

DOUGLAS SHIRE COUNCIL

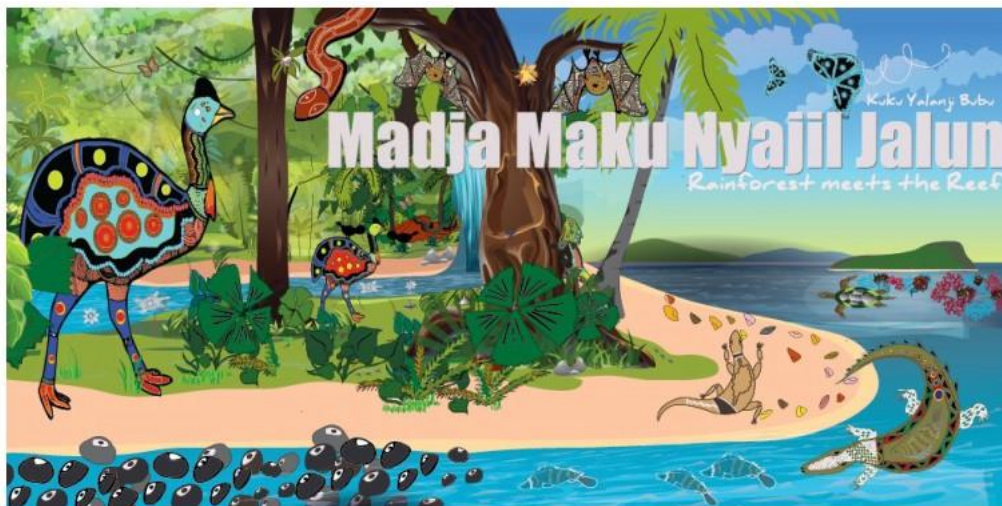
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 26 April 2022

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, 26 APRIL 2022 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, 26 April 2022 at the Mossman Council Chambers.

This Ordinary Meeting of Council is being Live Streamed on Council's Website and will also 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

Rachel Brophy (Chief Executive Officer), Tara Killeen (Chief Financial Officer), Paul Hoye (Manager Environment and Planning), Jonathan Ward (Manager Water and Wastewater), Scott Hahne (Manager Project Office), Natasha Murray (Manager Infrastructure), Lisa Golding (Manager People and Community Services), Jenny Elphinstone (Senior Planning Officer), Melissa Mitchell (Sustainability Officer), Peter White (Coordinator Water and Wastewater), Gabriel Nucifora (Project Manager), Liza Dowling (Technical Support Officer Plumbing & Planning), Kursty Logan (Senior Rates Officer), Donna Smith (Finance Officer Rates), Tarren Woodhams (Digital Communications Officer), and Brenda Jang (Executive Assistant).

Mayor Kerr also acknowledged Students from Mossman State High School and Media representatives in the gallery.

2. CONFLICT OF INTEREST

2.1 CONFLICT OF INTEREST – CR NOLI

Cr Noli informed the meeting that she has a prescribed conflict of interest in Item 5.5 (*Further Lease To Douglas Shire Community Services Assoc Inc Over Part Of Mossman Shire Hall, Lot 2 On RP706269 Mill Street Mossman*) as a result of being a Board Member of the Mossman Support Services.

As a result of Cr Noli's Conflict of interest, Cr Noli will now leave the meeting room whilst the matter is considered and voted on.

2.2 CONFLICT OF INTEREST – CR MCKEOWN

Cr McKeown informed the meeting that he has a prescribed conflict of interest in Item 5.3 (*Request To Waive Infrastructure Charges On RV Park Approval At Mossman Golf Club - 51 Newell Rd, Newell*) as he is on the Committee of the Mossman Golf Club Inc.

As a result of Cr McKeown's Conflict of interest, Cr McKeown will now leave the meeting room whilst the matter is considered and voted on.

2.3 CONFLICT OF INTEREST – CR MCKEOWN

Cr McKeown informed the meeting that he has a prescribed conflict of interest in Item 5.5 (*Further Lease To Douglas Shire Community Services Assoc Inc Over Part Of Mossman Shire Hall, Lot 2 On RP706269 Mill Street Mossman*) as a result of being on the Board of the Mossman Support Services.

