

DOUGLAS SHIRE COUNCIL

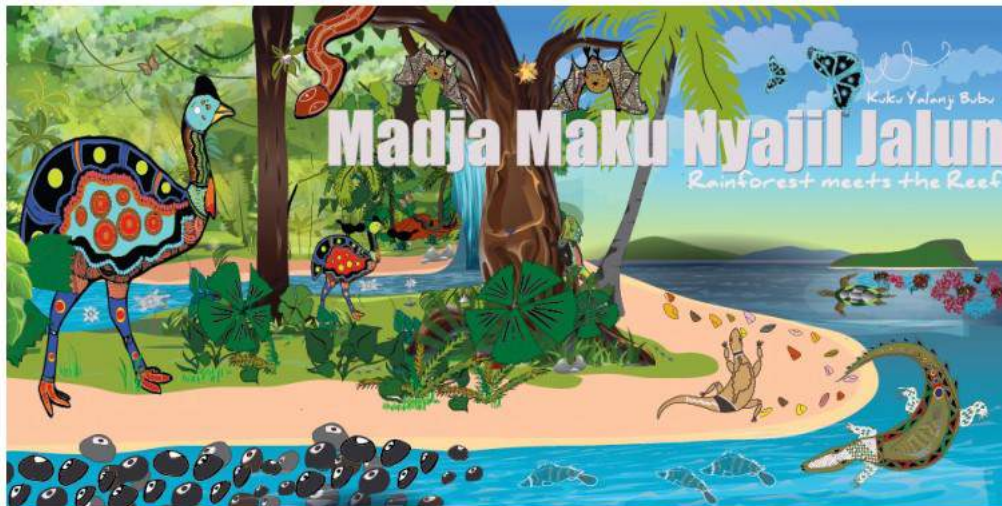
# ORDINARY COUNCIL MEETING

## MINUTES

TUESDAY, 18 DECEMBER 2018

ENSURING EXCELLENCE IN GOVERNANCE  
ACCOUNTABLE AND TRANSPARENT DECISION-MAKING  
ENGAGING, PLANNING, PARTNERING  
CELEBRATING OUR COMMUNITIES





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 ON TUESDAY, 18 DECEMBER 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, Mark Stoermer (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Michael Kriedemann (Acting General Manager Operations), Joanne Jacobson (Executive Manager, People & Governance); and Brenda Jang (Executive Assistant).

**Part Meeting:**

Daniel Lamond (Planning Officer); Michael Matthews (Project Engineer); Paul Hoyer, (Manager Sustainable Communities) and John Rehn (Manager Finance and IT).

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

Cr Kerr declared a conflict of interest in Closed Agenda Item 9.1 (as defined by section 175D of the *Local Government Act 2009*) in that he has a relationship with a nominee for the Seniors Sports Awards and will be dealing with this declared conflict of interest by leaving the meeting whilst the matter is discussed and voted on.

3. MAYORAL MINUTE

**Moved** Cr Leu

*“That Council resolves to implement a trial of commencing ferry operations an hour earlier in the morning which effectively extends the hours of operation from 5:00am to 12 midnight. This trial will extend from 02 January 2019 to 30 June 2019.”*

**BACKGROUND INFORMATION**

Council had recently undertaken extensive community engagement regarding the new ferry contract and Council staff are still collating and analysing all feedback.

This has not stopped staff acting on some suggested improvements to existing operations and I am pleased to announce two initiatives to enhance service:

1. operating hours on Christmas Day have been extended and the ferry will be operating continuously from 7:30am to 5:00pm which is an additional 4 hours compared with previous years; and
2. Council has worked with the current ferry contractors and has been able to implement a trial of commencing ferry operations, one hour earlier each morning. This trial will begin on Wednesday 2 January 2019 and will run for six months until 30 June 2019. Prior to trial expiration date, a review will be conducted for Council to determine whether there is justification to formally change the hours of operation on permanent basis.

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The Mayor, Councillors and staff would like to thank the ferry operators Chris and Charmaine Norris for the excellent work they continue to provide the community and their positive response to Council's request to the above changes.

