

DOUGLAS SHIRE COUNCIL

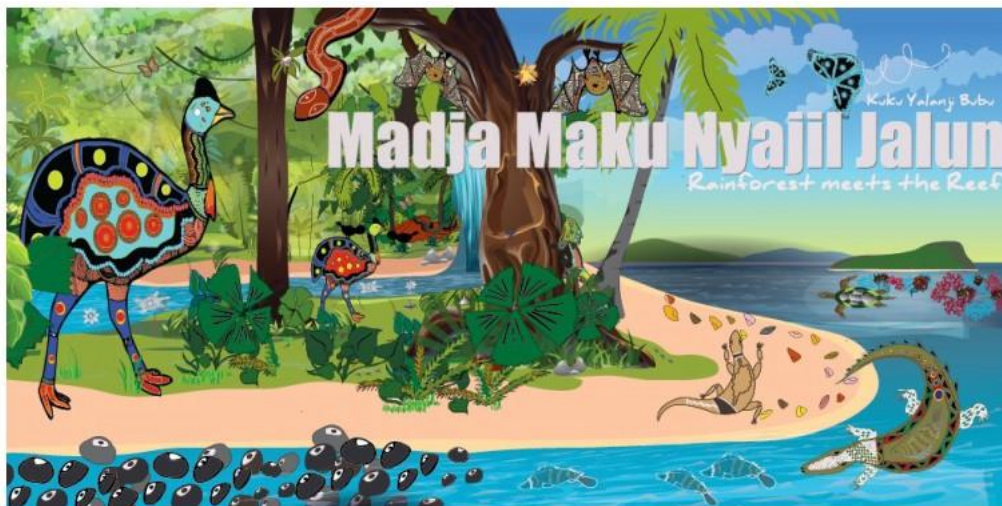
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 31 August 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, 31 AUGUST 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, 31 August 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 Scmazzon (Deputy Mayor), Cr Peter McKeown and Cr Roy Zammataro with Cr Abigail Noli joining the meeting via teleconference as provided for under Sections 254K (1) and 277C of the Local Government Regulations 2012.

APOLOGIES

Nil

OFFICERS IN ATTENDANCE

Juanita Holden (Acting Chief Executive Officer), 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), Jenny Elphinstone (Senior Planning Officer), Daniel Lamond (Planning Officer), Wayne Kristalyn (Project Manager) Sara Roberts (Team Leader Local Laws), Margaret Ross-Kelly (Community Development Officer First Peoples), Mark Halstead (Building Facilities Officer), Paul Smyth (Events Officer), Kelly Dean (Technical Support Officer Local Laws), Renee Ker (Community Development Officer Sport & Recreation) and Brenda Jang (Executive Assistant).

2. CONFLICT OF INTEREST

Nil

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

**4.1 CONFIRMATION OF MINUTES OF ORDINARY MEETING HELD TUESDAY,
27 JULY 2021**

Moved Cr Scomazzon

Seconded Cr McKeown

That the Minutes of the Ordinary Meeting held on Tuesday, 27 July 2021 be confirmed.

Carried Unanimously

**4.2 CONFIRMATION OF MINUTES OF SPECIAL MEETING HELD TUESDAY, 3
AUGUST 2021**

Moved Cr Scomazzon

Seconded Cr Kerr

That the Minutes of the Special Meeting held on Tuesday, 3 August 2021 be confirmed.

Carried Unanimously

**4.3 CONFIRMATION OF MINUTES OF SPECIAL MEETING HELD MONDAY,
16 AUGUST 2021**

Moved Cr Scomazzon

Seconded Cr Zammataro

That the Minutes of the Ordinary Meeting held on Monday, 17 August 2021 be confirmed.

