

DOUGLAS SHIRE COUNCIL

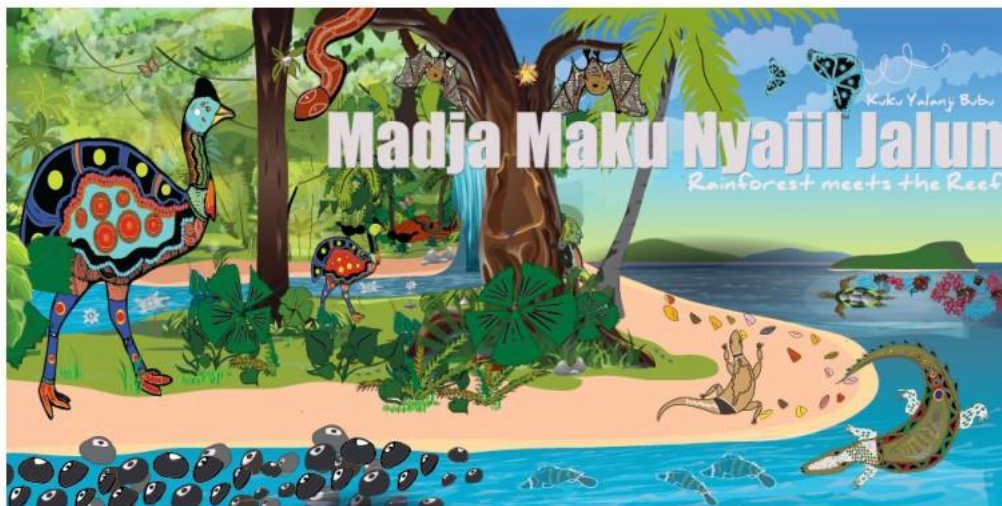
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 28 June 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 28 JUNE 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, 28 June 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), Lisa Golding (Manager People and Community Services), Kursty Logan (Senior Rates Officer), Jenny Elphinstone (Senior Planning Officer), Sara Roberts (Coordinator Environmental Health and Local Laws), Gaye Scott (Community Liaison Officer), Pieter Kleinhans (Acting Manager Infrastructure Services), (Tom Volling (Senior Media and Communications Officer), Tarren Woodhams (Digital Communications Officer), Kelly Dean (Mayor and Councillor Support Officer) and Brenda Jang (Executive Assistant).

2. CONFLICT OF INTEREST

Nil

3. MAYORAL MINUTE

3.1. MAYORAL MINUTE - MOTIONS FOR THE LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND ANNUAL CONFERENCE

Moved Cr Kerr

That the following motions be endorsed by Council so they can be presented at the Local Government Association of Queensland Annual Conference.

BACKGROUND

Each year the Local Government Association of Queensland (LGAQ) holds their Annual Conference and AGM. As a member council, the Douglas Shire Council is entitled to present

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motions for consideration at the LGAQ conference to see if other councils agree by the show of a vote. If the motion presented is successfully seconded and voted by a majority, it becomes the position of the LGAQ when advocating to the State Government for legislation and policy changes.

Motion 1 - Community education on the roles and function of Local Government Councillors

The LGAQ calls on the State to administer a statewide education campaign explaining the functions of local councils and the roles that the Mayors and Councillors have in it.

The desired outcome will be to have a more informed community, giving them confidence in their local council with a clearer view to how council operates and who would be the appropriate contact when communication with council is required.

Since the Belcarra reforms there has been an even greater distance created in the knowledge of what role the Mayor and other Councillors play within their Councils organisation. This confusion heavily effects the expectations of what the community believe that their Councillors can be involved with, and the outcomes that can be accomplished by them with the powers they may have or have not.

The structure and roles of a Local Government have been defined to those within the organisations themselves but many in the local communities are still unaware of the various implications that exist and are unaware of who to contact regarding council matters that occur. Many of the issues presented to Councillors are operational which has the potential to put Councillors in positions that vary from awkward to misconduct especially in smaller communities when personal connections may be more prevalent.

Motion 2 - User pay funding for local government infrastructure

The LGAQ calls on the State Government to allow councils to set levies on rateable properties based on use as well as category.

The desired outcome would enable councils to better fund required infrastructure needed by capturing commercial businesses that operate in residential zones who adversely add pressure to councils' infrastructure with no other means of charging them.

This will allow a user pay rather than all residents having increased rates to pay for excess usage created by commercial operations operating in residential rating categories.

