

**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, 26 MAY 2015, COMMENCING AT 11.06 AM**

1. PRESENT

Cr Julia Leu, Cr Abigail Noli, Cr David Carey, Cr Bruce Clarke, Cr Terry Melchert, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Paul Hoye (General Manager Operations), Kerrie Hawkes (Executive Officer), Rebecca Assman (Manager Governance), Donna Graham (Manager Development and Environment), John Rehn (Manager Finance and IT), Jenny Elphinstone (Senior Planning Officer), Susanna Andrews (Technical Planning Officer), Neil Beck (Planning Officer), Mandy Boyle (Governance Officer), Scott Hahne (Project Engineer), Gaye Scott (NDRRA Traffic Management Officer), Greg McLean (Communication/Events Officer), Nicole Barton (Mayor & Councillor Support Officer) and Nevinia Davenport (Executive Assistant).

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.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Melchert declared a Conflict of Interest in Item 5.1 and Item 5.7 (as per Section 173 of the *Local Government Act 2009*) due to the fact that he has worked with the company Marano Enterprises Pty Ltd on projects either directly or indirectly related to these matters and advised that he would be excluding himself from the meeting whilst these matters are discussed and the vote is taken.

Cr Melchert stated that he recognises that his small shareholding in Town and County Pty Ltd which has shops in Mossman could reasonably be taken to be a perceived Conflict of Interest in the Item 5.3 (as per Section 173 of the *Local Government Act 2009*) but he has considered his position and is firmly of the opinion that he can participate in debate and vote on this matter in the public interest.

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING

ORDINARY MEETING HELD ON 5 MAY 2015

Moved Cr Carey

Seconded Cr Clarke

"That the Minutes of the Ordinary Meeting held on Tuesday, 5 May 2015 be confirmed".

Carried unanimously

SPECIAL MEETING HELD ON 15 MAY 2015

Moved Cr Noli

Seconded Cr Carey

"That the Minutes of the Special Meeting held on Friday, 15 May 2015, be confirmed".

Carried unanimously

PETITION

Moved Cr Leu

Seconded Cr Carey

Cr Leu tabled a petition from the Miallo Primary School P&C Association requesting Council consider funding an urgent safety upgrade of the Miallo Primary School Car Park and 'Drop and Go' Zone.

"That the petition be received and referred to Council Officers for consideration and a report to Council".

Carried unanimously

5. AGENDA ITEMS

WITHDRAWAL – CR MELCHERT

Cr Melchert declared a Conflict of interest in the following matter and withdrew at 11.12am.

**5.1 COMMERCIAL HOTEL LICENSE (DETACHED BOTTLE SHOP) –
DAINTREE INN, MOSSMAN-DAINTREE ROAD, WONGA BEACH**

Susanna Andrews: 453347

Moved Cr Clarke

Seconded Cr Carey

- A. *That the applicant and the Office of Liquor & Gaming Regulation, Department of Justice & Attorney-General, be advised that Council does not object to the application for Commercial Hotel Licence (Detached Bottle Shop) within an existing tenancy at Lot 1 on RP742757, Mossman-Daintree Road, Wonga Beach, subject to the hours of operation being restricted to no later than 8:00 pm in accordance with Condition 21 of the development permit issued on 21 May 2010.*
- B. *That the Office of Liquor & Gaming Regulation, Department of Justice & Attorney-General, be further advised that with respect to Part 3, section 7(4) of the Liquor Regulation 2002, that:*
- 1) *The projected population of Wonga Beach is not expected to grow significantly within the foreseeable future. However vacant land is available for new housing.*
 - 2) *The detached bottle shop –*
 - (a) *will be in a locality in which there is no licensed premises at which liquor is sold for consumption off premises;*
 - (b) *will primarily service the residents of the locality.*
 - 3) *Because of the locality's population, the locality is not likely to attract the establishment of licensed premises, other than the detached bottle shop.*

Carried unanimously

RE-ATTENDANCE – CR MELCHERT

Cr Melchert re-attended the meeting at 11.14am.

