

**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 29 APRIL 2014, COMMENCING AT 10.00AM**

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), Donna Graham (Manager Development & Environment), Neil Beck (Technical Officer-Compliance), Helen Coulthard (Community & Economic Development Officer), Greg McLean (Communication/Events Officer), Michelle Henderson (Planning Officer), Graham Busby (Property Officer), John Rehn (Manager Governance) Nicole Barton (Mayor & Councillor Support Officer) and Mary Graham (Acting 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.

MAYORAL MINUTES

Vote of Thanks

Moved Cr Leu

1. That a vote of thanks and acknowledgement be given to the CEO Linda Cardew, Paul Hoyer, Darryl Crees and all staff for the excellent work in relation to Cyclone ITA. This includes the comprehensive work achieved with the emergency service representatives on the Local Disaster Management Group (LDMG), actions during the cyclone, the tremendous post cyclone clean up by our staff and the excellent communications strategy that kept everyone informed.

Carried unanimously

Moved Cr Leu

2. That a vote of thanks be given to Greg McLean and all staff involved in the organising in conjunction with the Mossman RSL, the successful ANZAC Day ceremonies in both Mossman and Port Douglas.

Carried unanimously

NOTICE OF MOTION

Cr Melchert provided the Chief Executive Officer with 2 Notices of Motion for consideration at the next Ordinary Council Meeting to be held on 13th May 2014.

CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 1 APRIL 2014

Moved Cr Clarke

Seconded Cr Carey

"That the Minutes of the Ordinary Meeting held on Tuesday, 1 April 2014 be confirmed."

Carried unanimously

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AGENDA ITEMS

1. LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND ROADS AND TRANSPORT ALLIANCE MEMBERSHIP

Megan Hawke - Manager Infrastructure # 419378

Cr Carey indicated that he would like to nominate Cr Leu as the representative from Council.

Cr Melchert indicated that he would like to nominate Cr Clarke as the representative from Council.

Moved Cr Carey

Seconded Cr Noli

"That Douglas Shire Council nominates Cr Leu as the elected representative from Council for Regional Roads and Transport Groups (RRTGs) membership.

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

Carried

2. DEVELOPMENT APPLICATIONS

J Elphinstone - Senior Planning Officer - #419692

Moved Cr Carey

Seconded Cr Noli

"That Council notes the report.

Carried unanimously

3. REQUEST TO EXTEND RELEVANT PERIOD FOR RECONFIGURING A LOT (1 LOT INTO 10 LOTS AND BALANCE PARCEL) – 1407R MOSSMAN-DAINTREE ROAD ROCKY POINT

Michelle Henderson - Planning Officer - ROL2236/2006 #417594 (CRC ref no 8/37/5) (DSC ref no SUB010/06)

Moved Cr Carey

Seconded Cr Noli

"A. That Council resolves to refuse the request to extend the period of approval for Reconfiguring a Lot (1 lot into 10 lots and balance parcel), on land at Lot 11 on SP132055 also described as 1407R Mossman-Daintree Road, Rocky Point, on the following grounds:

- 1. The 1996 Douglas Shire Planning Scheme has been superseded by new planning controls, including the 2006 Douglas Shire Planning Scheme, which identifies the development as Impact Assessable. It is considered that the development would, if applied for under the current Scheme, be likely to give rise to submissions against it;*
- 2. The 1996 Douglas Shire Planning Scheme has been superseded by the 2006 Douglas Shire Planning Scheme. The development approved under the Development Permit is inconsistent with the Purpose of the Conservation Planning Area Code, and the anticipated downstream development, being residential in nature, is Impact (Inconsistent) development in the Conservation Planning Area;*

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3. *The delay in effecting the Reconfiguration of a Lot due to suppressed market conditions and constraint on the ability to develop and sell the lots are not planning considerations permitted to be considered for approving an extension to the period of the approval; and*
4. *Based on the information provided in the Applicant's request to extend the Relevant Period of the Development Permit it is not considered that the request has sufficient merit, having regard to section 388 of the Sustainable Planning Act 2009, to support an extension to the relevant period. Having regard to the Sustainable Planning Act 2009 it is inappropriate for Council to extend the period of approval.*
- B. *That Council resolves to advise the applicant that the Development Permit over Stages 1 and 2 does not lapse until 27 September 2015."*