Carried Unanimously

5. AGENDA ITEMS

**5.1. COMBINED DEVELOPMENT APPLICATION FOR DUAL OCCUPANCY AND
RECONFIGURING A LOT (1 LOT INTO 2) 56 MUDLO ST PORT DOUGLAS**
Daniel Lamond, Planning Officer

Moved Cr Scomazzon

Seconded Cr Kerr

That Council approves the combined development application for material change of use (Dual occupancy) and reconfiguring a lot (1 lot into 2 lots) over land described as LOT: 7 TYP: PTD PLN: 20933, 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:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Site Plan, General Notes & Legend</i>	<i>Nathan Verri plan, Sheet 01, Rev 9</i>	<i>3 August 2021</i>
<i>Floor Plans</i>	<i>Nathan Verri plan, Sheet 02, Rev 9</i>	<i>3 August 2021</i>
<i>Elevations and Perspectives</i>	<i>Nathan Verri plan, Sheet 03, Rev 9</i>	<i>3 August 2021</i>
<i>Landscape Concept Plan</i>	<i>Plan prepared by Kate Hewett Landscape Design, page 1 of 3, issue C</i>	<i>4 August 2021</i>

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<i>Details and typical level 1 planting</i>	<i>Plan prepared by Kate Hewett Landscape Design, page 2 of 3, issue B</i>	<i>12 July 2021</i>
<i>Landscape Planting Plan</i>	<i>Plan prepared by Kate Hewett Landscape Design, page 2 of 3, issue B</i>	<i>12 July 2021</i>

ASSESSMENT MANAGER CONDITIONS & ADVICES

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

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, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council.*

Sewerage Works Internal

5. *Connect each dwelling via separate jump-up to Council's sewerage network traversing the rear of the property.*

Vehicle Parking

6. *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.*

Lighting

7. *The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.*

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External Works

8. *Undertake the following works external to the land at no cost to Council:*
- a. *Provide two vehicle crossovers and aprons to Mudlo Street;*
 - b. *Undertake planting of a 600mm wide garden bed with appropriate species along the exterior edge of the perimeter fence on the Mudlo Street road reserve.*
 - c. *Construct a 2000mm wide concrete footpath across the Mudlo Street frontage in accordance with the FNQROC Development Manual.*
 - d. *Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.*

Stockpiling and Transportation of Fill Material

9. *Soil excavated from the site is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.*
Transportation of fill or spoil to and from the site must not occur within:
- a. *peak traffic times;*
 - b. *before 7:00 am or after 6:00 pm Monday to Friday;*
 - c. *before 7:00 am or after 1:00 pm Saturdays; or*
 - d. *on Sundays or Public Holidays.*

Emissions

10. *Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.*

Storage of Machinery and Plant

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

Landscaping Plan

12. *The site must be landscaped in accordance with details included on the landscaping plans prepared by Kate Hewett Landscape Design, with the exception of the following changes and requirements;*
- a. *No stepping stones are permitted on the road verge;*
 - b. *Side boundary deep planting is to be in a staggered and offset pattern;*
 - c. *Prior to deep planting of side boundaries, the locations of plantings on the ground must be endorsed by the Chief Executive Officer.*

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Lawful Point of Discharge

13. *All stormwater from the property must be directed to a lawful point of discharge being Mudlo Street, such that it does not adversely affect surrounding properties or properties downstream from the development.*

Ponding and/or Concentration of Stormwater

14. *The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.*

Minimum Fill and Floor Level

15. *All floor levels in all buildings must be located 300mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.*

Sediment and Erosion Control

16. *Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).*

Refuse Storage Area

17. *The refuse bin enclosure must be roofed, bunded, and connected to sewer with a bucket trap. A hose cock fitting must also be provided to the refuse facility.*

Construction Signage

18. *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:*
 - a. *Developer;*
 - b. *Project Coordinator;*
 - c. *Architect/Building Designer;*
 - d. *Builder;*
 - e. *Civil Engineer;*
 - f. *Civil Contractor;*
 - g. *Landscape Architect.*

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RECONFIGURATION OF A LOT

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<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Site Plan, General Notes & Legend</i>	<i>Nathan Verri plan, Sheet 01, Rev 9</i>	<i>2021</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; 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 Council endorsing the Survey Plan, except where specified otherwise in these conditions of approval.*

Fire Separation

- 3. The boundary placement between each dwelling must be in accordance with the National Construction Code and in particular, the building setbacks from the side boundaries must comply with the fire regulations within the code.*

Timing of Lot Reconfiguration

- 4. Prior to Council endorsing the Plan of Survey;*
 - a. The under slab must be completed for both dwellings with the relevant building inspection undertaken. The slab must be deemed satisfactory with the relevant documentation submitted to Council.*
 - b. Construction of the dual occupancy development must be commenced to the extent of three courses of blocks.*