As a result of Cr McKeown's Conflict of interest, Cr McKeown will now leave the meeting room whilst the matter is considered and voted on.

2.4 CONFLICT OF INTEREST – CR MCKEOWN

Cr McKeown informed the meeting that he has a declarable conflict of interest in Item 5.11 (*Cooya Beach PCH.PH3 Tender Evaluation*) as a result that:

- Cr McKeown has a direct family member whose partner is now an employee of the preferred tender company.
- The partner is a casual employee and is not in a decision making position in the company.
- For this reason, Cr McKeown believes he has the ability to vote without bias on the decision, however Cr McKeown will, of course, allow the other Councillors to decide by resolution as to whether he may participate in the decision making in relation to this matter.

Moved Cr Kerr

That it is in the public interest that Cr McKeown participates and votes on Item 5.11 (*Cooya Beach PCH.PH3 Tender Evaluation*) on the condition that:

- Cr McKeown has a direct family member whose partner is now an employee of the preferred tender company.
- The partner is a casual employee and is not in a decision making position in the company.
- For this reason, Cr McKeown believes he has the ability to vote without bias on the decision, however Cr McKeown will, of course, allow the other Councillors to decide by resolution as to whether he may participate in the decision making in relation to this matter.

and therefore, a reasonable person would trust that the final decision is made in the public interest.

Carried Unanimously

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2.5 CONFLICT OF INTEREST - CR ZAMMATARO

Cr Zammataro informed the meeting that he has a prescribed conflict of interest in Item 9.1 (*Confidential 254J 3 G Local Government Regulation 2012 - Lease Rental Market Review - Brewgrove Pty Ltd*) of the Closed Session as a result that the property mentioned in Item 9.1 is owned by Cr Zammataro's sister and her husband.

As a result of Cr Zammataro's Conflict of interest, Cr Zammataro will now leave the meeting room whilst the matter is considered and voted on.

3 MAYORAL MINUTE

Moved Cr Kerr

That the petition that has been received from Max Schwazer requesting that cricket nets be installed at Lou Prince Park in Cooya Beach be received and referred to an officer in Council for consideration.

Background

On 3 April 2022 Mayor Cr Kerr received an email from Max Schwazer who is 11 years of age and a year 7 student at Mossman High School.

Max wrote that he had come up with the idea of starting a petition to get support for cricket nets to be installed at the Lou Prince Park in Cooya Beach and that he believed it would be a good idea because it keeps kids and adults physically active and engaged with each other.

He then suggested that it would be relatively inexpensive to construct and maintain and would be a great addition to the existing playground.

His petition has garnered 170 signatures and also received acknowledgement in both Newport online and The Cairns Local newspaper that has a following in Douglas.

Attachments

- Email from Max
- Petition Advice
- Signed petitioners
- Copy of Newport article
- Copy of the Cairns Local News article

Carried Unanimously

**4 CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD TUESDAY,
29 MARCH 2022**

Moved Cr Scomazzon

Seconded Cr Noli

That the Minutes of the Ordinary Meeting held on Tuesday, 29 March 2022 be confirmed.

Carried Unanimously

5 AGENDA ITEMS

5.1. CONSIDERATION OF APPLICANT REPRESENTATIONS FOR RECONFIGURATION OF A LOT (ONE LOT INTO 39 LOTS), NEW ROAD AND BALANCE LAND

Jenny Elphinstone, Senior Planning Officer

Moved Cr Scomazzon

Seconded Cr McKeown

A. *That Council approves in part the applicant's representations for a Negotiated Decision for reconfiguration of a lot, (Stage 2) for residential lots, park, drainage reserve, road and a balance lot, over land described as Lot 2 on SR431, located at L2 Captain Cook Highway (Corner of Andreassen Road), Craiglie whereby:*

1. *Condition 6 is amended as follows*

Road Upgrade

6. *At a minimum, upgrade the Beor Street intersection as required by Queensland Department of Transport and Main Roads, and also provide for an Auxiliary left turn (AUL) for the movements out of Beor Street (east).*

Design and undertake construction of an upgrade to Beor Street (east) for the provision of two approach lanes at its intersection with Captain Cook Highway.

