

**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 3 JUNE 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), Kerrie Hawkes (Executive Officer), Neil Beck (Technical Officer-Compliance), Jenny Elphinstone (Senior Planning Officer), Michelle Henderson (Planning Officer), Michael Matthews (Project Engineer), Helen Coulthard (Community & Economic Development Officer), Greg McLean (Communication/Events Officer), Nicole Barton (Mayor & Councillor Support Officer) and Mary Graham (Acting 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 13 MAY 2014**

**Moved Cr Carey**

**Seconded Cr Clarke**

**Carried unanimously**

**SPECIAL MEETING HELD ON 20 MAY 2014**

**Moved Cr Noli**

**Seconded Cr Carey**

**Carried unanimously**

**5.1 DOUGLAS SHIRE COUNCIL CORPORATE PLAN 2014-2019**

Kerrie Hawkes: Executive Officer, (# 421547)  
Linda Cardew: Chief Executive Officer

**RECOMMENDATION:**

That Council adopts the Douglas Shire Council Corporate Plan 2014-2019.

Moved Cr Carey

Seconded Cr Clarke

Carried unanimously

**5.2. REQUEST FOR NEGOTIATED DECISIONS FOR MATERIAL CHANGE OF USE (CODE ASSESSMENT) AND NEGOTIATED INFRASTRUCTURE CHARGES NOTICE - SERVICE INDUSTRY- 5957R DAVIDSON STREET CRAIGLIE**

Jenny Elphinstone: 8/7/2906: #422117 & #422079

Moved Cr Carey

Seconded Cr Melchert

**RECOMMENDATION:**

That Council in part approve the request for a Negotiated Decision for the Material Change of Use for Service Industry over land described as Lot 57 on C22511, located at 5957R Davidson Street, Craiglie, whereby:

1. The Assessment Manager Condition 3(f) is amended as follows:

f. Either:

i. Include "No Standing" signage adjacent to the road frontage for the full width of the property frontage to Davidson Street (Captain Cook Highway);

OR

ii. Where the Applicant demonstrates agreement from the State of Queensland for the provision of a bus stop and shelter adjacent to the land on the State-controlled road:

- Provide a bus stop and shelter adjacent to the land; and
- Provide "No Standing" signage adjacent to the remaining road frontage to Davison Street (Caption Cook Highway); and
- Design of the bus stop and shelter is to match the bus stop and shelter currently existing nearby on the eastern side of Davidson Street (Caption Cook Highway) to the satisfaction of the Chief Executive Officer;

2. Include the following condition:

**25. Where the Applicant has chosen to provide a bus stop and shelter in accordance with Condition 3.f.ii all associated costs with the provision of the bus stop and shelter must be borne by the land owner. The bus stop signage (indicating a maximum stop time of 30mins) must be provided prior to the commencement of the land use and shelter must be provided within twelve months of the commencement of the land use.**

3. That Council issue a Negotiated Infrastructure Charges Notice, calculated giving credit to the land use approved under the Town Planning Consent 1072 issued by the former Douglas Shire Council.

4. The remaining Conditions, Approved Plans and Documents and Advice Notes of the Decision Notice issued on 24 February 2014 remain unchanged.

Carried unanimously

**5.3 OPERATIONAL WORKS (ROAD & DRAINAGE WORKS, STORMWATER, EARTHWORKS, WATER & SEWER INFRASTRUCTURE) – 36 MURPHY STREET, PORT DOUGLAS**

Neil Beck: OP 84/2014 : 421367

Moved Cr Carey

Seconded Cr Noli

**RECOMMENDATION:**

That Council refuses the Development Application seeking a Development Permit for Operational Works within in the unconstructed road reserve of Owen Street, and within the road reserve of Murphy Street, and on land described as Lot 131 on PTD 2094 being 36 Murphy Street, Port Douglas, on the following grounds:

1. The Development Application for Operational Works contains insufficient engineering detail to allow an informed assessment of the proposed work and does not comply with the requirements of Section AP1.01 – AP1.36 of the Far North Queensland Regional Organisation of Councils Development Manual as it relates to the proposed works. In particular:
  - (i) Registered Professional Engineers of Queensland (RPEQ) certified engineering drawings were not submitted with the application;
  - (ii) Certified stormwater catchment/s and calculations were not provided;
  - (iii) Adequate detail illustrating the delivery of stormwater for the minor and major events to a lawful point of discharge without adversely impacting on the proposed batter treatment of Murphy Street and downstream properties was not demonstrated.

