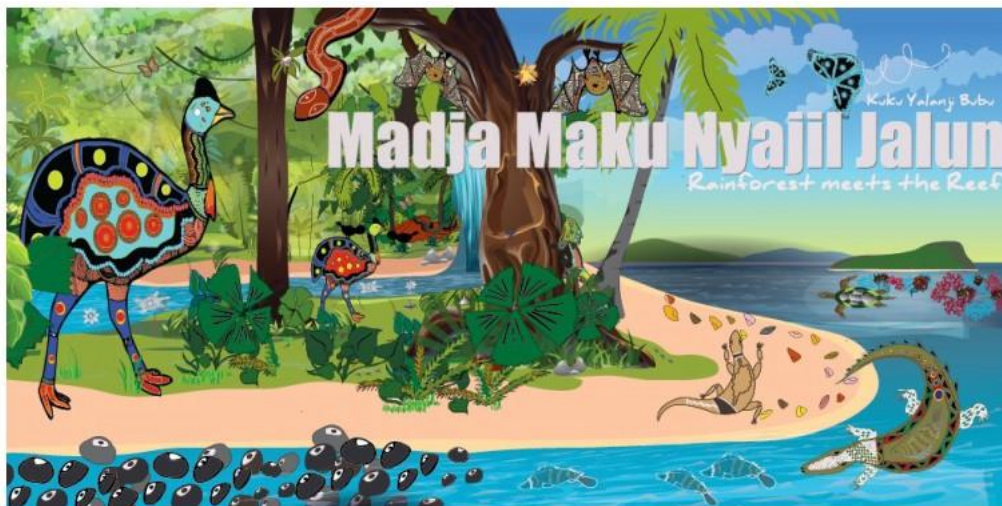
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 27 July 2021

ENSURING EXCELLENCE IN GOVERNANCE
ACCOUNTABLE AND TRANSPARENT DECISION-MAKING
ENGAGING, PLANNING, PARTNERING
CELEBRATING OUR COMMUNITIES

DOUGLAS
SHIRE COUNCIL



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, 27 JULY 2021 COMMENCING AT 10.00AM**

Mayor Cr Kerr opened the Meeting by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on Tuesday, 27 July 2021 at the Mossman Council Chambers.

Cr Kerr gave notice that, in accordance with Section 277E of the Local Government Regulation 2012, the Ordinary Meeting of Council will be restricted in numbers of public attendance because of health and safety reasons associated with the public health emergency involving COVID-19; and advised that this Ordinary Meeting of Council will be available to view via Live Stream on Council's Website and will be available for others to watch at a later time.

ACKNOWLEDGEMENT OF COUNTRY

Cr Kerr acknowledged the Kuku Yalanji people who are the Traditional Custodians of the Land on which this meeting is being held and paid respect to their Elders past, present and emerging, and extended that respect to other Indigenous Australians who may be listening or watching this morning.

1. ATTENDANCE AND APOLOGIES

PRESENT

Cr Michael Kerr (Mayor), Cr Lisa Scomazzon (Deputy Mayor), Cr Peter McKeown, Cr Abigail Noli and Cr Roy Zammataro.

APOLOGIES

Nil

OFFICERS IN ATTENDANCE

Mark Stoermer (Chief Executive Officer), Juanita Holden (Manager Governance), Tara Killeen (Chief Financial Officer), Paul Hoyer (Manager Environment and Planning), Peter Tonkes (Manager Water and Wastewater), Scott Hahne (Manager Project Office), Natasha Murray (Manager Infrastructure), Lisa Golding (Acting Manager People and Community Services), Tom Volling (Senior Media and Communications Officer), Neil Beck (Team Leader Planning), Jenny Elphinstone (Senior Planning Officer), Jenny Elphinstone (Senior Planning Officer), Peter Logan (Coordinator Public Spaces), Wayne Kristalyn (Project Manager), and Brenda Jang (Executive Assistant).

2. CONFLICT OF INTEREST

Cr Noli informed the meeting that she has a perceived declarable conflict of interest for agenda Item 5.1 (Minor Change to Development Approval for Retirement Facility 111-119 Port Douglas Road) as she has the same surname as one of the applicants.

As a result of Cr Noli's Conflict of interest, Cr Noli will now leave the meeting room while the matter is considered and voted on. This is consistent with the decision of Council of a few months ago.

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3. MAYORAL MINUTE

Moved Cr Kerr

That Council request the Chief Executive Officer to bring a report regarding a proposal to implement the Building Douglas Committee to the September 2021 Ordinary Council Meeting.

