

**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, 5 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 Hoye (General Manager Operations), Kerrie Hawkes (Executive Officer – CEO Unit), Donna Graham (Manager Development & Environment), Jenny Elphinstone (Senior Planning Officer), Helen Coulthard (Community & Economic Development 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.

MINUTE'S SILENCE – ONE HUNDREDTH ANNIVERSARY OF WORLD WAR ONE

The Mayor invited the meeting to observe a minute's silence to honour the more than 16 million people who lost their lives during World War One.

MINUTE'S SILENCE – FOR VICTIMS OF THE MH17 AIR DISASTER

The Mayor invited the meeting to observe a minute's silence to honour the 298 victims who lost their lives in the MH17 air disaster in Ukraine.

APOLOGIES

There were no apologies for the meeting.

CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Clarke declared a Conflict of Interest in Item 8.1 (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.

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.

Cr Melchert declared a Conflict of Interest in Item 5.1 (as per Section 173 of the *Local Government Act 2009*), due to his role as an employee in providing management, financial, and professional advice to a related entity of the owner of the freehold lot which is the subject of the reconfiguration application.

MAYORAL MINUTES

Nil.

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CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 15 JULY 2014

Moved Cr Noli

Seconded Cr Carey

"That the Minutes of the Ordinary Meeting held on Tuesday, 15 July 2014 be confirmed."

Carried unanimously

WITHDRAWAL – CR MELCHERT

Cr Melchert declared a Conflict of Interest in Item 5.1 and withdrew from the meeting at 10.10 a.m.

5.1 REQUEST TO AMEND THE EXISTING MATERIAL CHANGE OF USE APPROVAL FOR MARINA AND WATERFRONT INDUSTRY AND APPLICATION TO RECONFIGURE THE LOT (1 LOT INTO 2 LOTS) AND CREATE AN ACCESS EASEMENT TO A ROAD – PORT STREET, PORT DOUGLAS

Jenny Elphinstone: 43.2008.2770, 41.2012.4894 : (1232)

Moved Cr Carey

Seconded Cr Clarke

"A. That Council approve the request to change the existing Development Permit for Material Change of Use for Marina and Waterfront Industry, over land described as Lots 1 and 3 on SP262338, located at Port Street, Port Douglas, whereby:

1. *Condition 4.1 is amended as follows:*

Plan of Development

4.1 *The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development:*

a) *are generally in accordance with the plan titled "general Arrangement" drawing No Q014043/C)1-C drawing prepared by Charles O'Neill Pty Ltd 6978MAR-04A sheet 2 of 2 dated 28 November 2013 as amended by RECS Pty Ltd 2 June 2014; and*

b) *may be carried out in stages with the first stage of the use being generally shown on drawing No.Q014043-TP1 prepared by Charles O'Neill Pty Ltd 6978MAR-04A sheet 2 of 2 dated 28 November 2013 as amended by RECS Pty Ltd 2 June 2014;*

2. *Condition 4.28 is amended as follows:*

4.28 *All car parking areas shall be constructed, sealed, drained and line marked to the satisfaction of Council. A minimum of 32 27 car parking spaces shall be provided in and constructed in stages in accordance with approved*

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plans of development Q014043-TP1 prepared by Charles O'Neill Pty Ltd 6978MAR-04A sheet 2 of 2 dated 28 November 2013 as amended by RECS Pty Ltd 2 June 2014. The car parking for stages is as follows:

Stage 1(a) ~~48~~ a minimum of 13 car parking spaces
 Stage 1(b) a minimum of 14 car parking spaces.

Stage 1(a) is represented by proposed Lot 12 and Stage 1(b) is represented by proposed Lot 11.

Car parking shall be maintained in a safe, serviceable condition throughout the life of the use;

3. Attachments 1(a) and 1(b) of the Decision Notice dated 6 November 2007, and included as an Appendix 1 to the Decision Notice dated 19 December 2011, are deleted and replaced with the drawing prepared by Charles O'Neill Pty Ltd 6978MAR-04A sheet 2 of 2 dated 28 November 2013 as amended by RECS Pty Ltd 2 June 2014 where Stage 1(a) is represented by proposed Lot 12 and Stage 1(b) is represented by proposed Lot 11.
 4. The following conditions are included in the approval:
 - 4.4.1 All development must be contained within the land currently known as Lot 1 on SP262338 and the term lease over Lot 3 on SP262338.
 - 4.4.2 All dry dock storage (marine based industry) must be contained within stage 1(b) (proposed Lot 11).
 5. The repeated page 27 of 37, page 30 of 31 and page 31 of 31 referring to appeals under the Integrated Planning Act 1997 of the Decision Notice dated 19 December 2011 are deleted.
 6. All other conditions of the approval as amended and issued on 19 December 2011 remain unchanged.
- B. That Council approves the Development Application for Reconfiguring a Lot over land described as Lot 1 on SP262338 located at Port 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 expression means:

