

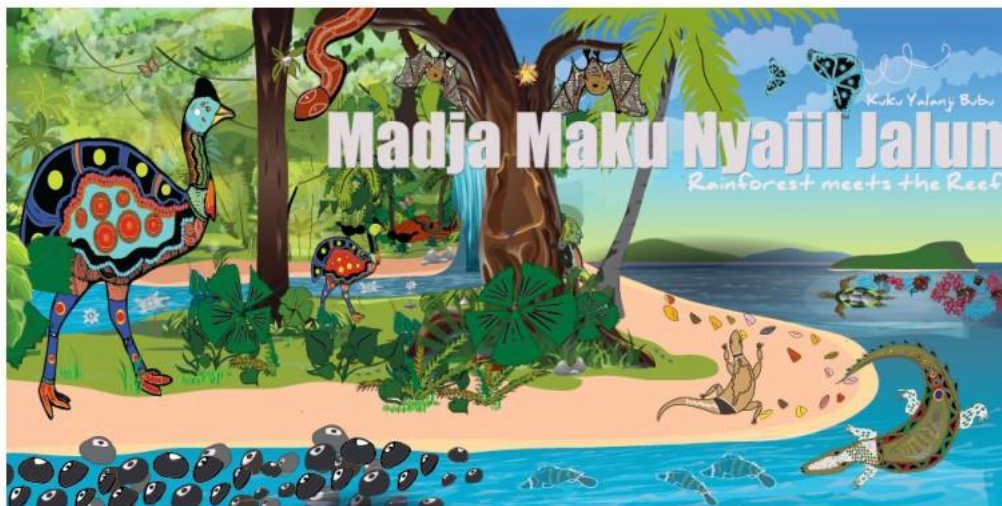
DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 19 October 2021

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 OCTOBER 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, 19 October 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

Juanita Warner (Acting Chief Executive Officer), Tara Killeen (Chief Financial Officer), Paul Hoye (Manager Environment and Planning), Peter White (Acting Manager Water and Wastewater), Scott Hahne (Manager Project Office), Natasha Murray (Manager Infrastructure), Lisa Golding (Manager People and Community Services), Neil Beck (Team Leader Planning), Jenny Elphinstone (Senior Planning Officer), Daniel Lamond (Planning Officer), Robert Donovan (Team Leader Property), Pieter Kleinhans (Coordinator Civil Operations), Jamie Kleinhans (Disaster Management Officer), Emma Tunnock (Digital Communications Officer) and Brenda Jang (Executive Assistant).

2. CONFLICT OF INTEREST

2.1 CONFLICT OF INTEREST – CR ZAMMATARO

Cr Zammataro informed the meeting that he has a Declarable Conflict of Interest in Closed Item 9.3 (*Confidential 254J 3 E Local Government Regulation 2012 – Approval of Personal Expenses – Former Chief Executive Officer*), as defined in section 150EN of the Local Government Act 2009. This Declarable Conflict of Interest arises because a close associate of his is a shareholder of an organisation related to this matter.

Cr Zammataro proposes to leave and stay away from the meeting whilst the matter is considered and voted on.

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2.2 CONFLICT OF INTEREST – CR KERR

Cr Kerr informed the meeting that he has a Declarable Conflict of Interest in Item 9.3 (*Confidential 254J 3 E Local Government Regulation 2012 – Approval of Personal Expenses – Former Chief Executive Officer*) as defined in section 150EN of the *Local Government Act 2009*.

This Declarable Conflict of Interest arises as Cr Kerr has an interest in this matter, which is the process in which this reimbursement was approved. Cr Kerr wishes to participate in the Decision in relation to this matter. Although Cr Kerr has a Declarable Conflict of Interest, he does not believe a reasonable person could have a perception of bias because this was a matter that was dealt with as a normal part of the duties of an Officer. Therefore, Cr Kerr will choose to remain in the meeting; however, Cr Kerr will respect the decision of the meeting on whether he can remain and participate.

Cr Kerr acknowledges that eligible Councillors must now determine, pursuant to Section 150ES of the *Local Government Act 2009*, whether he participates in the decision about the matter, including by voting on the matter; or must leave the meeting, including any area set aside for the public and stay away from the meeting whilst eligible Councillors discuss and vote on the matter.

DEPUTY MAYOR CR SCOMAZZON TOOK THE CHAIR

Cr Scomazzon moved that Cr Kerr remain in the meeting whilst this matter is being considered and voted on.