5.2 OPERATIONAL WORKS (PLACING AN ADVERTISING DEVICE ON PREMISES NOT ASSOCIATED WITH A MATERIAL CHANGE OF USE) – 53-61 MACROSSAN STREET PORT DOUGLAS

Neil Beck: OP 795/2015: (454011)

Moved Cr Carey

Seconded Cr Noli

That Council refuse the development application for Placing an Advertising Device on Premises (not Associated with a Material Change of Use) over land described as Lot 1 on RP150461, located at 53-61 Macrossan Street Port Douglas on the following grounds:-

1. *The proposed advertising device is contrary to the Port Douglas and Environs Locality Plan as the proposed sign:
 - (a) *is not representative of the high quality tourist image of Port Douglas as a seaside tropical resort town of international renown;*
 - (b) *does not complement the tropical image of the town.**

2. *The proposed advertising device is contrary to the Commercial Planning Area Code as the sign:
 - (a) *does not ensure that commercial and shopping areas are attractive through high quality design.**

3. *The proposed advertising device is contrary to the Design and Siting of Advertising Devices Code as the sign:
 - (a) *will adversely impact on the streetscape and will detract from the amenity of the locality;*
 - (b) *will not complement the design and architecture of the building;*
 - (c) *is not listed as an appropriate signage type in A2.1 of the code and, as such, the tourism appeal of Port Douglas will be compromised by the inclusion of this type of signage within its Tourist and Commercial Areas.**

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

Against: Cr Melchert

Carried.

5.3 REQUEST TO EXTEND THE PERIOD OF APPROVAL - SHOPS & OFFICES – PORT DOUGLAS ROAD, PORT DOUGLAS

Jenny Elphinstone: MCUC 728/2015: 449800

Moved Cr Carey

Seconded Cr Clarke

1. *That Council approves the request to extend the period of approval until 25 March 2018 for Shops & Offices over land described as Lot 193 on RP747071, located at Port Douglas Road, Port Douglas.*
2. *That the applicant be advised that conditions of Negotiated Decision MCU 3B 016/06 issued on 26 September 2006 remain applicable, except where varied by changes to conditions and the additional advice statements contained in Council's Decision Notice issued on 28 October 2013.*

Carried unanimously

5.4 FINANCIAL REPORT FOR PERIOD ENDING 30 APRIL 2015

Darryl Crees – General Manager Corporate Services

Moved Cr Leu

Seconded Cr Noli

That Council notes the Financial Report for the period ending 30 April 2015.

Carried unanimously

5.5 ADDENDUM TO FEES AND CHARGES SCHEDULE 2015 - 2016

Darryl Crees – General Manager Corporate Services

Moved Cr Carey

Seconded Cr Noli

That Council adopts the fees and charges contained in the addendum to the Fees and Charges Schedule 2015 – 2016 and the Schedule be updated accordingly.

For:- Cr Leu, Cr Carey, Cr Noli

Against:- Cr Melchert, Cr Clarke

Carried.

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5.6 GENERAL POLICIES – TO BE REVOKED

Rebecca Assman, Manager Governance #455160:
Darryl Crees, General Manager Corporate Services

Moved Cr Noli

Seconded Cr Clarke

That Council revoke the policies as outlined in Appendix A, that previously existed under Cairns Regional Council and transferred to Douglas Shire Council upon de-amalgamation, as they are not currently considered relevant to Douglas Shire Council.

Carried unanimously

WITHDRAWAL – CR MELCHERT

Cr Melchert declared a Conflict of interest in the following matter and withdrew at 11.49am.

**5.7 PROPOSED MORTGAGE BY WESTPAC BANKING CORPORATION
OVER TRUSTEE LEASES 715487882, 715487893 & 715487898
(LEASES D, E, J) PART OF LOT 126 CROWN PLAN SP868 COUNTY OF
SOLANDER PARISH OF SALISBURY**

Robert Donovan: Property Officer #455664
Darryl Crees; General Manager Corporate Services

Moved Cr Noli

Seconded Cr Carey

That Council defer the matter pending clarification of the implications of consenting to the mortgages.