This will allow councils to:-

- Charge ratepayers a fairer system where user pays.
- Create more appropriate funding streams to replace and construct required infrastructure.

Background:

With the change in the way people conduct business since the onslaught of Covid-19 many councils are seeing more commercial businesses operating out of residential properties. These operations often increase the stress on councils' infrastructure whether this be by more cars on residential roads, extra strain on water and sewerage facilities or increased usage of people using public infrastructure like pathways, parks or beach areas.

Commercial businesses such as AirBnB properties operating as commercial businesses would have to be one of the largest examples of residential properties that have an added strain on

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councils' infrastructure with council unable to recoup these costs and being forced to pass them on to all rate payers or these within the same rateable category.

With councils being able to add a levy to a rateable property for use as well as category properties such as short term accommodation can have an appropriate levy placed on them. Businesses such as home hairdressers or beauticians that add extra strain on the water and wastewater could have a Levy added to them to counteract this extra infrastructure usage. The similar could be done for commercial businesses that create large amounts of nonrecyclable waste that would add further discarding costs for council.

We are very much becoming a user pay society and allowing council to create required revenue streams through usage levies will assist in making a fairer playing field, whilst assisting some of the many councils that are finding the reality of sustainability getting further away.

For: Cr Kerr

Against: Cr Scomazzon, Cr McKeown, Cr Noli, Cr Zammataro

Lost

**3.2. MAYORAL MINUTE - CERTIFICATE OF APPRECIATION FROM CAIRNS
AND HINTERLAND HOSPITAL AND HEALTH SERVICE VACCINATION
PROGRAM**

Moved Cr Kerr

That the Certificate of Appreciation awarded to Douglas Shire Council for their valued contribution and support to the Cairns and Hinterland Hospital and Health Service vaccination program be acknowledged and accepted.

BACKGROUND

Over the Covid-19 outbreak the Douglas Shire Council worked effectively with the Cairns and Hinterland Hospital and Health Service (CHHHS) to ensure the best possible outcome for our Shire residents. This assistance was clearly appreciated and the extra mile that Council staff went to was acknowledged at the presentation.

From February 2021 there was 544,000 vaccinations delivered across the CHHHS with 60,000 of them being visitors to the region.

On 9 October 2021, 2,144 received vaccinations across the CHHHS which was the busiest day they had.

Without the amazing preparation that occurred and the assistance from staff that work in organisations such as the Douglas Shire Council this could not have happened.

An incredible thank you is owed to all those that assisted in ensuring that our communities were kept as safe as possible.

Carried Unanimously

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING

4.1. CONFIRM MINUTES - ORDINARY MEETING HELD 31 MAY 2022

Moved Cr Scomazzon

Seconded Cr McKeown

That the Minutes of the Ordinary Meeting held Tuesday 31 May 2022 be confirmed.

Carried Unanimously

AGENDA ITEMS

5.1. ANNUAL OPERATIONAL PLAN 2022 - 2023

Juanita Warner, Manager Governance

Moved Cr Noli

Seconded Cr McKeown

That Council adopts the Annual Operational Plan 2022-2023.

Carried Unanimously

5.2. APPLICATION FOR A MINOR CHANGE A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR SHORT-TERM ACCOMMODATION WITH ANCILLARY USES AT 20 WARNER STREET PORT DOUGLAS

Jenny Elphinstone, Senior Planning Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council approves the application for a minor change to amend the existing Development Permit for a Material Change of Use for Short-Term Accommodation (Motel) with ancillary uses of Food and Drink Outlet / Bar over land: previously described as Lot 1 on RP718896, part of Lot 1 on SP267838 and Easements B and C on SP154579; currently described as Lots 1 and 2 on SP316373, Easement A on SP150452 and Easements B and C on SP204455, whereby:

1. *The table of approved drawings and documents is amended as follows.*

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 Context</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.03, Revision C</i>	<i>1 October 2019</i>
<i>Site Survey</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.04, Revision G P6</i>	<i>1 October 2019 22 April 2022</i>
<i>Site Imagery</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.05, Revision C</i>	<i>1 October 2019</i>
<i>Site Survey – Adjoining Building Heights</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.06, Revision C</i>	<i>1 October 2019</i>
<i>Site analysis</i>	<i>Wolveridge Architects Project 18 007, Drawing P-01.07, Revision C</i>	<i>1 October 2019</i>