The lane capacity and configuration is to be determined from a revised traffic analysis.

The study must be prepared by an appropriately qualified and experienced RPEQ Traffic Engineer and be submitted to Council prior to the lodgement of the application for operational work for the subdivision. The report must detail:

a. *assumptions for the trip distribution and network assignment;*

b. *a sensitivity analysis should be undertaken in relation to these assumptions; and*

c. *SIDRA outputs for all legs and each approach lane for the intersection including LOS, DOS, queue length and delay.*

The above considerations for the Study and the outcomes of the Study must be to the satisfaction of the Chief Executive Officer.

All works are to be at no cost to Council. The upgrade must include associated line-marking, pavement widening and street lighting.

The applicant must obtain an approval from the Department of Main Roads and Council regarding the works scope. The agreed scope must be to the satisfaction of the Chief Executive Officer and achieved prior to the lodgement of the application for operational work for the subdivision.

2. *Condition 16 is amended as follows:*

Landscape Plan

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16. Undertake landscaping of the site and street frontages of new roads in accordance with FNQROC Development Manual and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:
- a. Planting of the footpath with trees, using appropriate species with consideration to be given to creating an individual sense of place and character to the estate;
 - b. Provision of an earth mound, landscaping and appropriate fencing along the western boundary for the extent of Stage 2 development, in order to provide sufficient screening and amenity for the development and external areas of the site;
 - c. The provision of suitable shade trees;
 - d. Species to have regard to the Planning Scheme Policy No.SC6.7 Landscaping; and
 - e. Road verges to be seeded and grassed;

Permanent irrigation or any other embellishments are not permitted.

Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect / Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to the lodgement of the Survey Plan with Council for endorsement and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

3. The following additional condition is included in the Decision

Sewer Easement Agreement

26. Council's standard sewer easement document is to be utilised for the Sewer Easement required under Conditions 1, 8 and 10 above.

Costs associated with the surveying of the easement for sewer infrastructure purposes and lodgement of the easement documents is to be reimbursed to the Applicant in accordance with an Infrastructure Agreement to the satisfaction of the Chief Executive Officer.

The agreement for the Sewer Easement is to be entered into prior to the issue of a Development Permit for Operational Work.

The applicant is to instigate the provision of the easement within 20 business days of Chief Executive Officer's formal request for the easement with a fulfillment of the provision within a further 20 business days.

4. All other conditions and advices of the Decision notice dated 14 December 2021 remain unchanged.

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- B. Council resolves to issue an amended Infrastructure Charges Notice whereby:
1. The Notice clarifies credit for trunk infrastructure, as determined through an Infrastructure Agreement, can be offset against the applicable charges; and
 2. There is no change to applicable Infrastructure Charges Resolution against which the charges are applied on the basis that:
 - a. The Infrastructure Charges Notice is issued after the Decision Notice is issued and is related to the Infrastructure Charges applicable at the time the application is determined. The Infrastructure Charges applicable to the development is not dependent on when the application was lodged.
- C. That Council provides advice to the applicant which:
1. In respect to the Infrastructure Charges Notice clarifies where the condition of the approval requires an amended lot layout that is likely to result in a reduced number of lots. As yet this final number of lots has not been determined and that the Infrastructure Charges Notice can be recalculated at the time of payment relevant to the number of lots sought for the respective survey plan; and
 2. Reiterates the following separate advice to the Applicant regarding the future development of the balance area of the land, as depicted in the Master Plan Port Douglas Estate, Captain Cook Highway, Craiglie, prepared by Cardno Plan Q184103-MP01E dated 13 February 2020, as follows:
 - a. The Planning Scheme supports appropriate residential development of the remaining balance of the land;
 - b. Council anticipates further development of the balance of the land is complimented by the upgrade of the intersection of the Captain Cook Highway and Andreassen Road; the construction of an internal, connection of Wabul Street to Andreassen Road; and an appropriate sound mound and landscaping to ensure the visual amenity of the Highway and the entrance to Port Douglas and Craiglie is of a high standard; and
 - c. The future development of any further stages of the balance lot must be in accordance with an approved master plan including lot layout, infrastructure planning and flood and storm water modelling.