Carried unanimously

RE-ATTENDANCE – CR MELCHERT

Cr Melchert re-attended the meeting at 11.58am.

6. NOTICES OF MOTION

6.1 NOTICE OF MOTION – CR MELCHERT – PETITION – REQUEST FOR 24 HOUR POLICE SERVICE IN THE DOUGLAS SHIRE

Moved Cr Melchert

Seconded Cr Leu

“In accordance with the petition received from a broad cross section of the community in the Douglas Shire that Council urgently make representations to the State Government through the Minister for Police requesting resources be made available to have our police stations maned [sic] for 24 hours over the days of Friday, Saturday, and Sunday each week so that the area can be properly policed and public order and safety can be restored for the residents of Cooya Beach and the Shire generally”.

Carried unanimously

6.2 NOTICE OF MOTION – CR MELCHERT – ADVERTISING OF DEVELOPMENT APPLICATIONS

Moved Cr Melchert

Seconded Cr Clarke

“That Council publish in the Port Douglas and Mossman Gazette each week a list of current Development/Planning applications which are being considered by Council, so that residents across the Shire will have a location, apart from the Council's web site, where they can regularly check what development applications are in the system.”

Moved Cr Carey

Seconded Cr Noli

“That the motion be amended to:

That Council publish fortnightly in the Port Douglas Mossman Gazette a list of development applications received in the intervening period between each publication.

When publishing each list there be an accompanying statement to the effect that the list is for community information purposes only and further details about each application are available on the Council's website. The publication of the list is not to be taken as an invitation to make submissions about any particular development application nor does it confer any rights upon anyone to make submissions.”

Carried unanimously

The amended motion became the substantive motion and was put to the vote.

Carried unanimously

6.3 NOTICE OF MOTION – CR MELCHERT – MCU (CODE ASSESSABLE DEVELOPMENT) LOT 1 CAPTAIN COOK HIGHWAY, INTENSIVE ANIMAL HUSBANDRY ETC.

Moved Cr Melchert

Seconded Cr Clarke

“That Council resolve that:-

- in relation to the Development Approval issued for “MCU (Code Assessable Development) Lot 1 Captain Cook Highway, Intensive Animal Husbandry etc, Council direct that should an application be received for any change to conditions it be referred for full Council consideration*
- and that in relation to this development approval no matter whatsoever is to be dealt under delegated authority and all matters are to be referred to full Council”.*

Moved Cr Noli

Seconded Cr Carey

“That the motion be amended to:

Council resolve that:

- in relation to the Development Approval issued for “MCU (Code Assessable Development) Lot 1 Captain Cook Highway, Intensive Animal Husbandry etc, Council direct that should an application be received for any change to conditions it be referred for full Council consideration; and*
- Council be informed expeditiously of the various stages of the project as it progresses.”*

For:- Cr Leu, Cr Noli, Cr Carey

Against:- Cr Melchert, Cr Clarke

Carried.

The amended motion became the substantive motion and was put to the vote.

For:- Cr Leu, Cr Noli, Cr Carey

Against:- Cr Melchert, Cr Clarke

Carried.

6.4 NOTICE OF MOTION – CR MELCHERT – MCU (CODE ASSESSABLE DEVELOPMENT) LOT 1 CAPTAIN COOK HIGHWAY – INTENSIVE ANIMAL HUSBANDRY ETC

Moved Cr Melchert

Seconded Cr Clarke

“At its meeting held on 26th August 2014 Council adopted the following recommendation:-

That Council:-

- 1. resolves to partially release funds to Paws and Claws Kennels Port Douglas that are currently held on their behalf.*
- 2. instruct the Chief Executive Officer to investigate opportunities for provision of land for Paws and Claws Kennels Port Douglas to construct new premises. A further report to be furnished to Council, in due course, with an assessment of available options.*
- 3. delegates authority to the Mayor and the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters associated with this resolution.’*