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<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
Site & Roof Plan	Wolveridge Architects Project 18 007, Drawing P-02.01, Revision C <u>P2 P6</u>	1 October 2019 26 August 2020 <u>7 April 2022</u>
Ground Floor	Wolveridge Architects Project 18 007, Drawing P-02.02, Revision C <u>P6</u> , dated 1 October 2019 <u>7 April 2022</u> and as amended by Condition 3.	To be determined.
First Floor	Wolveridge Architects Project 18 007, Drawing P-02.03, Revision C <u>P2 P6</u> .	1 October 2019 26 August 2020 <u>7 April 2022</u>
Second Floor	Wolveridge Architects Project 18 007, Drawing P-02.04, Revision C <u>P2 P6</u> .	1 October 2019 26 August 2020 <u>7 April 2022</u>
Third Floor	Wolveridge Architects Project 18 007, Drawing P-02.05, Revision C <u>P2</u> .	1 October 2019 26 August 2020 <u>7 April 2022</u>
Micro Hotel – Section Perspective	Wolveridge Architects Project 18 007, Drawing P-02.07, Revision C <u>P2</u> .	1 October 2019
Micro Hotel – Plan & Interior	Wolveridge Architects Project 18 007, Drawing P-02.09, Revision C <u>P6</u>	1 October 2019 <u>7 April 2022</u>
Massing Areas	Wolveridge Architects Project 18 007, Drawing P-02.10, Revision C <u>P6</u>	1 October 2019 <u>7 April 2022</u>
Ventilation Diagram	Wolveridge Architects Project 18 007, Drawing P-02.11, Revision <u>C</u>	1 October 2019
Breezeway Gates Elevation & Details	Wolveridge Architects Project 18 007, Drawing P-02.12, Revision <u>C</u>	1 October 2019
Streetscape Elevation	Wolveridge Architects Project 18 007, Drawing P-03.01, Revision C <u>P2 P6</u> .	1 October 2019 26 August 2020 <u>7 April 2022</u>
Elevations	Wolveridge Architects Project 18 007, Drawing P-03.02, Revision C <u>P2 P6</u> .	1 October 2019 26 August 2020 <u>7 April 2022</u>
Elevation & Section- Longitudinal	Wolveridge Architects Project 18 007, Drawing P-03.03, Revision C <u>P2 P6</u> .	1 October 2019 26 August 2020 <u>7 April 2022</u>
Materials Schedule	Wolveridge Architects Project 18 007, Drawing P-03.04, Revision C <u>P2 P6</u> .	1 October 2019 26 August 2020 <u>7 April 2022</u>
Revised Façade – Exterior Views	Wolveridge Architects Project 18 007, Drawing P-03.11, Revision C <u>P2 P6</u> .	1 October 2019 26 August 2020 <u>7 April 2022</u>
Revised Façade – Section	Wolveridge Architects Project 18 007, Drawing P-03.12, Revision <u>C</u>	1 October 2019
Perspectives	Wolveridge Architects Project 18 007, Drawing P-05.02, Revision <u>C</u>	1 October 2019

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<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>AS2680 B99 Design Vehicle Swept Paths</i>	<i>Rogers Consulting Engineers, Project 180307, Drawing SK20 Sheet 1 of 2, Revision P2</i>	<i>19 August 2019.</i>
<i>AS2680 B99 Design Vehicle Swept Paths</i>	<i>Rogers Consulting Engineers, Project 180307, Drawing SK21 Sheet 2 of 2, Revision P5</i>	<i>4 September 2019.</i>
<i>Civil Works Preliminary Carpark Levels</i>	<i>Rogers Consulting Engineers, Project 180307, Drawing SK30, Revision P1 dated 27 August 2019 and as amended by Condition 3</i>	<i>To be determined</i>
<i>Landscape Plan</i>	<i>Hortulus Australia Pty Ltd, Job No: SN-D18 A, Drawings LS-01 to LS-04, Issue B dated 25 January 2019 and as amended by Condition 3.</i>	<i>To be determined.</i>

2. *The following additional conditions are included in the approval.*

Amalgamation of Lots required

18. The applicant/owner is to ensure that the subject lots are held together as one site for the duration of the approved land use. This is to be achieved by the amalgamation of Lot 1 on SP316673 and part of Lot 2 on SP316373, as per the boundary realignment approved by Council (under the development application CA 2021 4461) into one lot. The Plan of Survey must be registered with the Department of Natural Resources and a new certificate of title issued at the applicant's/owner's cost prior to Commencement of Use.

