

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL HELD
AT THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT STREET, MOSSMAN ON
TUESDAY, 20 SEPTEMBER 2016, COMMENCING AT 10.00AM**

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), Joanne Jacobson (Manager Governance), John Rehn (Manager Finance & IT), Michael Kriedemann (Manager Infrastructure), Neil Beck (Planning Officer), Robert Donovan (Property Officer), Sean Cooper (Acting Coordinator Open Spaces), Greg McLean (Communications and Events 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.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Kerr declared a perceived conflict of interest in Item 8.1 – Petition Service Station Development, Craiglie as he is the President of the Committee currently being requested to leave this property and proposed to exclude himself from the meeting while this matter was debated and the vote was taken.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 30 AUGUST 2016

Moved Cr Carey

Seconded Cr Kerr

“That the Minutes of the Ordinary Meeting held on Tuesday, 30 August 2016, be confirmed.”

Carried unanimously.

5. AGENDA ITEMS

5.1. REQUEST FOR NEGOTIATED DECISION MOSSMAN HARDWARE

Neil Beck, Planning Officer

Moved Cr Noli

Seconded Cr Carey

“That Council issues a Negotiated Decision Notice for Display Facilities (Hardware Store) over land described as Lot 50 on SP706250 & Lot 51 on SP113404, located at 5 Mossman Street & 2 Mill Street Mossman subject to the following:

1. *Condition 2, Condition 7 and Condition 22 be amended to read as follows:*

Timing of Effect

2. *The conditions of the Development Permit must be effected no later than 6 months from the date the Development Permit takes effect except where specified otherwise in these conditions of approval or extended by the Chief Executive Officer. Any request to extend the time must be made prior to the end date and must be made in writing and addressed to the Chief Executive Officer.*

External Works

7. *Undertake the following works external to the land at no cost to Council:*

- a. *Provision of a concrete crossovers and aprons for all points of entry and egress in accordance with FNQROC Development Manual Standard Drawings for commercial crossover. The extent of the crossovers is to be minimised where possible to limit the conflict with pedestrians utilising the roadway verge;*

Consideration is to be given to commencing the left turn associated with exit manoeuvre for the semi-trailer within the site to minimise the apron width and the carriageway encroachment on Mossman Street.

The extent of crossovers proposed is to be substantiated with the swept path diagrams for the design vehicle at each point of entry or egress.

Note: The maximum grade for a cross-over is 2.5% and the new cross-over must not interfere with existing footpath formation.

- b. *Confirm clearance to existing power poles for the swept path of the design vehicles having regard to the proposed ingress and egress points of the site. This may determine if further works are required to the electrical reticulation system and poles;*
- c. *Replacement of the displaced on street parking with additional parking on the western side of Mossman Street to the satisfaction of the Chief Executive Officer as follows:*
 - (i) *Replace displaced Angled parking generally as shown on the RPS Drawing PR128488-2 Issue A dated 26 November 2015. The number of spaces to be replaced will be determined at the time of seeking Operational Works approval for on-street works. except that the northern extent must be for the full frontage of the development (generally aligning with the northern boundary of Lot 15 on RP706250;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY, 20 SEPTEMBER 2016, COMMENCING AT 10.00AM**

- (ii) *The parking is to be angled parking and is to be imperviously sealed and line-marked;*
 - (ii) *The parking must be graded to drain back to a new FNQROC Type 1 concrete invert to be provided at the current kerb location;*
 - (iv) *Where required to protect existing trees including their roots, construct tree guard around the existing trees in the road reserve;*
- d. *Repair the existing damaged kerb and channel commencing approximately 3m south from the southern entry/exit and extending to tie into the driveway to adjacent lot 49 on RP706250. These sections of kerb having been damaged by previous entry, exit and unloading operations associated with the use of this site.*
- e. *Repair any damage to footpaths, verges or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development;*
- f. *Suitable traffic and parking signs are to be located along Mossman Street to control parking and keep the carriageway free for the exit manoeuvre. The signage is to be in accordance with MUTCD and to the satisfaction of Council.*

The external works outlined above require operational works approval. The works must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer.