Carried unanimously

4. **REQUEST TO CHANGE DEVELOPMENT APPROVAL AND REQUEST TO EXTEND THE RELEVANT PERIOD - OCEAN BREEZE ESTATE - STAGE 3 -905L COOYA BEACH ROAD BONNIE DOON**
Neil Beck - Technical Officer-Compliance - # 419382

Moved Cr Clarke

Seconded Cr Melchert

- "A. *That Council approves the Request to Change a Development Approval over land described as Lot 905 on SP253578 located at Bonnie Doon Road, Cooya Beach to facilitate the sub-staging of Stage 3 of Ocean Breeze Estate as detailed on Drawing No. 1187 – C01 Revision E dated 17 January 2014 prepared by Jim Papas Drafting Pty Ltd, subject to the following:*

1. *Condition 1a be amended to read as follows:-*

In accordance with the FNQROC Development Manual – Design Guideline D4.04(9) – 01/11 09 – The designer shall be responsible for assessing the existing and future developed flow regime entering the development site from upstream catchments. and shall provide Detailed calculations for each scenario investigated to determine the peak discharge for minor and major events (both internal and external catchment areas) for the drainage investigation of Stage 3 must accompany with the design submission. This hydraulic model is to be carried out by a recognised organisation, and certified by a suitable experienced RPEQ, and submitted and approved by the Chief Executive Officer prior to the Pre-Start Meeting for Stage 3A2.

The certifying RPEQ must demonstrate and be satisfied that all necessary investigations have been completed to ensure the drainage conditions and operation of the drainage system is understood. Input parameters including but not limited to the initial and continuing losses in any runoff routing model or the runoff co-efficient for the rational method calculation must be substantiated.

The hydraulic model must investigate the scenarios of the initial and continuing infiltration losses set to zero or a runoff coefficient set at 0.7 for the 5 year event and coefficient of 0.88 for the 100 year event for an external catchment area of 10Ha to determine the peak minor and major events.

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2. Condition 1l be added to read as follows:-

All Operational Works Drawings including the latest revisions must be certified by an RPEQ in accordance with the requirements of the FNQROC Development Manual prior to the Pre-Start Meeting.

All Operational Works drawings must be certified by an RPEQ including initialling the latest revisions of those drawings by the RPEQ in accordance with the requirements of the FNQROC Development Manual prior to the Pre-Start Meeting.

3. Condition 1m be added to read as follows:-

All drainage infrastructure works conveying stormwater through Stage 3A2 & 3B must be completed in accordance with the approved drainage investigations and detailed design to the satisfaction of the Chief Executive Officer. Such works must be completed prior to the endorsement of the Survey Plan for Stage 3A2.

4. That an Advice Statement 4 be added to read as follows:-

Similar to the requirements for Stage 3, a drainage investigation will be required for the operational works application for the balance of Stage 5 and must be certified by an RPEQ. It is recommended that such an investigation be submitted as supporting information when making the application.

- B. That Council approves the request to extend the Relevant Period for the Operational Works approval issued on 17 February 2012 for Stage 3 and as amended as a consequence of determining the within Request to Change a Development Approval to facilitate the sub-staging of Stage 3 up to and including 17 February 2016."

Carried unanimously

5. **APPLICATION FOR THE SURRENDER AND RE-ISSUE OF PERMIT TO OCCUPY 236964 OVER LOT D ON CROWN PLAN AP20233, CAPE TRIBULATION ROAD, KIMBERLEY**
Graham Busby - Property Officer; #419573
Darryl Crees - General Manager Corporate Services

Moved Cr Carey

Seconded Cr Noli

"That Council:

1. *advises the Department of Natural Resources and Mines that it has no objection to the surrender and re-issue of a Permit to Occupy 236964 over Lot D on Crown Plan AP20233 at Cape Tribulation Road, Kimberley subject to there being no change to the permitted use of the permit area; and*
2. *delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to determine and finalise any and all matters associated with the subject Permit to Occupy.*

Carried unanimously

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6. APPLICATION FOR THE SURRENDER AND RE-ISSUE OF PERMIT TO OCCUPY OVER LOT 1 ON PER5501, ESPLANADE, DEGARRA

