



DOUGLAS SHIRE COUNCIL

# ORDINARY COUNCIL MEETING

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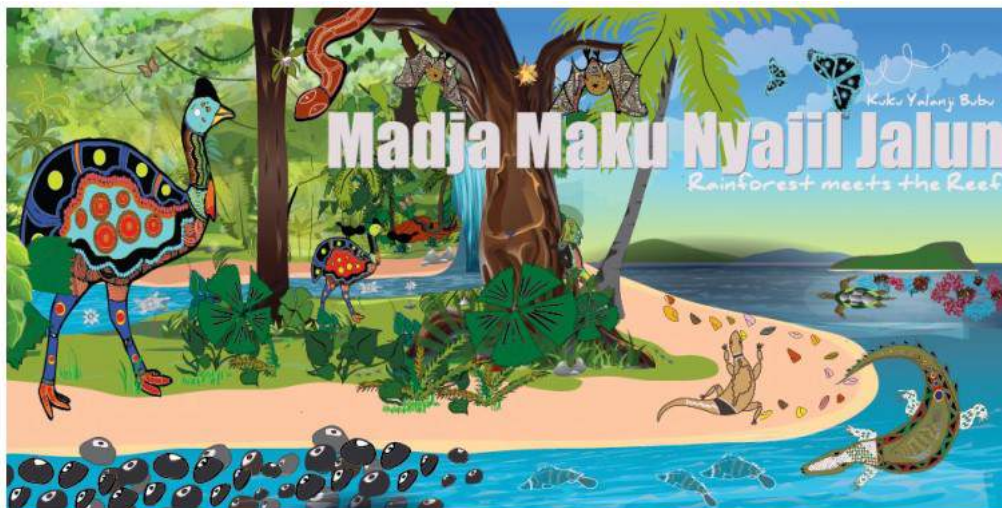
## MINUTES

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Tuesday, 5 June 2018

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 OF THE DOUGLAS SHIRE COUNCIL  
HELD AT THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT STREET, MOSSMAN  
ON TUESDAY, 5 JUNE 2018 COMMENCING AT 10.00AM**

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1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Darryl Crees (Acting Chief Executive Officer), Joanne Jacobson (Acting General Manager Corporate Services), Michael Kriedemann (Acting General Manager Operations), Nicole Barton (Mayoral and Councillor Support Officer); Natalie Crimmins (Personal Assistant to GMO) and Brenda Jang (Executive Assistant).

**Part Meeting:**

Nicola Learmond (Sustainability Officer); Jenny Elphinstone (Senior Planning Officer); Peter White (Water and Wastewater Coordinator); Ada Mari Pasanen (Environmental Technical Officer) and Robert Donovan (Team Leader Property Services)

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 - THE JULIE MICHAEL ANNUAL MEMBERS' BURSARY AWARD RECIPIENT

**Moved** Cr Leu

*"That Council congratulates Sustainability Officer, Nicola Learmond, on receiving "The Julie Michael Annual Members' Bursary Award 2018" from the Australian Local Government Women's Association, Queensland Branch."*

**BACKGROUND INFORMATION**

The Australia Local Government Women's Association, Queensland Branch, has established an Annual Member's Bursary to encourage and assist all Local Government employees, both male and female, to further their education.

One Member's Bursary is awarded annually and in 2018 Nicola Learmond, Council's Sustainability Officer, has been chosen by ALGWA as the recipient of "The Julie Michael Annual Member's Bursary Award".

**Carried** Unanimously

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD ON 15 MAY, 2018

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE  
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**Moved** Cr Noli

**Seconded** Cr Kerr

*“That the Minutes of the Ordinary Meeting held on 15 May, 2018 be confirmed.”*

**Carried**

**For:** Cr Leu; Cr Noli; Cr Kerr & Cr Zammataro

**Against:** Cr Carey

**5. AGENDA ITEMS**

- 5.1. PROPOSED DOUGLAS SHIRE PLANNING SCHEME AMENDMENT -  
LOCAL GOVERNMENT INFRASTRUCTURE PLAN  
Jenny Elphinstone, Senior Planning Officer

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“That Council resolves:*

1. *to consider the submissions as raised in the Submission Review report and for each submission adopt the respective action as outlined in the Submission Review Report;*
2. *to note that the publicly exhibited proposed Local Government Infrastructure Plan included changes as required by the Minister’s advice, received by letter dated 7 March 2018;*
3. *to not adopt any changes to the Local Government Infrastructure Plan, other than those as required by the Minister’s advice, received by letter dated 7 March 2018, and amend the Local Government Infrastructure Plan Maps to delete the reference to “public notification issue only” and consider such amendment not to result in a significantly different version to that released for public notification;*
4. *to advise each submitter in writing about how Council has dealt with their submission, and also advise each submitter of part 10 below;*
5. *to appoint a pre-approved LGIP panel reviewer to undertake a second compliance check of the Local Government Infrastructure Plan, as required under the Minister’s Guidelines and Rules under the Planning Act 2016, and provide the reviewer of all material as required under the Minister’s Guidelines and Rules;*
6. *that on the receipt of the appointed Reviewer’s Checklist and Statement, write to the Minister for State Development, Manufacturing, Infrastructure and Planning, seeking approval to adopt the proposed Local Government Infrastructure Plan and provide the Minister with the information as nominated under the Minister’s Rules and Guidelines;*
7. *that on receipt of responding advice from the Minister, delegate to the Mayor and Chief Executive Officer, the decision under section 10, Minister’s Guidelines and Rules, and sections 17-21 inclusive of the Planning Act 2018, to:*
  - a. *adopt the proposed Local Government Infrastructure Plan, subject to the conditions or requirements as nominated by the Minister, publish notices and undertake any further steps necessary for the adoption, including the decision to nominate a date of effect, or*

