

**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 June, 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 (GM Operations), Kerrie Hawkes (Executive Officer), Joanne Jacobson (Manager Governance), Paul Hoyer (Manager Sustainable Communities), Peter Logan (Acting Manager Infrastructure), Simon Clarke (Planning Coordinator), Robert Donovan (Senior Property Officer), Lloyd Nunns (Senior Procurement Officer), Greg McLean (Communications and Event Officer), Graham Busby, (Property Officer) Brendan Leishman (Senior Community & Economic Development Officer), Lisa Golding (Community & Economic Development Project Officer), Nicola Learmond (Sustainability Officer) Nicole Findlay (Research & Project Officer) and Fionnuala Blayney (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

No apologies.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 30 May 2017

Moved Cr Carey

Seconded Cr Noli

“That the Minutes of the Ordinary Meeting held on Tuesday, 30 May 2017, be confirmed.”

Carried Unanimously

5. AGENDA ITEMS

5.1. SURF LIFE SAVING SERVICE CONTRACT

Michael Kriedemann, Manager Infrastructure Services

Moved Cr Leu

Seconded Cr Noli

The item was deferred to the next available Council Meeting.

Carried Unanimously

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**5.2. APPLICATION FOR PERMANENT ROAD CLOSURE OVER UNNAMED
ROAD RESERVE ADJOINING LOT 1 ON SP243347 CAPTAIN COOK
HIGHWAY WANGETTI (TURTLE COVE RESORT)**

Graham Busby, Property Officer

Moved Cr Noli

Seconded Cr Carey

“That Council:

1. *advises the Department of Natural Resources and Mines that:*
 - a. *Council objects to the proposed application for permanent road closure over part of unnamed road reserve adjoining Lot 1 on SP243347, Captain Cook Highway Wangetti and shown as Lot 1 on drawing TSV17083 for the following reasons:*
 - i. *The subject land is within the World Heritage Area and Environs Locality and included in a Conservation Planning Area under the current scheme and a Conservation Zone under the proposed Douglas Shire Planning Scheme. The intention of the Conservation Planning Area is that any use of land in private ownership does not affect the environmental, habitat, conservation or scenic values of that land or surrounding areas. The 'Minimum Areas and Dimensions of Lots for Each Planning Area' Table in the Lot Reconfiguration Code specifies for the World Heritage Areas and Environs Locality, that lots are "as existing with no further reconfiguration". Closing the road to expand freehold land in this location, even if amalgamated with Lot 1 on SP243347, would be contrary to this planning provision. From a planning perspective, the road closure application is not supported.*
 - ii. *The land is also mapped as Coastal Hazard Area – Erosion Prone Area under the State's Interactive Planning mapping System. The land is not suitable for conversion from road reserve to freehold tenure as it may prompt future applications to defend the land from coastal processes such as beach erosion.*
 - b. *that, should the Department of Natural Resources and Mines approve the proposed permanent road closure, all costs associated with the road closure be paid by the applicant.*
2. *delegates authority to the Chief Executive Officer, in accordance with section 257 of the Local Government Act 2009, to finalise all matters associated with this matter.”*

Carried Unanimously

5.3. DOMESTIC VIOLENCE REFUGE FUNCTIONAL BRIEF

Lisa Golding, Community & Economic Development Project Officer

Moved Cr Noli

Seconded Cr Leu

“That Council:

1. *notes the extensive consultation and community support underpinning the recommendations in this Domestic and Family Violence Refuge Functional Brief; and*
2. *adopts the Brief which sets out a proposal for the facility and operational requirements suitable for supported accommodation needed to fill a gap in services for vulnerable members of the Douglas Shire; and*

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3. *resolves to use this document to advocate to State and Federal governments for a purpose built Domestic and Family Violence Refuge for Douglas Shire as recommended therein."*

Carried Unanimously

5.4. UTILISATION OF TEAMSTERS PARK PROJECT 2017

Nicole Findlay, Research & Project Officer

Moved Cr Carey

Seconded Cr Noli

"That Council:

1. *Adopts the content of the Teamsters Park Utilisation Project; and*
2. *Delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to progress the options identified."*