For: Cr Scomazzon, Cr McKeown
Against: Cr Noli

Carried

Moved Cr Noli

Seconded Cr Scomazzon

That Cr Kerr has a 'prescribed' Conflict of Interest and that Cr Kerr should withdraw from the meeting whilst the matter is being considered and voted on.

For: Cr Noli, Cr Scomazzon
Against: Cr McKeown

Carried

MAYOR CR KERR RESUMED CHAIRING THE MEETING

MAYORAL MINUTE

Nil

3. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

4.1 CONFIRMATION OF MINUTES OF ORDINARY MEETING HELD ON TUESDAY, 28 SEPTEMBER 2021

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 19 OCTOBER 2021 COMMENCING AT 10.00AM**

Moved Cr Scomazzon

Seconded Cr Zammataro

That the Minutes of the Ordinary Meeting held on Tuesday, 28 September 2021 be confirmed.

Carried Unanimously

**4.2 CONFIRMATION OF MINUTES OF SPECIAL MEETING HELD ON
TUESDAY, 12 OCTOBER 2021**

Moved Cr Scomazzon

Seconded Cr McKeown

That the Minutes of the Special Meeting held on Tuesday, 12 October 2021 be confirmed.

Carried Unanimously

5. AGENDA ITEMS

**5.1. MATERIAL CHANGE OF USE FOR AIR SERVICES (HELICOPTER PAD
AND PILOTS ACCOMMODATION) MOWBRAY**

Moved Cr Zammataro

Seconded Cr Scomazzon

That Council defer Item 5.1 Material Change of Use For Air Services (Helicopter Pad and Pilots Accommodation) Mowbray.

For: Cr Zammataro

Against: Cr Kerr, Cr Scomazzon, Cr McKeown, Cr Noli.

Lost

The original motion was put to the vote.

Moved Cr Kerr

Seconded Cr McKeown

That Council approves the development application for Material Change of Use for Air Services (helicopter pad and pilots' accommodation) over land described as LOT: 78 TYP: SR PLN: 416, 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</i>	<i>Plan prepared by Louis Jackson Design, Sheet 2109-02.1</i>	<i>20 July 2021</i>
<i>Plan Views</i>	<i>Plan prepared by Louis Jackson Design, Sheet 2109-02.2</i>	<i>20 July 2021</i>
<i>Elevations</i>	<i>Plan prepared by Louis Jackson Design, Sheet 2109-04.1</i>	<i>20 July 2021</i>
<i>10,000L Aviation Fuel Tank General Arrangement</i>	<i>IOR Aviation drawing, TA10</i>	<i>9 April 2021</i>
<i>Proposed Takeoff and Landing Flight Paths for Helipad</i>	<i>RPS Plan, Drawing PR149569-5</i>	<i>5 July 2021</i>

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<i>Vegetation Retention and Maintenance Plan for Helipad</i>	<i>RPS Plan, Drawing PR149569-5</i>	<i>5 July 2021</i>
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ASSESSMENT MANAGER CONDITIONS & ADVICES

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.*

Flight Limitation

3. *No more than five (5) helicopter movements from the site and five (5) helicopter movements to the site are permitted per day.*

Operating times

4. *Hours of operation are restricted to between 6:30am and 6:30pm Monday to Saturday. Helicopter flights are not permitted on Sundays or Public Holidays unless otherwise approved by the Chief Executive Officer.*

Environmental Management

5. *The helicopter must operate in accordance with the following restrictions at all times;*
 - a. *Before crossing the mangroves to the east of the site, the helicopter must elevate to a minimum of 50 metres above ground;*
 - b. *For landing the helicopter must be no less than 50 metres above ground before it enters the site boundaries;*
 - c. *The helicopter pilot must maintain surveillance for marine mammals (Dugongs, Whales and Dolphins).*
 - d. *The helicopter must not hover above marine mammals.*
 - e. *The helicopter must not go within 500 metres of any marine mammal.*
 - f. *If a marine mammal is sited on the sand flats located adjacent and to the east of the facility, helicopter operations must cease from the facility until such time as the marine mammal has vacated the sand flats.*

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On-Site Effluent Disposal

6. *The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.*

Water Supply

7. *The on-site water supply designated for use on site must be for a minimum of 30,000 litres of storage.*

