

**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 20 JANUARY 2015, COMMENCING AT 10.00 AM**

PRESENT

Cr Julia Leu, Cr Abigail Noli, Cr Bruce Clarke, Cr Terry Melchert, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Kerrie Hawkes (Executive Officer), Wouter Van der Merwe (Manager Water & Wastewater), Rebecca Assman (Manager Governance), Donna Graham (Manager Planning and Environment), Jenny Elphinstone (Senior Planning Officer), and Nicole Barton (Mayor & Councillor Support 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.

SUSPENSION OF STANDING ORDERS

Moved Cr Noli

Seconded Cr Clarke

"That Standing Orders be suspended to allow for Agenda Item 5.8 to be considered as the first item of the meeting."

Carried unanimously.

5.8 CR CAREY TO ATTEND MEETING VIA TELECONFERENCE

Darryl Crees: General Manager Corporate Services #437166

Moved Cr Leu

Seconded Cr Clarke

"That Council resolve to allow Cr Carey to attend Council Meeting via teleconference."

Carried unanimously.

Cr Carey joined the meeting via telephone.

APOLOGIES

There were no apologies.

CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Melchert – referred to Agenda Item 5.2 and advised that he has formed a view that he may have a material personal interest in this item, as prior to becoming a Councillor he provided advice to the Fuel Supply Company which operates the fuel supply service at the Marina. Cr Melchert therefore declared an interest in this item and advised of his intention to leave the meeting during Council consideration of this matter.

MAYORAL MINUTE

Nil

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CONFIRMATION OF MINUTES OF COUNCIL MEETING

ORDINARY MEETING HELD ON 16 DECEMBER 2014

Moved Cr Noli

Seconded Cr Clarke

"That the Minutes of the Ordinary Meeting held on Tuesday 16 December, 2014 confirmed."

Moved Cr Melchert

Seconded Cr Clarke

"That the motion be amended to read – That the Minutes of the Ordinary Meeting held on Tuesday 16 December, 2014 be confirmed subject to the following amendment:-

- *Under the heading "6.4 Notice of Motion – Cr Melchert – Pruning of Dangerous Tree Plantings – Council Administration Building and Harper Street Residential Property Boundary" – the following paragraph be inserted:*

Cr Melchert advised that commentary provided by staff in the Agenda that he directed the selection and planting of the trees was incorrect. He explained that the selection and planting had been undertaken by the Wet Tropics Tree Planting Program."

For:- Crs Melchert and Clarke.

Against:- Crs Leu, Noli and Carey.

Lost.

Moved Cr Carey

Seconded Cr Leu

"That the motion be amended to read – That the Minutes of the Ordinary Meeting held on Tuesday 16 December, 2014 confirmed subject to the following amendment:-

- *The removal in its entirety of the motion moved by Cr Melchert but not seconded which appears on Page 32."*

For:- Cr Carey

Against:- Crs Leu, Noli, Melchert and Clarke.

Lost.

The original motion was put to the vote.

For:- Crs Leu, Noli and Clarke.

Against:- Crs Melchert and Carey.

Carried.

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AGENDA ITEMS

**5.1 REQUEST FOR PERMISSIBLE CHANGE TO DEVELOPMENT APPROVAL
(CONVERSION OF MOTEL UNITS TO GAMING AREA AND ANCILLARY
STORAGE) – 7-9 MACROSSAN STREET & 6 WARNER STREET, PORT
DOUGLAS**

Neil Beck: MCUC 5400/2013: (437068)

Moved Cr Clarke

Seconded Cr Noli

That Council approves the request for a Permissible Change to a Development Approval for the conversion of existing motel units to gaming area and ancillary storage over land described as Lots 10 and 11 on SP262348, located at 7-9 Macrossan Street and 6 Warner Street, Port Douglas, subject to the following:

1. Amend Approved Drawings table 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
<u>Proposed Site Plan</u>	<u>PET 004 DD 11-02 Rev DA2</u>	<u>24 July 2013</u>
<u>Shed Extension Plan and Elevations</u>	<u>PET 004 DD11-03 Rev DA2</u>	<u>24 July 2013</u>
<u>Proposed Ground Floor Plan – Hotel & Kitchen</u>	<u>PET 004 DD11-04 Rev DA1</u>	<u>8 August 2013</u>
<u>Proposed First Floor Plan – Hotel & Kitchen</u>	<u>PET 004 DD11-05 Rev DA1</u>	<u>8 August 2013</u>
Preliminary Site Plan	PET 006 PR1.1	10 November 2014
Preliminary Ground Floor Plan	PET 006 PR1.4	10 November 2014
Preliminary First Floor Plan	PET006 PR1.5	10 November 2014

2. Amend Condition 9 to read as follows:

The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of ~~ten (10)~~ eleven (11) for the use approved herein. 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 maneuvering areas must be imperviously sealed, drained and line marked.