Carried Unanimously

5.5. DOUGLAS RECREATIONAL VEHICLE STRATEGY 2017- 2021

Brendan Leishman, Senior Community & Economic Development Officer

Moved Cr Leu

Seconded Cr Kerr

"That Council:

1. *Adopts the content of the Douglas Recreational Vehicle Strategy 2017-2021;*
2. *Delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 in relation to administering the Strategy."*

For: Cr Leu, Cr Carey, Cr Noli and Cr Kerr

Against: Cr Zammataro

Carried

5.6. WET TROPICS MANAGEMENT PLAN REVIEW SUBMISSION

Paul Hoye, Manager Sustainable Communities
Nicola Learmond, Sustainability Officer

Moved Cr Leu

Seconded Cr Noli

"That Council resolves to support and submit the attached Wet Tropics Management Plan Review Submission to the Wet Tropics Management Authority."

For: Cr Leu, Cr Noli Cr Kerr and Cr Zammataro

Against: Cr Carey

Carried

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5.7. PROPOSED PLANNING SCHEME SUBMISSIONS AUDIT

Simon Clarke, Planning Coordinator

Moved Cr Carey

Seconded Cr Zammataro

“That Council notes the findings of the Proposed Planning Scheme Audit and adjusts its records accordingly to reflect the reconciliation of the number of submissions received in response to community consultation.”

Carried Unanimously

**5.8. 2017-2018 FEES AND CHARGES-DEVELOPMENT ASSESSMENT-
SUSTAINABLE COMMUNITIES**

Paul Hoyer, Manager Sustainable Communities

Moved Cr Noli

Seconded Cr Leu

“That Council:

- 1. Adopts the Schedule of Fees and Charges for the 2017/18 financial year for Development Assessment – Sustainable Communities; and*
- 2. Delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to negotiate fees and charges where circumstances warrant and to make minor administrative amendments to the Schedule.”*

Carried Unanimously

5.9. CORPORATE SUSTAINABILITY STRATEGY

Nicola Learmond, Sustainability Officer

Moved Cr Leu

Seconded Cr Carey

“That Council adopts the Corporate Sustainability Strategy 2017-2020.”

Carried Unanimously

5.10. CEO REPORT MARCH - MAY 2017

Linda Cardew, Chief Executive Officer

Moved Cr Noli

Seconded Cr Zammataro

“That Council receives and notes the Organisational Report Card and the Report from the Chief Executive Officer for the period March – May 2017.”

Carried Unanimously

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

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8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

- 9.1 PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT REGULATION LAND RESUMPTION AND ROAD OPENING - PART OF LOT 1 ON RP746753 OLD FORRESTRY ROAD WHYANBEEL

Carried Unanimously

OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Zammataro

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

Carried Unanimously

**9.1. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION LAND RESUMPTION AND ROAD OPENING - PART OF
LOT 1 ON RP746753 OLD FORRESTRY ROAD WHYANBEEL**

Graham Busby, Property Officer

Moved Cr Carey

Seconded Cr Noli

“That Council:

1. *agrees to enter into a Deed of access and indemnity with the registered owner of land described as Lot 1 on RP746753, located at Old Forestry Road Whyanbeel;*
2. *acquires either by private agreement or by agreement under section 15 of the Acquisition of Land Act 1967 approximately 337m² of land being part of Lot 1 on RP746753, Old Forestry Road Whyanbeel, subject, but not limited to:*
 - a. *the purchase price to be determined by way of market value as determined by a registered Valuer or as negotiated by the Chief Executive Officer, noting the contents of this report; and*
 - b. *Council being responsible for all costs associated with the matter including, but not limited to survey, valuation, stamp duty and transfer registration fees.*
 - c. *subject to future approval of a Reconfiguration of Lot Application*
3. *approves a road opening of the acquired land, in order to enable continued use of the road by the public.*

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4. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate and finalise all matters relevant to this matter."*

Carried Unanimously

CLOSURE OF MEETING

The meeting closed at 11.00am

CONFIRMED THIS 11 DAY OF July 2017


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MAYOR/CHAIR