

**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 11 MARCH 2014, COMMENCING AT 10.00AM**

PRESENT

Cr Julia Leu (Mayor), Cr David Carey, Cr Bruce Clarke, Cr Terry Melchert, Cr Abigail Noli, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Paul Hoyer (General Manager Operations), Donna Graham (Manager Development & Environment), Kerrie Hawkes (Executive Office/Strategy Policy Coordinator), Julian Porter (Manager Finance & IT), Neil Beck (Technical Officer-Compliance), Graham Busby (Property Officer), Brendan Leishman (Senior Community & Economic Development Officer), Helen Coulthard (Community & Economic Development Officer), Greg McLean (Communication/Events Officer), Nicole Barton (Mayor & Councillor Support Officer) and Sandra Johnston (Minutes 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.

WELCOME TO NEW CHIEF EXECUTIVE OFFICER

Cr Leu welcomed Linda Cardew, who has recently commenced in the role of Chief Executive Officer.

APOLOGIES

There were no apologies for the meeting.

MATERIAL PERSONAL INTEREST – LISTED AGENDA ITEMS

Cr Clarke advised he would be withdrawing from the meeting during discussion of Agenda Item 7, due to a material personal interest.

MAYORAL MINUTE ITEM 1

Moved Cr Leu

1. *"That Council request the General Manager, Operations to investigate options and costs for a priority lane during peak times on the northern side of the Daintree River Ferry access point."*

Carried unanimously

WITHDRAWAL – CONFLICT OF INTEREST

Cr Melchert declared a perceived conflict of interest in Mayoral Minute Item 2 and withdrew at 10.05 am.

MAYORAL MINUTE ITEM 2

2. *"That Council write to the Department of Transport & Main Roads requesting a copy of the Traffic Study undertaken to determine projected vehicular movements in and out of the new Woolworths site."*

Carried unanimously

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RE-ATTENDANCE

Cr Melchert re-attended the meeting at 10.08 am.

CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 18 FEBRUARY 2014

Moved Cr Carey

Seconded Cr Noli

"That the Minutes of the Ordinary Meeting held on Tuesday, 18 February 2014 be confirmed."

Carried unanimously

**1. CHANGE OF MEETING DATE FOR ORDINARY COUNCIL MEETING
CURRENTLY SCHEDULED FOR 22 APRIL 2014**

Darryl Crees – General Manager Corporate Services #417072

Moved Cr Noli

Seconded Cr Carey

"That Council resolve to move the Ordinary Meeting scheduled for Tuesday 22 April 2014 to Tuesday 29 April 2014."

Carried unanimously

**2. NOMINATION FOR THE CASUAL VACANCY – LOCAL GOVERNMENT
ASSOCIATION OF QUEENSLAND EXECUTIVE**

Darryl Crees – General Manager Corporate Services

Moved Cr Melchert

Seconded Cr Carey

"That Council nominate the Mayor, Cr Julia Leu, for election to the casual vacancy of the Local Government Association of Queensland Executive Representative for District No 10 (Far North)."

Carried unanimously

3. PROPOSED AMENDMENT TO MOSSMAN GORGE ROAD USE AGREEMENT

Graham Busby: Property Officer; #416921

Darryl Crees: General Manager Corporate Services

Moved Cr Noli

Seconded Cr Melchert

"That Council:

1. *gives approval to the Indigenous Land Corporation ("ILC") to amend the Mossman Gorge Road Use Agreement to:*
 - *increase the fee for the shuttle service from \$6.00 per adult and \$3.00 per child, to \$8.50 and \$4.25 respectively;*
 - *remove the requirement for the ILC to seek endorsement from Council when determining future increases in fees for the shuttle service;*

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subject to such amendments being made at no cost to Council, including the reimbursement of any legal fees Council may incur.

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 subject Road Use Agreement."*

The following amendment was put:

"That Council:

1. *gives approval to the Indigenous Land Corporation ("ILC") to amend the Mossman Gorge Road Use Agreement to:*

- *increase the fee for the shuttle service from \$6.00 per adult and \$3.00 per child, to \$8.50 and \$4.25 respectively;*

subject to such amendment being made at no cost to Council, including the reimbursement of any legal fees Council may incur.

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 subject Road Use Agreement."*

The amendment became the motion and was put and carried.