Carried Unanimously

5.2. COMBINED APPLICATION FOR A MATERIAL CHANGE OF USE FOR INTENSE HORTICULTURE AND RECONFIGURATION OF A LOT BY LEASE AGREEMENT FOR 10 OR MORE YEARS

Jenny Elphinstone, Senior Planning Officer

Moved Cr Zammataro

Seconded Cr McKeown

That Council approves the combined development application for Material Change of Use for Intense Horticulture and for the Reconfiguration of a Lot by lease agreement for 10 or more years over land described as Lot 551 on RP748411, subject to the following:

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

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

Drawing or Document	Reference	Date
Locality Plan and Schedule of Drawings	Barlow Shelley Consulting Engineers Job No. 2170, Drawing P01, Sheet 1 of 6, Revision A	20 January 2022
Overall Layout Plan	Barlow Shelley Consulting Engineers Job No. 2170, Drawing P02, Sheet 2 of 6, Revision A	20 January 2022
Perspective Views	Barlow Shelley Consulting Engineers Job No. 2170, Drawing P03, Sheet 3 of 6, Revision A	20 January 2022
Shade House Plans	Barlow Shelley Consulting Engineers Job No. 2170, Drawing P04, Sheet 4 of 6, Revision A	20 January 2022
Propagation House Plans	Barlow Shelley Consulting Engineers Job No. 2170, Drawing P05, Sheet 5 of 6, Revision A	20 January 2022
Vehicle Turning Templates	Barlow Shelley Consulting Engineers Job No. 2170, Drawing P06, Sheet 6 of 6, Revision A	20 January 2022
Lease Plan	RPS Australia East Pty Ltd Survey Plan of Lease A in Lot 551 on RP748411	5 November 2021
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Rural Allotment Access	Standard Drawing S1105 Issue E	26 November 2014

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.*

Road & Access

3. *Prior to the commencement of use at a minimum upgrade the access road intersection with the Cape Tribulation Road pavement with a 6m driveway, appropriate apron and access as per the FNQROC Regional Development Manual Standard Drawing S1105 Rural Allotment Access. The sealed section of the driveway must extend 10m onto the land.*

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*Provide and maintain internal access roads with a suitable crushed rock finish that is watered in dry weather periods where needed to minimise dust emissions.
The existing access and gate are to be removed and replaced with fencing and landscape buffer on the land.*

All works are to be at no cost to Council and to the satisfaction of the Chief Executive Officer.

Carparking

- 4. The minimum amount of vehicle parking must be four (4) car parking spaces (inclusive of one wheelchair accessible car parking space) to the satisfaction of the Chief Executive Officer. The wheelchair access car parking space and associated access between this parking space and the entry to the site office must be in accordance with Australian Standards, National Building code and the Premises Standards. The remaining three car spaces can be on crushed gravel to the satisfaction of the Chief Executive Officer.*

Landscape Buffer

- 5. A ten (10) metre landscape buffer to Cape Tribulation Road, for the extent being parallel to the lease area. The landscape buffer must be planted only with species endemic to the local area and planting is to be arranged to provide a dense natural layout to screen the development from Cape Tribulation Road. The landscape buffer must be established prior to the commencement of use and must be maintained at all times for the life of the use to the satisfaction of the Chief Executive Officer.*

Species propagated onsite

- 6. The nursery must only stock endemic native plants from the Daintree and follow best practice principles for seed collection of rainforest species. No invasive or undesirable species are to be stocked or propagated. At all times the applicant is to maintain an active vigilance for invasive ant species. The applicant must apply a suitable management program to eradicate invasive or undesirable spaces in the lease area to the satisfaction of the Chief Executive Officer.*

Approved Lease Period

- 7. The reconfiguration of a lot by lease is limited to a period of twenty (20) years.*

Reconfiguration by Lease Linked to Material Change of Use

- 8. The approval for the Reconfiguration by lease agreement for more than ten years lapses where the Material Change of Use for Intensive Horticulture of the lease area is not commenced within six years or the use is abandoned.*

Removal of Buildings, Structures and Works

- 9. Within six months after the end of the lease period or within six months after the abandonment of the material change of use, the land must be restored and rehabilitated by the removal of all temporary buildings, structures and works associated with the development, excluding the vehicle access crossover and driveway onto the land for a distance of ten (10) metres and access roads associated with the existing Dwelling house, two-bay shed and generator shed.*

