

DOUGLAS SHIRE COUNCIL

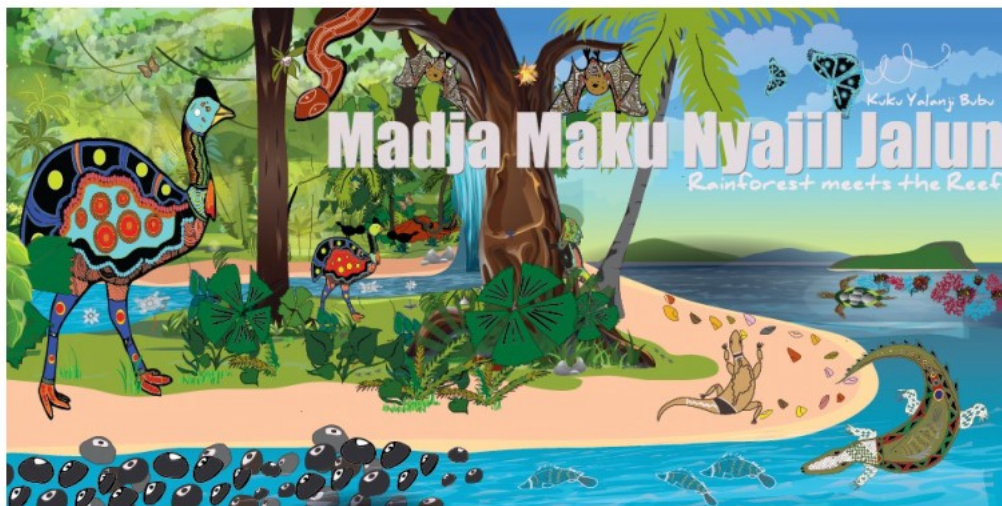
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 20 August 2019

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
HELD ON TUESDAY, 20 AUGUST 2019, COMMENCING AT 10.00 AM**

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro,

Officers in Attendance

Mark Stoermer (Chief Executive Officer), Michael Kriedemann (Executive Manager Infrastructure), Terry Farrelly (Manager People and Community Services), Tara Killeen (Chief Financial Officer), Juanita Holden (Acting Manager Governance), Peter Tonkes (Manager Water and Wastewater), Peter Logan (Coordinator Public Spaces), Daniel Lamond (Planning Officer), Neil Beck (Team Leader Planning), Renee Ker (Economic Development Officer Sport and Recreation), Helen Coulthard (Grants Officer), Lisa Golding (Team Leader Economic Development), Susan Lunn (Property Officer), Mark Halstead (Building Facilities Officer), Tom Volling (Senior Media and Communications Officer), Nicole Barton (Mayoral and Councillor Support Officer), Shelly Hober (Acting Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

ACKNOWLEDGEMENT OF COUNTRY

Cr Leu acknowledged the Kuku Yalanji people who are the Traditional Custodians of the Land and paid respect to their Elders both past and present and extended that respect to other Indigenous Australians present.

APOLOGIES

There were no apologies.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Zammataro declared that he has a conflict of interest in Item 5.1 (Material Change of Use Development Application for Telecommunications Facilities at Mossman Gorge), (as defined by section 175D of the *Local Government Act 2009*) as he is employed by Bamanga Bubu Ngadimunku (BBN) who is one of the applicants over the land that the application was made over.

Cr Zammataro will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

3. MAYORAL MINUTE – PORT SHORTS FUNDING

Moved Cr Leu

“That Council:

- 1. Resolves to request the Chief Executive Officer to allocate in the Community Development 2019-20 Budget \$15,000 (GST Exc) for sponsorship and \$5,000 in-kind assistance per annum for three (3) years for the Port Shorts Film Festival event;*
- 2. Notes that this request is an out of funding round request for funding and acknowledges the Community Development Budget will be seeking additional funds in 2019-20 to accommodate the request; and*

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3. *Delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to determine and finalise any and all matters associated with this matter.”*

BACKGROUND

The Port Shorts Film Festival has been an iconic international film festival event for 20 years that highlights local and regional short films and incorporates classes for upcoming filmmakers in the area. The Port Shorts Film Festival attracts the best short films from local, region and around the world with more than \$15,000 in cash and prizes in various Filmmakers Award.