Carried unanimously

ATTENDANCE

Julian Porter (Manager Finance & IT) attended the meeting at 10.20 am.

4. PROPOSED TRUSTEE LEASE TO PORT DOUGLAS OUTRIGGER CANOE CLUB OVER PART OF LOT 110 ON SR606, SOLANDER AVENUE, PORT DOUGLAS FOR THE PURPOSE OF SPORT AND RECREATION

Graham Busby: Property Officer; #416557

Darryl Crees: General Manager Corporate Services

Moved Cr Carey

Seconded Cr Noli

"That Council:

1. *gives in principle approval for the issue of a trustee lease to Port Douglas Outrigger Canoe Club Incorporated (Lessee) over an area of about 1600 m² of lot 110 on SR606, Solander Avenue, Port Douglas, for the purpose of boat storage, a clubhouse and related community use, subject but not limited to the following terms and conditions:*

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- *"in-principle" approval being obtained from the Minister of Natural Resources and Mines;*
 - *for a term of ten (10) years to commence on a date yet to be agreed;*
 - *rent for the first year of the term to be \$139.96 (including GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - *lessee to be responsible for all reasonable costs associated with the preparation, execution and registration of the lease;*
 - *the terms and conditions in Council's Standard Terms Document for Trustee Leases registered under dealing number 713488911;*
 - *in accordance with Council's general policy 'Managing Tenure over Council Owned or Controlled Property';*
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 lease, including the provision of an interim Trustee Permit to the Lessee."*

Carried unanimously

5. DOUGLAS SHIRE COUNCIL – COMMUNITY ENGAGEMENT POLICY

Brendan Leishman, Community and Economic Development Officer: (416917)

Kerrie Hawkes, Executive Officer/ Strategy and Policy Co-ordinator:

Moved Cr Carey

Seconded Cr Noli

"That Council:

1. *adopt the Community Engagement Framework;*
2. *adopt the Our approach to Community Engagement document;*
3. *adopt the Community Engagement guide and tools;*
4. *adopt the Community Engagement General Policy; and*
5. *and delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the Community Engagement Policy and associated community engagement documents.*

Carried unanimously

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6. REGIONAL ARTS DEVELOPMENT FUND (RADF) PARTICIPATION

Helen Coulthard: Community & Economic Development Officer
Kerrie Hawkes: Executive Office/Policy & Strategy Coordinator #416420

Moved Cr Carey

Seconded Cr Clarke

"That Council:

- 1. endorse participation in the Regional Arts Development Fund Program;*
- 2. endorse the recruitment of five community members to form the Douglas RADF Committee;*
- 3. nominate Cr Noli and Cr Leu to be part of the RADF Committee;*
- 4. endorse a funding Round for distribution by the end of the 2013/14 financial year; and*
- 5. delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the Douglas RADF Program in conjunction with the abovementioned Advisory Committee."*

Carried unanimously

WITHDRAWAL – MATERIAL PERSONAL INTEREST

Cr Clarke declared a material personal interest in Item 7 and withdrew at 10.38 am.

WITHDRAWAL

The Coordinator, Executive Office/Policy & Strategy, the Senior Community & Economic Development Officer, and the Community & Economic Development Officer withdrew from the meeting at 10.38 am.

**7. REQUEST TO EXTEND RELEVANT PERIOD – SUPERSEDED SCHEME
APPROVAL - MATERIAL CHANGE OF USE FOR FOUR (4) MULTIPLE
DWELLINGS (TOURIST) – 27 MURPHY STREET, PORT DOUGLAS**

Jenny Elphinstone: 43.2008.2770 : 412993

Moved Cr Carey

Seconded Cr Noli

A. *That Council refuse the request to extend the period of approval to the Development Permit for Material Change of Use for Four (4) Multiple Dwellings (Tourist), over land described as Lot 113 on PTD 2091, located at 27 Murphy Street, Port Douglas, on the following grounds:*

- 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 delay in effecting the approval for the Material Change of Use due to suppressed market conditions and the Applicant's economic circumstances and constraint on ability to develop and sell the Multiple Dwellings (tourist) are not planning considerations permitted to be considered for approving an extension to the period of the approval;*