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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 sections 85(1)(b) and 71 of the Planning Act 2016.*
2. *This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.*
3. *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.*
4. *For information relating to the Planning Act 2016, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.*
5. *The taking of water, or interfering with water from streams or groundwater sources, will require a permit administered under the Water Act 2000 and issued by the regional office of the Department of Natural Resources. Further information can be obtained from the Department at www.dnr.qld.gov.au.*

Infrastructure Charges Notice

6. *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, refer to Attachment 3. 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.

REASONS FOR DECISION

1. *The reasons for this decision are:*
 - a. *Sections 60, 62 and 63 of the Planning Act 2016:*
 - b. *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
 - c. *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 1 February 2022 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.*

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3. *Evidence or other material on which findings were based:*
- a. *the development triggered assessable development under the Assessment Table associated with the Conservation 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. *Due to the extent and nature of the use to provide suitable plant material for local revegetation programs the development needs to be located in this area of the Shire;*
 - ii. *In terms of land use designations and reconfiguration of a lot, the Planning Scheme does not anticipate this type of development taking place and therefore does not designate land or consider reconfiguration of a lot by lease agreement for more than ten years accordingly. The development needs to be located within an existing cleared area and is best located in the Low Impact Rural Production and Tourism Enterprise Precinct of the Local Plan for Cow Bay and the approval can be appropriately conditioned to be remove the impacts of the development at the end of the lease period; and*
 - iii. *despite not being anticipated development to establish in the Conservation zone, subject to conditions the development satisfactorily meets the Planning Scheme benchmarks and supports the strategic outcomes related to Environment and Landscape Values, Natural Resource Management, Strong Communities and Identity and Economy.*

Assessment Benchmarks

The following are the benchmarks applying to the development.

Benchmarks applying for the development	Benchmark reference
Strategic Framework Conservation Zone Code Cape Tribulation and Daintree Coast Local Plan Reconfiguring a lot code Acid sulphate soils overlay code Bushfire hazard overlay code Landscape values overlay code Natural areas overlay code Transport network overlay code Access, parking and servicing code Environmental performance code Filling and excavation code Infrastructure works code Landscaping code Vegetation Management Code	Douglas Shire Planning Scheme 2018 (V1.0) in effect 2 January 2018

Compliance with Benchmarks

The development complies with the benchmarks as per the summary provided in Reasons for Decision in particular Item 3c.

Carried Unanimously

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MEETING WITHDRAWAL

Cr McKeown had informed the meeting that he has a prescribed conflict of interest in Item 5.3 (*Request To Waive Infrastructure Charges On RV Park Approval At Mossman Golf Club - 51 Newell Rd, Newell*) and excused himself from the meeting whilst the matter was being discussed and voted on. Cr McKeown withdrew from the meeting at 10.07am.

5.3. REQUEST TO WAIVE INFRASTRUCTURE CHARGES ON RV PARK APPROVAL AT MOSSMAN GOLF CLUB - 51 NEWELL RD, NEWELL

Daniel Lamond, Planning Officer

Moved Cr Scomazzon

Seconded Cr Noli

That:

1. *Council issues an amended Infrastructure Charges Notice as attached for the Material Change of Use (Tourist Park) over land described as Lot 21 on SP212664, Lot 20 on SP212664 and Lot 1 on RL4079 located at 51 Newell Road Newell;*
2. *the Infrastructure Charges may be paid in accordance with a payment plan after a two (2) year operating period from the date the lawful operation of the use commences; and*
3. *Council delegates authority under s257 of the Local Government Act 2009, to the Chief Executive Officer to determine and finalise any and all matters associated with the payment plan and two-year deferral of payment period.*

Carried Unanimously

MEETING RE-ATTENDANCE

Cr McKeown re-attended the meeting at 10.12am

5.4. FORESHORE MANAGEMENT PLANS

Melissa Mitchell, Sustainability Officer

Moved Cr Noli

Seconded Cr McKeown

That Council endorses the Foreshore Management Plans for Wonga Beach, Newell Beach, Cooya Beach, 4 Mile Beach and Oak Beach.