Vehicle Parking and Access

8. *No less than three (3) vehicle parking spaces are to be provided on site. The parking areas must be sealed, drained and line marked to the satisfaction of the Chief Executive Officer*

Vegetation Clearing

9. *Existing vegetation on the land must be retained in all areas except those affected by the construction and construction of access driveways and/or the installation of services as detailed on the approved plans. Any further clearing requires assessment against the Planning Scheme where outside the self assessable requirements and exemptions.*

Fuel Storage

10. *All fuels must be stored in an undercover, secure and bunded location. The 10,000 litre Jet A1 certified tank is approved for use on site.*

Sediment and Erosion Control

11. *During construction sediment and erosion control measures must be in place in accordance with the Concurrence agency response conditions.*

Building Height

12. *Buildings must be no greater than 8.5 metres in height.*

Building Colour

13. *Exterior building colours must be consistent with shades of the natural environment and must not be white or reflective. Prior to the issue of a Development Permit for Building Work, exterior colours must be endorsed by the Chief Executive Officer.*

Landscaping

14. *The road frontage boundary must be landscaped with a three (3) metre wide landscaping planting buffer separating the facility from the road. The landscaping must be implemented prior to commencement of use and details of the planting must be provided on a landscaping plan to be endorsed by the Chief Executive Officer. The landscaping plan must be prepared in accordance with Planning Scheme Policy SC6.7 Landscaping.*

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Finished floor levels

15. *The finished floor level for the buildings inclusive of fuel storage area, hangar and pilot's accommodation must be no less than 3.548m AHD.*

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<i>Concurrence Agency</i>	<i>Concurrence Agency Reference</i>	<i>Date</i>	<i>Doc ID</i>
<i>State Assessment and Referral Agency</i>	<i>16-23029 SRA</i>	<i>July 2021</i>	<i>26535</i>

REASONS FOR DECISION

The reasons for this decision are:

Sections 60, 62 and 63 of the Planning Act 2016:

*to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
to ensure compliance with the Planning Act 2016.*

Findings on material questions of fact:

- a) the development application was properly lodged to the Douglas Shire Council on 3 June 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.*

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 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:*

Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

For: Cr Kerr, Cr Scmazzon, Cr McKeown, Cr Noli

Against: Cr Zammataro

Carried

**5.2. MATERIAL CHANGE OF USE FOR SHOPS AT 24 MACROSSAN STREET
PORT DOUGLAS**

Jenny Elphinstone, Senior Planning Officer

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Moved Cr Scomazzon

Seconded Cr McKeown

That Council approves the development application for a Material Change of Use for Shops over land described as Lot 118 on PTD2091, subject to the following: APPROVED DRAWING(S) AND / OR DOCUMENT(S)

Note – The plans referenced below will require amending in order to comply with conditions of this Decision Notice.

The term ‘approved drawing(s) and/or document(s) or other similar expressions means the following plans subject to compliance with Condition 3:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Cover Page</i>	<i>Hunt Designs, Project GADALETA001, Drawing No. AC, Revision C (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.</i>	<i>To be determined</i>
<i>DA Issue, Site Plan - Existing & Demolition</i>	<i>Hunt Designs, Project GADALETA001, Drawing No. AD, Revision 01 (on plan), Revision B (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.</i>	<i>To be determined</i>
<i>DA Issue, Site Plan - Proposed</i>	<i>Hunt Designs, Project GADALETA001, Drawing No. AE, Revision 01 (on plan), Revision C (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.</i>	<i>To be determined</i>
<i>DA Issue, Floor Plan</i>	<i>Hunt Designs, Project GADALETA001, Drawing No. AF, Revision 01 (on plan), Revision A (as per cover sheet), Dated 30 June 2021 (Council Doc 1035123) and as amended by Condition 3.</i>	<i>To be determined</i>
<i>DA Issue, Elevations</i>	<i>Hunt Designs, Project GADALETA001, Drawing No. AG, Revision 01 (on plan), Revision B (as per cover sheet), Dated 16 August 2001 (Council Doc 1035123) and as amended by Condition 3.</i>	<i>To be determined</i>

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>DA Issues, Visualisation 01</i>	<i>Hunt Designs, Project GADALETA001, Drawing No. AH, Revision 01 (on plan), Revision A (as per cover sheet), Dated 30 June 2021 (Council Doc 1035123) and as amended by Condition 3.</i>	<i>To be determined</i>
<i>DA Issue, Visualisation 02</i>	<i>Hunt Designs, Project GADALETA001, Drawing No. AI, Revision 01 (on plan), Revision A (as per cover sheet), Dated</i>	<i>To be determined</i>