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3. *Based on the information provided in the Applicant's request to extend the Relevant Period of the Development Permit it is not considered that the request has sufficient merit, having regard to section 388 of the Sustainable Planning Act 2009, to support an extension to the relevant period. Having regard to the Sustainable Planning Act 2009 it is inappropriate for Council to extend the period of approval;*
 4. *There is no demonstrated planning need for the proposed use of Multiple Dwellings (tourist) on the land to enable supporting the consolidation of Port Douglas as a major tourist accommodation centre. There is other land available in the Port Douglas and environs area that enable major tourist accommodation;*
 5. *The extension to the Development Permit is contrary to the expected outcomes for the land held by the community;*
 6. *The development would, if applied for under the current Scheme, be likely to give rise to submissions against it.*
- B. *In respect to the development of Holiday Accommodation 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 Sustainable Planning Act 2009 and that any application would be considered on its merits."*

For Crs Leu, Carey and Noli
Against Cr Melchert
Carried

RE-ATTENDANCE

Cr Clarke re-attended the meeting at 10.39 am.

**8. OPERATIONAL WORK ASSESSABLE AGAINST THE PLANNING SCHEME
(ENGINEERING WORK NOT ASSOCIATED WITH A MATERIAL CHANGE OF
USE) AND PRESCRIBED TIDAL WORKS FOR A JETTY (MARINE) –
ESPLANADE, CAPE TRIBULATION**

J Elphinstone : 8/36/82 : #1229

Moved Cr Carey

Seconded Cr Clarke

"That Council approves the development application for Operational Work assessable against the Planning Scheme (Engineering Work not associated with a Material Change of Use) And Prescribed Tidal Works for a Jetty (Marina) over premises described as adjacent to Lot 102 on SP250034, located at Esplanade, Cape Tribulation, 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:

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<i>0B Drawing or Document</i>	<i>1B Reference</i>	<i>2B Date</i>
<i>3B Plan of New Wharf</i>	<i>4B Drawing No. 0407WD1 prepared by R. John McKeown</i>	<i>5B June 2004</i>
<i>6B Site Plan and Indicative Site Plan For Jetty</i>	<i>7B Unreferenced drawings submitted with application</i>	<i>8B Undated</i>
<i>9B Town Planning Application</i>	<i>10B Prepared by Elizabeth Taylor, Town Planner</i>	<i>11B 16 December 2013</i>

The plan referenced above is included in Appendix 1.

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;*
 - 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 Commencement of Use, except where specified otherwise in these conditions of approval.*

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<i>12B Concurrency Agency</i>	<i>13B Concurrence Agency Reference</i>	<i>14B Date</i>	<i>15B Council Electronic Reference</i>
<i>16B Department of State Development, Infrastructure and Planning</i>	<i>17B SDA-0114-007405</i>	<i>18B 27 February 2014</i>	<i>19B 416903</i>

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Sections 339 and 341 of the Sustainable Planning Act 2009 Sustainable Planning Act 2009 and 3.5.21 of the Integrated Planning Act 2007.*
2. *This approval does not negate the requirement for compliance with all other relevant Local*

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Laws and other statutory requirements.

3. *For information relating to the Sustainable Planning Act 2009 log on to www.dsdlp.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.*
4. *Advice Statement for EPBC Act*

You are advised that the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance.

Further information on the EPBC Act can be obtained from the Department of the Environment, Water, Heritage and the Arts website www.environment.gov.au/epbc EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct. 2009)."

Carried unanimously

WITHDRAWAL

The Manager Development & Environment withdrew from the meeting at 10.50 am.

9. FINANCIAL REPORT FOR PERIOD ENDING 28 FEBRUARY 2014

Darryl Crees – General Manager corporate Services #417293

Moved Cr Noli

Seconded Cr Carey

"That Council note the Financial Report for the period ended 28 February 2014."

Carried unanimously

GENERAL BUSINESS

Moved Cr Melchert

"That the Chief Executive Officer be requested to ensure that, for the next council meeting and for all future council meetings, a tabular report be provided detailing development applications currently under consideration and that the report include applications under appeal."

The motion lapsed for want of a seconder.

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CLOSURE OF MEETING

The meeting closed at 11.10 am.

CONFIRMED THIS 1st DAY OF April 2014


MAYOR/CHAIR