

## **1. PRESENT**

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Nicholas Wellwood (General Manager Operations), Kerrie Hawkes (Executive Officer), Joanne Jacobson (Manager Governance), Paul Hoye (Manager Sustainable Communities), John Rehn (Manager Finance & IT), Jenny Elphinstone (Senior Planning Officer), Robert Donovan (Senior Property Officer), Graham Busby (Property Officer), Susanna Andrews (Property Officer), Nicola Learmond (Sustainability Officer), Brendan Leishman (Senior Community & Economic Development Officer), Erica Bigby (Research and Project Officer), Greg McLean (Communications and Event Officer), Nicole Barton (Mayoral and Councillor Support Officer) and Nevinia Davenport (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**

Nil.

## **MAYORAL PRESENTATION**

Cr Leu presented the Wet Tropics Management Authority *2016 Cassowary Award* for the category of Local Government in recognition of Planning Scheme Initiatives as nominated by Jabalbina Yalanji Aboriginal Corporation to Manager Sustainable Communities, Paul Hoye.

## **2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST**

Cr Kerr declared a conflict of interest in relation to item 5.5 – *Paws and Claws* as he is the President of the Homeless Animal Society and proposed to exclude himself from the meeting while the matter is debated and the vote is taken.

Cr Carey declared a perceived conflict of interest in item 9.1 – *Australia Day Awards 2017* as he recognises that his relationship with a nominator of a person who has been nominated for 2017 Citizen Of The Year could reasonably be taken to be a perceived conflict of interest however he has considered his position and is firmly of the opinion that he can participate in debate and vote on the matter in the public interest.

Cr Kerr declared a conflict of interest in item 9.2 part 3 as he is the President of the Douglas Theatre Arts Group and proposed to exclude himself from the meeting while the matter is debated and the vote is taken.

## **3. MAYORAL MINUTE**

Nil.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE  
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**4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS**

**ORDINARY MEETING HELD ON 22 NOVEMBER 2016**

**Moved** Cr Carey

**Seconded** Cr Kerr

*“That the Minutes of the Ordinary Meeting held on Tuesday, 22 November 2016, be confirmed.”*

**Carried** unanimously.

**5. AGENDA ITEMS**

**5.1. MCUC TAVERN AT SHOP 13, 53-61 MACROSSAN STREET, PORT DOUGLAS**

Jenny Elphinstone, Senior Planning Officer

**Moved** Cr Kerr

**Seconded** Cr Leu

*“That Council approves the development application for a Material Change of Use for a Tavern for Shop 13, over land described as Lot 1 on SP150461, located at 53-61 Macrossan Street, Port Douglas, 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 And Internal Floor Plans</i>	<i>Generally as Prepared By The Applicant (to be amended by Condition 3)</i>	<i>As Submitted To Council On 15 November 2016</i>

**ASSESSMENT MANAGER CONDITIONS**

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

*Timing of Effect*

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

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*Amended Plan*

- 3. Prior to commencement of use, provide Council with a properly-scaled and dimensioned plan showing the bar area fit-out and internal and external seating arrangements for the proposed use. Any external seating is not to interfere with pedestrian circulation to other tenancies in the development.*

*Air-Conditioning Screens*

- 4. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.*

*External Areas and Customer Numbers*

- 5. Any use of external seating areas is limited to undercover areas on the land and the total use is limited to 60 patrons.*

*Vehicle Parking*

- 6. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of seven (7) car spaces for the Tavern use for visitors and employees to be provided on the land. 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.*

*Advertising Signage*

- 7. All signage associated with the use must be approved by the Chief Executive Officer. No flashing or animated signage is permitted. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the Commencement of Use.*

- 8. Hours of Use*

*Hours of use open for trading for food and liquor service are 11:00 am to 12:00 midnight, seven days of the week. All customers must vacate the premises within thirty (30) minutes after the venue closes liquor and food service. The operator must seek to ensure patrons leave in an orderly manner.*

**ADVICE**

- 1. This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the Sustainable Planning Act 2009.*

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2. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Note a Department of Transport and Main Roads (section 50) approval where the verandah is within the State-controlled road reserve as the use is changing.*

*Infrastructure Charges Notice*

3. *A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.*

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

*Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.*

*The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development Assessment and Coordination 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.*

4. *For information relating to the Sustainable Planning Act 2009 log on to [www.dilqp.qld.gov.au](http://www.dilqp.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).*

**LAND USE DEFINITIONS\***

*In accordance with the Douglas Shire Planning Scheme 2006, the approved land use of Tavern is defined as:*

*Means the use of premises for:*

- the sale of liquor for consumption on or off the premises;*
- dining activities;*
- entertainment activities, including gaming machines.*