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	<i>30 June 2021 (Council Doc 1035123) and as amended by Condition 3.</i>	
<i>DA issues, landscaping - Proposed</i>	<i>Hunt Designs, Project GDALETA001, Drawing No. AJ, Revision 01 (on plan), Revision B (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.</i>	<i>To be determined</i>
<i>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</i>		
<i>Access Crossovers</i>	<i>Standard Drawing S1015 Issue E</i>	<i>27 August 2020</i>
<i>Concrete driveway for allotment access</i>	<i>Standard Drawing S1110 Issue F</i>	<i>27 August 2020</i>

ASSESSMENT MANAGER CONDITIONS & ADVICES

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.*

Amendment to Design

3. *The proposed development must be amended to accommodate the following changes:*
 - a. *Include the provision of five (5) bicycle parking spaces;*
 - b. *Include a loading bay in the car parking area to accommodate a single larger vehicle space of a SRV (small ridged vehicle as in AS2890.2 – off-street commercial vehicle facilities but incorporating a body width of 2.33m);*
 - c. *Amend the driveway width to ensure suitable access can be achieved for the required service vehicle in Condition 3b above;*
 - d. *Include a pedestrian access along the side driveway that connects the disability car parking space at the rear of the new building with the front entrance of the new shops. This pedestrian access must meet all relevant Australian Standards, Premises Standards and the National Construction Code requirements relating to disability access: including separation between pedestrians and vehicles, hand-rails and ramping;*
 - e. *Include a splay of the front corner of the building or an alternative building / wall treatment at the interface with the driveway to provide suitable visibility;*

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- f. Provide and maintain car parking at a rate of one (1) car space for each 50m² of GFA, or part thereof, ~~ten (10) car parking spaces~~, including one disability car parking space, all meeting the relevant Australian Standards. The calculation of GFA is as defined in the Planning Scheme;
- g. Include lighting to the car parking and access driveway;
- h. Include a sign at the front of the premises advising of the location of car parking at the rear of the premises;
- i. Clearly state the intention to retain and replace specific existing palms, as per the Landscaping Plan, on both the Site Plan - Existing & Demolition and the Site Plan – Proposed;
- j. Specify the pavers Wirecut Acorn to be used in the footpath with a pattern to match that in the street; and
- k. The refuse bin area must be roofed and bunded and fitted with a bucket trap.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Water Supply and Sewerage Works Internal

4. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single internal sewer connection which must be clear of any buildings or structures;
 - b. Provide a single internal water connection;
 - c. Water supply sub-metering must be designed and installed in accordance with the Queensland Development Code and the Water Supply (Safety and Reliability) Act 2008
 - d. Relocate the existing sewer or site the proposed building such that the sewer is a minimum of 1.5 metres away from the building and clear of the zone of influence from the footings and foundations of any building/structure; or
Replace the existing sewer main under or within 1.5 metres of the building and within the zone of influence of the footings and foundations with uPVC sewer pipe class SN8.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

External Works

5. Undertake the following works external to the land at no cost to Council:
 - a. Construct a footpath to Macrossan Street in accordance with the proposed Landscape Plan (as amended by Condition 3) and the FNQROC Regional Development Manual having regard to the use of Wirecut Acorn pavers in a design

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that matches that occurring in the street.

- b. Provision of a new concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1015; and*
- c. Construct landscaped garden beds as per the approved landscape plans;*

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e., the provision of temporary kerb ramps if pedestrian diversions are necessary.

The external works outlined above must be constructed with a suitable approval from the Department of transport and Main Roads.

Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Note: the above works are not considered to be creditable or trunk related works in accordance with Section 145 of the Planning Act 2016.

Lawful point of discharge.