Drawing or Document	Reference	Date
Plan of Proposed Lots and Easements	Charles O'Neill Pty Ltd drawing 6978MAR-04A sheet 2 of 2 dated 28 November 2013 as amended by RECS Pty Ltd 2 June 2014.	2 June 2-014

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:-

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- 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.*
3. *Prior to the issue of a Compliance Certificate for the Plan of Survey the use of the land must comply with the Planning Scheme or any approval issued by the Chief Executive Officer over the land.*

Water Supply and Sewerage Works Internal

4. *Undertake the following water supply and sewerage works internal to the subject land:*
 - a. *Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;*

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Lawful Point of Discharge

5. *All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.*

Electricity and Telecommunications

6. *Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.*

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CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<i>Concurrence Agency</i>	<i>Concurrence Agency Reference</i>	<i>Date</i>	<i>Council Electronic Reference</i>
<i>Department of State Development Infrastructure and Planning</i>	<i>SDA-0614-011076</i>	<i>30 JULY 2014</i>	<i>D# 425275</i>

Refer to Appendix 3: 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 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 potential cyclone warning 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 relevant Local Laws and statutory requirements.*
- 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.*
- 5 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 Assessment Team 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.

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6. *The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance.*

Further information on the EPBC Act can be obtained from the Department of the Environment, Water, Heritage and the Arts website www.environment.gov.au/epbc EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct. 2009)."

Carried unanimously

RE-ATTENDANCE – CR MELCHERT

Cr Melchert re-attended the meeting at 10.15 a.m.

5.2 COMPLAINTS MANAGEMENT PROCESS GENERAL POLICY

Darryl Crees: General Manager Corporate Services

Moved Cr Noli

Seconded Cr Carey

"That Council adopts the Complaints Management Process General Policy."

Carried unanimously

6. NOTICE OF MOTION – CR MELCHERT

Feasibility Review – Bridge Over the Daintree River

Moved Cr Melchert

Seconded Cr Clarke

I hereby give notice of my intention to move the following motion at the Council Meeting scheduled for Tuesday 5th August 2014 :-

"That the Douglas Shire Council commence a preliminary literature review and scoping study on the feasibility, in the medium term, of constructing a bridge over the Daintree River to provide transport certainty for local residents and the tourism industry. The material to be reviewed by Council with a view towards conducting public consultation to determine the level of community support for the concept."

Cr Melchert suggested the following amendment to the Motion.

*"That the Douglas Shire Council commence a preliminary literature review and scoping study on the feasibility, in the medium term, of constructing a bridge over the Daintree River to provide transport certainty for local residents and the tourism industry. The material to be reviewed by Council **in the context of the agreed public consultation in relation to the planning scheme review and the development of the 2015/2016 budget.**"*

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The seconder agreed on the amendment to the Motion.

Moved Cr Carey

"That the motion be put."

For Crs Melchert, Clarke
Against Crs Leu, Carey, and Noli
Lost

7. URGENT BUSINESS

There was no urgent business.

8. CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

"That Council resolves to move into Closed Session to discuss the following matter as listed in the agenda:

- *Prejudicial Matter - Community Support Program – Applications 2014 - 2015*

Carried unanimously

OUT OF CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

Carried unanimously

8.1 PREJUDICIAL MATTER - COMMUNITY SUPPORT PROGRAM - APPLICATIONS 2014 - 2015

Helen Coulthard: Community & Economic Development Officer #423144

Kerrle Hawkes: Executive Officer

Moved Cr Carey

Seconded Cr Noli

"That Council:

1. *approves 11 grants totalling \$36,643 in the 2014-2015 Community Support Program, for projects as per Attachment A – Part 1."*

Carried unanimously

The Mayor passed the role of Chair to Cr Noli at 10.53 a.m.

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WITHDRAWAL – MAYOR

The Mayor declared a Conflict of Interest in Item 8.1 (2) and withdrew from the meeting at 10.54 a.m.

Moved Cr Carey

Seconded Cr Clarke

“That Council:

2. *approves one grant for \$5,042 in the 2014-2015 Community Support Program, for project as per Attachment A - Part 2.”*

Carried unanimously

RE-ATTENDANCE - MAYOR

The Mayor re-attended the meeting at 10.55 a.m.

WITHDRAWAL – CR CLARKE

Cr Clarke declared a Conflict of Interest in Item 8.1 (3) and withdrew from the meeting at 10.55 a.m.

Moved Cr Noli

Seconded Cr Carey

“That Council:

3. *approves one grant for \$10,000 in the 2014-2015 Community Support Program, for project as per Attachment A - Part 3.”*

Carried unanimously

RE-ATTENDANCE – CR CLARKE

Cr Clarke re-attended the meeting at 10.56 a.m.

Moved Cr Noli

Seconded Cr Carey

“That Council:

4. *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 the Community Support Program applications.”*

Carried unanimously

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CLOSURE OF MEETING

The meeting closed at 10.57 a.m.

CONFIRMED THIS 26th DAY OF August 2014


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MAYOR/CHAIR