Background

The Council has informally discussed this matter on previous occasions and has sought to improve both transparency and engagement.

The Building Douglas Committee is a proposal to improve both transparency and public engagement with Council. The Committee would be constituted as a Standing Committee of Council under section 264 the Queensland Local Government Regulation 2012. Meeting once per month, the Committee would review most Council reports before those reports are forwarded to the Ordinary Council Meeting. Importantly, members of the public would be able to make three minute verbal submissions before Council and/or make written submissions on agenda items.

This resolution asks the Chief Executive Officer to provide a report to the Council outlining:

1. how the Committee would be formally constituted under the Local Government Regulation;
2. how the Committee would function under the current Standing Orders and what, if any, changes may be required to those Orders;
3. the criteria for determining which reports would go the Committee;
4. the process by which public submissions would be managed; and
5. the benefits and risks of implementing such a Committee.

For: Cr Kerr, Cr Scomazzon, Cr McKeown, Cr Noli

Against: Cr Zammataro

Carried

**4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD ON
TUESDAY, 29 JUNE 2021**

Moved Cr Scomazzon

Seconded Cr McKeown

That the Minutes of the Ordinary Meeting held on Tuesday, 29 June 2021 be confirmed.

Carried unanimously

5. AGENDA ITEMS

MEETING WITHDRAWAL

Cr Noli had declared a conflict of interest in Item 5.1 (Minor Change to Development Approval for Retirement Facility 111-119 Port Douglas Road) and excluded herself from the meeting whilst the matter was being discussed and voted on. Cr Noli withdrew from the meeting at 10.13am.

5.1. MINOR CHANGE TO DEVELOPMENT APPROVAL FOR RETIREMENT FACILITY 111-119 PORT DOUGLAS ROAD

Daniel Lamond, Planning Officer

Moved Cr McKeown

Seconded Cr Kerr

That Council approves the minor change application to the material change of use development approval for a Retirement facility over land described as LOT: 3 RP: 729991, in accordance with the following:

1. *Remove Condition 3. (g)*

3. *Provide amended plans to adequately address the following requirements;*
 - a. *Sufficient detail to demonstrate privacy is achieved for the residents having regarding to the location of windows to prevent overlooking from habitable rooms in addition to private open space areas (i.e patios) when located in close proximity to one another.*
 - b. *Locations of windows of all rooms in all dwellings and the relationship with the neighbouring dwellings. Windows of habitable rooms on neighbouring properties are to be located no less than two metres apart and must not be oriented to allow overlooking into a neighbouring dwelling;*
 - c. *Boundary setbacks of all houses to be no less than two metres from the side boundary adjoining Lot 0 on SP176458;*
 - d. *Removal of the internal footpath leading into Lot 0 on SP176458;*
 - e. *Any proposed internal fencing separating the dwellings;*
 - f. *A reasonable level of amenity and compliance with the National Construction Code with respect fire separation requirements;*
 - g. ~~*The internal footpath network in accordance with Condition 4;*~~
 - h. *The stormwater detention basin;*
 - i. *Bin locations at dwellings which are not next to windows of habitable rooms or patios;*
 - j. *Corrected internal boundaries for sites 26, 27, 35 and 36.*

Amended plans must be submitted and be to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Building Work or lodgement of the Development Application for Operational Works, whichever occurs first.

Advice: In addition to the requirements of 3a above, the National Construction Code (NCC) requires that walls of neighbouring buildings cannot be any closer than 1800mm and fascias cannot be closer than 900mm, with penetrations (windows etc).

2. *Remove Condition 4.*
~~*Internal pedestrian network*~~

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~~4. Provide a footpath in accordance with the FNQROC Development Manual design requirements or other agreed design requirements which connects the dwellings to the central communal facilities so that residents are not required to walk on the internal road.~~

3. That all other conditions of Decision Notice dated 17 December 2020 remain the same and be renumbered accordingly.

Carried unanimously

MEETING RE-ATTENDANCE

Cr Noli re-attended the meeting at 10.14am.

5.2. APPLICANT REPRESENTATION FOR NEGOTIATED DECISION FOR INFRASTRUCTURE CHARGE FOR MCU (LIMITED FUNCTION FACILITY) AT 5146 CAPTAIN COOK HIGHWAY OAK BEACH

Jenny Elphinstone, Senior Planning Officer

Moved Cr Kerr

Seconded Cr Zammataro

That Item 5.2 (Applicant Representation for Negotiated Decision for Infrastructure Charge For MCU (Limited Function Facility) at 5146 Captain Cook Highway Oak Beach) be deferred to the following Council Meeting.