- 6. The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.*

Vehicle Parking

- 7. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of ten (10) car parking spaces, including one disability car parking space, and five (5) bicycle parking spaces. The car parking layout must comply with the Australian Standard AS2890 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular maneuvering areas must be imperviously sealed, drained and line marked.*

Access to rear Car Park

- 8. No boom gate, pay machine or any other regulatory device is to be installed to access to the rear car park. The car parking is to be maintained as accessible to all users of the premises including any public users.*

Landscaped Areas

- 9. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles. All landscaped areas must be fully established prior to the commencement of use and must be maintained thereafter to the satisfaction of the Chief Executive Officer*

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Parking Signage

10. *Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use.*

Lighting

11. *All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). 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. The rear car parking area and the driveway must be sufficiently illuminated for all times that the car park area is in use. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).*

Stockpiling and Transportation of Fill Material

12. *Soil used for filling or spoil from the excavation 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.*

13. *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

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

Damage to Council Infrastructure

15. *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, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builder's cost, prior to the Commencement of Use.*

Construction Signage

16. *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. *Architect*

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- b. *Builder;*
- c. *Landscape Architect*

Advices

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 provisions of Section 85 of 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 relevant Local Laws and statutory requirements.*
4. *For future use of the premises as a Centre Activities (Food and drink outlet) note that a Trade Waste Permit is usually required for a pre-treatment device (grease trap).*
5. *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.*

Infrastructure Charges Notice

5. *A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.*

The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution.

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately. The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<i>Concurrence Agency</i>	<i>Concurrence Reference</i>	<i>Agency Date</i>	<i>Doc ID</i>
<i>State Assessment and Referral Agency (SARA)</i>	<i>2108-24049 SRA</i>	<i>7 September 2021</i>	<i>1035115</i>

REASONS FOR DECISION

The reasons for this decision are:

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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 23 July 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 Centre 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.*

Carried Unanimously

**5.3. APPLICATION FOR PERMANENT ROAD CLOSURE ADJOINING LOT 129
ON SR454, TOLL GATE ROAD OAK BEACH**
Property Services

Moved Cr McKeown

Seconded Cr Scomazzon

That Council:

1. *Delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009, to execute a Form Part C as Road Manager, advising the Department of Resources (DOR) that Council cannot authorise a proposed permanent road closure over part of unnamed road reserve adjoining Lot 129 on SR454, (identified by the locality map attached to this report), Toll Gate Road Oak Beach, however it requests DOR to consider an application under the Land Act 1994 in relation to this matter.*
2. *Advises DOR by way of the Form Part C, that Council requires further contact from the Department, before a decision is made on the application.*
3. *Advises the Applicant to make a formal pre-lodgment enquiry with Council which contains supporting information with respect to the gully, vegetation and how the proposal addresses the relevant requirements of the Planning Scheme.*

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4. *Delegates authority to the Chief Executive Officer in accordance section 257 of the Local Government Act 2009, to finalise any and all matters associated with the application.*

Carried Unanimously

**5.4. SAFE PLACES ACCOMMODATION LOT 57 RP800869 BOW STREET
MOSSMAN-REGISTRATION OF COVENANT**

Robert Donovan, Team Leader Property

Moved Cr Noli

Seconded Cr Zammataro

That Council resolves:

1. *To register a Covenant on the title of Lot 57 RP800869 Title Reference 21438016 for a period of 15 years naming the Covenantee as the Commonwealth of Australia as Represented by the Department of Health and Ageing ABN 83 605 426 759*
2. *Delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise all matters associated with the execution of the FORM 31*

Carried Unanimously

5.5. CONTRACT WO5583 - WARNERS BRIDGE CONSTRUCTION PROJECT

Pieter Kleinhans, Coordinator Civil Operations

Moved Cr Zammataro

Seconded Cr McKeown

That Council resolves to:

1. *Enter into contract WO5583 - Warners Bridge Construction Project with NQ Civil Contractors Pty Ltd ABN 12 123 756 490 to the value of \$938,277.00 (GST Exclusive);*
2. *Reallocate the required shortfall during the December budget review; and*
3. *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 associated with the Contract.*

Carried Unanimously

**5.6. WATER AND WASTEWATER QUARTERLY REPORT FOR THE PERIOD
ENDING 30 SEPTEMBER 2021**

Peter White, Acting 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 September 2021.

