

**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, 24 JUNE 2014 COMMENCING AT 10.00 AM**

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), Jenny Elphinstone (Senior Planning 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

Nil

MAYORAL MINUTES

Nil.

CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 3 JUNE 2014

Moved Cr Carey

Seconded Cr Noli

"That the Minutes of the Ordinary Meeting held on Tuesday, 3 June 2014 be confirmed."

For: Crs Carey, Leu, Noli

Against: Crs Clarke and Melchert

Carried

**5.1 REQUEST TO EXTEND RELEVANT PERIOD – TRANSITIONAL SCHEME
APPROVAL – MATERIAL CHANGE OF USE FOR THREE (3) MULTIPLE
DWELLINGS (RESIDENTIAL) – 23 CORAL DRIVE, PORT DOUGLAS**

Jenny Elphinstone: MCUI 227/2014: 422478

Cr Melchert moved the following motion

Moved Cr Melchert

Seconded Cr Clarke

"That the application be approved and that an extension of two years be granted for the development approval for the reasons given, in part, by professional town planner, Mr

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Michael Tessaro."

Cr Carey foreshadowed that, if the motion were to be defeated, he would move a motion to support the recommendation contained in the report.

For Crs Melchert, Clarke
Against Crs Leu, Carey, Noli
Lost

Moved Cr Carey

Seconded Cr Noli

"A. *That Council refuses the request to extend the relevant period of approval for the Development Permit for Material Change of Use for Three (3) Multiple Dwellings (Residential), over land described as Lot 31 on RP734536, located at 23 Coral Drive, 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 *Since the issue of the Development Permit the 1996 Douglas Shire Planning Scheme has been superseded by new planning controls.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. *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;*
3. *The extension to the Development Permit is contrary to the expected outcomes for the land held by the community; and*
4. *The development, if applied for under the current Scheme, would require public notification, and may give rise to submissions against it.*

B. *In respect of the development of Multiple Dwellings on the land, Council advises 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, Noli, Carey
Against: Crs Melchert, Clarke
Carried

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For Crs Melchert, Clarke
Against Crs Leu, Carey, Noli
Lost

Moved Cr Carey

Seconded Cr Noli

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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. 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;
3. The extension to the Development Permit is contrary to the expected outcomes for the land held by the community; and
4. The development, if applied for under the current Scheme, would require public notification, and may give rise to submissions against it.

B. In respect of the development of Multiple Dwellings on the land, Council advises 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, Noli, Carey
Against: Crs Melchert, Clarke
Carried

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5.2 DOUGLAS PLANNING SCHEME

Simon Clarke / Donna Graham: #422733

Moved Cr Carey

Seconded Cr Clarke

"That Council:

1. *formally determines to review the Douglas Shire Planning Scheme;*
2. *adopts a two-phase approach to developing the planning scheme consisting of:*
 - (a) *a series of Councillor policy direction workshops to develop a new planning scheme, including informal targeted consultation;*
 - (b) *formal statutory processes as outlined in the Sustainable Planning Act 2009 following development of the new planning scheme;*
3. *supports the proposed removal of references to the Iconic Queensland Places Act 2008 from the Sustainable Planning Act 2009, and advises the Minister State Development Infrastructure and Planning accordingly."*

Cr Melchert suggested the following amendment to the motion:

2. (a) *a series of Councillor policy direction workshops to develop a new planning scheme, including informal targeted **and general community** consultation;*

The mover and seconder agreed on the amendment.

Carried unanimously

**5.3 EVENT STRATEGY – RESOURCE AND PERFORMANCE AGREEMENT
TEMPLATE**

Kerrie Hawkes: Executive Officer (#422746)

Linda Cardew: Chief Executive Officer

Moved Cr Carey

Seconded Cr Noli

"That Council:

1. *adopts the Resource and Performance Agreement template; and*
2. *delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the Agreement."*

Carried unanimously

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**5.4 AMENDED FEES AND CHARGES FOR LIBRARY, PORT DOUGLAS
MARKETS, AND ADDITIONAL PARKS/FORESHORE BOOKINGS**

Darryl Crees: General Manager Corporate Services: #422783

Moved Cr Noli

Seconded Cr Carey

"That Council adopts the amended fees and charges for Library, Port Douglas Markets and additional Parks/Foreshore Bookings for the 2014/2015 financial year."