**Carried** Unanimously

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD TUESDAY,  
20 NOVEMBER 2018

**Moved** Cr Carey

**Seconded** Cr Kerr

*"That the Minutes of the Ordinary Meeting held on Tuesday, 20 November 2018 be confirmed."*

**Carried** Unanimously

5. AGENDA ITEMS

5.1. MATERIAL CHANGE OF USE FOR DWELLING HOUSE AT LOT 7  
STEWART CREEK ROAD- REFUSAL  
Daniel Lamond, Planning Officer

**Moved** Cr Zammataro

**Seconded** Cr Carey

*"That Council refuse the development application for a material change of use for a dwelling house over land described as Lot 7 on RP741831, located at Stewart Creek Road, Stewart Creek Valley, having regard to the following:*

1. *the proposal does not achieve compliance with the Flood and Storm Tide Hazard Overlay Code insofar as:*
  - a. *the proposal is in conflict with AO1.3 of the code as the acceptable solution requires that new buildings are not located within the overlay area. The application has not demonstrated that despite being in the overlay area, the dwelling house can be developed and protected from the risk of flood inundation;*
  - b. *the proposal for a dwelling house is in conflict with PO1 of the code as the application has not demonstrated that the proposed dwelling house is located and designed to ensure the safety of all persons; minimise damage to the development and contents of the building; provide suitable amenity or minimise disruption to residents, recovery time and rebuilding or restoration costs after events. No flood study has been provided to define the 1 in 100 year flood event height and subsequently no detail has been provided to demonstrate that the proposed dwelling house can be protected from the velocity of flood waters; and*
  - c. *the proposal for a dwelling house is in conflict with the purpose of the code as the overall outcomes from the purpose require that the proposal responds to the risk of the natural hazard and minimises risk to personal safety. The proposal is required to achieve an acceptable or tolerable risk level on a fit for purpose risk assessment. No flood study or risk assessment has been prepared and submitted in order to demonstrate compliance with the purpose of the code."*

**Carried** Unanimously

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- 5.2. REQUEST FOR OWNERS CONSENT- REX CREEK RESERVE, MOSSMAN GORGE  
Daniel Lamond, Planning Officer

**Moved** Cr Noli

**Seconded** Cr Kerr

*“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 94 on SR257 and sign the DA Form 1 to enable a development application to be considered properly made in accordance with section 51 of the Planning Act 2016.”*

**Carried** Unanimously

- 5.3. REQUEST FOR OWNERS CONSENT- FOXTON AVENUE ALLOTMENTS  
Daniel Lamond, Planning Officer

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“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 127 on SR826 and Lot 29 on SP121816 and sign the DA Form 1 to enable a development application to be considered properly made in accordance with section 51 of the Planning Act 2016.”*

**Carried** Unanimously

- 5.4. CYCLE NETWORK LOCAL GOVERNMENT GRANTS PROGRAM -  
JUNCTION BRIDGE PROJECT  
Michael Matthews, Project Manager

**Moved** Cr Leu

**Seconded** Cr Carey

*“That Council resolves to:*

1. *support a submission to the State Government's 'Cycle Network Local Government Grants Program' 2019/2020 for \$400,000 for the Junction Creek Cycleway Bridge Project;*
  2. *if Council is successful in receiving funding from the State Government, co-contribute \$400,000 in 2019/2020 towards the total project cost;*
  3. *support a submission to the State Government's 'Cycle Network Local Government Grants Program' for \$120,000 for the detailed design of the North Mossman to Newell Beach principal cycleway; and*
3. *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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5.5. REEF COUNCILS MAJOR INTEGRATED PROJECTS

Nicola Learmond, Sustainability Officer; Paul Hoye, Manager Sustainable Communities

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“That Council:*

- endorses the Reef Councils Major Integrated Projects’ proposal as a prospectus for seeking external investment in priority collaborative actions by Queensland Reef region councils; and*
- resolves to allow the Local Government Association of Queensland to include its logo for the publication and promotion of the Reef Councils Major Integrated Projects.”*

**Carried** Unanimously

5.6. FINANCIAL REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2018

John Rehn; Manager Finance and IT

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council notes the Financial Report for the period ended 30 November 2018.”*

**Carried** Unanimously

5.7. 2018 - 19 BUDGET REVIEW

John Rehn, Manager Finance and IT

**Moved** Cr Carey

**Seconded** Cr Noli

*“That Council adopts the 2018/19 Revised Budget.”*

**Carried** Unanimously

5.8. ORGANISATIONAL REPORT CARD FOR SEPTEMBER TO NOVEMBER  
2018

Mark Stoermer, Chief Executive Officer

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“That Council receives and notes the Organisational Report Card for the period September 2018 – November 2018.”*

**Carried** Unanimously

5.9. GO DOUGLAS!

Mark Stoermer, Chief Executive Officer

**Moved** Cr Zammataro

**Seconded** Cr Kerr

*“That Council receives and notes the report and the 2018 Go Douglas! publication.”*

**Carried** Unanimously

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6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

**Moved** Cr Carey

**Seconded** Cr Kerr

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

9.1 *Prejudicial Matter S275(1)(h) Local Government Regulation 2012 – **Australia Day Awards 2019**; and*

9.2 *Prejudicial Matter S275(1)(h) Local Government Regulation 2012 – **Ironman and Reef 2 Reef Sponsorship.**”*