2. The response to Council's information request was insufficient and referred to other supporting documentation which did not form part of the common material of the Development Application for Operational Works. Despite a request to provide this information, no such information was forthcoming.
3. Requests to extend the Relevant Period of the overarching planning approvals which are due to lapse on 28 May 2014 and 3 September 2014 to which the proposed works relate, were refused by Council and subsequently appealed by the Applicant, forming Appeals 44 and 45 of 2014. The Planning & Environment Court is now the responsible entity to determine the appropriateness of development over the land and adjacent road reserves having regard to the current Planning Scheme and other planning controls.
4. The Development Permit for Material Change of Use will lapse on 3 September 2014. Subject to getting the necessary approvals in place, the Applicant has the intervening period in which to construct and commence the use as detailed in the Development Permit which is neither realistic nor achievable.
5. The proposed structures to locate within the unconstructed road reserve of Owen Street and the road reserve of Murphy Street is not road infrastructure. This in turn gives rise to the issue of Owner's Consent and whether or not such works constitutes Resource Entitlement under the legislation applicable at the time the Development Applications for Reconfiguring a Lot and Material Change of Use were considered by Council. This specific issue will form a preliminary matter in the hearing of both Appeals in the Planning & Environment Court.

Carried unanimously

**5.4 MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) – TOURIST  
ATTRACTION (FARM TOURS) – 333R MIALLO BAMBOO CREEK ROAD,  
WHYANBEEL**

Michelle Henderson: MCUI 129/2014: # 418741

Moved Cr Melchert

Seconded Cr Carey

**RECOMMENDATION:**

That Council approves the development application for a Tourist Attraction (Farm Tours) over land described as Lot 2 on RP804928, located at 333R Miallo Bamboo Creek Road Whyanbeel, 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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<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Site Plan	Drawing reference LT333BAMBOCRK prepared by Nathan Verri Council ref 418600.	17 Feb 2014
Floor Plan Building A	Drawing reference LT333BAMBOCRK prepared by Nathan Verri Council ref 418600.	17 Feb 2014
Elevations (East and North)	Drawing reference LT333BAMBOCRK prepared by Nathan Verri Council ref 418600.	17 Feb 2014
Elevations (South and West)	Drawing reference LT333BAMBOCRK prepared by Nathan Verri Council ref 418600.	17 Feb 2014
Farm Shed Elevations	Drawing reference LT333BAMBOCRK prepared by Nathan Verri Council ref 418600.	17 Feb 2014

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

**Damage to Council Infrastructure**

3. In the event that any part of Council's existing water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

**On-Site Effluent Disposal**

4. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. The approved on-site effluent disposal consists of two existing septic systems. The septic systems are to be pumped out prior to Commencement of Use. Any increase in the number of equivalent persons using the facility or any additional fixtures installed, would require a re calculation.

### **Vehicle Parking**

- 5. The amount of vehicle parking must be a minimum of 6 car spaces and 2 bus spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be appropriately surfaced (graveled) and drained.**

### **Car Parking Layout**

- 6. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and the Douglas Shire Planning Scheme, in particular:
  - a. Provision must be made for loading / unloading of vehicles;**
  - b. Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear (including refuse and service/delivery vehicles);****

**Plans demonstrating compliance must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.**

### **Protection of Landscaped Areas from Parking**

- 7. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.**

### **Parking Signage**

- 8. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use. One (1) sign must be located on the Miallo Bamboo Creek Road frontage.**

### **External Works**

- 9. Undertake the following works external to the land at no cost to Council:
  - a. Provision of a concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1015;**
  - b. Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.****

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

#### **Lawful Point of Discharge**

10. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

#### **Refuse Storage**

11. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Council.
12. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

#### **Advertising Signage**

13. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

#### **LAND USE DEFINITIONS\***

*In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Tourist Attraction is defined as:*

*Means the use of premises for an activity or range of activities which showcase surrounding environmental or agricultural/rural attractions and are designed and operated primarily to attract tourists. The use includes:*

- *Interpretive/educational facilities;*
- *Administrative office and manager’s residence;*
- *Small scale ancillary facilities such as:*
  - *Retail outlet for the sale of souvenirs and similar items;*
  - *Kiosk; or*
  - *Restaurant.*

**Carried unanimously**

**5.5 PROPOSED AMENDMENT TO THE FAR NORTH QUEENSLAND  
REGIONAL ORGANISATION OF COUNCILS DEVELOPMENT MANUAL  
PLANNING SCHEME POLICY**

Michael Matthews: No.421500  
Paul Hoye-General Manager Operations

Moved Cr Noli

Seconded Cr Carey

**RECOMMENDATION:**

That Council:

1. Resolves to amend the Far North Queensland Regional Organisation of Council's Development Manual Planning Scheme Policy in accordance with Chapter 3 Part 5 of the *Sustainable Planning Act 2009*.
2. Resolves to proceed to public consultation of the proposed amendments as required under the *Sustainable Planning Act 2009*.