For: Cr Kerr; Cr McKeown, Cr Noli, Cr Zammataro

Against: Cr Scomazzon

Carried

MEETING WITHDRAWAL

Cr McKeown and Cr Noli had informed the meeting that they have a prescribed conflict of interest in Item 5.5 (*Further Lease To Douglas Shire Community Services Assoc Inc Over Part Of Mossman Shire Hall, Lot 2 On RV706269 Mill Street Mossman*) and excused themselves from the meeting whilst the matter was being discussed and voted on. Cr McKeown and Cr Noli withdrew from the meeting at 10.27am.

**5.5. FURTHER LEASE TO DOUGLAS SHIRE COMMUNITY SERVICES ASSOC
INC OVER PART OF MOSSMAN SHIRE HALL, LOT 2 ON RP706269 MILL
STREET MOSSMAN**

Property Services

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council:

1. *offers a further freehold lease to Douglas Shire Community Services Association Inc over part of Lot 2 on RP706269 (identified as Lease A & Lease B on the attached drawings) Mossman Shire Hall, Mill Street Mossman, for the purpose of an office, youth centre and associated youth-based activities:*
 - *for a term of five (5) years from a date to be determined with the option of one (1) consecutive five (5) year term;*
 - *rent for the first year of the term to be \$827.13 (including GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - *lessee to be responsible for all reasonable costs associated with the preparation and registration of the lease;*
 - *the lease to be issued as per Council's Standard Terms Document for Freehold Leasing, registered under dealing number 717940168 and amended as detailed in this report; and*
2. *delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to determine and finalise all matters associated with the lease.*

Carried Unanimously

MEETING RE-ATTENDANCE

Cr McKeown and Cr Noli re-attended the meeting at 10.30am.

**5.6. EXPIRING TRUSTEE PERMIT FOR MARINE RESCUE SERVICES 2022 LOT
51 SP288958 WHARF ST PORT DOUGLAS**

Property Services

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council:

1. *offers a further Trustee Permit to Queensland Fire and Emergency Services (QFES) over Lot 51 on SP288958, Wharf Street Port Douglas, for the purpose of providing marine rescue services from Ellis Beach to the Hope Islands, and for the storage of flares and associated flammable materials:*
 - i) *for a term of 12 months commencing from 30 April 2022 and expiring 29 April 2023, or until such time as the dispute between the Marine Rescue Douglas Shire Inc (MRDSI) and the Australian Volunteer Coast Guard Association (AVCGA) is resolved and a trustee lease is formally in place;*

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- ii) *utilising the terms and conditions of the Standard Terms Document registered under dealing number 720830775 and Schedule 3 of Land Regulations 2020; and*
 - iii) *rent for the term of the Trustee Permit to be waived; and*
2. *delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise all matters in relation to the Trustee Permit.*

Carried Unanimously

5.7. WATER AND WASTEWATER QUARTERLY REPORT JANUARY - MARCH 2022

Peter White, Coordinator 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 31 March 2022.

Carried Unanimously

5.8. FINANCIAL REPORT MARCH 2022

Tara Killeen, Chief Financial Officer

Moved Cr Kerr

Seconded Cr Scomazzon

That Council notes the Financial Report for March 2022.

Carried Unanimously

5.9. SCHEDULE OF FEES AND CHARGES FOR 2022-2023

Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council:

1. *adopts the Schedule of Fees and Charges for the 2022/2023 financial year; and*
2. *delegates authority under S 257 of the Local Government Act 2009 to the Chief Financial Officer to negotiate fees and charges where circumstances warrant and to make minor administrative amendments to the Schedule.*

Carried Unanimously

5.10. AUDIT COMMITTEE POLICY

Juanita Warner, Manager Governance

Moved Cr Noli

Seconded Cr McKeown

That Council adopt the Audit Committee Policy.

