

**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 1 APRIL 2014, COMMENCING AT 10.00AM**

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**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 Hoye (General Manager Operations), Donna Graham (Manager Development & Environment), Neil Beck (Technical Officer-Compliance), 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.

**APOLOGIES**

There were no apologies for the meeting.

**CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST – LISTED AGENDA ITEMS  
AGENDA ITEM 3 – MATERIAL CHANGE OF USE FOR SHOPPING FACILITIES & BUSINESS  
FACILITIES – 73-85 FRONT STREET, MOSSMAN**

Cr Melchert declared that a perceived conflict of interest in this matter could exist (as per Section 173 of the *Local Government Act 2009*) due to being a shareholder in the developer, Town & Country, and advised he would withdraw from the meeting when this matter is discussed.

**MAYORAL MINUTES**

Nil.

**CONFIRMATION OF MINUTES OF COUNCIL MEETINGS**

**ORDINARY MEETING HELD ON 11 MARCH 2014**

**Moved** Cr Carey

**Seconded** Cr Clarke

*"That the Minutes of the Ordinary Meeting held on Tuesday, 11 March 2014 be confirmed, subject to an amendment on page 2, under the heading **"3. PROPOSED AMENDMENT TO MOSSMAN GORGE ROAD USE AGREEMENT"**, the motion thereunder and the amendment to motion on Page 3 be removed and replaced with the following:-*

**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:*

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- *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.”.*

**Carried** unanimously.”

**Carried** unanimously.

**1. LGAQ FINANCE SUMMIT & CIVIC LEADERS SUMMIT, 7-9 MAY 2014, SUNSHINE COAST**

Darryl Crees – General Manager Corporate Services

**Moved** Cr Carey

**Seconded** Cr Clarke

*“That Council endorses the attendance of the Mayor and Deputy Mayor at the LGAQ Finance Summit on 7 May 2014 and the Civic Leaders Summit on 8-9 May 2014 at the Twin Waters Resort, Sunshine Coast.”*

**Carried** unanimously

**2. WORKPLACE HEALTH AND SAFETY POLICY**

Darryl Crees – General Manager Corporate Services #418384

**Moved** Cr Noli

**Seconded** Cr Carey

*“That Council adopt the Workplace Health and Safety Policy.”*

**Carried** unanimously

**WITHDRAWAL – CR MELCHERT – PERCEIVED CONFLICT OF INTEREST**

Cr Melchert declared a perceived conflict of interest in the following matter and withdrew from the meeting at 10.11 am.

**3. REQUEST TO CHANGE CONDITIONS OF APPROVAL – MATERIAL CHANGE OF USE FOR SHOPPING FACILITIES & BUSINESS FACILITIES – 73-85 FRONT STREET, MOSSMAN**

Neil Beck: MCUC 3102/2009 (417515)

**Moved** Cr Clarke

**Seconded** Cr Noli

- A. *“That Council approves the request to Change Conditions of Approval for a Material Change of Use for Shopping Facilities & Business Facilities over land described as Lot 2 on SP258887, located at 73–85 Front Street, Mossman, subject to the following:*

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1. That Condition 1 be amended as follows:

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
Proposed Site Plan	<del>07125-DA100B</del> <u>602682 DA01</u> <del>E</del> <u>602682 DA01 E</u>	Jan-2009 <u>27/02/2014</u>
<del>Proposed Elevations</del> <del>Elevations and Section</del>	<del>07125-DA101B</del> <u>602682</u> <del>DA02 D</del>	Jan-2009 <u>23/11/2012</u>
<del>Main Roads Concept Layout</del>	<del>GCS06-194</del>	<del>06/05/07</del>
<del>DMR Option Concept Layout</del>	<del>GCS06-194</del>	<del>06/05/07</del>
<del>3D Views</del>	<del>602682 DA03 C</del>	<del>23/11/2012</del>

2. That Conditions 4, 5 & 21 are deleted.

3. That all other conditions of Decision Notice for Development Permit 8/38/2 dated 14 December 2010 and as amended by Decision Notice dated 15 January 2013 remain unchanged.

B. That Council advises the Applicant that in order to comply with Condition 22a of the Decision Notice dated 15 January 2013, the walkway extending from the existing building on Lot 1 on SP258887 to the existing structure in the centre traffic island on Lot 2 on SP25887 must be covered.

C. That Council advises Woolworths Limited that the placement of the mural on the eastern façade of the building facing Front Street as detailed in the submission dated 27 February 2014 is welcomed and endorsed."

**Carried** unanimously

**WITHDRAWAL**

The Manager Development & Environment and the Technical Officer-Compliance, withdrew from the meeting at 10.11 am.

**RE-ATTENDANCE**

Cr Melchert re-attended the meeting at 10.11 am.

**4. COMMUNITY SUPPORT PROGRAM POLICY**

Helen Coulthard: Community and Economic Development Officer  
Kerrie Hawkes: Executive Officer/Policy & Strategy Coordinator (# 418103)

**Moved** Cr Carey

**Seconded** Cr Melchert

"That the Community Support Program Policy be advertised to the public for a period of ten (10) days and the Community & Economic Development Officer report back to the Council Meeting on 29 April 2014."

**Carried** unanimously.

**5. DOUGLAS SHIRE COUNCIL - DOUGLAS SHIRE EVENTS GENERAL POLICY AND STRATEGY**

Greg McLean, Communications and Events Officer : #418386

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

Moved Cr Carey

Seconded Cr Clarke

*"That Council:*

1. *release the Events General Policy for community consultation for a period of ten (10) working days, to be reviewed by Council at the Ordinary Council Meeting on 29 April, 2014;*
2. *release the Events Strategy 2014 – 2019 for community consultation for a period of (10) working days, to be reviewed by Council at the Ordinary Council Meeting on 29 April, 2014;*
3. *release the Events General Policy and Strategy Framework for community consultation for a period of ten (10) working days, to be reviewed by Council at the Ordinary Council Meeting on 29 April, 2014; and*
4. *request the Chief Executive Officer to report back to Council at Council Meeting to be held on 29 April 2014*

Carried unanimously

**6. GENERAL BUSINESS**

There was no General Business.

**7. CLOSED SESSION**

Moved Cr Clarke

Seconded Cr Noli

*"That Council resolve into Closed Session to discuss the following matter as listed in the agenda:*

- *Prejudicial Matter – Regional Arts Development Fund (RADF) Committee Appointments."*

Carried unanimously

**OUT OF CLOSED SESSION**

Moved Cr Carey

Seconded Cr Noli

*"That Council resolve to move out of Closed Session."*

Carried unanimously

**8. CONSIDERATION OF MATTER DISCUSSED IN CLOSED SESSION**

**1. PREJUDICIAL MATTER – REGIONAL ARTS DEVELOPMENT FUND (RADF)  
COMMITTEE APPOINTMENTS**

Helen Coulthard: Community and Economic Development Officer

Kerrie Hawkes: Executive Officer/Policy & Strategy Coordinator (#418108)

Moved Cr Melchert

Seconded Cr Carey

"That Council:

1. endorse the appointment of the following artistically-experienced Douglas Shire residents:

- John Burden
- Joy Shand-Culley
- Jill Booth
- Pamela Salt and
- Tina Gonsalves

to the Regional Arts Development Fund (RADF) Committee, to serve a term of two (2) years, with an option to stand down after one (1) year; and

2. delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to Council's Regional Arts Development Program."

**CLOSURE OF MEETING**

The meeting closed at 10.38 am.

**CONFIRMED THIS 29<sup>th</sup> DAY OF April 2014**

  
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**MAYOR/CHAIR**

