

**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, 16 SEPTEMBER 2014 COMMENCING AT 10.00 AM**

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**PRESENT**

Cr Abigail Noli (Acting Mayor), Cr David Carey, Cr Bruce Clarke, Cr Terry Melchert, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Donna Graham (Acting General Manager Operations), John Rehn (Manager Finance), Rebecca Assman (Manager Governance), Neil Beck (Planning Officer), 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 Noli 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**

Mayor Leu is an apology for the meeting.

**CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST**

Cr Melchert declared a material personal interest (as per Section 173 of the *Local Government Act 2009*) in Agenda Item 5.3 due to being a shareholder in Town & Country Ltd.

**MAYORAL MINUTES**

**Moved** Cr Noli

*"That Council agrees to meet in a workshop at the earliest opportunity with Mr Bob Norman, Chair CHHHS, in regards to the Diwan Health Clinic, with the view to progressing discussions for the mutual benefit of the community and all parties and also with the view to scheduling a Special Meeting in the very near future to confirm terms for a lease for the new facility."*

**Carried** unanimously

**CONFIRMATION OF MINUTES OF COUNCIL MEETINGS**

**ORDINARY MEETING HELD ON 26 AUGUST 2014**

**Moved** Cr Carey

**Seconded** Cr Clarke

*"That the Minutes of the Ordinary Meeting held on Tuesday, 26 August 2014 be confirmed."*

**Carried** unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING  
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**5.1 DRAFT PLANNING AND DEVELOPMENT BILL 2014**

J Elphinstone: Senior Planning Officer #428298

**Moved** Cr Carey

**Seconded** Cr Clarke

*“That Council makes a submission to the Department of State Development, Infrastructure and Planning regarding the Draft Planning and Development Bill 2014 raising issues as outlined in the Officer report.”*

**For** Crs Noli, Carey, and Clarke

**Against** Cr Melchert

**Carried**

**5.2 REQUEST TO EXTEND RELEVANT PERIOD – PRELIMINARY APPROVAL  
FOR MATERIAL CHANGE OF USE – VIXIES ROAD, WONGA BEACH**

Neil Beck: Planning Officer - MCUI 2248/2006: #428133

**Moved** Cr Carey

**Seconded** Cr Clarke

*“That Council approves the request for an extension of the Preliminary Approval for Material Change of Use for Dwelling House, Local Utility, Display Home, Dwelling House/Attached Flat and Estate Sales Office (as defined in the Superseded Transitional Planning Scheme for the Shire of Douglas, December 1996) over land described as Lot 51 on SP155078, located at Vixies Road, Wonga Beach, so that the Relevant Period of the Preliminary Approval aligns with the Relevant Period of the Reconfiguring a Lot as detailed in Negotiated Decision Notice dated 16 December 2013.”*

**Carried unanimously**

**WITHDRAWAL – CR MELCHERT**

Cr Melchert declared a Material Personal Interest in the following matter and withdrew at 10.11 a.m.

**5.3 REQUEST TO CHANGE CONDITION OF APPROVAL – MATERIAL  
CHANGE OF USE FOR SHOPPING FACILITIES & BUSINESS FACILITIES  
– 63-71 FRONT STREET, MOSSMAN**

Neil Beck: Planning Officer - MCUC 3102/2009 #428389

**Moved** Cr Carey

*“That Council decline the request to approve a Change to a Condition of Approval.”*

**The motion lapsed for want of a seconder**

**MINUTES OF THE ORDINARY COUNCIL MEETING  
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**Moved** Cr Clarke

**Seconded** Cr Noli

*"That Council approves the request to Change a Condition of Approval for a Material Change of Use for Shopping Facilities & Business Facilities over land described as Lot 1 on SP258887, located at 63–71 Front Street, Mossman, subject to the following:*

1. *That Condition 22 (a) be amended as follows:*

*Provision of a covered pedestrian walkway as detailed on Drawing No DA01 Issue E that is constructed in accordance with the FNQROC Development Manual, to achieve an integrated shopping/commercial development. ~~The pedestrian walkway must be designed to provide the safest and most direct pedestrian link practicable between Proposed Building A and the existing covered footpath of Existing Building C.~~*

2. *That all other conditions of Decision Notice for Development Permit MCUC 3102/2009 dated 14 December 2010 and amended by Decision Notice dated 15 January 2013 and Decision Notice dated 4 April 2014 remain unchanged."*

**For** Crs Noli and Clarke

**Against** Cr Carey

**Carried**

**RE-ATTENDANCE**

Cr Melchert re-attended the meeting at 10.16 a.m.

**5.4 APPLICATION FOR TEMPORARY ROAD CLOSURE OVER PART OF  
HERITAGE LANE, CRAIGLIE ABUTTING LOT 12 ON N157447**

Graham Busby: Property Officer; #427661

Darryl Crees: General Manager Corporate Services

**Moved** Cr Melchert

**Seconded** Cr Clarke

*"That Council:*

1. *advises the Department of Natural Resources and Mines that it has no objection to the application for temporary road closure over road abutting Lot 12 on N157447 Heritage Lane Craiglie, subject to the following conditions:*
  - *the proposed landscaping must not adversely impact on existing drainage flows in the area; and*
  - *the proposed landscaping must be removed and the area reinstated if the temporary road closure is revoked or otherwise terminated;*
2. *delegates authority to the Mayor and 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 application."*

**Carried** unanimously

**5.5 FINANCIAL REPORT FOR PERIOD ENDING 31 AUGUST 2014**

Darryl Crees: General Manager Corporate Services #428679

**Moved** Cr Carey

**Seconded** Cr Clarke

*"That Council notes the Financial Report for the period ended 31 August 2014."*

**Carried** unanimously

**6. NOTICES OF MOTION**

Nil.

**7. URGENT BUSINESS**

Nil.

**8. CLOSED SESSION**

**Moved** Cr Carey

**Seconded** Cr Clarke

*"That Council resolves to move into Closed Session to discuss the following matter:*

- Natural Disaster Relief And Recovery Arrangements - Provision Of Engineering Services"*

**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 NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS-  
PROVISION OF ENGINEERING SERVICES**

Paul Hoyer: General Manager Operations #428488

**Moved** Cr Carey

**Seconded** Cr Clarke

"That Council:-

1. resolves to enter into contract DSCNDRRA001 with AECOM Australia Pty Ltd for the provision of engineering consultancy services associated with the Natural Disaster Relief and Recovery Arrangements 2014 Funded Restoration Works Northern Roads Package; and
2. delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate, finalise and execute any and all matters associated with the contract."

**For** Crs Noli, Carey, Clarke

**Against** Cr Melchert

**Carried**

**CLOSURE OF MEETING**

The meeting closed at 10.37 a.m.

**CONFIRMED THIS 7<sup>TH</sup> DAY OF OCTOBER 2014**

  
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MAYOR/CHAIR