For: Cr Noli, Cr Carey, Cr Clarke, Cr Leu

Against: Cr Melchert

Carried

5.5 COMPLAINTS MANAGEMENT PROCESS GENERAL POLICY

Darryl Crees: General Manager Corporate Services #422786

Moved Cr Carey

Seconded Cr Melchert

"That this policy be advertised for a period of ten days seeking community feedback after which a report will come back to Council."

Carried unanimously

5.6 DAINTREE RIVER FERRY CONCESSIONAL TRAVEL POLICY

Darryl Crees: General Manager Corporate Services: #422652

Moved Cr Carey

Seconded Cr Noli

"That Council adopts the Daintree River Ferry Concessional Travel Policy."

Carried unanimously

**5.7 DATE, TIME AND PLACE – COUNCIL MEETINGS 2014/15 FINANCIAL
YEAR**

Darryl Crees: General Manager Corporate Services #422771

Moved Cr Noli

Seconded Cr Carey

"That the Ordinary Meetings of Council be held commencing 10:00am at Council's Administration Office 64-66 Front Street Mossman on the following dates for the 2014/15 financial year, with the addition of 3 March 2014:

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<u>Day</u>	<u>Date</u>
Tuesday	15 July 2014
Tuesday	5 August 2014
Tuesday	26 August 2014
Tuesday	16 September 2014
Tuesday	7 October 2014
Tuesday	4 November 2014
Tuesday	18 November 2014
Tuesday	2 December 2014
Tuesday	16 December 2014
Tuesday	20 January 2015
Tuesday	10 February 2015
Tuesday	3 March 2015
Tuesday	24 March 2015
Tuesday	14 April 2015
Tuesday	5 May 2015
Tuesday	26 May 2015
Tuesday	16 June 2015"

Carried unanimously

5.8 CONCEPTUAL ASSET MANAGEMENT FRAMEWORK

Michael Matthews Project Engineer

Paul Hoyer General Manager: #422890

Moved Cr Carey

Seconded Cr Clarke

"That Council adopts and develops a conceptual framework for asset management, in accordance with the Eleven (11) Asset Management Framework Principles contained in the report."

Carried unanimously

7. REPEAL MOTIONS

7.1 CROC TROPHY RESOURCE AGREEMENT

Moved Cr Melchert

Seconded Cr Clarke

"That the following motion which was adopted at the Ordinary Meeting held on 3 June 2014 be repealed:-

'RESOLUTION

8.3 PREJUDICIAL MATTER - CROCODILE TROPHY - RESOURCE AND PERFORMANCE AGREEMENT

Kerrie Hawkes: Executive Officer (#421372)
Linda Cardew: Chief Executive Officer

Moved Cr Noli

Seconded Cr Carey

That Council:

1. agrees to support the Crocodile Trophy for \$10,000 (ex GST) per year for a term of three (3) years with a Resource and Performance Agreement dated 1 July 2014 to 30 June 2017. This will be guaranteed for the first year with the second and third years subject to agreed upon outcomes being met.
2. delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any minor amendments in relation to the execution of the Agreement.

Carried unanimously

For: Crs Melchert, Clarke

Against: Crs Carey, Noli, Leu

Lost

7.2 NEGOTIATED DECISION 5957R DAVIDSON STREET, CRAIGLIE

As a Negotiated Decision Notice has been issued in this matter, Council is unable to issue a further such notice. Therefore, the Repeal Motion failed.

8. URGENT BUSINESS

There was no urgent business.

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9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

- *Prejudicial Matter - Crocodile Trophy - Resource and performance agreement"*

Carried unanimously

OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Noli

"That Council resolves to move out of Closed Session."

Carried unanimously

9.1 PREJUDICIAL MATTER – CROCODILE TROPHY – RESOURCE AND PERFORMANCE AGREEMENT

Kerrie Hawkes: Executive Officer (#422775)
Linda Cardew: Chief Executive Officer

Moved Cr Melchert

Seconded Cr Carey

"That Council:

1. *confirms its in-principle support for the Crocodile Trophy with funding of \$10,000 (ex GST) per year for a term of three (3) years on terms set out in the Resource and Performance Agreement dated 1 July 2014 to 30 June 2017. Funding is to be guaranteed for the first year, with the second and third years subject to satisfactory completion of agreed performance indicators.*
2. *delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments and execute the Resource and Performance Agreement."*

Carried unanimously

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CLOSURE OF MEETING

The meeting closed at 10.46 am.

CONFIRMED THIS 15th DAY OF July 2014


MAYOR/CHAIR