Use of Roof Level Recreational Area

33. The use of the roof level recreational area and associated food and drink bar facility is limited to the short-term accommodation guests and their guests. This area is not to be used as a function facility.

3. *Condition 3 is amended as follows:*

Amended Plan

3. *The proposed development must be generally in accordance with the plans, prepared by Wolveridge Architects, Rogers Consulting Engineers and Hortulus Australia Pty (Council electronic document ~~D#927624~~ 1084872) and as amended to accommodate the following:*
- ~~*a. Delete car parking space No.10 and replace with service area facilities;*~~
 - a.b. Include traffic islands on the road that provide sufficient sight views for exiting vehicles and accommodate the angle parking design;*
 - ~~*c. Design on-street car parking at approximately 45° angle, rather than 90° angle, on the adjacent area of Warner Street;*~~

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- b.d. Upgrade the street lighting to Warner Street adjacent to the property;*
- c.e. Include suitable signage warning of limited vehicle access to the parking area and maximum vehicle clearance heights;*
- d.f. Include suitable traffic warning signs regarding vehicle ramp access and pedestrian activity on sidewalk;*
- e. Ensure the elevation at ground level at the corner of the pedestrian entry, pedestrian sidewalk and laneway has suitable clear visibility to minimise conflict between vehicle and pedestrians movements;*
- f.g. ~~Include a full awning cover to the adjacent footpath on all plans~~ Ensure the awning over the adjacent footpath at the intersection with the laneway is suitably splayed as necessary to consider vehicle movements;*
- g.h. Ensure vine planting and landscaping to Warner Street provides adequate pedestrian access between the adjacent on-street car parking spaces and footpath. Landscaping must maintain a minimum 2m wide footpath clear of landscaping and beds for vines to minimise trip hazard;*
- h.i. Ensure the landscaping design has regard to Council infrastructure located beneath the street and include the location of infrastructure on site plans;*
- i.j. Ensure landscaping design for on-street island beds includes clean trunk trees and design to ensure adequate site lines for traffic movements. Species to reflect those present on adjacent sites to produce a unified streetscape planting;*
- j.k. Ensure the form of the kerb and channel to the road to match the existing to the neighbouring development; ~~and~~*
- k.l. Ensure the paving of the pedestrian footpath in pavers to match the existing paving in front of neighbouring development;*
- l. Remove the tandem parking in the rear part of the land and relocate the parking spaces with a consistent landscaped setback; and*
- m. Include a daybed or fixed seating in the private open space balconies where the balcony area is 8m².*

Details of the above amendments must be included in the subsequent application for a Development Permit for Operational Work and of a standard consistent with the FNQROC Development Manual.

4. Condition 9 is amended as follows:

Vehicle Parking

- 9. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of ~~sixteen (16) spaces~~ fifteen (15) spaces and a service bay. 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 and these**

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attributes must be maintained for the life of the development. At least one car parking space must be provided for disabled drivers together with suitable access between the car parking space and entry to the ground floor reception area.

4. *Condition 24 is amended as follows:*

Minimum Fill and Floor Levels

24. *All floor levels in all buildings must be provided with suitable freeboard from flooding and stormtide events with a 1% Annual exceedance probability.*

In particular, the building floor levels 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.

Minimum floor levels must have regard to 0.8m sea level rise for storm tide inundation projected for the year 2100 and freeboard as per Council's ~~stormtide~~ Storm Tide Inundation Methodology Study report. Council assesses ~~this level~~ the finished floor height (inclusive of freeboard) to be 3.5m 3.2m AHD except for the entry bay adjacent to the lift well which is to be a minimum of 3.1m AHD.

5. *The following additional Advice is included:*

8. The maximum number of persons using the roof level is limited as per the Building Act and the provision of ablution facilities at this level.

9. The provision of traffic islands under Condition 1b needs to include an island between the end car spaces and the access / egress to the adjacent laneway.