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During the operating hours of the Tavern, the car park must remain freely available and accessible for use by patrons and employees of the Tavern. A sign advising of the location of the off-street visitor parking area must be erected on the Warner Street frontage of 7-9 Macrossan Street to the satisfaction of the Chief Executive Officer.

3. *That all other conditions of the Amended Decision Notice dated 25 October 2013 (#397149) remain unchanged.*

FURTHER ADVICE

1. *This approval lapses on 9 December 2015 as detailed in correspondence dated 12 December 2013.*
2. *All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

Infrastructure Charges Notice

4. *A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.*

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development and Environment Branch at Council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

5. *For information relating to the Sustainable Planning Act 2009 log on to www.dsdip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.*

Carried unanimously.

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WITHDRAWAL CR MELCHERT

Cr Melchert declared a Material Personal Interest in Agenda Item 5.2 and withdrew from the meeting at 10.32am.

5.2 MATERIAL CHANGE OF USE (CODE ASSESSMENT) & OPERATIONAL WORKS FOR PRESCRIBED TIDAL WORKS – REEF MARINA, WHARF STREET, PORT DOUGLAS

Neil Beck: MCUC 449/2014: (430779)

Moved Cr Noli

Seconded Cr Clarke

"A. That Council approves in part the Material Change of Use and Operational Work for Prescribed Tidal Work for the expansion of the existing Marina over land described as Lot 146 on SP861, located at Wharf Street, Port Douglas, 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:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>General Notes & Locality Plan</i>	<i>4577-100B</i>	<i>29 July 2014</i>
<i>Demolition Plan</i>	<i>4577-101/A</i>	<i>25 July 2014</i>
<i>General Arrangement</i>	<i>4577-102/D</i>	<i>25 July 2014</i>
<i>Marina Setout</i>	<i>4577-103/C</i>	<i>28 July 2014</i>
<i>Pile Layout & Profile</i>	<i>4577-105/C</i>	<i>25 July 2014</i>
<i>Pile Schedule</i>	<i>4577-106/B</i>	<i>25 July 2014</i>
<i>Services Layout</i>	<i>4577-107/C</i>	<i>28 July 2014</i>
<i>Concrete Abutment Details</i>	<i>4577-109</i>	<i>29 July 2014</i>
<i>Typical Pile Bracket Details</i>	<i>4577-110</i>	<i>29 July 2014</i>
<i>Typical Bracket Details</i>	<i>4577-111</i>	<i>29 July 2014</i>
<i>Standard Pontoon Details</i>	<i>4577-112</i>	<i>29 July 2014</i>

Note – The utility berths are not approved. All reference to the utility berths on the approved plans listed in the above table have no force or effect.

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

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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 sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the applicant / owners cost, prior to the Commencement of Use.*

Storage of Machinery and Plant

4. *The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties to the satisfaction of the Chief Executive Officer.*

Demolish Structures

5. *All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to Commencement of Use.*

Construction Access

6. *All construction works and delivery of materials must take place using the existing access location into Lot 146 on SR861 or via Dickson Inlet. Wharf Street is not to be used for the set down of materials or to aid with the construction of the expansion without the express approval of the Chief Executive Officer.*

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<i>Concurrency Agency</i>	<i>Concurrency Agency Reference</i>	<i>Date</i>	<i>Council Electronic Reference</i>
<i>Department of State Development Infrastructure & Planning</i>	<i>SDA-1014-015258</i>	<i>5 December 2014</i>	<i>435421</i>

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of 339 and 341 of the Sustainable Planning Act 2009.*

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2. *All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*

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LAND USE DEFINITIONS*

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

Premises used to moor or store marine vessels (including power driven, yachts and fishing vessels) on, or adjacent to the water.

The use may include ancillary facilities for the refuelling, servicing, repair, land storage and sale of marine craft and for the sale of related boating gear and equipment.