Water Supply

- 5. Provide separate water meters and connection for each dwelling unit.*

Sewer Connection

- 6. The development must be connected to Councils reticulated sewer system in accordance with the following requirements;*
 - a. Provide a separate sewer connection for each allotment;*

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- b. *Create an easement in favour of proposed lot 1 burdening proposed lot 2, to contain the house connection branch traversing proposed lot 2;*
- c. *No sewer main extension is to occur.*

REASONS FOR DECISION

The reasons for this decision are:

- 1. *Sections 60, 62 and 63 of the Planning Act 2016:*
 - a. *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
 - b. *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 14 April 2021 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
 - b. *the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.*
- 3. *Evidence or other material on which findings were based:*
 - a. *the development triggered assessable development under the Assessment Table associated with the Tourist Accommodation 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 Planning Scheme benchmarks.*
- 4. *Reasons for decision despite non-compliance with benchmarks.*
 - a. *The development is consistent with the planning intent for the area and is consistent in form and scale with the surrounding street-scape.*

Carried Unanimously

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

Jenny Elphinstone, Senior Planning Officer

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Moved Cr Kerr

Seconded Cr McKeown

That Council issues a Negotiated Adopted Infrastructure Charges Notice in association for the approval of the development application for Material Change of Use for a Function facility in addition to the continuing use of a Dwelling house over land described as Lot 1 on RP742791, being 5146 Captain Cook Highway Oak Beach.

REASONS FOR DECISION

1. *The reasons for this decision are:*
 - a. *Section 125 of the Planning Act 2016;*
 - b. *to ensure compliance with Council's Infrastructure Charges Resolution (No.2) 2021; and*
 - c. *to ensure compliance with the Planning Act 2016.*
2. *Findings on material questions of fact:*
 - a. *the applicant's representations for a Negotiated Infrastructure Charges notice was properly lodged to the Douglas Shire Council on 14 June 2021 under section 125 of the Planning Act 2016;*
 - b. *the representations development application contained information from the applicant which Council reviewed together with Council's own assessment against the Council's Infrastructure Charges Resolution (No.2) 2021 in making its assessment manager decision.*
3. *Evidence or other material on which findings were based:*
 - a. *the development triggered assessable development under the Assessment Table associated with the Rural Zone Code;*
 - b. *Council undertook an assessment in accordance with the provisions of section 125 of the Planning Act 2016 and has issued a Negotiated Infrastructure Charges Notice; and*
 - c. *the applicant's reasons have been considered and the following findings are made:*
 - i. *the charges as stated in the applicant's representations are considered reasonable.*

Carried Unanimously

5.3. CONTRACTUAL MATTER - ULTRA FILTRATION CARTRIDGES FOR WATER QUALITY

Sean O'Connor, Senior Procurement Officer

Moved Cr McKeown

Seconded Cr Scomazzon

That Council:

1. *resolves in accordance with section 235 of the Local Government Regulation 2012 to accept a single source quotation from Akvotek Pty Ltd (ABN: 60 609 331 008) for an*

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amount of A\$253,440.00 excluding GST for the purchase of 52 Koch Cartridges (Targa II 8072 PM50);

- 2. resolves to award a contract for the purchase of Koch Cartridges from Akvotek Pty Ltd; and*
- 3. Delegates 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

5.4. CONTRACT 2020-023 - SMART WATER METERS

Wayne Kristalyn, Project Manager

Moved Cr McKeown

Seconded Cr Scomazzon

That Council:

- 1. resolves to award Contract 2020-023 – Smart Water Meters to Taggle Systems Pty Ltd (ABN 64 126 467 847) up to \$670,000.00 (GST exclusive); and*
- 2. delegates 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 contract.*

Carried Unanimously

5.5. APPROVED INSPECTION PROGRAM - DOG REGISTRATION

Sara Roberts, Team Leader Local Laws

Moved Cr Kerr

Seconded Cr McKeown

That Council approves a systematic Approved Inspection Program to be carried out from 20 September 2021, for a period of not more than 6 months from that date, to ensure compliance with the registration requirements of the Animal Management (Cats and Dogs) Act 2008.

Carried Unanimously

5.6. FINANCIAL REPORT JULY 2021

Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council notes the Financial Report for July 2021.