Graham Busby - Property Officer; #419644
Darryl Crees - General Manager Corporate Services

Moved Cr Noli

Seconded Cr Clarke

"That Council:

- 1. advises the applicant that it has no objection to the surrender and re-issue of the Permit to Occupy over Lot 1 on PER5501, situated upon the Esplanade at Degarra, subject to there being no change to the permitted use of the permit area; and*
- 2. delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to determine and finalise any and all matters associated with the subject Permit to Occupy.*

Carried unanimously

7. COMMUNITY SUPPORT PROGRAM AND GENERAL POLICY

Helen Coulthard - Community & Economic Development Officer #419446
Kerrie Hawkes - Executive Officer

Moved Cr Carey

Seconded Cr Clarke

"That Council:

- 1. adopts the Community Support Program taking into account feedback received from the community; and*
- 2. endorses the Community Support Policy; and*
- 3. delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the Community Support Program."*

Carried unanimously

8. REGIONAL ARTS DEVELOPMENT FUND (RADF) EXPRESSION OF INTEREST 2014-2015

Helen Coulthard - Community and Economic Development Officer #419488
Kerrie Hawkes - Executive Officer

Moved Cr Noli

Seconded Cr Carey

"That Council:

- 1. endorses the 2014-2015 Regional Arts Development Fund Expression of Interest to Arts Queensland based on a Council contribution of \$6,000; and*
- 2. delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the Regional Arts Development Fund Expression of Interest 2014-2015."*

Carried unanimously

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9. DOUGLAS SHIRE COUNCIL – DOUGLAS SHIRE EVENTS GENERAL POLICY AND STRATEGY

Greg McLean - Communications and Events Officer: #419696
Kerrie Hawkes - Executive Officer

Moved Cr Carey

Seconded Cr Clarke

"That Council:

- 1. adopts the Events General Policy, the Events Strategy 2014 – 2019 and the Events General Policy and Strategy Framework; and*
- 2. delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the Events General Policy and associated documents."*

Carried unanimously

10. ENTERPRISE RISK MANAGEMENT POLICY

Darryl Crees - General Manager Corporate Services #419747

Moved Cr Noli

Seconded Cr Carey

"That Council adopts the Enterprise Risk Management Policy."

Carried unanimously

11. QUARTERLY PROGRESS ON OPERATIONAL PLAN 2013/14

Darryl Crees - General Manager Corporate Services #419758

Moved Cr Carey

Seconded Cr Clarke

"That Council notes the progress of the Operational Plan 2013/14 for the first quarter January 2014 to March 2014 and adopts the reviewed changes highlighted."

Carried Unanimously

12. FINANCIAL REPORT FOR PERIOD ENDING 31 MARCH 2014

Darryl Crees – General Manager Corporate Services # 420061

Moved Cr Carey

Seconded Cr Noli

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

Carried unanimously

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13. REPORT FROM THE CHIEF EXECUTIVE OFFICER
Linda Cardew – Chief Executive Officer - #419382

Moved Cr Noli

Seconded Cr Carey

"That Council receives and notes the report."

Carried unanimously

14. SPECIAL PURPOSE SEPARATE FINANCIAL STATEMENTS
Darryl Crees – General Manager Corporate Services - #419961

Moved Cr Carey

Seconded Cr Clarke

"That Council:

- notes the Special Purpose Separate Financial Statements as at 31 December 2013*
- acknowledges the contribution made by Mr Geoff Haberfeld in relation to the work undertaken by the Financial Due Diligence Working Group."*

Carried unanimously

GENERAL BUSINESS

1. COUNCIL REPRESENTATION ON FNQROC

Moved Cr Melchert

Seconded Cr Clarke

- 1) That the Mayor be appointed as DSC representative of FNQROC group for the period until the next local government election.
- 2) In the absence of the Mayor, the Deputy Mayor be delegated as the FNQROC representative.
- 3) As all Councillors can attend meetings of FNQROC as observers that Councillors receive, through the organisation, copies of the FNQROC meeting notices.

Carried unanimously

CLOSURE OF MEETING

The meeting closed at 11:05am.

CONFIRMED THIS 13th DAY OF May 2014


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MAYOR/CHAIR