

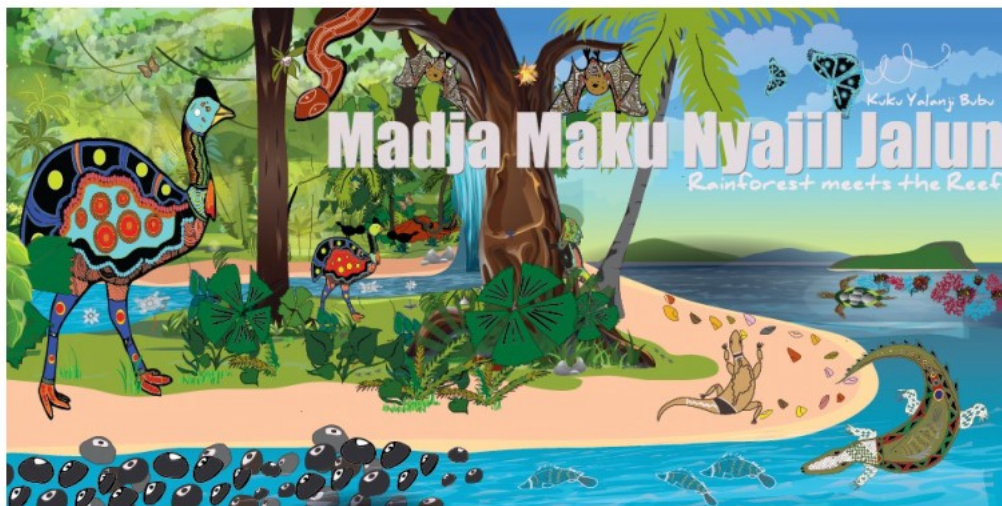
DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

TUESDAY, 22 JANUARY 2019

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, 22 JANUARY 2019 COMMENCING AT 10.00AM**

1. PRESENT

Cr Julia Leu (Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Mark Stoermer (Chief Executive Officer), Jacqueline Soltys (Acting Executive Manager People and Governance); Michael Kriedemann (Executive Manager Infrastructure), Paul Hoyer (Manager Environment and Regulation); Sandeep Tut (Acting Chief Financial Officer); Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

Part Meeting:

Neil Beck (Team Leader Planning); Daniel Lamond (Planning Officer); Gary Kerr (Executive Officer); Graham Busby (Property 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 Abigail Noli (Deputy Mayor)

ACKNOWLEDGEMENT OF LOCAL DISASTER MANAGEMENT GROUP AND COUNCIL STAFF

Cr Leu acknowledged and commended the Local Disaster Management Group and Council staff who worked tirelessly to return services to normal, following the affects of Cyclones Owen and Penny which occurred during the Christmas/New Year shutdown period.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Carey declare a material personal interest in *Item 3.3 Mayoral Minute – Grant Leave of Absence to Cr Carey* (as defined by *Local Government Act 2009*, section 175B) as he stands to suffer a loss depending on the outcome of Council’s consideration of this matter in that he will be granted leave without pay_ and will be dealing with the declared material personal interest by leaving the meeting while this matter is discussed and voted on.

3. MAYORAL MINUTES

3.1 MAYORAL MINUTE – RESCHEDULE FEBRUARY 2019 COUNCIL MEETING

Moved Cr Leu

“That Council amend the date of the Ordinary Meeting scheduled for 12 February 2019 to 19 February 2019 commencing at 10.00am.”

BACKGROUND INFORMATION

The amendment to Council Meeting dates and times is an operational matter.

The amendment can be advertised through all usual media utilised by Council to convey information to the communities.

Carried unanimously

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3.2 MAYORAL MINUTE – ATTENDANCE OF THE MAYOR AND DEPUTY MAYOR AT THE 2019 LOCAL GOVERNMENT FINANCE AND STRATEGIC LEADERSHIP MEETING SUMMIT IN GLADSTONE, 26-27 FEBRUARY, 2019

Moved Cr Leu

“That Council endorses the attendance of the Mayor and Deputy Mayor at the 2019 Local Government Finance & Strategic Leadership Summit in Gladstone on 26 - 27 February 2019.”

BACKGROUND INFORMATION

The LGAQ is conducting the 7th Local Government Finance and Strategic Leadership Summit in Gladstone on 26-27 February 2019.

The first day of the Summit has been specifically designed for local government leaders and will focus on strategic leadership in the areas of purposeful strategy, integrated performance reporting and leading a collaborative and problem-solving culture.

Day two features keynote speakers and interactive panel sessions on various themes including asset management, economic development strategies as well as using technology to drive efficiencies. Warwick Agnew, Director-General, Department of Local Government, Racing and Multicultural Affairs will also provide an update on the Grant Reform Project.

Council previously granted approval for the Mayor and Deputy Mayor to attend the Summit in 2014, 2016 and 2018. The Summit continues to provide a significant opportunity for the Mayor and Deputy Mayor to network with and learn from respected figures and leaders from other government areas.