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- b. *not adopt the proposed Local Government Infrastructure Plan. Where a decision is made not to adopt the proposed Local Government Infrastructure Plan, a further report is to be provided to Council;*
8. *to adopt the following:*
- a. *Douglas Shire Council Infrastructure Charges Resolution 2018 made under sections 113 and 114 of the Planning Act 2016;*
- b. *the infrastructure charges for development are as the “Levied Charges” as listed in the LGIP Table 3.1.4 – Existing and projected residential dwellings, including nominated Levied Charges; and LGIP Tabled 3.1.4 – Existing and projected non-residential floor space, including nominated Levied Charges and have regard to the Priority Infrastructure Areas of the proposed Local Government Infrastructure Plan; and*
- c. *delegate to the Chief Executive Officer the date from which the Adopted Infrastructure Charges will have effect, whereby the adopted charges are to read in conjunction with the adopted proposed Local Government Infrastructure Plan;*
9. *that other than specifically stated above, delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 and the Planning Act 2016 to finalise any and all matters associated with the implementation of the above items; and*
10. *that after the adoption of the Local Government Infrastructure Plan, require the preparation of a further report to amend the Local Government Infrastructure Plan and Planning Scheme to clarify existing infrastructure, consider the timing of the provision of future infrastructure, include consistency with current land zone types, clarify priority infrastructure areas (PIA) boundaries having regard to current approvals, a review of nominated charges and other pertinent matters as identified in undertaking the report.”*

**Carried** Unanimously

**5.2. DRINKING WATER QUALITY MANAGEMENT PLAN (DWQMP)**

Peter White, Water and Wastewater Coordinator

**Moved** Cr Carey

**Seconded** Cr Noli

“That Council:

1. *endorses the Drinking Water Quality Management Plan 2018 (DWQMP); and*
2. *notes the Department of Natural Resources, Mines and Energy approval of the Drinking Water Quality Management Plan 2018 dated 11 May 2018.”*

**Carried** Unanimously

**5.3. APPROVAL TO EXECUTIVE FORM PART C - PROPOSED APPLICATION  
TO PURCHASE ROAD RESERVE ADJACENT TO LOT 138 SR 454 TOLL  
GATE ROAD**

Robert Donovan, Team Leader Property Services

**Moved** Cr Carey

**Seconded** Cr Kerr

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*“That Council:*

1. *Resolves to allow an application to be lodged with the Department of Natural Resources, Mines and Energy to apply to purchase road reserve abutting Lot 138 SR454 Toll Gate Road; and*
2. *Delegate 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 being lodged with the Department of Natural Resources, Mines and Energy, including the execution of the Form C as being the owners of the Road Reserve.”*

**Carried** Unanimously

**5.4. COMPLAINTS ABOUT THE PUBLIC OFFICIAL GENERAL POLICY**

Darryl Crees, Acting Chief Executive Officer

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“That Council:*

- *adopts the Dealing With Complaints About The Public Official: Section 48A Of The Crime And Corruption Act 2001 General Policy; and*
- *delegates authority to the Chief Executive Officer under section 257 of the Local Government Act 2009 to incorporate any administrative changes required to the policy following the review by the Crime and Corruption Commission.”*

**Carried** Unanimously

**5.5. DELEGATIONS COUNCIL TO CEO UPDATES**

Fionnuala Blayney, Business Support Officer

**Moved** Cr Carey

**Seconded** Cr Kerr

*“That Council resolves to delegate, under Section 257(1)(b) of the Local Government Act 2009, the authority as listed in Attachment 1 of this report to the Chief Executive Officer.”*

**Carried** Unanimously

**6. NOTICES OF MOTION**

Nil.

**7. URGENT BUSINESS**

Nil.

**8. PETITIONS**

Nil.

**9. CLOSED SESSION**

**Moved** Cr Kerr

**Seconded** Cr Noli

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

9.1. *Prejudicial Matter S275 1 (E) Local Government Regulation 2012 – change of Land Tenure – Lot 96 SP134234 Wharf Street Port Douglas; and*

9.2 *Prejudicial Matter S275 1 (A) Local Government Regulation 2012 – Staff Matter*

**Carried** Unanimously

**OUT OF CLOSED SESSION**

**Moved** Cr Kerr

**Seconded** Cr Carey

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

**Carried** Unanimously

**9.1. PREJUDICIAL MATTER S275 1 (E) LOCAL GOVERNMENT  
REGULATION 2012 - CHANGE OF LAND TENURE - LOT 96 SP134234  
WHARF STREET PORT DOUGLAS**

Robert Donovan, Team Leader Property Services

**Moved** Cr Leu

**Seconded** Cr Kerr

*“That Council:*

- lodge an application with the Department of Natural Resources, Mines and Energy to purchase Lot 96 SP134234 Wharf Street, Port Douglas in fee simple at the independent valuation determined by the State; and*
- 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

**9.2. PREJUDICIAL MATTER S275 1 (A) LOCAL GOVERNMENT  
REGULATION 2012 - STAFF MATTER**

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council resolves to delegate authority under Section 257 of the Local Government Act 2009 to the Mayor to complete confidential contract arrangements with Council’s preferred candidate for the position of Chief Executive Officer, under Section 194 of the Local Government Act.”*

**Carried** Unanimously

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**CLOSURE OF MEETING**

The meeting closed at 10.53am

**CONFIRMED THIS 26<sup>TH</sup> DAY OF JUNE 2018**



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MAYOR/CHAIR