Carried Unanimously

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5.7. A YEAR IN DISASTER: JANUARY 2020 - JUNE 2021

Jamie Kleinhans, Disaster Management Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council resolves:

1. *In accordance with section 80 (1)(b) of the Disaster Management Act 2003, to approve the 2021 Local Disaster Management Plan;*
2. *In accordance with sections 33, 34 and 35 of the Disaster Management Act 2003, appoint the following positions as members of the Local Disaster Management Group for the Douglas Shire Council area:*

[Table: 2021-22 Douglas LDMG Membership](#)

CORE MEMBERS
DSC Mayor - Chairperson
Councillor - Deputy Chairperson
DSC- Manager Environment & Planning/ Local Disaster Coordinator (LDC)
DSC - Disaster Management Officer (Deputy LDC)
DSC - Senior Media and Communications Officer
DSC - Manager People and Community Services
DSC - Manager Water/Wastewater
DSC - Manager Infrastructure
DSC - Local Recovery Coordinator
DSC - Chief Executive Officer
Mossman Hospital - Director of Nursing and Midwifery
DCHDE - Senior Community Recovery Officer (Northern)
QFES - Fire and Rescue
QFES - Emergency Management Coordinator
QAS - OIC Mossman
QPS - OIC Port Douglas
QPS - OIC Mossman
TPDD - Executive Officer
ADVISORS
Apunipima - Primary Health Care Manager
BBNAC – Manager
DATSIP - Acting Principal Planning and Engagement Officer
DSC - Environmental Health Team Leader
ERGON - Work Group Leader in Mossman

ADVISORS
Jabalbina - CEO
Marine Rescue - Port Douglas
QAS - Port Douglas
NBN - Manager - North QLD, Regional & Remote
Port Douglas Community Service Network - Manager

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Queensland Health - Team Leader – Environmental Health (WaSH)
QPWS - Senior Ranger Daintree Management Unit (Cape York)
QFES - Fire and Rescue Port Douglas
Red Cross - State Liaison and Engagement Lead
SES - Mossman Local Controller
TMR - Principal Engineer (Road Operations) Far North Region

3. *To note the measures that have been undertaken to ensure that Council has a disaster response capability;*
4. *That Council notes the report on the 2020-21 disaster year and supports ongoing measures to build the resilience of the region.*

Carried Unanimously

5.8. CORPORATE CREDIT CARD POLICY

Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council adopt the Corporate Credit Card Policy.

Carried Unanimously

5.9. PRINCIPAL PLACE OF RESIDENCE POLICY

Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council adopts the Principal Place of Residence Policy.

Carried Unanimously

5.10. FINANCIAL REPORT SEPTEMBER 2021

Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council notes the Financial Report for September 2021.

Carried Unanimously

5.11. CHRISTMAS PERIOD ANNUAL SHUTDOWN

Juanita Warner, Acting Chief Executive Officer

Moved Cr Scomazzon

Seconded Cr Kerr

That Council resolves to nominate the close down period for 2021 as being from midday Friday 24 December 2021 and re-open on Tuesday 4 January 2022.

Carried Unanimously

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5.12. 2022 COUNCIL MEETING DATES

Juanita Warner, Acting Chief Executive Officer

Moved Cr McKeown

Seconded Cr Scomazzon

That Council resolve to hold the Ordinary Meetings of Council in the Council Administrative Office, 64-66 Front Street, Mossman on the following days, dates and times for the 2022 calendar year.

DAY	DATE	TIME
Tuesday	25 January 2022	10:00AM
Tuesday	22 February 2022	10:00AM
Tuesday	29 March 2022	10:00AM
Tuesday	26 April 2022	10:00AM
Tuesday	31 May 2022	10:00AM
Tuesday	28 June 2022	10:00AM
Tuesday	26 July 2022	10:00AM
Tuesday	30 August 2022	10:00AM
Tuesday	27 September 2022	10:00AM
Tuesday	25 October 2022	10:00AM
Tuesday	29 November 2022	10:00AM
Tuesday	13 December 2022	10:00AM

Carried Unanimously

5.13. OPERATIONAL PLAN PROGRESS REPORT FOR JULY TO SEPTEMBER 2021

Juanita Warner, Acting Chief Executive Officer

Moved Cr Zammataro

Seconded Cr Kerr

That Council notes the progress of the implementation of the Operational Plan 2021-2022.

Carried Unanimously

5.14. REPORT FROM THE CHIEF EXECUTIVE OFFICER FOR PERIOD JULY TO SEPTEMBER 2021

Juanita Warner, Acting Chief Executive Officer

Moved Cr Scomazzon

Seconded Cr McKeown

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

Carried Unanimously

6. NOTICES OF MOTION

6.1 HOUSING SHORTAGE IN DOUGLAS

Moved Cr Noli

Seconded Cr Scomazzon

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As a matter of urgency, Council facilitates a working group to investigate and when possible, implement short term measures to address the housing shortage in Douglas.