22. *Operational aspects of the approved development must be undertaken in accordance with the following requirements:*
- a. *Delivery and loading of goods are only permitted to occur between the hours of 7.00am and 7.00pm Monday to Saturday (excluding public holidays), whilst loading of goods is permitted on Sundays only between the hours of 8.00am and 1.00pm.*
 - b. *Noise generated by activities on the site must be mitigated and managed to ensure that the environmental values for noise sensitive receptors (e.g. dwellings) are achieved, as per section 7 of the Environmental Protection (Noise) Policy 2008.*
 - c. *The delivery of goods to and from the site must be co-ordinated to avoid delivery trucks arriving at the site prior to times stated in Item (a) above and to avoid multiple trucks arriving at the site at the same time.*

2. *All other conditions of Decision Notice dated 23 May 2016 remain unchanged.*

An amendment to the resolution was moved.

Moved Cr Carey

Seconded Cr Zammataro

“That Council be given the opportunity to consider the implications of further representations from the applicant in relation to decisions on Condition 7.”

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY, 20 SEPTEMBER 2016, COMMENCING AT 10.00AM**

Carried unanimously.

The substantive motion was put to the vote.

Moved Cr Carey

Seconded Cr Noli

“That Council issues a Negotiated Decision Notice for Display Facilities (Hardware Store) over land described as Lot 50 on SP706250 & Lot 51 on SP113404, located at 5 Mossman Street & 2 Mill Street Mossman subject to the following:

1. *Condition 2, Condition 7 and Condition 22 be amended to read as follows:*

Timing of Effect

2. *The conditions of the Development Permit must be effected no later than 6 months from the date the Development Permit takes effect except where specified otherwise in these conditions of approval or extended by the Chief Executive Officer. Any request to extend the time must be made prior to the end date and must be made in writing and addressed to the Chief Executive Officer.*

External Works

7. *Undertake the following works external to the land at no cost to Council:*

- a. *Provision of a concrete crossovers and aprons for all points of entry and egress in accordance with FNQROC Development Manual Standard Drawings for commercial crossover. The extent of the crossovers is to be minimised where possible to limit the conflict with pedestrians utilising the roadway verge;*

Consideration is to be given to commencing the left turn associated with exit manoeuvre for the semi-trailer within the site to minimise the apron width and the carriageway encroachment on Mossman Street.

The extent of crossovers proposed is to be substantiated with the swept path diagrams for the design vehicle at each point of entry or egress.

Note: The maximum grade for a cross-over is 2.5% and the new cross-over must not interfere with existing footpath formation.

- b. *Confirm clearance to existing power poles for the swept path of the design vehicles having regard to the proposed ingress and egress points of the site. This may determine if further works are required to the electrical reticulation system and poles;*
- c. *Replacement of the displaced on street parking with additional parking on the western side of Mossman Street to the satisfaction of the Chief Executive Officer as follows:*
 - (i) *Replace displaced Angled parking generally as shown on the RPS Drawing PR128488-2 Issue A dated 26 November 2015. The number of spaces to be replaced will be determined at the time of seeking Operational Works approval for on-street works. except that the northern extent must be for the full frontage of the development (generally aligning with the northern boundary of Lot 15 on RP706250;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY, 20 SEPTEMBER 2016, COMMENCING AT 10.00AM**

- (ii) *The parking is to be angled parking and is to be imperviously sealed and line-marked;*
 - (ii) *The parking must be graded to drain back to a new FNQROC Type 1 concrete invert to be provided at the current kerb location;*
 - (iv) *Where required to protect existing trees including their roots, construct tree guard around the existing trees in the road reserve;*
- d. *Repair the existing damaged kerb and channel commencing approximately 3m south from the southern entry/exit and extending to tie into the driveway to adjacent lot 49 on RP706250. These sections of kerb having been damaged by previous entry, exit and unloading operations associated with the use of this site.*
- e. *Repair any damage to footpaths, verges or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development;*
- f. *Suitable traffic and parking signs are to be located along Mossman Street to control parking and keep the carriageway free for the exit manoeuvre. The signage is to be in accordance with MUTCD and to the satisfaction of Council.*

The external works outlined above require operational works approval. The works must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer.