Carried Unanimously

5.7. SOLE SPECIALISED SUPPLIER REGISTER

Tara Killeen, Chief Financial Officer

Moved Cr McKeown

Seconded Cr Scomazzon

That Council resolves to:

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1. *approve the attached list of Sole suppliers and/or Specialised suppliers under S235 (a) and (b) of the Local Government Regulation 2012 for the supply of equipment and services, for a period of two years; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to Sole Suppliers subject to Council's normal procurement policies and practices.*

Carried Unanimously

5.8. RATES INTEREST GRACE PERIOD EXTENSION

Tara Killeen, Chief Financial Officer

Moved Cr Kerr

Seconded Cr Scomazzon

That Council resolves to endorse the extension of the interest grace period to 30 days for the current rates levy due 26 August 2021.

Carried Unanimously

5.9. DRAFT RECONCILIATION ACTION PLAN

Margaret Ross-Kelly, Community Development Officer First Peoples

Moved Cr Scomazzon

Seconded Cr McKeown

That Council approves the draft Reconciliation Action Plan (RAP) to submit to Reconciliation Australia for their consideration and endorsement.

Carried Unanimously

5.10. REVIEW OF BLACK SPOT TOWERS IN DOUGLAS SHIRE

Mark Halstead, Building Facilities Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council resolves to: -

1. *formally decommission the Alexandra Range Television Tower broadcast equipment;*
2. *decommission the Daintree Village Television Tower 30 June 2022;*
3. *notify all Daintree Village residents of the tower's decommissioning planned for 30 June 2022;*
4. *conduct a survey of Shannonvale and Cassowary residents to ascertain how many residents access television channels from the South Mossman Television Tower; and*
5. *bring the survey results back to Council to be workshopped.*

Carried Unanimously

5.11. RESOURCE AND PERFORMANCE AGREEMENT - REEF TO REEF / TRIPLE

R

Paul Smyth, Events Officer

Moved Cr Kerr

Seconded Cr Zammataro

That Council:

1. *sponsors the Reef to Reef and Triple R Event with a Resource and Performance Agreement over three (3) years for:*
 - a. *\$20,000 (GST Exc) and \$10,000 in-kind support per year, or*
 - b. *\$15,000 (GST Exc) and \$10,000 in-kind support per year; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the Agreement.*

Moved Cr Kerr

Seconded Cr McKeown

That the motion be amended to:

That Council:

1. *sponsors the Reef to Reef and Triple R Event with a Resource and Performance Agreement over three (3) years for \$20,000 (GST Exc) and \$10,000 in-kind support per year; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the Agreement.*

Carried Unanimously

The amended motion became the substantive motion and was put to the vote.

Moved Cr Kerr

Seconded Cr Zammataro

That Council:

1. *sponsors the Reef to Reef and Triple R Event with a Resource and Performance Agreement over three (3) years for \$20,000 (GST Exc) and \$10,000 in-kind support per year; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the Agreement.*

Carried Unanimously

**5.12. RESOURCE AND PERFORMANCE AGREEMENT - WONDERLAND
ENTERTAINMENT LEISURE**

Paul Smyth, Events Officer

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Moved Cr Scomazzon

Seconded Cr McKeown

That Council:

1. *resolves to enter into a three (3) year Resource and Performance agreement with Wonderland Entertainment and Leisure Pty Ltd for \$55,000 (Ex GST) plus \$10,000 in-kind, per annum, to provide the Wonderland Spiegeltent for the 2022, 2023 and 2024 Port Douglas Carnivale, subject to conditions contained within this report; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with this agreement.*

Carried Unanimously

5.13. RESOURCE AND PERFORMANCE AGREEMENT - MOSSMAN AND DISTRICT SHOW SOCIETY

Paul Smyth, Events Officer

Moved Cr Zammataro

Seconded Cr McKeown

That Council:

1. *enters into a Resource and Performance Agreement with Mossman and District Show Society for a term of three years to 30 July 2024, to a value of \$20,000 (ex GST) per annum In-Kind; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters in relation to the Agreement.*

Carried Unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

CLOSURE OF MEETING

The meeting closed at 10.37am.

CONFIRMED THIS DAY OF 2021

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MAYOR/CHAIR