3. *Where deleted the remaining conditions are renumbered accordingly and the content of all other conditions, advices and statement of non-compliance with Assessment Benchmarks of the Amended Decision Notice dated 17 November 2020 remain unchanged.*

REASONS FOR DECISION

The reasons for this decision are:

1. *Sections 81, 81A and 83 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 9 May 2022 under section 79 of the Planning Act 2016;*
- 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;*

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- b. *Council undertook an assessment in accordance with the provisions of sections 81, 81A and 83 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. PROPOSAL TO PURCHASE RESERVATION IN TITLE, PART OF LOT 110
ON RP907342, BAMBOO**
Property Services

Moved Cr Noli

Seconded Cr Scomazzon

That Council:

1. *advises that it has no objection to an application to the Department of Resources (DOR) for the purchase of Reservation in Title, located on part of Lot 110 on RP907342, Tononi Road Bamboo; and*
2. *delegates authority to the Chief Executive Officer in accordance with s 257 of the Local Government Act 2009, to finalise any and all matters associated with the application.*

Carried Unanimously

**5.4. COMPLETION OF APPROVED INSPECTION PROGRAM - DOG
REGISTRATION**
Sara Roberts, Coordinator Environmental Health and Local Laws

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council notes the report completing the Approved Inspection Program for dog registration, conducted in the 2021-2022 financial year.

Carried Unanimously

5.5. MEDIA RELATIONS POLICY

Tom Volling, Senior Media and Communications Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council adopts the Media Relations Policy.

(Mayor Cr Kerr put forward a procedural motion to adjourn the item to the next Council Meeting.)

Moved Cr Kerr

Seconded Cr McKeown

That Item 5.5 Media Relations Policy be adjourned to the next Council Meeting.

Carried Unanimously

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5.6. WANGETTI TRAIL - ASSET OWNERSHIP

Paul Hoye, Manager Environment and Planning

Moved Cr Kerr

Seconded Cr McKeown

That Council:

1. *Repeals resolution 9.3 of the Ordinary meeting on 22 January 2019, which resolved:*

Council resolves to advise the Department of Innovation, Tourism Industry Development and the Commonwealth Games that:

1. *Council gives consent for the construction of the Mowbray North section of the Wangetti Trail on land under the control of Council; and,*
2. *Council acknowledges that asset ownership and maintenance for the Mowbray North section of the Wangetti Trail will be the responsibility of Council.*

And,

2. *Council advise the Department of Tourism, Innovation and Sport (DTIS) that:*
 - a. *Council delegates to the Chief Executive Officer to negotiate a better proposed route alignment for the Mowbray North section of the Wangetti Trail; and,*
 - b. *Council will not accept asset ownership for any construction related to the Mowbray North Section of the Wangetti Trail.*

Carried Unanimously

5.7. CATTLE GRID POLICY - JUNE 2022

Gaye Scott, Community Liaison Officer, Pieter Kleinhans, Coordinator Civil Operations

Moved Cr Zammataro

Seconded

That Council adopts the Cattle Grid Policy.

Moved Cr Zammataro

Seconded Cr McKeown

That Item 5.7 Cattle Grid Policy – June 2022 be deferred.

Carried Unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

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9. CLOSED SESSION

Moved Cr Scomazzon

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 - Proposed Shared Facilities Agreement With Optus Mobile Pty Ltd For Use Of Communications Building And Broadcast Tower On Lot 114 Sp126932, Island Point Road, Port Douglas (Flagstaff Hill).*

Carried Unanimously

(The Meeting moved into Closed Session at 10.44am)

OUT OF CLOSED SESSION

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council resolves to move out of Closed Session.

Carried Unanimously

(The Meeting moved out of Closed Session at 10.46am)

**9.1. CONFIDENTIAL 254J 3 G LOCAL GOVERNMENT REGULATION 2012 -
PROPOSED SHARED FACILITIES AGREEMENT WITH OPTUS MOBILE PTY
LTD FOR USE OF COMMUNICATIONS BUILDING AND BROADCAST TOWER
ON LOT 114 SP126932, ISLAND POINT ROAD, PORT DOUGLAS
(FLAGSTAFF HILL)**

Property Services

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council:

1. *Approves the issue of a Shared Facilities Agreement to Optus Mobile Pty Ltd for shared use of the communications building and broadcast tower located at Lot 114 on SP126932, Island Point Road, for the purpose of telecommunications services and a telecommunications network, subject but not limited to the terms described in this report.*
2. *Delegates authority to the Chief Executive Officer in accordance with s 257 of the Local Government Act 2009 to determine and finalise all matters associated with the proposed Shared Facilities Agreement.*
3. *Acknowledges report/attachments to be deemed a confidential document and be treated as such in accordance with s 171 and s 200 of the Local Government Act 2009 and that the document remains confidential unless Council decides otherwise by resolution.*

Carried Unanimously

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CLOSURE OF MEETING

The meeting closed at 10.47am.

CONFIRMED THIS 26TH DAY OF JULY 2022



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MAYOR/CHAIR