Douglas Shire Council has previously provided \$8,000 in cash and \$2,000 of in-kind support in 2018-19. Council Officers have requested an acquittal from the organisers from the previous year, which has now been provided.

On 16 August 2019 the Port Shorts organisers have written to the Chief Executive Officer requesting funding from Council for a three (3) year period of \$15,000 in cash and \$5,000 of in-kind support per annum 2019-20, 2020-21 and 2021-22. There are no current funding rounds that will be approved in time for the October event and have requested consideration from Council providing support.

The Community Development Section has budgeted for sponsorship for Port Shorts however with a number of other sponsorships already approved the amount requested would be overcommitted. The Community Development Section would be seeking additional budget to support this request.

Carried unanimously

4. **CONFIRMATION OF MINUTES OF COUNCIL MEETING**

4.1 ORDINARY COUNCIL MEETING HELD ON TUESDAY, 30 JULY 2019

Moved Cr Noli

Seconded Cr Kerr

“That the Minutes of the Ordinary Meeting held on Tuesday, 30 July 2019 be confirmed.”

Carried unanimously

4.2 AMENDMENT OF REPORTS OF THE SPECIAL COUNCIL MEETING HELD ON 25 JUNE 2019

Moved Cr Carey

Seconded Cr Noli

“That the following amendments be made to the Reports (Item 3.8 and 3.9) as adopted at the 25 June 2019 Special Council Meeting, due to minor administrative errors:

ITEM 3.8 UTILITY CHARGES AND ASSOCIATED RATING MATTERS 2019-2020

B. SEWERAGE UTILITY CHARGES

- (b)(ix) *The rating on the basis set out above to be charged from the date on which sewer connections are completed to the premises concerned. In the case of vacant land, or in the case where an owner or occupier refuses or delays permission to enter his land to complete connections, the rating be charged from the date on which*

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connections would have been made if there was a building or improvement on the land or if the owner or occupier had not refused or delayed permission. In all those cases where the sewer connection is completed or would have been completed (as the case may be) after 1 July 2018 the rate shall be apportioned.

To:

- (b)(ix) *The rating on the basis set out above to be charged from the date on which sewer connections are completed to the premises concerned. In the case of vacant land, or in the case where an owner or occupier refuses or delays permission to enter his land to complete connections, the rating be charged from the date on which connections would have been made if there was a building or improvement on the land or if the owner or occupier had not refused or delayed permission. In all those cases where the sewer connection is completed or would have been completed (as the case may be) after 1 July 2019 the rate shall be apportioned.*

And

C. WATER UTILITY CHARGES

1. Pursuant to section 94 of the Local Government Act 2009 and section 99 of the Local Government Regulation 2012, Council make and levy water utility charges, for the supply of water services by the Council, as follows:

Water Charges shall be made for the purpose of supplying water for the 2018/19 financial year on the following basis:-

To:

1. Pursuant to section 94 of the Local Government Act 2009 and section 99 of the Local Government Regulation 2012, Council make and levy water utility charges, for the supply of water services by the Council, as follows:

Water Charges shall be made for the purpose of supplying water for the 2019/20 financial year on the following basis: -

3.9. STATEMENT OF ESTIMATED FINANCIAL POSITION ~~2019-2020~~ 2018-2019

1. Pursuant to section 205 of the Local Government Regulation 2012, the statement of the financial operations and financial position of the Council in respect of the 2019/20 financial year ("the Statement of Estimated Financial Position") be received and its contents noted.

To:

1. Pursuant to section 205 of the Local Government Regulation 2012, the statement of the financial operations and financial position of the Council in respect of the 2018/19 financial year ("the Statement of Estimated Financial Position") be received and its contents noted.

And

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COMMENT

The 2018/19 annual budget was adopted on 19 June 2018 and revised on **20 November** 2018 and the attached financial report details progress against budget for the period ended 31 May 2019. The report is prepared on an accrual basis and includes revenue earned and expenditure incurred during this period.

To:

COMMENT

The 2018/19 annual budget was adopted on 19 June 2018 and revised on **18 December** 2018 and the attached financial report details progress against budget for the period ended 31 May 2019. The report is prepared on an accrual basis and includes revenue earned and expenditure incurred during this period.”

