

**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 AUGUST 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), Kerrie Hawkes (Executive Officer – CEO Unit), 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 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

Cr Clarke declared a Conflict of Interest in Item 5.3 (as per Section 173 of the *Local Government Act 2009*) due to his role as a member of the Douglas Shire Community Services Association Management Committee.

MAYORAL MINUTES

Moved Cr Leu

That the Council submit the following motion to the Local Government Association Queensland conference to be held in Mackay on 27 to 29 October 2014:

“That the State be requested to review the Animal Management (Cats and Dogs) Act 2008 and the review procedures under the Queensland Civil & Administrative Tribunal Act 2009 to provide Local Government with effective powers to deal with, and where appropriate, dispose of dogs which present a potential risk to the community.

I am seeking Councillor support in submitting the attached motion, due to the situation we are currently experiencing in Douglas which has, to date, cost Council thousands of dollars in staff, sustenance, and vet costs, including weekend callouts, when these have been the only dogs in the pound.”

Carried unanimously

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CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 5 AUGUST 2014

Moved Cr Carey

Seconded Cr Noli

*"That the Minutes of the Ordinary Meeting held on Tuesday, 5 August 2014 be confirmed, subject to the following amendment on Page 1, under the heading **"CONFLICT OF INTEREST"**:*

*"The Mayor declared a Conflict of Interest in Item 8.1 (as per Section 173 of the Local Government Act 2009), due to ~~her membership of the Port Douglas Community Services Network Inc.~~ **her role as a member of the Port Douglas Community Services Network Management Committee.**"*

Carried unanimously

**5.1 QUEENSLAND COMPETITION AUTHORITY DRAFT REPORT
AQUACULTURE REGULATION IN QUEENSLAND**

J Elphinstone: Senior Planning Officer #426541

Paul Hoye: General Manager Operations

Moved Cr Noli

Seconded Cr Carey

"That Council notes the Draft Report on Aquaculture Regulation in Queensland undertaken by the Queensland Competition Authority."

Cr Carey suggested the following amendment to the motion

*"That Council notes the Draft Report on Aquaculture Regulation in Queensland undertaken by the Queensland Competition Authority. Further, that **Council make a submission to the Queensland Competition Authority Aquaculture Regulation process highlighting this Council's concerns in accordance with the comments and concerns raised on Page 5 of the Council report by staff.**"*

The mover agreed with the amendment and it became the motion.

For Crs Leu, Noli, Carey, and Clarke

Against Cr Melchert

Carried

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5.2 MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) INDOOR SPORTS & ENTERTAINMENT (GYMNASIUM) – 1-5 DICKSON STREET, CRAIGLIE

Jenny Elphinstone: Senior Planning Officer - 43.2014.198 #421605

Moved Cr Carey

Seconded Cr Clarke

“That Council approves the development application for a Material Change of Use for Indoor Sports & Entertainment (Gymnasium) over land described as Lot 10 on RP746523, located at 1-5 Dickson Street, Craiglie, 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:

Drawing or Document	Reference	Date
Building Layout	Prepared by the Applicant.	As submitted to Council on 19 May 2014 (Council document reference D#421462)
Site Plans	Prepared by the Applicant	As submitted to Council on 7 August 2014 (Council document reference D#425954)

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.**

Vehicle Parking

3. **The amount of vehicle parking must be as specified in Council’s Planning Scheme which is a minimum of ten (10) spaces must be provided for the Indoor Sport and Entertainment land use. One of the ten spaces must provide for a disabled person’s car.**

The car parking layout must comply with the Australian Standard AS2890.1 2004

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Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design.

Prior to the commencement of use the following must be provided to the satisfaction of the Chief Executive Officer:

- a. ***A concrete crossover and apron, for a length of at least 5m onto the land, consistent with the FNQROC Development Manual; and***
- b. ***The car parking and remaining driveway area must be drained, sealed and constructed of a gravel or concrete or bitumen surface.***

Protection of Landscaped Areas from Parking

4. ***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.***

Landscaping Plan

5. ***The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:***
 - a. ***Deep planting of setback areas using species as per the Planning Scheme Policy No.7; and***
 - b. ***Inclusion of any other relevant conditions included in this Development Permit.***

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Bicycle Parking

6. ***Provide secured, on-site bicycle parking in accordance with Table 10-1 of AUSTRROADS Guide to Traffic Engineering Practice Part 14 – Bicycles. Based on the provisions in Table 10-1 (page 133) the minimum number of parking spaces required for this development is two (2) spaces. The bicycle parking area must be constructed prior to Commencement of Use.***

Lighting

7. ***All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.***

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Damage to Infrastructure

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

Advertising Signage

9. ***Prior to the display of advertising signage the Applicant must provide details of the signage including the content and proportions and method of erection to the Chief Executive Officer. The advertising device must be subservient in scale to the primary use of the land and where a banner sign must be maintained in good condition to the satisfaction of the Chief Executive Officer. A maximum of one sign per frontage is permitted for the use of Indoor Sports and Entertainment (Gymnasium). All signage must be within a landscaped setting. No flashing signage is permitted to face the State-controlled Road.***

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of State Development Infrastructure and Planning	SDA-0614-010912	4 August 2014	D#425804

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 select one sections 339 and 341 of the Sustainable Planning Act 2009.***
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.***
4. ***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.***

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LAND USE DEFINITIONS*

In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Indoor Sports & Entertainment is defined as:

Indoor Sports and Entertainment

Means the use of premises for sport, physical exercise, recreation or public entertainment predominantly within a Building.