Carried Unanimously

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5.11. COOYA BEACH PCN-PH3 TENDER EVALUATION

Gabriel Nucifora, Project Manager

Moved Cr Zammataro

Seconded Cr McKeown

That Council:

1. resolves to award Contract WO5462.3 – Cooya Beach PCN PH3 to MC Group (QLD) Pty Ltd (ABN 12 618 868 661) for \$425,008.90 (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

5.12. OPERATIONAL PLAN PROGRESS REPORT FOR JANUARY TO MARCH 2022

Rachel Brophy, Chief Executive Officer

Moved Cr Scomazzon

Seconded Cr Noli

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

Carried Unanimously

5.13 REPORT FROM THE CHIEF EXECUTIVE OFFICER FOR PERIOD JANUARY TO MARCH 2022

Rachel Brophy, 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 January to March 2022.

Carried Unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

(Tabled after the Meeting moved out of Closed Session)

9. CLOSED SESSION

Moved Cr McKeown

Seconded Cr Scomazzon

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

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 26 APRIL 2022 COMMENCING AT 10.00AM**

- 9.1 *Confidential 254J 3 G Local Government Regulation 2012 – Lease Rental Market Review – Brewgrover Pty Ltd; and*
- 9.2 *Confidential 254J 3 C Local Government Regulation 2012 – Rates Modelling Review Proposal*

Carried Unanimously

(The Meeting moved into Closed Session at 10.48am)

MEETING WITHDRAWAL

Cr Zammataro had informed the meeting that he has a prescribed conflict of interest in Closed Item 9.1 (*Confidential 254J 3 G Local Government Regulation 2012 - Lease Rental Market Review - Brewgrove Pty Ltd*) and excused himself from the meeting whilst the matter was being discussed and voted on. Cr Zammataro withdrew from the meeting at 10.48am.

MEETING RE-ATTENDANCE

Cr Zammataro re-attended the meeting at 10.53pm.

OUT OF CLOSED SESSION

Moved Cr Scomazzon

Seconded Cr McKeown

That Council resolves to move out of Closed Session.

(The Meeting moved out of Closed Session at 10.58am and proceedings recommenced at 11.00am for Live Streaming.)

8. PETITIONS

Cr Noli presented to Council and Chief Executive Officer from Mr Lockwood about the Cooya Beach mail delivery.

Received.

MEETING WITHDRAWAL

Cr Zammataro had informed the meeting that he has a prescribed conflict of interest in Closed Item 9.1 (*Confidential 254J 3 G Local Government Regulation 2012 - Lease Rental Market Review - Brewgrove Pty Ltd*) and excused himself from the meeting whilst the matter was being discussed and voted on. Cr Zammataro withdrew from the meeting at 11.01am.

**9.1. CONFIDENTIAL 254J 3 G LOCAL GOVERNMENT REGULATION 2012 -
LEASE RENTAL MARKET REVIEW - BREWGROVE PTY LTD**

Property Services

Moved Cr Noli

Seconded Cr McKeown

That Council:

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 26 APRIL 2022 COMMENCING AT 10.00AM**

1. provides notice to Brewgrove Pty Ltd "Lessee" that the annual lease rental for Lot 805 on CP PTD 20928 Davidson Street Port Douglas has been reviewed and will now be increased in accordance with the outcome of the rental market review;
2. advises the Lessee that the proposed increase in annual lease rental will be effective from 20 July 2022;
3. advises the Lessee that the rental market review was undertaken in accordance with the terms of the lease, by an external valuer, by taking into consideration the land value exclusive of all existing improvements;
4. advises the Lessee that under the terms of the lease, the Lessee has fourteen (14) days from Notification of the new rent to lodge a dispute with Council;
5. 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
6. acknowledges report/attachments to be deemed a confidential document 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 Zammataro re-attended the meeting at 11.02pm.

**9.2. CONFIDENTIAL 254J 3 C LOCAL GOVERNMENT REGULATION 2012 -
RATES MODELLING REVIEW PROPOSAL**

Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr Kerr

1. That Council adopts the recommendations of the General Rates Report - Douglas Shire Council, for implementation in preparing the 2022-2023 Budget; and
2. that the report/attachment be deemed a confidential document and be treated as such in accordance with s171 and s200 of the Local Government Act 2009 and that the document remains confidential unless Council decides otherwise by resolution.

Carried Unanimously

CLOSURE OF MEETING

The meeting closed at 11.03am.

CONFIRMED THIS 31ST DAY OF MAY 2022

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MAYOR/CHAIR