*The use may include accommodation of tourists or travellers.*

*The use includes facilities commonly described as:*

- hotel; or*
- tavern.*

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*\*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.\**

**Carried** unanimously.

**5.2. EXECUTE PART C PROPOSED ROAD CLOSURE PART CAPE  
TRIBULATION RD COW BAY**

Susanna Andrews, Property Officer

**Moved** Cr Carey

**Seconded** Cr Zammataro

*"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 in order to allow an application to be lodged with the Department of Natural Resources and Mines with respect to a proposed permanent road closure over part of Cape Tribulation Road, Cow Bay, which adjoins Lot 442 on RP738994 and Lot 3 on Crown Plan AP19235;*
2. *requires all costs associated with the road closure be paid by the applicant."*

**Carried** unanimously.

**5.3. PROPOSED PERMANENT ROAD CLOSURE OFF BONNIE DOON RD,  
KILLALOE**

Susanna Andrews, Property Officer

**Moved** Cr Leu

**Seconded** Cr Kerr

*"That Council resolves to:*

1. *advise the Department of Natural Resources and Mines that it:*
  - a. *has no objections to the proposed permanent road closure over part of an un-named road off Bonnie Doon Road, Killaloe, within Road Licence 5976 (described as Lot 1 on RL5976), which is to be incorporated into adjoining Lot 54 on NR413; and*
  - b. *requires all costs associated with the road closure be paid by the applicant; and*
2. *delegate 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 request."*

**Carried** unanimously.

**5.4. PROPOSED APPLICATIONS FOR PERMANENT ROAD CLOSURES  
OVER PARTS OF UNNAMED ROAD RESERVE ADJOINING LOT 1 ON  
SP243347, CAPTAIN COOK HIGHWAY WANGETTI (TURTLE COVE  
BEACH RESORT)**

Graham Busby, Property Officer

**Moved** Cr Kerr

**Seconded** Cr Carey

*“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, in order to allow applications to be lodged at the Department of Natural Resources & Mines with respect to permanent road closures over permits to occupy Lot A on AP21575 and Lot A on AP20245, adjoining Lot 1 on SP243347, Captain Cook Highway Wangetti; and*
- 2. requires that all costs associated with the proposed road closure applications are to be paid by the applicant.”*

**Carried** unanimously.

**MEETING WITHDRAWAL**

Cr Kerr declared a conflict of interest in relation to item 5.5 – *Paws and Claws – Yule Point* as he is the President of the Homeless Animal Society and withdrew from the meeting at 10.16am.

**5.5. PAWS AND CLAWS - YULE POINT**

Darryl Crees, General Manager Corporate Services

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council:*

- 1. notes this report detailing actions undertaken to date to purchase land from the State at Yule Point for the relocation of Paws and Claws and the preliminary position of the Department of Natural Resources and Mines dated 9 November 2016;*
- 2. Delegates authority under section 257 of the Local Government Act 2009 to the Mayor and Chief Executive Officer to negotiate, determine or resolve any and all matters associated with the application to purchase Lot 84 SP204459.”*

**Carried** unanimously.

**MEETING RE-ATTENDANCE**

Cr Kerr re-attended the meeting at 10.27am.

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**5.6. REEF GUARDIAN COUNCIL ACTION PLAN 2016-17**

Nicola Learmond, Sustainability Officer

Moved Cr Carey

Seconded Cr Leu

*“That Council resolve to endorse the Reef Guardian Council Action Plan 2016-17 with the addition of the following initiatives into the Action Plan:*

- Help to restore catchments
  - Review the original water quality improvement plan (WQIP) and the recently completed WQIP for the Wet Tropics produced by Terrain NRM
  - Audit DSC work practices (e.g. fish friendly stream crossings, erosion control on gravel roads, litter management) to identify opportunities to set an example in good practices and stewardship of the Reef catchment
  - Audit the Council’s policies and local laws for “Reef Friendly” practices (e.g. there is a requirement for planning approval for earth moving that is rarely applied)
- Celebrate community connections to the Reef and encourage stewardship
  - Consider a financial and in-kind commitment to the Wet Tropics Water Quality Partnership
  - Join with other willing local governments to define and share best practices for “Reef Friendly” local governments
  - Accept a leadership role in promoting “Reef Friendly” local government practices
  - Seek to establish a farming/conservation/science/tourism partnerships
- Continuously improve the quality of water entering the reef from wastewater and stormwater sources through urban water cycle initiatives
  - Document a strategy to upgrade Mossman STP to tertiary standard within the foreseeable future
  - Develop and implement a proactive program to install gross litter traps in urban stormwater systems
  - Develop a planning policy to require new developments to be ‘Reef Friendly’ e.g. sediment and nutrient traps for urban runoff
  - Begin the process of documenting a strategy for improved wastewater management in our un-sewered coastal communities
- Help communities to mitigate and adapt to the impacts of climate change
  - Develop a process to establish greenhouse gas emission profiles for Council, corporate and community sectors
  - Design a process to seek to establish corporate and community greenhouse gas emissions reduction targets in collaboration with the community (i.e. a timeline for zero net emissions in collaboration with tourism, agriculture and the community. In later plans once actions are identified, monitor and report progress)
  - Begin to explore options for renewable energy co-generation at the Mossman Mill, possible hydro electricity generation from the gravity fed water supply systems, encouragement of individual property owners taking up renewable energy alternatives and the like.
  - Commence discussion with the tourism on opportunities to identify and encourage “zero emissions holidays.”