The use includes facilities commonly described as:

- *sports centre;*
- *gymnasium;*
- *amusement and leisure centre;*
- *cinema*
- *dance club;*
- *music club;*
- *nightclub;*
- *reception room;*
- *theatre;*
- *convention centre; or*
- *function centre.*

**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."*

Carried unanimously

WITHDRAWAL – CR CLARKE

Cr Clarke declared a Conflict of Interest in the following matter and withdrew at 10.18 a.m.

**5.3 DOUGLAS SHIRE COMMUNITY SERVICES ASSOCIATION –
RESOURCE AND PERFORMANCE AGREEMENT**

Kerrle Hawkes: Executive Officer #426090

Linda Cardew: Chief Executive Officer

Moved Cr Carey

Seconded Cr Noli

"That Council:

1. *resolves to support Douglas Shire Community Services Association for the delivery of the Mossman Community Christmas in the Park event with funding of \$5,000 (ex GST) and \$2,500 'in-kind' support for a period of three (3) years on terms set out in the Resource and Performance Agreement 1 September 2014 to 31 August 2017;*

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2. *resolves to delegate 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

RE-ATTENDANCE – CR CLARKE

Cr Clarke re-attended the meeting at 10.20 a.m.

5.4 FINANCIAL REPORT FOR PERIOD ENDING 31 JULY 2014

Darryl Crees: General Manager Corporate Services #427039

Moved Cr Carey

Seconded Cr Noli

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

Carried unanimously

**5.5 118TH LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND
ANNUAL CONFERENCE – CONFERENCE DELEGATES**

Darryl Crees: General Manager Corporate Services #427003

Moved Cr Noli

Seconded Cr Clarke

"That Council nominates the Mayor and Deputy Mayor as the Douglas Shire Council Delegates at the 2014 Annual Local Government Association of Queensland (LGAQ) Conference in Mackay on 27-29 October 2014."

Cr Carey suggested the following amendment to the motion

"That Council nominates the Mayor and Deputy Mayor as the Douglas Shire Council Delegates at the 2014 Annual Local Government Association of Queensland (LGAQ) Conference in Mackay on 27-29 October 2014. Further, that all Councillors be given the opportunity to attend the conference."

The mover and the seconder agreed with the amendment to the motion.

Carried unanimously

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5.6 REPORT FROM THE CHIEF EXECUTIVE OFFICER

Linda Cardew: Chief Executive Officer #427007

Moved Cr Noli

Seconded Cr Carey

"That Council receives and notes the report."

Carried unanimously

5.7 FUNDING FOR DISASTER RESILIENCE CAPITAL WORKS

Paul Hoye: General Manager Operations #427170

Moved Cr Carey

Seconded Cr Clarke

"That Council:-

- 1. notes that the Government funding for the Degarra Causeways Access Flood Immunity Upgrade Project is 70% of the total project cost of \$858,130;*
- 2. allocates \$257,565 from General Revenue for the funding of Council's contribution towards the delivery of the Degarra Causeways Access Flood Immunity Upgrade; and*
- 3. enters into a Sub-Agreement with the Department of Local Government, Community Recovery and Resilience to deliver the project;*
- 4. 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 project; and*

Cr Carey suggested the following amendment to the motion

"That Council:-

- 1. notes that the Government funding for the Degarra Causeways Access Flood Immunity Upgrade Project is 70% of the total project cost of \$858,130;*
- 2. allocates \$257,565 from General Revenue for the funding of Council's contribution towards the delivery of the Degarra Causeways Access Flood Immunity Upgrade; and*
- 3. enters into a Sub-Agreement with the Department of Local Government, Community Recovery and Resilience to deliver the project;*
- 4. 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 project; and*

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5. *congratulates the staff on securing this funding.*

The seconder supported the amendment to the motion

Carried unanimously

7.1 URGENT BUSINESS

Cr Melchert advised he would withdraw the urgent business item.

8. CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

- *Prejudicial Matter – Paws and Claws Kennels, Port Douglas*

Carried unanimously

OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Noli

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

Carried unanimously

8.1 PREJUDICIAL MATTER – PAWS AND CLAWS KENNELS PORT DOUGLAS

Darryl Crees - General Manager Corporate Services: #427216

Moved Cr Noli

Seconded Cr Melchert

"That Council:

- *resolves to release funds of \$10,000 held by Council, which have previously been committed to Paws and Claws Kennels Port Douglas;*
- *instructs 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; and*
- *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.*

Carried unanimously

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CLOSURE OF MEETING

The meeting closed at 11.12 a.m.

CONFIRMED THIS 26th DAY OF September 2014

Abigail Nield
MAYOR/CHAIR