The use includes:

- slipway;*
- marine infrastructure;*
- offices and storerooms;*
- laundry, toilet and shower facilities;*
- general store not exceeding 250m²*

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- *marine retail, including dive stores;*
- *marine related tourism activities;*
- *ancillary marina facilities used in connection with the marina;*
- *sale of freshly caught seafood produce from marine vessels (specifically the vessel the seafood was caught from).*

**This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.*

- B. That Council refuses in part the Material Change of Use and Operational Work for Prescribed Tidal Work for the expansion of the existing Marina as it relates to the proposed 'utility berths' over land described as Lot 146 on SP861, located at Wharf Street, Port Douglas, having regard to the following:*
- 1. The proposed utility berths and associated service demands generated by commercial and other vessels will take place within the road reserve of Wharf Street.*
 - 2. The reliance on Wharf Street to absorb all associated parking and servicing demands generated by the various commercial vessels being moored at this location is in conflict with the purpose statements and desired development outcomes of the Port Douglas Waterfront Planning Area in that:*
 - a. The use of the Wharf Street road reserve in this manner does not contribute to a high quality public space;*
 - b. Does not provide for or promote pedestrian connectivity which is safe and efficient.*
 - c. Will have a detrimental impact on the streetscape in terms of aesthetics for both pedestrian and vehicle traffic.*
 - d. Will have an adverse impact on the sense of arrival when entering Port Douglas through having a negative impact on the existing amenity and character of the precinct.*
 - e. Places additional and unnecessary pedestrian and vehicle movements in this location which will create conflict with the Bally Hooley rail line.*
 - 3. The proposed utility berths conflict with the Performance Criterion 10 & 11 of the Port Douglas Waterfront Planning Area Code as it relates to Parking Access and Mobility in that:*
 - a. Vehicle parking and service areas will dominate the streetscape in this location enhancing pedestrian and vehicle conflict.*
 - b. Will detrimentally impact of the ability of Wharf Street being a planned connectivity route to convey pedestrians, cyclists, motorists and public transport into and through the Waterfront."*

Carried unanimously.

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RE-ATTENDANCE CR MELCHERT

Cr Melchert re-attended the meeting at 10.40am.

5.3 DAINTREE FORUM #1 – STATUS REPORT

Linda Cardew: Chief Executive Officer

Moved Cr Noli

Seconded Cr Melchert

"That Council receive and note the report."

Carried unanimously.

**5.4 OPERATIONS DEPARTMENT CAPITAL WORKS PROGRESS REPORT
FOR PERIOD OCTOBER - DECEMBER 2014**

P Hoye: General Manager Operations

Moved Cr Melchert

Seconded Cr Clarke

"That Council receive and note the progress of the Capital Works Program for the 2nd Quarter of the 2014/2015 financial year."

Carried unanimously.

**5.5 OPERATIONAL PLAN 2014 – 2015 FOR THE PERIOD OCTOBER TO
DECEMBER 2014**

Darryl Crees: General Manager Corporate Services #437311

Moved Cr Noli

Seconded Cr Clarke

"That Council notes the progress of the implementation of the Operational Plan 2014 – 2015."

Carried unanimously.

5.6 QUARTERLY WATER AND WASTEWATER REPORT

Wouter van der Merwe: Manager Water and Wastewater

Paul Hoye: General Manager Operations

Moved Cr Clarke

Seconded Cr Melchert

"That the Quarterly Report of the Water and Wastewater Branch for the period ending 31 December 2014 be received and noted."

Carried unanimously.

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5.7 FINANCIAL REPORT FOR PERIOD ENDING 31 DECEMBER 2014

Darryl Crees – General Manager Corporate Services

Moved Cr Noli

Seconded Cr Clarke

“That Council notes the Financial Report for the period ended 31 December 2014.”

Carried unanimously.

6. NOTICES OF MOTION

6.1 NOTICE OF MOTION – CR MELCHERT - WAIVER OF INFRINGEMENT NOTICE ISSUED TO MR RICHARD LAVENDER FOR ALLEGED NON - COMPLIANCE WITH LOCAL LAW OPERATION OF TEMPORARY EVENTS

Moved Cr Melchert

“That Council direct the Chief Executive Officer to waive and withdraw the Infringement Notice and Penalty issued to Mr Richard Lavender regarding alleged non-compliance with the Local Law relating to the operation of Temporary Events, in particular a Halloween activity.”

The motion lapsed for want of a seconder.

7. URGENT BUSINESS

Nil

8. CLOSED SESSION

Moved Cr Clarke

Seconded Cr Noli

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

- *Prejudicial Matter – Australia Day Awards 2015;*
- *Prejudicial Matter – Regional Arts Development Fund (RADF) Funding Recommendations 2014-15;*
- *Contractual Matter S275 (1)E Local Government Regulation 2012 – Daintree River Ferry Operations.”*

Carried unanimously.