Provision for Councillor attendance at conferences is contained within the 2018/2019 budget.

Carried unanimously

MEETING WITHDRAWAL

Cr Carey declared that he has a material personal interest in this matter (as defined by *Local Government Act 2009*, section 175B) as he stands to suffer a loss depending on the outcome of Council’s consideration of this matter in that he will be granted leave without pay.

Cr Carey will be dealing with the declared material personal interest by leaving the meeting while this matter is discussed and voted on and withdrew from the meeting at 10.05am.

3.3 MAYORAL MINUTE – GRANT LEAVE OF ABSENCE TO CR CAREY

Moved Cr Leu

“That Council:

- 1. resolves to grant Cr Carey leave of absence from 24 February 2019 to 30 May 2019, and in accordance with Cr Carey’s request, that this be taken as leave without pay; 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 matter.”*

Carried unanimously

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MEETING RE-ATTENDANCE

Cr Carey re-attended the meeting at 10.06am.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

4.1 CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD 18 DECEMBER 2018.

Moved Cr Zammataro

Seconded Cr Carey

“That the Minutes of the Ordinary Meeting held on 18 December, 2018 be confirmed.”

Carried unanimously

4.2 CONFIRMATION OF MINUTES OF SPECIAL MEETING HELD 21 DECEMBER 2018.

Moved Cr Carey

Seconded Cr Kerr

“That the Minutes of the Special Meeting held on 21 December, 2018 be confirmed.”

Carried unanimously

5. AGENDA ITEMS

5.1. REQUEST FOR ASSESSMENT AGAINST SUPERSEDED PLANNING SCHEME FOR RECONFIGURATION OF A LOT 580R WHYANBEEL ROAD
Daniel Lamond, Planning Officer

Moved Cr Carey

Seconded Cr Kerr

“That Council agrees to:

- A. *the request (lodged on 28 November 2018 under section 29 of the Planning Act 2016) for assessment against the 2006 Douglas Shire Planning Scheme for reconfiguration of a lot (3 Lots into 2 Lots) over land described as Lot 4, 5 and 6 on RP851512, located at 580R Whyanbeel Road, Whyanbeel;*
- B. *cancel Local Government Agreement 601479919 (T7000444R) from the titles of Lots 4, 5 and 6 on RP851512; and*
- C. *That Council approves the development application for reconfiguring a lot (3 lots into 2 lots), subject to the following;*

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

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

Drawing or Document	Reference	Date
<i>Proposed Reconfiguration Proposed Lots 1 & 2 cancelling Lots 4-6 on RP851512</i>	<i>Plan prepared by RPS Australia East Pty Ltd. Drawing Number PR139521-3</i>	<i>2 October 2018</i>

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ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

2. *The conditions of the Development Permit must be effected prior to the endorsement of the Plan of Survey, except where specified otherwise in these conditions of approval.*

Storm Water Drainage

3. *The existing drainage path accommodating flows from Lot 2 across Lot 1 currently affecting the footing of the timber class 10 structure on Lot 1 must be formalised by way of an RPEQ certified engineering assessment. The assessment must be submitted and endorsed by the Chief Executive Officer and works must be completed prior to endorsement of the plan of survey.*

Storm Water Drainage Easement

4. *The existing drainage path accommodating flows from Lot 2 across Lot 1 must be contained within an easement burdening Lot 1 in favour of Lot 2. Easement documentation must be endorsed by the Chief Executive Officer prior to endorsement of the Plan of Survey.*

Electricity and Telecommunications

5. *Written evidence of negotiations with Ergon Energy and the telecommunications authority must be submitted to Council stating that both an electricity supply and telecommunications service will be provided to the development prior to endorsement of the Plan of Survey.*

Structural Integrity of Timber Class 10 Structure

6. *Determine whether the structural integrity of the class 10 structure on Lot 1 has been compromised by the storm water scouring the buildings footing. Provide advice from a suitably qualified person and undertake remediation works if required. The certification and remediation works if required, must be submitted and completed prior to the endorsement of the Plan of Survey.*

PART 1B – ADVICE NOTES

1. *This approval, granted under the provisions of the Planning Act 2016, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of section 85 of the Planning Act 2016.*
2. *This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.*
3. *For information relating to the Planning Act 2016 log on to <https://planning.dsdmip.qld.gov.au/>.*

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4. To access the FNQROC Development Manual, Douglas Shire Local Laws and other applicable Policies log on to www.dsc.qld.gov.au

PART 1C – STATEMENT OF REASONS

1. Sections 60, 62 and 63 of the Planning Act 2016:
 - a. the approved plan(s) and document(s);
 - b. the Conditions and advices;
 - c. The proposed development generally satisfies the benchmarks of the 2006 Douglas Shire Planning Scheme; and
 - d. to ensure compliance with the Planning Act 2016.
2. Findings on material questions of fact:
 - a. the development application can be considered properly lodged to the Douglas Shire Council on 22 January 2019 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules; and
 - b. the development application contained information from the applicant which Council reviewed together with Council's own investigation of assessment against the 2006 Douglas Shire Planning Scheme in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessment under the Assessment Table associated with the Rural Areas and Rural Settlements Locality;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions the development is considered to meet the Planning Scheme requirements."

