

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD AT THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT
STREET, MOSSMAN ON FRIDAY, 31 JULY 2015, COMMENCING AT 10.00 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 Hoyer (General Manager Operations), Rebecca Assman (Manager Governance), Donna Graham (Manager Development and Environment), Wouter van der Merwe (Manager Water and Wastewater), John Rehn (Manager Finance and IT), Jenny Elphinstone (Senior Planning Officer), Susanna Andrews (Technical Planning Officer), Scott Hahne (NDRRA Project Engineer), Garry Mason (Team Leader IT and Business Process), Greg McLean (Communications/Events 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

Nil.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Melchert declared a perceived Conflict of Interest in relation to Item 5.10 (as per Section 173 of the *Local Government Act 2009*) due to many of the property owners and residents in Miallo being well known to him and he advises that he intends to leave the meeting on the debate and not vote on this matter.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 7 JULY 2015

Moved Cr Carey

Seconded Cr Noli

"That the Minutes of the Ordinary Meeting held on Tuesday 7 July 2015, be confirmed."

For:- Cr Leu, Cr Noli and Cr Carey

Against:- Cr Clarke and Cr Melchert

Carried.

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5. AGENDA ITEMS

**5.1 COMMERCIAL OTHER SUBSIDIARY ON PREMISES LICENCE –
COFFEE WORKS – PORT DOUGLAS, SHOP 5, 32 MACROSSAN
STREET, PORT DOUGLAS**

Susanna Andrews, Technical Planning Officer # 457725

Moved Cr Carey

Seconded Cr Melchert

“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 Other Subsidiary on Premises Licence for Shop 5, 32 Macrossan Street, Port Douglas, also described as Lot 5 on BUP70658.”

Carried unanimously.

**5.2 REQUEST TO CHANGE CONDITIONS OF A MATERIAL CHANGE OF
USE DEVELOPMENT APPROVAL AND RECONFIGURING A LOT BY
LEASE AGREEMENT EXCEEDING 10 YEARS – 2827R, 2829R & 2831R
CAPE TRIBULATION – BLOOMFIELD ROAD, DEGARRA**

Jenny Elphinstone, Senior Planning Officer: ROL 684/2015: (448541)

Moved Cr Carey

Seconded Cr Clarke

“A. That Council approves the request to change conditions of the Development Approval (TPC1136) for a Material Change of Use for an Out Station (9 houses) over land described as Lot 10 on RP903517 located at Cape Tribulation-Bloomfield Road, Degarra, as follows:

1. Condition 4.2 is amended as follows:

4.2 ~~One Access point is permitted directly to and from the Cape tribulation-Bloomfield Road to service the nine(9) proposed Dwelling Houses. This driveway is to be gravel sealed to prevent dust nuisance.~~

Access to the houses is to be via four (4) access easements to the nine (9) leasehold lots generally in accordance with Plan of Leases A, B, C, D, E, F, G, H & J and Proposed Easements K, L, M, & N on proposed Survey Plan 253214, as submitted to Council 15 July 2015 (Map Sheets 2-5).

2. All other conditions of the Decision Notice dated 3 November 2004 remain applicable.

B. That Council approves the development application for Reconfiguring a Lot (Lease agreement exceeding ten years) over land described as part of Lot 10 on RP903517 located at Cape Tribulation-Bloomfield Road, Degarra, subject to the following:

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Plan of Lots 10-23 Leases A,	Proposed Survey Plan	As submitted to

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<i>B, C, D, E, F, G, H & J and Proposed Easements K, L, M, & N</i>	<i>253214, Plan of Leases A, B, C, D, E, F, G, H & J and Proposed Easements K, L, M, & N (Map Sheets 2-5)</i>	<i>Council on 15 July 2015.</i>
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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;*
 - 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 the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.*

Access Construction

3. *Provide a concrete crossover(s) and apron(s) to each access easement in accordance with FNQROC Development Manual Standard Drawing S1105 Revision E.*

All works must be carried out to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Access Easement/s

4. *Create reciprocal access easements to allow vehicle access to each leasehold lot in accordance with the approved drawings. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.*

ADVICE

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse (2) years from the day the approval takes effect in accordance with the provisions of Section 339 and Section 341 of the Sustainable Planning Act 2009.*
2. *This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.*
3. *The FNQROC Development Manual Standard Drawing S1105 Revision E is included in Appendix 2.*

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

Carried unanimously.

