

**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, 15 MARCH 2016, COMMENCING AT 10.00AM**

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), 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), Tracey Crouch (Acting Manager Governance), John Rehn (Manager Finance and IT), Michael Kriedemann (Manager Infrastructure), Julie Colman (Planning Officer), Greg McLean (Communications/Events Officer), Sara Roberts (Mayoral and Councillor Support) 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

Nil.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 23 FEBRUARY 2016

Moved Cr Carey

Seconded Cr Clarke

“That the Minutes of the Ordinary Meeting held on Tuesday, 23 February 2016, be confirmed.”

Carried unanimously.

5. AGENDA ITEMS

**5.01. VEGETATION CLEARING - RETROSPECTIVE ASSESSMENT - 11
LANGLEY ROAD PORT DOUGLAS**

Julie Colman, Planning Officer

Moved Cr Carey

Seconded Cr Noli

“That Council approves the development application for Operational Works - Vegetation Management over land described as Lot 18 on RP734535, located at 11 Langley Road, Port Douglas subject to the following:

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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>MPDT response to Show Cause #765271 and Operational works application</i>	<i>Douglas Shire Council: Document Number 765891 Applicant: Nil</i>	<i>Lodged 25 January 2016 and properly made 16 February 2016</i>

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

Revegetation Works

2. *A plan of the proposed planting is to be submitted to Council for approval, shall be prepared by a qualified horticulturalist and shall demonstrate the vegetation species and planting location chosen to replace the streetscape character and amenity, destroyed by the removing of significant trees, and in particular the Melaleucas from the site. The plan is to be to the satisfaction of the Chief Executive Officer.*
3. *Advanced trees are to be planted within the property, forward of the building line and consistent with the approved plan and are to be maintained until established.*

Timing

4. *The conditions of the Development Permit must be executed within three (3) months of this decision notice taking effect.*

ADVICE

1. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*
2. *For information relating to the Sustainable Planning Act 2009 log on to www.dilgp.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.

**5.02. PROPOSED APPLICATION TO PERMANENTLY CLOSE PART OF
UNNAMED ROAD ABUTTING LOT 54 CROWN PLAN NR413**

Robert Donovan, Property Officer

Moved Cr Clarke

Seconded Cr Noli

“That Council delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to execute a Form Part C as Road Manager, in order to allow an application to be lodged at the Department of Natural Resources & Mines, with respect to permanent closure of part of the road abutting Lot 54 Crown Plan NR413 Killaloe.”

Carried unanimously.

5.03. WASTE REDUCTION RECYCLING PLAN

Abbey Belcher, Technical Officer Resource Management

Moved Cr Carey

Seconded Cr Melchert

“That Council resolves to adopt the Douglas Waste Reduction and Recycling Plan 2016-2019 in accordance with the Waste Reduction and Recycling Act 2011.”

Carried unanimously.

5.04. FINANCIAL REPORT FOR THE PERIOD ENDED 29 FEBRUARY 2016

John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Carey

“That Council notes the Financial Report for the period ended 29 February 2016.”

Carried unanimously.

MEETING WITHDRAWAL

Cr Leu declared a conflict of interest in relation to item 5.05 as she is a Douglas Shire Council appointed Director on the Tourism Port Douglas Daintree (TPDD) Board and would not participate in the debate or vote on the matter.

Cr Leu withdrew from the meeting at 10.21am.

Cr Noli took the Chair.

**5.05 TOURISM PORT DOUGLAS DAINTREE - QUARTERLY REPORT
OCTOBER - DECEMBER 2015**

Kerrie Hawkes, Executive Officer

Moved Cr Carey

Seconded Cr Clarke

“That Council notes the October - December 2015 Quarterly Report received from Tourism Port Douglas Daintree (TPDD) further to the Resource and Performance Agreement dated 1 July 2014 to 30 June 2017 between TPDD and Douglas Shire Council and that Council congratulate TPDD for the obvious excellent work it does in marketing Douglas Shire to the rest of the world.”

Carried unanimously.

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MEETING RE-ATTENDANCE

Cr Leu re-attended the meeting at 10.24am and resumed the Chair.

5.06. BLOOMFIELD TRACK TRAIL PROJECT

Kerrie Hawkes, Executive Officer

Moved Cr Leu

Seconded Cr Carey

“That Council notes the progress of the Bloomfield Track Project.”

Carried unanimously.

5.07. REPORT FROM THE CHIEF EXECUTIVE OFFICER

Linda Cardew, Chief Executive Officer

Moved Cr Leu

Seconded Cr Noli

“That Council receives and notes the report.”

Cr Leu, on behalf of Councillors, expressed a vote of thanks to the Chief Executive Officer, General Managers, Managers and all staff for their hard work and dedication in successfully establishing the new Council over the past two years.

Carried unanimously.

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

- 9.1 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – Grays Creek Terrace Proposed Drainage Easement.”*

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

“That Council resolves to move out of Closed Session.”

Carried unanimously.

**9.1. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - GRAYS CREEK TERRACE PROPOSED DRAINAGE
EASEMENT**

Michael Matthews, Project Engineer
Michael Kriedemann, Manager Infrastructure

Moved Cr Carey

Seconded Cr Noli

“That Council resolves to:

- 1. enter into a Deed of Access and Indemnity with the owner of Lot 2 on RP804931 for the existing formed drain;*
- 2. acquire either by agreement (under section 15 of the Acquisition of Land Act 1967) or by private agreement, approximately 740 m², being part of Lot 2 on RP804931, 25R Grays Creek Terrace, Mowbray, for a drainage easement;*
- 3. should the negotiations fail, then, in accordance with the Acquisition of Land Act 1967, commence the required action to resume the subject area; and*
- 4. delegate authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to:*
 - a. negotiate, determine and finalise at Council's cost, any and all matters associated with the proposed acquisition, including compensation, settlement and execution of any agreements and plans; and*
 - b. the power to sign and serve the necessary Notice of Intention to Resume on Council's behalf and the power to conduct any objection hearing convened pursuant to sections 7 and 8 of the Acquisition of Land Act 1967 and finalise any and all subsequent actions to complete the resumption.”*

An amendment was moved.

Moved Cr Melchert

Seconded Cr Clarke

“That items 3. and 4b. be removed from the resolution for adoption.”

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

Lost

The motion was put to the vote.

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

Carried.

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CLOSURE OF MEETING

The meeting closed at 11.00am.

CONFIRMED THIS _____ DAY OF _____ 2016


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MAYOR/CHAIR