22. *Operational aspects of the approved development must be undertaken in accordance with the following requirements:*
- a. *Delivery and loading of goods are only permitted to occur between the hours of 7.00am and 7.00pm Monday to Saturday (excluding public holidays), whilst loading of goods is permitted on Sundays only between the hours of 8.00am and 1.00pm.*
 - b. *Noise generated by activities on the site must be mitigated and managed to ensure that the environmental values for noise sensitive receptors (e.g. dwellings) are achieved, as per section 7 of the Environmental Protection (Noise) Policy 2008.*
 - c. *The delivery of goods to and from the site must be co-ordinated to avoid delivery trucks arriving at the site prior to times stated in Item (a) above and to avoid multiple trucks arriving at the site at the same time.*
2. *All other conditions of Decision Notice dated 23 May 2016 remain unchanged.*
3. *That Council be given the opportunity to consider the implications of further representations from the applicant in relation to decisions on Condition 7."*

Carried unanimously.

**5.2. REQUEST FOR OWNERS CONSENT AND PRE-LODGEMENT ENQUIRY,
3 ESCAPE STREET, PORT DOUGLAS**

Daniel Lamond, Planning Officer

Moved Cr Kerr

Seconded Cr Noli

1. *“That with respect to the pre-lodgement enquiry lodged in relation to the proposed Telecommunications Facilities located at 3 Escape Street, Port Douglas, the proponent be advised that Council provides its in principle support. The following advice is provided:*
 - a. *The proposed telecommunications facility accommodates other service providers in order to co-locate their respective infrastructure from the proposed tower.*
 - b. *The proposed facility be landscaped in accordance with a landscaping plan to the satisfaction of the Chief Executive Officer, in order to screen the compound from view of the Bally Hooley train line and sight lines of the surrounding park and roads.*
2. *That Council Delegate authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to provide Owner’s Consent with respect to Lot 48 on RP747344 and sign IDAS Form 1 to enable the development application to be considered properly made in accordance with section 260 of the Sustainable Planning Act 2009.*
3. *That Council resolves, pursuant to section 236 of the Local Government Regulation 2012, to dispose of a valuable non-current asset being part of Lot 48 on RP 747344 at Escape Street, Port Douglas, other than by tender or auction. The disposal of this land is for the purpose of a lease for a telecommunication tower (25m Monopole), and is subject but not limited to the following:*
 - a. *Optus Mobile Pty Ltd obtaining all necessary planning and building approvals prior to the commencement of any work on site.*
 - b. *The issue of a lease to Optus Mobile Pty Ltd including the following:*
 - i. *The mandatory heads of terms contract*
 - ii. *Two consecutive lease terms of ten (10) years.*
 - iii. *Optus Mobile Pty Ltd be responsible for all rates and charges, including any costs of water usage.*
 - iv. *Lease costs as per the formal offer from Optus Mobile Pty Ltd.*
 - c. *Optus Mobile Pty Ltd to pay all reasonable costs legal costs associated with execution of the lease, any costs incurred by Council in obtaining the necessary Ministerial exemptions, all costs associated with the survey, all stamp duty incurred, and any other costs incurred by Council.*

Carried unanimously.

**5.3. NOMINATION OF COUNCILLOR TO MOSSMAN SHOWGROUNDS USER
GROUP**

Robert Donovan, Senior Property Officer

Moved Cr Carey

Seconded Cr Kerr

“That Council nominates Councillor Carey to be a member of the Coronation Park User Group.”

Carried unanimously.

5.4. COCONUT ACTION PLAN 2016/2017

Peter Logan, Coordinator Open Spaces

Moved Cr Carey

Seconded Cr Kerr

“That Council adopt the Coconut Action Plan 2016/2017 to ensure that there is clear direction for the management and maintenance of coconuts (Cocos nucifera) on Council controlled lands.”

Carried unanimously.

5.5. RELATED PARTY GENERAL POLICY

John Rehn, Manager Finance and IT

Moved Cr Noli

Seconded Cr Kerr

“That Council adopts the Related Party General Policy.”

Carried unanimously.

5.6. FINANCIAL REPORT FOR THE PERIOD ENDED 31 AUGUST 2016

John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Carey

“That Council notes the Financial Report for the period ended 31 August 2016.”