5.3 DRAFT PLANNING AND DEVELOPMENT BILL 2015

Jenny Elphinstone, Senior Planning Officer (D#460171)

Moved Cr Noli

Seconded Cr Carey

- "A. *That Council makes a submission to the Department of Infrastructure, Local Government and Planning regarding the Better Planning for Queensland Planning Reform, in particular the proposed new Planning Bill for release in October 2015 raising the issues as outlined in the Officer's report.*
- B. *That a copy of Council's submission on the Better Planning for Queensland Planning Reform to the Department of Infrastructure, Local Government and Planning be forwarded to the Local Government Association of Queensland (LGAQ) for inclusion in a joint Council submission to be prepared by the LGAQ."*

For:- Cr Leu, Cr Noli, Cr Carey and Cr Clarke
Against:- Cr Melchert

Carried.

**5.4 COMPENSATION CLAIM - MATERIAL CHANGE OF USE FOR A HOUSE -
1996 SUPERSEDED PLANNING SCHEME & 2006 DOUGLAS SHIRE
PLANNING SCHEME- L234 WHITE BEECH ROAD COW BAY**

Jenny Elphinstone, Senior Planning Officer: SUP 2642/2008: 459876

Moved Cr Carey

Seconded Cr Clarke

- "A. *That in consideration of the claim of compensation lodged under Section 704 of the Sustainable Planning Act 2009 (SPA) by Mr Barry Voss being the owner of Lot 234 White Beech Road, Cow Bay, more particularly described as Lot 234 on RP 740658, at the time the 2006 Douglas Shire Planning Scheme came into effect and continuing to be the owner of the property, Council decide the claim under section 701 as follows:*
- i. *Council approves part of the claim being a compensation of \$85,000.00 to be paid to Mr Barry Voss; and*
- ii. *Council refuses that part of the claim being the amount greater than \$85,000.00; and*
- B. *That Council instructs the Chief Executive Officer to advise Mr Voss in writing of the above decision and of his appeal rights in respect to the Sustainable Planning Act 2009;*
- C. *Council advise Mr Voss that the timing of the payment of compensation is as per section 712 and that such payment will be recorded on the land title as per the Sustainable Planning Act 2009;*
- D. *Council advises the Department of Environment and Heritage Protection of the actions*

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above; and

- E. Council advises Mr Voss, the applicant that a decision has previously been made to refuse the material change of use for a House on the land."

Carried unanimously.

**5.5 NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS
(2014) PROGRESS REPORT #6 – JUNE 2015**

Scott Hahne: NDRRA Project Engineer #460737
Paul Hoyer: General Manager Operations

Moved Cr Carey

Seconded Cr Clarke

"That Council notes the results achieved to date and the future projections contained in the 2014 NDRRA PCG Monthly Report 6 – June 2015."

Carried unanimously.

5.6 QUARTERLY WATER AND WASTEWATER REPORT

Wouter van der Merwe: Manager Water and Wastewater #459948
Paul Hoyer: General Manager Operations

Moved Cr Noli

Seconded Cr Carey

"It is recommended that the Quarterly Report of the Water and Wastewater branch for the period ending 30 June 2015 be received and noted."

Carried unanimously.

5.7 INTERIM FINANCIAL REPORT FOR PERIOD ENDING 30 JUNE 2015

Darryl Crees – General Manager Corporate Services

Moved Cr Leu

Seconded Cr Carey

"That Council notes the Interim Financial Report for the period ended 30 June 2015"

Carried unanimously.