Carried unanimously

5. AGENDA ITEMS

MEETING WITHDRAWAL

Cr Zammataro declared a conflict of interest in Item 5.1 (Material Change of Use Development Application for Telecommunications Facilities at Mossman Gorge), (as defined by section 175D of the *Local Government Act 2009*) as he is employed by Bamanga Bubu Ngadimunku (BBN) who is one of the applicants over the land that the application was made over, and left the meeting at 10.06am.

- 5.1. MATERIAL CHANGE OF USE DEVELOPMENT APPLICATION FOR TELECOMMUNICATIONS FACILITIES AT MOSSMAN GORGE
Daniel Lamond, Planning Officer

Moved Cr Noli

Seconded Cr Carey

“That Council delegate authority to the Chief Executive Officer to amend the trustee lease over Lot 94 on SR257 and to finalise all matters associated with accommodating the radio tower on site; and

That Council approves the development application for material change of use for telecommunications facilities over land described as Lot 94 on SR257, Lot 7 on SP212661 and Lot 152 on SR832, located at Gorge Road, Mossman Gorge, 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:

Drawing or Document	Reference	Date
Site Plan- All	Plan No: 18-385 DA01 Rev: A	18 December 2018
Site Plan- Lot 7	Plan No: 18-385 DA02 Rev: A	18 December 2018
Site Plan- Lot 94	Plan No: 18-385 DA03 Rev: A	18 December 2018
Site Plan- Lot 94 Lease Plan	Plan No: 18-385 DA03.1 Rev: A	18 December 2018

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Site Plan- Lot 152	Plan No: 18-385 DA04 Rev: A	18 December 2018
Proposed Radio Tower- Site Plan	PR143136-1 A prepared by RPS Australia East Pty Ltd	13 June 2019

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Limited Approval

3. The Development hereby approved lapses at the expiry of agreement to lease the land from the land owner or entity from which a lease may be attained. Prior to the lapse of the life of the approval the telecommunications tower and all associated infrastructure must be decommissioned and removed and the site reinstated to its original condition to the satisfaction of the Chief Executive Officer. All costs associated with the decommissioning and final removal shall be borne by the Applicant or entity that operates the tower at the time of removal.

Health

4. The facility must comply with all relevant State and National Standards in relation to emission of light, vibration, odour and radiation.

The telecommunications facility must be operated in accordance with Radio Communications (Electromagnetic Radiation – Human Exposure) Standard 2003 in relation to the limits for continuous exposure of the general public to radio-frequency electromagnetic energy or other Standard of the Commonwealth of Australia more relevant at the time.

ADVICE

1. 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 cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

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REFERRAL AGENCY CONDITIONS & REQUIREMENTS

<i>Referral Agency</i>	<i>Referral Reference</i>	<i>Agency Date</i>	<i>Council Reference</i>	<i>Electronic</i>
<i>State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)</i>	<i>1905-11271 SRA</i>	<i>18 July 2019</i>	<i>911212</i>	

Refer to Attachment 2: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

Currency period for the approval

Under section 85(1)(a)(i) of the Planning Act 2016, the relevant period for the approval is to be six (6) years starting from the day the approval takes effect.

Reasons for Decision

The reasons for this decision are:

- 1. Sections 60, 62 and 63 of the Planning Act 2016:
 - a. the approved plan(s) and document(s);*
 - b. the Conditions and Advices;*
 - c. The development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
 - d. The development complies 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 30 April 2019 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
 - b. the application was properly notified;*
 - c. the development application contained information from the applicant which Council reviewed together with Council's own investigation of assessment against the 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 relevant zone codes;*
 - 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 requirements."***

Carried unanimously

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MEETING RE-ATTENDANCE

Cr Zammataro re-attended the meeting at 10.07am.