The motion was withdrawn a new motion considered.

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**Moved** Cr Carey

**Seconded** Cr Leu

*“That Council resolve to endorse the Reef Guardian Council Action Plan 2016-17 and the original amendments be considered as part of the Operational Plan 2017-2018 deliberations and the Reef Guardian Council Reef Guardian Action Plan for 2017-2018.”*

**Carried** unanimously.

**5.7. DISASTER MANAGEMENT REPORT**

Paul Hoye, Manager Sustainable Communities

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council resolves:*

- *In accordance with section 80 (1)(b) of the Disaster Management Act 2003, to approve the Local Disaster Management Plan October 2016;*
- *In accordance with sections 33,34 and 35 of the Disaster Management Act 2003 to appoint the following positions as members of the Local Disaster Management Group for the Douglas Shire Council area:*

<i>Position</i>	<i>Organisation</i>
<i>Chairperson - Mayor</i>	<i>Douglas Shire Council</i>
<i>Deputy Chairperson- Deputy Mayor</i>	<i>Douglas Shire Council</i>
<i>Local Disaster Coordinator- Manager Sustainable Communities</i>	<i>Douglas Shire Council</i>
<i>Chief Executive Officer</i>	<i>Douglas Shire Council</i>
<i>Deputy Local Disaster Coordinator - General Manager Corporate Services</i>	<i>Douglas Shire Council</i>
<i>Local Disaster Recovery Coordinator – Community and Economic Development Officer</i>	<i>Douglas Shire Council</i>
<i>Media Advisor–Communications and Events Officer</i>	<i>Douglas Shire Council</i>
<i>Core Member-Manager Infrastructure</i>	<i>Douglas Shire Council</i>
<i>Core Member-General Manager Operations</i>	<i>Douglas Shire Council</i>
<i>Core Member-Coordinator Regulatory Services</i>	<i>Douglas Shire Council</i>
<i>Core Member-OIC Port Douglas Station</i>	<i>Queensland Police Service</i>
<i>Core Member-Inspector, Far North Region</i>	<i>Queensland Fire &amp; Emergency Services</i>
<i>Core Member-Director of Nursing</i>	<i>Mossman Hospital</i>
<i>Core Member-Local Controller</i>	<i>State Emergency Service</i>
<i>Core Member-Regional Emergency Management Coordinator</i>	<i>Queensland Fire &amp; Emergency Services</i>
<i>Core Member-Business Development Executive</i>	<i>Tourism Port Douglas &amp; Daintree</i>
<i>Core Member -Officer In Charge, Mossman</i>	<i>Queensland Ambulance Service</i>

- *To note the measures that have been undertaken to ensure that Council has a disaster response capability.”*

**Carried** unanimously.



**5.8. FINANCIAL REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2016**

John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Noli

*“That Council notes the Financial Report for the period ended 30 November 2016.”*

Carried unanimously.

**5.9. FINAL MANAGEMENT REPORT FROM QUEENSLAND AUDIT OFFICE**

John Rehn, Manager Finance and IT

Moved Cr Carey

Seconded Cr Noli

*“That Council notes the observations contained within the Final Management Report (Observation Report) from the Queensland Audit Office for the 2015/16 financial year.”*

Carried unanimously.

**5.10 REPORT FROM THE CHIEF EXECUTIVE OFFICER FOR THE PERIOD  
SEPTEMBER TO NOVEMBER 2016**

Linda Cardew, Chief Executive Officer

Moved Cr Leu

Seconded Cr Noli

*“That Council receives and notes the Organisational Report Card and the Report from the Chief Executive Officer for the period September to November 2016.”*

Carried unanimously.

**5.11 GO DOUGLAS! 2016**

Greg McLean, Communications/Event Officer and all the staff of Douglas Shire Council

Moved Cr Leu

Seconded Cr Noli

*“That Council receives and notes the report.”*

Carried unanimously.

**6. NOTICES OF MOTION**

Nil.