Moved Cr Noli

Seconded Cr Kerr

- 1. As a matter of urgency, Council facilitates a working group to investigate and where possible, suggest short term measures to address the housing shortage in Douglas; and*
- 2. delegate authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to liaise with relevant officers and bring back a report to Council.*

Carried Unanimously

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

Moved Cr Noli

Seconded Cr Scomazzon

- 1. As a matter of urgency, Council facilitates a working group to investigate and where possible, suggest short term measures to address the housing shortage in Douglas; and*
- 2. delegate authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to liaise with relevant officers and bring back a report to Council.*

Carried Unanimously

BACKGROUND:

Housing shortage in Douglas has reached a critical stage. The lack of housing is not contained to low socio-economic status but across a broader range of economic levels. As a leader and having available resources, Council has the ability to bring together all stakeholders in an effort to address, if at all possible, the shortage in the shire at the moment.

(Information drawn solely from Mossman Support Services) 14/10/2021

Housing concerns have escalated exponentially in the Douglas Shire in the past year due to an increased number of new residents arriving from outside of the Shire and buying properties, either as investment properties or as personal residences.

Previously the primary concern regarding access to safe housing was the affordability concerns, new trends show that availability as well as affordability are affecting the housing options for Shire residents. A majority portion of residents accessing community support to seek housing advocacy are coming from the private market and their crisis is due to their tenancies coming to an end and not being renewed either to increased rental rates, owner plans to renovate to prepare the house for market, or the home selling.

Some of the statistics pulled from the Mossman Community Centre between July 1, 2021 and October 14, 2021 are listed below:

48 people have sought housing support from MCC since July 1, 2021

- 23/48 have tenancy ending for one of the above listed reasons
- 15/48 are facing pre-existing homelessness (including couch surfing and living in overcrowded settings)
- 10/48 are seeking housing due to inappropriateness of current location

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These numbers are purely clients seeking only housing support do not reflect the residents seeking other supports from MSS in which housing is a symptom of their needs (i.e. DV, Medical needs, age related needs).

That is 48 cases in three months seeking assistance from one agency, this does not include those who have not contacted MSS.

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

9. CLOSED SESSION

Moved Cr Kerr

Seconded Cr McKeown

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

- 9.1. *Confidential 254J 3 G Local Government Regulation 2012 - Ozcare Trustee Lease Rent Review - Lot 11 SP204465*
- 9.2. *Confidential 254J 3 G Local Government Regulation 2012 - Road Encroachment - Lot 1 RP748285 Whiteley Road*
- 9.3. *Confidential 254J 3 E Local Government Regulation 2012 - Approval of Personal Expenses - Former Chief Executive Officer*

Carried unanimously

(Meeting moved into closed session at 11.12am)

WITHDRAWAL FROM MEETING

Cr Scmazzon withdrew from the meeting at 11.12am.

MEETING RE-ATTENDANCE

Cr Scmazzon re-attended the meeting at 11.14am

WITHDRAWAL FROM MEETING

With the exception of the Acting Chief Executive Officer and Chief Financial Officer, all staff withdrew from the meeting at 11.15am

The Acting Chief Executive Officer withdrew from the meeting at 11.16am

MEETING RE-ATTENDANCE

The Executive Assistant re-attended the meeting 11.17am.

Acting Chief Executive Office re-attended the meeting at 11.19am.

Digital Communications Officer re-attended the meeting at 11.19am.

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WITHDRAWAL FROM MEETING

Digital Communications Officer withdrew from the meeting at 11.22am
Executive Assistant withdrew from the meeting at 11.22am
Acting Chief Executive Officer withdrew from the meeting at 11.40am

WITHDRAWAL FROM MEETING

Cr Zammataro had informed the meeting that he has a Declarable Conflict of Interest in Closed Item 9.3 *Confidential 254J 3 E Local Government Regulation 2012 – Approval of Personal Expenses – Former Chief Executive Officer*, as defined in section 150EN of the Local Government Act 2009 and withdrew from the meeting at 11.36am.

It was resolved that **Cr Kerr** had a Prescribed Conflict of Interest in Closed Item 9.3 *Confidential 254J 3 E Local Government Regulation 2012 – Approval of Personal Expenses – Former Chief Executive Officer*, as defined in section 150EN of the Local Government Act 2009 and withdrew from the meeting at 11.36am.