Carried unanimously

**5.6 REPORT FROM THE CHIEF EXECUTIVE OFFICER**

Linda Cardew – Chief Executive Officer #422131

Moved Cr Carey

Seconded Cr Clarke

**RECOMMENDATION:**

That Council receives and notes the report.

Carried unanimously

**6. NOTICE OF MOTION**

CR CAREY #422132

Moved Cr Carey

Seconded Cr Melchert

1. That the Council undertake no less than three (3) community forums engaging with the communities north of the Daintree river within the term of the current Council;
2. The first forum to be conducted early in the 2014/15 financial year and the second and third forums to be conducted during the 2015 calendar year.
3. That the forums either be general or specific in terms of the issues the Council may seek to canvass

Carried unanimously



## **7. URGENT BUSINESS**

There was no Urgent Business.

## **8. CLOSED SESSION**

Moved Cr Noli

Seconded Cr Clarke

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

- *Prejudicial Matter – Regional Arts Development Fund (RADF) Funding Recommendations 2013-14*
- *Resource and Performance Agreement – MOSSMAN AND DISTRICT SHOW SOCIETY 2014-2016*
- *Prejudicial Matter - Crocodile Trophy - Resource and performance agreement*

Carried unanimously

## **OUT OF CLOSED SESSION**

Moved Cr Noli

Seconded Cr Carey

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

Carried unanimously

**8.1 PREJUDICIAL MATTER - REGIONAL ARTS DEVELOPMENT FUND  
(RADF) FUNDING RECOMMENDATIONS 2013-2014**

Helen Coulthard: Community and Economic Development Officer (#420898)  
Kerrie Hawkes: Executive Officer

Moved Cr Noli

Seconded Cr Carey

**RECOMMENDATION:**

That Council:

- 1 approves the Regional Arts Development Fund (RADF) 2013-2014 applications as detailed in Attachment One of the Minutes;
- 2 delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to finalise any minor amendments in relation to administering the Regional Arts Development Fund applications 2013-2014.

Carried unanimously

**8.2 RESOURCE AND PERFORMANCE AGREEMENT – MOSSMAN AND  
DISTRICT SHOW SOCIETY 2014-2016**

Greg McLean: Communications and Events Officer (document #421534)  
Kerrie Hawkes: Executive Officer

Moved Cr Carey

Seconded Cr Clarke

**RECOMMENDATION:**

That Council:

- a) approves the Resource and Performance Agreement with the Mossman & District Show Society for a term of two years and one month, 1 July 2014 to 30 July 2016, to a value of \$15,500 (ex GST) per annum In-Kind; and
- b) delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*, to finalise any and all matters relating to the execution of the Agreement.

Carried unanimously

**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

**RECOMMENDATION:**

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

**CLOSURE OF MEETING**

The meeting closed at 10.53 am.

**CONFIRMED THIS 24<sup>TH</sup> DAY OF JUNE 2014**

  
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MAYOR/CHAIR

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
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10.00AM**

**Attachment 1 - Summary of 2013/2014 RADF Applications (in order of date received)**

Applicant Name	Project Name	Project Description	Category	Art form	Project Cost	RADF Requested	RADF Recommended
Pamela Willis Burden	Douglas Diaries	Researching interviews for an oral history project which will record memories of older people who grew up in Douglas	Concept Development	Museums and Collections	\$3,900	\$900	\$800
Douglas Shire Community Services Association Inc	Fun Screen printing Workshop for Youth	Employing two local emerging Kuku Yalanji artists plus materials to provide an opportunity for youth to participate in a screen printing project.	Building Cultural Capacity	Design	\$1,829	\$994	\$800
Douglas Theatre Arts Group Inc	Love in the Trestops	Creating a musical zone to support the production of 'Love in the Trestops'	Building Cultural Capacity	Theatre	\$23,760	\$1,000	\$800
Douglas Arts Gallery Studio Inc	Mosaic Skills with Dom	Holding two one-day mosaic workshop at Douglas Arts Base with Dominic Johns	Building Cultural Capacity	Visual Arts	\$2,710	\$1,000	\$900
Goobidi Bamanga CACS Ltd	Goobidi Story Live	Engaging a professional workshop facilitator to run a series of workshops with local Kuku Yalanji which culminate in a script celebrating the story of Goobidi	Contemporary Collections / Stories	Theatre	\$7,230.80	\$1,000	\$1000
Amy Bell	Attend Brisbane Writers Festival	Costs of travel and accommodation for a Douglas Shire professional playwright to attend the Brisbane Writers Festival to showcase her work and gain professional skills development.	Developing Regional Skills	Theatre	\$1,215	\$790	\$700
					\$40,645	\$5,684	\$5,000