Carried unanimously.

5.7. MIALLO PRIMARY SCHOOL CAR PARK

Michael Kriedemann, Manager Infrastructure

Moved Cr Kerr

Seconded Cr Carey

“That Council resolves to continue to discuss with Education Queensland and advocate for upgraded car parking facilities on behalf of the community by the State for the Miallo Primary School.”

Carried unanimously.

**5.8. AMENDMENT TO COMMENCEMENT TIME OF 11 OCTOBER
ORDINARY COUNCIL MEETING**

Nevinia Davenport, Executive Assistant

Moved Cr Carey

Seconded Cr Noli

“That Council amends the commencement time of the Ordinary Council Meeting for 11 October 2016 to 9:00am.”

Carried unanimously.

**5.9. REPORTS FROM THE CHIEF EXECUTIVE OFFICER FOR THE PERIOD
OF JULY - AUGUST 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 July – August 2016."

Carried unanimously.

6. NOTICES OF MOTION

**6.1. COMMUNITY AGENCY NETWORK (CAN) – FACILITATION OF
REGULAR COMMUNICATIONS**

Moved Cr Carey

Seconded Cr Kerr

"That the Council determine a response at this meeting to the request received from CAN requesting either an opportunity to present to Council or have an elected representative attend their meetings on a regular basis to ensure open, timely and transparent communication."

Carried unanimously.

Moved Cr Carey

Seconded Cr Leu

"That the Council invite the CAN to meet on a biannual basis for the purpose of discussing matters of mutual interest and maintain open lines of communication between the two parties."

Carried unanimously.

7. URGENT BUSINESS

Nil.

8. PETITIONS

MEETING WITHDRAWAL

Cr Kerr declared a perceived conflict of interest in Item 8.1 – Petition Service Station Development, Craiglie as he is the President of the Committee currently being requested to leave this property and withdrew from the meeting at 10.50am while this matter was debated and the vote was taken.

8.1. PETITION - SERVICE STATION DEVELOPMENT, CRAIGLIE

Moved Cr Leu

Seconded Cr Noli

"That the Petition be received and referred to a responsible officer for consideration and a report to Council."

Carried unanimously.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY, 20 SEPTEMBER 2016, COMMENCING AT 10.00AM**

MEETING RE-ATTENDANCE

Cr Kerr re-attended the meeting at 10.52am.

9. CLOSED SESSION

Moved Cr Carey

Seconded Cr Zammataro

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

9.1 *Budgetary Matter S275 (1) (C) Local Government Regulations 2012 – Thornton Beach Café – Capital Works Upgrades*

9.2 *Prejudicial Matter S275 (1) (H) Local Government Regulations 2012 – Submission to the Independent Councillor Complaints Review Panel – Discussion Paper*

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. BUDGETARY MATTER S275 (1) (C) LOCAL GOVERNMENT
REGULATIONS 2012 - THORNTON BEACH CAFÉ - CAPITAL WORKS
UPGRADES**

Robert Donovan, Senior Property Officer

Moved Cr Carey

Seconded Cr Leu

“That Council:

1. *allocates \$135,000 for the construction and installation of works as detailed in the report at Lot 175 SP241339, Thornton Beach Cafe with project costs to be included as part of a future Capital Works budget review; 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 this request.”*

Carried unanimously.

**9.2. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATIONS 2012 - SUBMISSION TO THE INDEPENDENT
COUNCILLOR COMPLAINTS REVIEW PANEL - DISCUSSION PAPER**

Linda Cardew, Chief Executive Officer

Moved Cr Leu

Seconded Cr Kerr

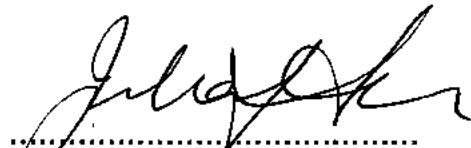
"That Council resolves to support and submit the attached submission in response to the Independent Councillor Complaints Review Panel Discussion Paper released by the State of Queensland on 17 August 2016."

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 10.29am.

CONFIRMED THIS 11th DAY OF OCTOBER 2016


.....
MAYOR/CHAIR