- 5.2. CORONATION PARK - FIELD RELOCATION 2019
Renee Ker, Economic Development Officer Sport and Recreation

Moved Cr Zammataro

Seconded Cr Carey

“That Council:

1. *rescinds the Council resolution made on 28 June 2016 to relocate the rugby league playing field at Coronation Park; and*
2. *delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the above matter.”*

Carried unanimously

- 5.3. COUNCIL GRANTS PROGRAM 2019-2020
Helen Coulthard, Grants Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council:

1. *notes revisions to the Council Grants Program for 2019-2020;*
2. *delegates authority under Section 259 of the Local Government Act 2009 to the Chief Executive Officer to delegate power to the Manager of People and Community Services and the Chief Financial Officer to approve eligible Council Grants Program applications for financial and non-financial assistance up to \$2,000 (GST Exc) after consultation with the Mayor and Chief Executive Officer; and*
3. *delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the above.”*

Carried unanimously

- 5.4. PROCUREMENT POLICY EXEMPTION TENDER CONSIDERATION
Terry Farrelly, Manager People and Community Services

Moved Cr Carey

Seconded Cr Noli

“That Council:

1. *approves to adopt an exemption for three written quotes under the Local Government Regulation 2012 Section 230 (1) to allow Council to engage with contractors, suppliers and for sponsorship for Council operated events for medium/large sized contractual arrangements, for example the Carnivale event;*
2. *approves to adopt this exemption for any contractual arrangement for Council operated events for a period of three (3) years with an extension up to a further three (3) years; and*

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3. *delegates authority to the Chief Executive Officer to approve any contractual arrangements for amounts over \$15,000 and up to \$200,000 in this exemption."*

Carried unanimously

- 5.5. DOMESTIC VIOLENCE SUPPORTED ACCOMMODATION SERVICE
ORGANISATIONAL MODEL
Lisa Golding, Team Leader Community and Economic Development

Moved Cr Leu

Seconded Cr Zammataro

"That Council:

1. *notes the consultation and continued community support behind the drive for a Domestic and Family Violence supported accommodation service located in the Douglas Shire;*
2. *adopts the proposal which sets out an operating model for a service providing safe accommodation and support services for women and their children escaping Domestic and Family Violence; and*
3. *resolves to use this proposal to further advocate to State and Federal governments for funding for a Domestic and Family Violence accommodation service as recommended therein."*

Carried unanimously

- 5.6. CAPITAL WORKS PROGRESS REPORT FOR THE 4TH QUARTER 2018 –
2019
Michael Kriedemann, Executive Manager Infrastructure

Moved Cr Carey

Seconded Cr Noli

"That Council:

1. *receives and notes the progress of the Capital Works Program to 30 June 2019 for the 2018 - 2019 financial year; and*
2. *resolves to allocate \$45,000 in the 2019/2020 budget for the purchase of two Public Space Christmas Trees."*

Carried unanimously

- 5.7. WATER AND WASTEWATER QUARTERLY REPORT PERIOD ENDING 30
JUNE 2019
Peter Tonkes, Manager Water and Wastewater

Moved Cr Noli

Seconded Cr Zammataro

"That council receives and notes the quarterly report of the Water and Wastewater Department for the period ending 30 June 2019."

Carried unanimously

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5.8. FURTHER LEASE TO PORT DOUGLAS TENNIS CLUB INC, PART OF LOT 18 ON PTD20939, DAVIDSON STREET, PORT DOUGLAS
Robert Donovan, Team Leader Property Services

Moved Cr Noli

Seconded Cr Leu

“That Council:

1. *offers a further trustee lease to Port Douglas Tennis Club Inc (Lessee) over Lot 18 on PTD20939, Davidson Street Port Douglas, for the purposes associated with the playing and coaching of tennis and basketball, subject to but not limited to the following terms and conditions:*
 - a. *for a term of ten (10) years to commence from a date to be determined;*
 - b. *rent for the first year of the term to be \$110.00 (including GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - c. *lessee to be responsible for all rates and charges, including any costs of water usage on the premises;*
 - d. *lessee to be responsible for all reasonable costs associated with the preparation and registration of the lease;*
 - e. *Council's Standard Terms Document for Trustee Leasing, registered under dealing number 717940164 and amended as detailed in this report; and*
 - f. *The State's (represented by the Department of Natural Resources Mines & Energy) registered mandatory standard terms document for Trustee Leasing registered under dealing number 711932933; and*
2. *delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to determine and finalise any and all matters associated with the lease.”*