Carried unanimously

5.3. APPLICATION TO EXTEND CURRENCY PERIOD FOR ROL (1 INTO 68 LOTS AND PARK) AT 12-36 ALCHERA DRIVE MOSSMAN

Jenny Elphinstone, Senior Planning Officer

Moved Cr Scomazzon

Seconded Cr Noli

- A. *That Council approves the extension application for the Development Permit for the Reconfiguring of a Lot for 1 Lot into 68 Lots and Park over land described as Lot 113 on SP213765 (now known as Lot 401 on SP317071), as per the Negotiated Decision Notice dated 28 March 2017, for a further six (6) years, up to and including 28 September 2027; and*
- B. *That Council advise the developer that when designing the remainder of the balance land the future application is to include a Master Plan and consideration of the Mossman Local Plan, in particular the need for connectivity between residential estates and the provision of parkland in the southeast corner of the land.*

Carried unanimously

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5.4. RUN4REEF REQUEST FOR FUNDING

Lisa Golding, Acting Manager People and Community Services

Moved Cr Kerr

Seconded Cr Scomazzon

That Council:

1. *supports the run4reef initiative by way of sponsoring the 2022 event with \$10,000 (GST Exc) cash, and in-kind support of \$5,000; and*
2. *delegates authority to the Chief Executive Officer under Section 257 of the Local Government Act 2009 to administer matters associated with the above.*

Carried unanimously

5.5. RIVER IMPROVEMENT TRUST FUND

Peter Logan, Coordinator Public Spaces

Moved Cr Noli

Seconded Cr Zammataro

That Douglas Shire Council continues using the current framework administered through Terrain NRM and Queensland governments Disaster Recovery Funding Arrangements for streambank restoration, in preference of making application to the Minister of Department of Resources to constitute a new River Improvement Trust.

Carried unanimously

5.6. ELECTRIC QUAD BIKE - FOUR MILE BEACH, PORT DOUGLAS

Sara Roberts, Team Leader Local Laws

Moved Cr Zammataro

Seconded Cr Kerr

That Council invite the enquirer to make a formal application to Council, including the payment of applicable fees as set out in the adopted fees and charges, and conditionally approve the restricted use of an electric quad bike on Four Mile Beach, Port Douglas.

Carried unanimously

5.7. CONTRACT 2020-023 - SMART WATER METERS

Wayne Kristalyn, Project Manager

Moved Cr Kerr

Seconded Cr Scomazzon

That this matter (Contract 2020-012 – Smart Water Meters) be deferred to the August Ordinary Council Meeting to allow officers to finalise contract negotiations with the preferred tenderer or make an alternative recommendation if agreement with the preferred tender is not successful.

Carried unanimously

5.8. FINANCIAL REPORT INTERIM JUNE 2021

Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council notes the Interim Financial Report and the Estimated Financial Position for the 2020/21 financial year.

Carried unanimously

5.9. WATER RESTRICTIONS LEVEL AMENDMENT

Lara Balzarolo, Technical Support Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council endorse the Water Restrictions Schedule within the Douglas Shire.

Carried unanimously

**5.10. WATER AND WASTEWATER QUARTERLY REPORT FOR THE PERIOD
ENDING 30 JUNE 2021**

Peter Tonkes, Manager Water and Wastewater

Moved Cr Scomazzon

Seconded Cr McKeown

That Council receives and notes the progress of the Quarterly Report of the Water and Wastewater Department for the period ending 30 June 2021.

Carried unanimously

5.11. CAPITAL WORKS PROGRESS REPORT FOR Q4 2021

Scott Hahne, Manager Project Office

Moved Cr Scomazzon

Seconded Cr Kerr

That Council receives and notes the progress of the Capital Works Program to 30 June 2021 for the 2020/21 financial year.

Carried unanimously

5.12. OPERATIONAL PLAN PROGRESS REPORT FOR APRIL TO JUNE 2021

Mark Stoermer, Chief Executive Officer

Moved Cr McKeown

Seconded Cr Scomazzon

That Council notes the progress of the implementation of the Operational Plan 2020-2021.

Carried unanimously

5.13. REPORT FROM THE CHIEF EXECUTIVE OFFICER FOR PERIOD APRIL TO JUNE 2021

Mark Stoermer, Chief Executive Officer

Moved Cr Kerr

Seconded Cr Scomazzon

That Council receives and notes the Organisational Report Card and the Report from the Chief Executive Officer for the period April to June 2021.

Carried unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

CLOSURE OF MEETING

The meeting closed at 10.36am.

CONFIRMED THIS 31ST DAY OF AUGUST 2021


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MAYOR/CHAIR