**7. URGENT BUSINESS**

Nil.

**8. PETITIONS**

Nil.

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**9. CLOSED SESSION**

**Moved** Cr Carey

**Seconded** Cr Noli

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

- 9.1 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Australia Day Awards 2017*
- 9.2 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Council Grants Programs*
- 9.3 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Application to Lease an Area Described as Lot E in Lot 2 on SP262339*
- 9.4 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Port Douglas Marina Precinct Strategy.”*

**Carried** unanimously.

**MEETING WITHDRAWAL**

Cr Kerr withdrew from the meeting at 12.31pm and did not return.

**OUT OF CLOSED SESSION**

**Moved** Cr Noli

**Seconded** Cr Zammataro

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

**Carried** unanimously.

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**9.1. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT  
REGULATION 2012 - AUSTRALIA DAY AWARDS 2017**

Helen Coulthard, Community & Economic Development Officer

**Moved** Cr Leu

**Seconded** Cr Carey

*“That Council:*

1. *select the following eligible nominee from each category to receive an Australia Day Award for 2017:*
  - a. *Citizen of the Year: C2*
  - b. *Young Citizen of the Year: Y1; and*
  - c. *Volunteer of the Year: V2;*
2. *select C3 as recipient for the Civic Recognition Awards at the Australia Day Awards for 2017;*
3. *create a new category for Arts & Culture for Australia Day Awards for 2018; and*
4. *delegate authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to administering the Australia Day Awards for 2017.”*

**Carried** unanimously.

**9.2. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT  
REGULATION 2012 - COUNCIL GRANTS PROGRAMS**

Brendan Leishman, Senior Community & Economic Development Officer

Erica Bigby, Community Projects Officer

Helen Coulthard, Community & Economic Development Officer

**Moved** Cr Carey

**Seconded** Cr Noli

*“That Council:*

1. *approves one grant totalling \$3,129 (GST Exc) in the 2016 - 2017 Community Support Program, to Douglas Shire Historical Society;*
2. *approves one grant totalling \$8,890 (GST Exc) in the 2016 - 2017 Event Funding Program, to Portfolio Productions;*
3. *approves one grant totalling \$7,920 (GST Exc) in the 2016 – 2017 Event Funding Program, to Douglas Theatre Arts Group;*
4. *approves one grant totalling \$10 000 (GST Exc) in the 2016 - 2017 Business Development Fund, to Mossman Botanic Garden Inc;*
5. *in lieu of providing grant funding under the Event Funding Program, enters into a three (3) year Resource and Performance Agreement for \$10,000 (GST Exc) and in-kind venue hire per annum with Taste Port Douglas Food and Wine Festival;*
6. *provides in principle approval subject to satisfactory negotiations of the cost (GST Exc) to hire equipment for Mossman Care – Mossman AOG Management Inc in the 2016 – 2017 Community Support Program;*

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7. *provides in principle approval subject to satisfactory consolidation of the applications from Douglas Chamber of Commerce to the Business Development Fund; and*
8. *delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters associated with the above approvals."*

**Carried** unanimously.

**9.3. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT  
REGULATION 2012 - APPLICATION TO LEASE AN AREA DESCRIBED  
AS LOT E IN LOT 2 ON SP262339**

Robert Donovan, Senior Property Officer

**Moved** Cr Noli

**Seconded** Cr Carey

*"That Council:*

1. *advise the Department of Natural Resources and Mines that the application to lease an area described as Lot E in Lot 2 on SP262338 being part of Reserve for Local Government (Port and Harbor purpose), locality of Port Douglas is not supported at this time, but will be included in the planned stakeholder discussions regarding the future planning of the whole precinct;*
2. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise any and all matters associated with this application."*

**Carried** unanimously

**9.4. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT  
REGULATIONS 2012 - PORT DOUGLAS MARINA PRECINCT STRATEGY**

Linda Cardew, Chief Executive Officer

**Moved** Cr Leu

**Seconded** Cr Noli

*"That Council resolves to:*

1. *receive and note this draft Strategy;*
2. *review and address the opportunities and actions proposed in the next available Council workshop; and*
3. *as soon as practical require officers to bring a further report to Council."*

**Carried** unanimously.

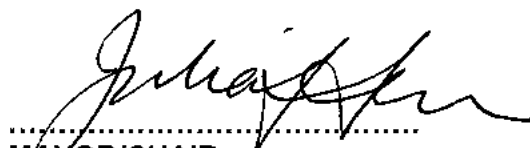
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CLOSURE OF MEETING

The meeting closed at 12.38pm.

CONFIRMED THIS 24<sup>TH</sup> DAY OF JANUARY 2017

  
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MAYOR/CHAIR