

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL HELD
AT THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT STREET, MOSSMAN ON
WEDNESDAY, 4 APRIL, 2018 COMMENCING AT 9.00AM**

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), 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); Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

Part Meeting:

Jenny Elphinstone (Senior Planning Officer); Gary Kerr (Executive Officer); Tim Ellis (Community & Economic Development Officer)

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

Cr David Carey

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

3. MAYORAL MINUTES

3.1 ORDINARY MEETING 24 APRIL 2018 – COMMENCEMENT TIME

Moved Cr Leu

“That Council amend the commencement time of the Ordinary Meeting on Tuesday 24 April 2018 from 10.00am to 9.00am.”

BACKGROUND INFORMATION

The amendment to Council Meeting times is an operational matter and the amendment can be advertised through all usual media that Council utilises to convey information to the communities.

Carried Unanimously

3.2 LEAVE OF ABSENCE – CR CAREY

Moved Cr Leu

“That Council grant leave of absence to Cr Carey for the Ordinary Meeting today.”

Carried Unanimously

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4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD 13
MARCH, 2018

Moved Cr Noli

Seconded Cr Zammataro

“That the Minutes of the Ordinary Meeting held on 13 March, 2018 be confirmed.”

Carried Unanimously

5. AGENDA ITEMS

- 5.1. APPROVAL EXTENSION REQUEST 40 MURPHY ST PT DOUGLAS FOR
A HOUSE
Jenny Elphinstone, Senior Planning Officer

Moved Cr Noli

Seconded Cr Leu

“A. *That Council refuses the application to extend the approval period for the material change of use for two multiple dwellings (residential) over land described as Lot 22 on RP161481, located at 40 Murphy Street, Port Douglas, on the following Statement of reasons:*

1. *since the issue of the Development Permit the 1996 Douglas Shire Planning Scheme has been superseded by new planning controls. The development approved under the Development Permit is inconsistent with the current Planning Scheme and planning controls;*
2. *the extension to the Development Permit is contrary to the expected outcomes for the land held by the community;*
3. *there has been a significant lapse of time since the community was last informed about the application. The community should be afforded an opportunity to consider the development in light of the current Planning Scheme; and*
4. *the conditions of the approval are insufficient to adequately consider the impacts of solutions to geotechnical concerns and impacts on the adjacent service road and vegetated batter. The impacts of stormwater and instability of the adjacent service road may influence the visual assessment and outcomes of the development.*

B. *In respect to the development of Dual Occupancy on the land Council advise the Applicant that there remains opportunity to lodge an application for a Material Change of use under the current Scheme as the use is not prohibited development under the Planning Act 2016 and the Planning Regulation 2017 and that any application would be considered on its merits.”*

Carried Unanimously

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5.2. MINOR CHANGE TO DISPLAY FACILITIES 2 MILL ST AND 5 MOSSMAN ST MOSSMAN
Jenny Elphinstone, Senior Planning Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council approve the application for a minor change to the Material Change of Use for Display Facilities (Hardware Store) over land described as 5 Mossman Street and 2 Mill Street, Mossman, whereby:

1. *The approved plan is amended as follows:*

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term ‘approved drawing(s) and/or document(s)’ or other similar expression means:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>On-Street Parking & Swept Path <u>Proposed Amended Internal Layout</u></i>	<i>PR128488-2 Issue A <u>PR128488-4</u></i>	<i>9 September 2015 <u>14 February 2018</u></i>

2. *All other conditions of the Negotiated Decision Notice dated 22 September 2016 remain unchanged.”*

Carried Unanimously

5.3. MATURING THE INFRASTRUCTURE PIPELINE PROGRAM 2 - SUBMISSION - DAINTREE RIVER FERRY CAPACITY OPTIONS ANALYSIS PROJECT
Darryl Crees, General Manager Corporate Services

Moved Cr Leu

Seconded Cr Kerr

“That Council resolves to:

1. *support a submission to the State Government's Maturing the Infrastructure Pipeline Program 2 for a \$100,000 grant to supplement the Daintree River Ferry Capacity Analysis Project; and*
2. *delegate authority to the Chief Executive Officer, in accordance with the Local Government Act 2009, to administer this matter.”*

Carried Unanimously

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5.4. REGIONAL ARTS DEVELOPMENT FUND (RADF) 2018-2019 FUNDING APPLICATION

Tim Ellis, Community & Economic Development Officer

Moved Cr Kerr

Seconded Cr Zammataro

“That Council:

1. *endorse the 2018-2019 Regional Arts Development Fund (RADF) application for \$30,000 (GST Exc) in funding to Arts Queensland based on Council's contribution of \$15,000 (GST Exc); and*
2. *delegate authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to administer Council's RADF program, including the development of the funding application to Arts Queensland, development of local RADF Guidelines and the application form.”*

Carried Unanimously

5.5. RADF ADVISORY COMMITTEE TERMS OF REFERENCE AND GUIDELINES

Gary Kerr, Executive Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council resolves to adopt the draft Douglas Shire Council RADF Advisory Committee Terms of Reference and Guidelines.”

Carried Unanimously

5.6. CEO REPORT FOR DECEMBER 2017 - FEBRUARY 2018

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 December 2017 – February 2018.”

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 Zammataro

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

9.1 Prejudicial Matter S275 (1) (H) Local Government Regulations 2012 – Regional Arts Development Fund (RADF) Committee Appointments; and

9.2 Prejudicial Matter S275 (1) (H) Local Government Regulation 2012.

Carried Unanimously

OUT OF CLOSED SESSION

Moved Cr Leu

Seconded Cr Zammataro

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

Carried Unanimously

9.1. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT REGULATION 2012 – REGIONAL ARTS DEVELOPMENT FUND (RADF) COMMITTEE APPOINTMENTS
Tim Ellis, Community & Economic Development Officer

Moved Cr Leu

Seconded Cr Noli

“That Council:

1. *endorse the appointment of new Committee members Jill Chism, Diana Abiad and Pamela Salt to the Regional Arts Development Fund (RADF) Committee, to serve a term of four years, with an option to step down after two years; and*
2. *delegate authority to the Mayor and Chief Executive Officer in accordance with Local Government Act 2009 to finalise any minor amendments in relation to Council’s Regional Arts Development Program committee.”*

Carried Unanimously

9.2. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT REGULATION 2012
Linda Cardew, Chief Executive Officer

Moved Cr Noli

Seconded Cr Zammataro

“That Council resolves to receive and note this report.”

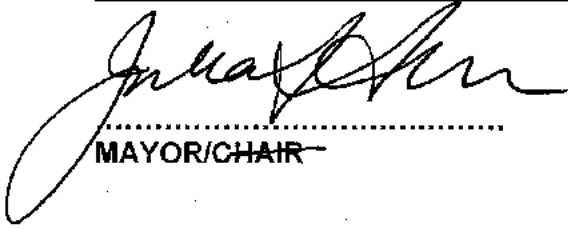
Carried Unanimously

CLOSURE OF MEETING

The meeting closed at 9.40am

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY, 4 APRIL, 2018 COMMENCING AT 9.00AM

CONFIRMED THIS 24th DAY OF APRIL, 2018



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MAYOR/CHAIR