MEETING RE-ATTENDANCE

Executive Assistant re-attended the meeting at 12.06pm
Acting Chief Executive Officer re-attended the meeting at 12.11pm

DEPUTY MAYOR CR SCOMAZZON TOOK THE CHAIR IN THE ABSENCE OF THE MAYOR

MEETING RE-ATTENDANCE

Cr Kerr re-attended the meeting at 12.22pm
Cr Zammataro re-attended the meeting at 12.23pm

MAYOR CR KERR RESUMED CHAIRING THE MEETING

OUT OF CLOSED SESSION

Moved Cr McKeown

Seconded Cr Scomazzon

That Council resolves to move out of Closed Session.

Carried Unanimously

(Meeting moved out of Closed Session at 12.24pm with the meeting resuming at 12.30pm due to live stream technical issues.)

9.1. CONFIDENTIAL 254J 3 G LOCAL GOVERNMENT REGULATION 2012 - OZCARE TRUSTEE LEASE RENT REVIEW-LOT 11 SP204465

Robert Donovan, Team Leader Property

Moved Cr Scomazzon

Seconded Cr McKeown

That Council:

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1. *Provides notice to Ozcare “Lessee” that the annual lease rental for Lots 11 & 12 CP846979 Mitre Street Port Douglas has been reviewed under the terms of the lease, and the lease rental has been increased;*
2. *Advises the Lessee that the proposed increase in annual lease rental will be effective from 1 July 2021;*
3. *Advises the Lessee that the rental market review was undertaken in accordance with the terms of the lease and that the annual lease payments to be as described in the financial section of the report;*
4. *Delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise all matters associated with the rental market review; and*
5. *Acknowledges report to be deemed a confidential document and be treated as such in accordance with section 171 and 200 of the Local Government Act 2009 and that the document remains confidential unless Council decides otherwise by resolution.*

Carried Unanimously

**9.2. CONFIDENTIAL 254J 3 G LOCAL GOVERNMENT REGULATION 2012 -
ROAD ENCROACHMENT-LOT 1 RP748285 WHITELEY ROAD**

Robert Donovan, Team Leader Property

Moved Cr Zammataro

Seconded Cr Scomazzon

That Council:

1. *Advise the applicant of 15 Whitely Road and the owner of 17 Whitely Road that Council intends to relocate the road in accordance with Main Roads specifications.*
2. *Delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 all matters associated with the Relocation of the road; and*
3. *Acknowledges report/attachments to be deemed a confidential document and be treated as such with section 171 and 200 of the Local Government Act 2009 and that the document remains confidential unless Council decides otherwise.*

Carried Unanimously

WITHDRAWAL FROM MEETING

Cr Kerr and Cr Zammataro withdrew from the meeting at 12.32pm.

**DEPUTY MAYOR CR SCOMAZZON TOOK THE CHAIR IN THE ABSENCE
OF THE MAYOR**

**9.3. CONFIDENTIAL 254J 3 E LOCAL GOVERNMENT REGULATION 2012 -
APPROVAL OF PERSONAL EXPENSES - FORMER CHIEF EXECUTIVE
OFFICER**

Juanita Warner, Acting Chief Executive Officer

Moved Cr Noli

Seconded Cr McKeown

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
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That Council:

1. *notes the personal expenses, aggregating \$5,657.35, incurred by former Chief Executive Officer in pursuing redress for defamatory media comments about action taken in the proper discharge of his duties as CEO;*
2. *notes the former Chief Executive Officer's request, through the Mayor, for Council reimbursement of those costs;*
3. *resolves that the process for the reimbursement of the former Chief Executive Officer's personal legal expenses is not approved;*
4. *notes that Council has re-couped the funds from the former Chief Executive Officer; and*
5. *acknowledges the documents relating to this report to be deemed confidential documents and be treated as such in accordance with sections 171 and 200 of the Local Government Act 2009 and that the document remains confidential unless Council decides otherwise by resolution.*

Carried Unanimously

MEETING RE-ATTENDANCE

Cr Kerr and Cr Zammataro re-attended the meeting at 12.33pm

MAYOR CR KERR RESUMED CHAIRING THE MEETING

CLOSURE OF MEETING

The meeting closed at 12.33pm.

CONFIRMED THIS 30TH DAY OF NOVEMBER 2021


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MAYOR/CHAIR