Carried unanimously

5.9. APPLICATION FOR TEMPORARY ROAD CLOSURE OVER PART OF UNNAMED ROAD ADJOINING LOT 107 ON SR844 MOSSMAN
DAINTREE ROAD, MIALLO
Graham Busby, Property Officer

Moved Cr Carey

Seconded Cr Noli

“That Council:

1. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to execute a Form Part C as Road manager, advising the Department of Natural Resources Mines & Energy (DNRME) that Council cannot authorise a proposed temporary road closure over part of unnamed road reserve adjoining lot 2 on RP865072 (identified by drawing CNS19/065) Mossman Daintree Road, Miallo, however*

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it requests DNRME to consider an application under the Land Act 1994, in relation to this matter;

2. *advises DNRME that it has no objection to the proposed application for temporary road closure over unnamed road reserve adjoining Lot 107 on SR844 Mossman Daintree Road Miallo; and*
3. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the application."*

Carried unanimously

- 5.10. MONTHLY FINANCIAL REPORT JULY 2019
Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr Kerr

"That Council notes the Financial Report for the period ended 31 July 2019."

Carried unanimously

- 5.11. INTERIM FINANCIAL REPORT FOR THE PERIOD ENDED 30 JUNE 2019
Tara Killeen, Chief Financial Officer

Moved Cr Leu

Seconded Cr Carey

"That Council notes the Interim Financial Report for the period ended 30 June 2019."

Carried unanimously

- 5.12. OPERATIONAL PLAN PROGRESS REPORT FOR APRIL TO JUNE 2019
Mark Stoermer, Chief Executive Officer

Moved Cr Carey

Seconded Cr Kerr

"That Council notes the fourth and final quarterly report detailing the progress of the Operational Plan for 2018-2019."

Carried unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

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9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Kerr

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

- 9.1 *Contractual Matter S275 (E) Local Government Regulation 2012 - **Safer Communities CCTV Project***
- 9.2 *Prejudicial Matter S275 1 h Local Government Regulation 2012 - **Application For Development Lease over Part of Term Lease 239913 - Lot 4 SP288958***
- 9.3 *Prejudicial Matter S275 1 h Prejudicial Matter S275 1 h Local Government Regulation 2012 - **Mossman Pool and Caravan Park - Mossman Pool and Caravan Park***

Carried Unanimously

OUT OF CLOSED SESSION

Moved Cr Noli

Seconded Cr Kerr

“That Council resolves to move out of Closed Session.”

Carried unanimously

- 9.1. CONTRACTUAL MATTER S275 (E) LOCAL GOVERNMENT REGULATION 2012 - SAFER COMMUNITIES CCTV PROJECT
Mark Halstead, Building Facilities Officer

Moved Cr Leu

Seconded Cr Kerr

“That Council:

1. *resolves in accordance with section 235 (b) of the Local Government Regulation 2012 to accept a single source quotation from AFN Management Pty Ltd for an amount of \$181,816.75 excluding GST for the provision of CCTV services in Front Street, Mossman; 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

- 9.2. APPLICATION FOR DEVELOPMENT LEASE OVER PART OF TERM LEASE 239913-LOT 4 SP288958
Robert Donovan, Team Leader Property

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Moved Cr Zammataro

Seconded Cr Kerr

“That Council:

1. *provide in principal approval to the excision of Lots A & B from part of Lot 4 SP288958 subject to:*
 - a) *that dealing no 718299114 be amended to include lots A & B on SP288958 and associated costs to be borne by the applicant; and*
 - b) *that the Deed of Agreement, (preservation of slipway) to be satisfied; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise all matters associated with this conversion.”*

Carried unanimously

9.3. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION 2012 - MOSSMAN POOL AND CARAVAN PARK
Terry Farrelly, Manager People and Community Services

Moved Cr Carey

Seconded Cr Noli

That Council:

1. *approve Council Officers to operate the Mossman pool and caravan park as an interim period till 30 June 2020;*
2. *approves the allocated funding as written in the financial section of this report to operate the Mossman pool and caravan park; and*
3. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise all matters associated with this report.*

Carried unanimously

CLOSURE OF MEETING

The meeting closed at 11.23 am.

CONFIRMED THIS _____ **DAY OF** _____ **2019**

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MAYOR/CHAIR