Carried unanimously

- 5.2. COMMUNITY SUPPORT FUNDING ROUND TWO
Gary Kerr, Executive Officer

Moved Cr Kerr

Seconded Cr Zammataro

"That Council endorses a second round of Community Support Funding to be allocated to:

- Event Funding Program \$10,000 in total and
- Industry Development Funding Program \$11,000 in total."

Carried unanimously

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- 5.3. RELATED PARTY GENERAL POLICY
Sandeep Tut, Acting Chief Financial Officer

Moved Cr Carey

Seconded Cr Zammataro

“That Council adopts the Related Party General Policy.”

Carried unanimously

- 5.4. FINANCIAL REPORT FOR THE PERIOD ENDED 31 DECEMBER 2018
Sandeep Tut, Acting Chief Financial Officer

Moved Cr Leu

Seconded Cr Carey

“That Council notes the Financial Report for the period ended 31 December 2018.”

Carried unanimously

- 5.5. CAPITAL WORKS PROGRESS REPORT FOR THE 2ND QUARTER 2018 -
2019
Michael Kriedemann, Executive Manager Infrastructure Services

Moved Cr Carey

Seconded Cr Zammataro

“That Council receives and notes the progress of the Capital Works Program to 31 December 2018 for the 2018 - 2019 financial year.”

Carried unanimously

- 5.6. MODEL MEETING PROCEDURES AND STANDING ORDERS
Joanne Jacobson, Executive Manager People and Governance

Moved Cr Leu

Seconded Cr Carey

“That Councillors resolve to adopt the updated Standing Orders for Council Meetings General Policy.”

Carried unanimously

- 5.7. OPERATIONAL PLAN PROGRESS REPORT OCTOBER TO DECEMBER
2018
Mark Stoermer, Chief Executive Officer

Moved Cr Zammataro

Seconded Cr Kerr

“That Council notes the second quarterly report detailing the progress of the Operational Plan for 2018-2019.”

Carried unanimously

6. NOTICES OF MOTION

Nil.

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7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Kerr

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 – **Proposed Amendment to Mossman Gorge Road Use Agreement.***
- 9.2. *Contractual Matter S275 (1) (E) Local Government Regulations 2012 – **Contract for Daintree River Dredging; and***
- 9.3. *Prejudicial Matter S275 (1) (H) Local Government Regulations 2012 – **Wangetti Trail Asset Ownership.**”*

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) (H) LOCAL GOVERNMENT REGULATIONS 2012 - PROPOSED AMENDMENT TO MOSSMAN GORGE ROAD USE AGREEMENT
Graham Busby, Property Officer

Moved Cr Carey

Seconded Cr Zammataro

“That Council:

1. *endorses the Indigenous Land Corporation’s (“ILC”) proposal to amend the Mossman Gorge Road Use Agreement fees from \$10.20 per adult and \$5.00 per child, to \$11.80 and \$5.90 respectively, and introduce a new fee of \$29.50 per family effective from 1 April 2019, subject to such amendment being made at no cost to Council, including the reimbursement of any legal fees Council may incur; 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 the changes to the fee structure of the Road Use Agreement. ”*

Carried unanimously

9.2. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT REGULATIONS 2012 - CONTRACT FOR DAINTREE RIVER DREDGING

Michael Kriedemann, Executive Manager Infrastructure

Moved Cr Kerr

Seconded Cr Zammataro

"That Council resolves to:

1. *enter into contract 2019-065 Daintree River Dredge Emergent Works with Sirron Enterprises (QLD) Pty Ltd ABN: 36 325 937 550; and*
2. *that the Chief Executive Officer be delegated authority (under Section 257(1)b of the Local Government Act 2009) to negotiate, finalise and execute any and all matters associated with the contract. "*

Carried unanimously

9.3. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT REGULATIONS 2012 - WANGETTI TRAIL ASSET OWNERSHIP

Paul Hoye, Manager Environment and Regulation

Moved Cr Leu

Seconded Cr Carey

"That Council resolves to advise the Department of Innovation, Tourism Industry Development and the Commonwealth Games in that:-

1. *Council gives consent for construction of the Mowbray North section of the Wangetti Trail on land under the control of Council; and*
2. *Council acknowledges that asset ownership and maintenance for the Mowbray North section of the Wangetti Trail will be the responsibility of Council."*

Carried unanimously

CLOSURE OF MEETING

The meeting closed at 10.48am

CONFIRMED THIS 19TH DAY OF FEBRUARY 2019


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MAYOR/CHAIR