**5.8 OPERATIONAL PLAN 2014-2015 FOR THE PERIOD APRIL TO JUNE
2015**

Rebecca Assman, Manager Governance: #460074
Darryl Crees, General Manager Corporate Services

Moved Cr Carey

Seconded Cr Noli

"That Council notes the results achieved through the major initiatives implemented in the Operational Plan 2014/15. That the items DE6, I1, I4, I5 and FIT4 from the 2014/15 operational plan be rolled over into the 2015/16 operational plan by amendment to that plan given they are still ongoing."

Carried unanimously.

5.9 INSTALLATION OF FIRE HYDRANT AND HOSE REELS FIRE SUPPRESSION SYSTEM - PART OF LOT 2 RP706269 MILL STREET MOSSMAN (OLD ADMINISTRATION BUILDING AND SHIRE HALL)

Robert Donovan, Property Officer #460062
Darryl Crees, General Manager Corporate Services

Moved Cr Clarke

Seconded Cr Carey

"That Council:

- allocates \$85,000 for the installation of a fire hose reel system and hydrant with project costs to be included as part of a future budget review.*
- delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise all matters associated with the installation of the Fire Hydrant and Fire Hose Reel System on Part of Lot 2 RP706269 Mossman (Old Administration Building and Shire Hall)."*

Carried unanimously

MEETING WITHDRAWAL

Cr Melchert declared a Conflict of Interest in the following matter and withdrew at 11.00am.

5.10 PETITION – PROPOSED INTENSIVE ANIMAL HUSBANDRY (KENNEL) AT KYLIES ROAD MIALLO

Darryl Crees: General Manager Corporate Services#461343

Moved Cr Clarke

Seconded Cr Noli

"That Council resolves that the petition be received."

Carried unanimously.

MEETING RE-ATTENDANCE

Cr Melchert re-attended the meeting at 11.07am.

5.11 REPORT FROM THE CHIEF EXECUTIVE OFFICER

Linda Cardew, Chief Executive Officer #461306

Moved Cr Noli

Seconded Cr Carey

"That Council receives and notes the report."

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 matters:

- 8.1 - Contractual Matter S275(1)(E) Local Government Regulation 2012 - Engagement of Specialist Services to Upgrade Existing Wireless Wide Area Network Equipment; and
- 8.2 – "Contractual Matter S275 (1) (E) Local Government Regulation 2012 – Daintree River Ferry Operations".

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Leu

Seconded Cr Carey

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

Carried unanimously.

**8.1 CONTRACTUAL MATTER S275(1)(E) LOCAL GOVERNMENT
REGULATION 2012 - ENGAGEMENT OF SPECIALIST SERVICES TO
UPGRADE EXISTING WIRELESS WIDE AREA NETWORK EQUIPMENT**

Garry Mason - IT Team Leader & Business Process Improvement #439050
Darryl Crees – General Manager Corporate Services

Moved Cr Melchert

Seconded Cr Carey

"That Council resolves to contract Austek as a specialised service provider under Section 235(b) of the Local Government Act 2012, to upgrade existing wide area wireless links used by Council in Mossman."

Carried unanimously.

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

Darryl Crees, General Manager Corporate Services #456978

Moved Cr Clarke

Seconded Cr Noli

"Council advises the Ferry Contractors, Sirron Enterprises (Qld) Pty Ltd, that:

- *in accordance with the Council resolution of 20 February 2015, it does not approve an increase in the contract premium or an increase in the hourly rates for additional staff as requested by them;*

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- *it will approve an increase in the contract premium of \$2,000 per annum, effective 1 July 2015, to offset the potential loss of commission with the continued practice of providing Multi-day tickets for purchase;*
- *the Ferry Contractors are required to accept, in writing, this extension of contract by 14 August 2015. Should a response accepting this contract extension not be received by this date, this offer of contract extension will be withdrawn;*
- *authority is delegated to the Mayor and Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009, to finalise any and all matters associated with this contract extension including progressing to public tender should the Ferry Contractors not accept the terms and conditions of the contract extension.*

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 11.41am.

CONFIRMED THIS 18th DAY OF AUGUST 2015


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MAYOR/CHAIR