**Carried** Unanimously

OUT OF CLOSED SESSION

**Moved** Cr Leu

**Seconded** Cr Kerr

*“That Council resolves to move out of Closed Session to discuss Cr Carey’s perceived conflict of interest.”*

**Carried** Unanimously

Cr Carey declared a perceived conflict of interest in Closed Agenda Item 9.1 (as defined by section 175D of the *Local Government Act 2009*) as he is known to one of the nominees who was nominated by his spouse Roisin Allen. Cr Carey determined that this personal interest was not of sufficient significance that it would lead him to make a decision on the matter that was contrary to the public interest. Cr Carey declared that he would best perform his responsibility of serving the overall public interest of the whole of the Council’s area by participating in the discussion and voting on this matter.

Cr Carey acknowledged that the remaining Councillors must now determine, pursuant to section 175E of the *Local Government Act 2009*):-

- (a) whether he has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (b) if so, whether:-
  - i. he must leave the meeting while this matter is discussed or voted on; or
  - ii. he may participate in the meeting in relation to the matter, including by voting on the matter.”

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**MEETING WITHDRAWAL**

Cr Carey withdrew from the meeting at 10.46am.

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*“That Cr Carey has a perceived conflict of interest in the matter and, notwithstanding the conflict, Cr Carey may participate in the matter, discuss and vote upon it.”*

**Carried** Unanimously

**MEETING RE-ATTENDANCE**

Cr Carey re-attended the meeting at 10.50am.

**Moved** Cr Leu

**Seconded** Cr Noli

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

- 9.1 Prejudicial Matter S275(1)(h) Local Government Regulation 2012 – **Australia Day Awards 2019**; and
- 9.2 Prejudicial Matter S275(1)(h) Local Government Regulation 2012 – **Ironman and Reef 2 Reef Sponsorship.**”

**Carried** Unanimously

**MEETING WITHDRAWAL**

Cr Kerr declared a conflict of interest in Closed Agenda Item 9.1 (as defined by section 175D of the Local Government Act 2009) in that he has a relationship with a nominee for the Seniors Sports Awards and left the meeting at 11.06am whilst the matter was discussed.

**MEETING RE-ATTENDANCE**

Cr Kerr re-attended the meeting 11.09am.

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 - AUSTRALIA DAY AWARDS 2019  
Paul Smyth, Events Officer

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council select Nominee ID “S” for the Citizen of the Year Award at the Australia Day Awards 2019.”*

**Carried** Unanimously



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**Moved** Cr Zammataro

**Seconded** Cr Kerr

*“That Council select Nominee ID “N” for the Young Citizen of the Year Award at the Australia Day Awards 2019.”*

**Carried** Unanimously

**Moved** Cr Kerr

**Seconded** Cr Noli

*“That Council select Nominee ID “F” for the Volunteer of the Year at the Australia Day Awards 2019.”*

**Carried** Unanimously

**Moved** Cr Leu

**Seconded** Cr Carey

*“That Council select Nominee ID “C” for the Arts and Cultural Award at the Australia Day Awards 2019.”*

**Carried** Unanimously

**Moved** Cr Carey

**Seconded** Cr Zammataro

*“That Council select Nominee ID “Q” for the Environment Achievement Award at the Australia Day Awards 2019.”*

**Carried** Unanimously

**MEETING WITHDRAWAL**

Cr Kerr declared a conflict of interest in Closed Agenda Item 9.1 (as defined by section 175D of the Local Government Act 2009) in that he has a relationship with a nominee for the Seniors Sports Awards and dealt with this declared conflict of interest by leaving the meeting at 11.26am whilst the matter was discussed and voted on.

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“That Council select Nominee ID “V” for the Senior Sports Award at the Australia Day Awards 2019.”*

**Carried** Unanimously

**MEETING RE-ATTENDANCE**

Cr Kerr re-attended at the meeting at 11.27am.

**Moved** Cr Noli

**Seconded** Cr Kerr

*“That Council select Nominee ID “K” for the Junior Sports Award at the Australia Day Awards 2019.”*

**Carried** Unanimously

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**9.2. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT  
REGULATION 2012 - IRONMAN AND REEF 2 REEF SPONSORSHIP**

Gary Kerr, Executive Officer

Moved Cr Kerr

Seconded Cr Noli

*"That Council resolves:*

- to enter into an annual agreement to provide in-kind support only for the Ironman and Reef 2 Reef Mountain Bike events up to the value of \$12,000 in total, and*
- delegates the authority to assess and approve annual in-kind support applications to the Chief Executive Officer."*

Carried Unanimously

CLOSURE OF MEETING

The meeting closed at 11.30am

CONFIRMED THIS 22ND DAY OF JANUARY 2019

  
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MAYOR/CHAIR