Accordingly the Chief Executive Officer and the Mayor be requested to advise on:-

- a) why given the above specific direction no report was provided to Council examining land options*
- b) why all Councillors were not immediately informed that a Development Application was submitted to the Planning Department providing just one option close to houses and a horse riding school*
- c) What discussions have been held by the Mayor and Chief Executive Officer on the development application with Paws and Claws prior to all Councillors being made aware of the existence of the application by its inclusion on the most recent Ordinary Council meeting agenda.”*

For:- Cr Melchert, Cr Clarke, Cr Carey

Against:- Cr Leu, Cr Noli

Carried

6.5 NOTICE OF MOTION – CR MELCHERT – MCU (CODE ASSESSABLE DEVELOPMENT) LOT 1 CAPTAIN COOK HIGHWAY – INTENSIVE ANIMAL HUSBANDRY ETC

Moved Cr Melchert

Seconded Cr Clarke

*“That Council resolve that in relation to condition 5 of the development approval issued for **MCU (Code Assessable Development) Lot 1 Captain Cook Highway Intensive Animal Husbandry Etc** Council direct that the required report from a qualified Acoustical Consultant be referred for full Council consideration prior any consideration of the issue of a building approval, and affected property owners and the community generally be invited to submit their noise concerns to the consultant.”*

Moved Cr Carey

Seconded Cr Leu

“That the motion be amended to:

That prior to the CEO endorsing the report of the qualified Acoustical Consultant pursuant to condition 5 of the development approval, the report be referred to a meeting of the Council for its consideration, observations and comments (including those of affected residents) back to the CEO.”

Carried unanimously

The amended motion became the substantive motion and was put to the vote.

Carried unanimously

7. URGENT BUSINESS

Nil

8. CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

“That Council resolves to move into Closed Session to discuss the following matters:

- Contractual Matter S.275(1)(E) Local Government Regulation 2012 - Natural Disaster Relief And Recovery Arrangements (2014) Contracts Dscndrra 11 & 12 – North & South Of Daintree River Road Rehabilitation Tender Evaluation Report.”*

Carried unanimously

OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Clarke

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

Carried unanimously

**8.1 CONTRACTUAL MATTER S.275(1)(E) LOCAL GOVERNMENT
REGULATION 2012 - NATURAL DISASTER RELIEF AND RECOVERY
ARRANGEMENTS (2014) CONTRACTS DSCNDRRA 11 & 12 – NORTH
& SOUTH OF DAINTREE RIVER ROAD REHABILITATION TENDER
EVALUATION REPORT**

Scott Hahne: NDRRA Project Engineer
Paul Hoye: General Manager Operations

Moved Cr Carey

Seconded Cr Leu

That Council resolves to:-

1. *Enter into contract DSCNDRRA11 - North of Daintree River Road Rehabilitation with Robinson Civil Construction FNQ Pty Ltd (ABN: 79 120 596 581) for the restoration of roads north of the Daintree River as part of the delivery of Natural Disaster Relief and Recovery Arrangements 2014 Funded Restoration Works Northern Roads Package; and*
2. *Enter into contract DSCNDRRA12 - South of Daintree River Road Rehabilitation with Heavy Earthmoving Hire Pty Ltd (ABN: 47 126 519 168) for the restoration of roads south of the Daintree River as part of the delivery of Natural Disaster Relief and Recovery Arrangements 2014 Funded Restoration Works Southern Roads Package; and*
3. *Delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate, execute and finalise any and all matters associated with these contracts.*

The motion was put to the vote.

For:- Cr Leu, Cr Noli, Cr Carey

Against:- Cr Melchert

Carried.

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 26 MAY 2015, COMMENCING AT 11.06 AM**

CLOSURE OF MEETING

The meeting closed at 1.37pm.

CONFIRMED: 16th DAY OF JUNE 2015


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MAYOR/CHAIR