WITHDRAWAL CR MELCHERT

Cr Melchert withdrew from the Meeting at 10.57 am.

RE-ATTENDANCE CR MELCHERT

Cr Melchert re-attended the Meeting at 10.58 am.

OUT OF CLOSED SESSION

Moved Cr Noli

Seconded Cr Clarke

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

Carried unanimously.

8.1 PREJUDICIAL MATTER – AUSTRALIA DAY AWARDS 2015

Helen Coulthard: Community and Economic Development Officer #433988
Kerrie Hawkes: Executive Officer

Moved Cr Noli

Seconded Cr Clarke

"That Council select the following nominees for Australia Day Awards 2015:-

- *Citizen of the Year – C3*
- *Volunteer of the Year – C1*

Further, that the following Awards be given:-

- *Civic Recognition of Sporting Achievements*
- *Civic Recognition of Courage"*

Carried unanimously.

**8.2 PREJUDICIAL MATTER - REGIONAL ARTS DEVELOPMENT FUND
(RADF) FUNDING RECOMMENDATIONS 2014-2015**

Helen Coulthard: Community and Economic Development Officer (#435118)
Kerrie Hawkes: Executive Officer

Moved Cr Noli

Seconded Cr Melchert

"That Council:

1. *Approves funding of four Regional Arts Development Fund (RADF) 2014-2015 Round One projects totalling \$8,850 detailed in Attachment One of the report;*
2. *Not approve funding of two Regional Arts Development Fund (RADF) 2014-2015 Round One projects detailed in Attachment Two of the report;*
3. *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 administering the Regional Arts Development Fund applications 2014-2015."*

Carried unanimously.

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**8.3 CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 – DAINTREE RIVER FERRY OPERATIONS**

Darryl Crees: General Manager Corporate Services #436943

Moved Cr Noli

Seconded Cr Carey

“That Council, pursuant to clause 2.1 of the Daintree Ferry Contract, offers Sirron Enterprises (Qld) Pty Ltd an extension of 5 years to the Daintree Ferry Contract effective upon the expiration of the initial contract term being 1 July 2016.”

Moved Cr Melchert

“That the motion be amended to read - That Council, pursuant to Clause 2.1 of the Daintree Ferry Contract, offers Sirron Enterprises (Qld) Pty Ltd an extension of 5 years to the Daintree Ferry Contract effective upon the expiration of the initial contract term being 1 July 2016 subject to the contractor providing Council with a Certificate from an appropriately qualified Naval Architect certifying that the vessel is in a condition that will allow it to continue to operate in accordance with relevant legislation for the five year extended period.”

The motion lapsed for want of a seconder.

The original motion was put to the vote.

For:- Crs Leu, Noli, Carey and Clarke.

Against:- Cr Melchert

Carried

CLOSURE OF MEETING

The meeting closed at 11.38 am.

CONFIRMED THIS 10TH DAY OF FEBRUARY 2015


.....
MAYOR/CHAIR

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 20 JANUARY 2015, COMMENCING AT 10.00 AM

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Attachment 1

Successful applications for funding 2014/2015 RADF Round One

Applicant Name	Project Name	Project Description	Category	Artform	Project Cost	Grant requested	Grant amount recommended
Douglas Arts Studio Gallery Inc	Perfecting Pastels! A workshop with Louise Derry	Engaging the services of pastel artist, Louise Derry to hold a workshop at DAB in 2015.	Building Community Cultural Capacity	Visual Arts	\$3,460	\$2,050	\$1,700
Mossman Gorge Centre	The Artist's Scarf - Kuku Yalanji Style	Holding a 4-day workshop for indigenous artists with Linda Jackson, to produce designs for textiles and fashion.	Building Community Cultural Capacity	Design	\$5,316	\$2,700	\$2,700
Diana Abiad	Continuing Traditions	Supporting traditional owner Karen Shuan, to conceptualise and transcribe her stories into visual works which build on previous works by her mother, Judy Shuan.	Cultural Tourism	Visual Arts	\$6,510	\$1,750	\$1,750
Bill Wilkie	Low Isles - Shining a light on the Douglas Shire	Costs of research and writing to create a book proposal telling the history of Low Isles.	Concept Development	Writing	\$5,718	\$2,700	\$2,700
					\$21004	\$9,200	\$8,850

BUDGET \$20,000
Remaining \$11,150

