

DOUGLAS SHIRE COUNCIL

# ORDINARY COUNCIL MEETING

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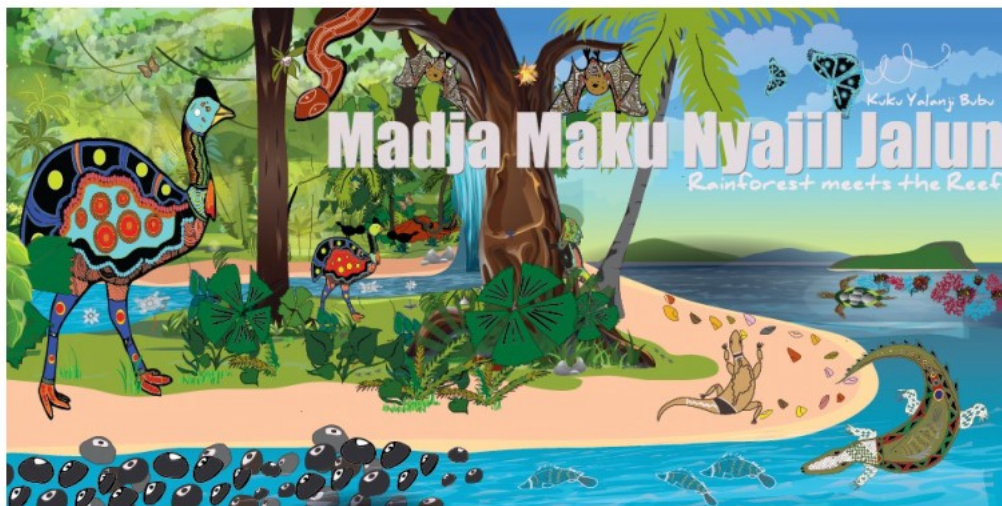
## MINUTES

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Tuesday, 30 July 2019

ENSURING EXCELLENCE IN GOVERNANCE  
ACCOUNTABLE AND TRANSPARENT DECISION-MAKING  
ENGAGING, PLANNING, PARTNERING  
CELEBRATING OUR COMMUNITIES

**DOUGLAS**  
SHIRE COUNCIL



Douglas Shire Council would like to show its appreciation by acknowledging local indigenous artists Lenice Schonenberger, Loretta Pierce (Lenoy) and Ronald Bamboo for providing the cover artwork entitled "**Daintree Ferry**"

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 30 JULY 2019 COMMENCING AT 10.00AM**

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1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr and Cr Roy Zammataro.

**Officers in Attendance:**

Mark Stoermer (Chief Executive Officer), Michael Kriedemann (Executive Manager Infrastructure), Tara Killeen (Chief Financial Officer), Terry Farrelly (Manager People and Community Services), Juanita Holden (Acting Manager Governance), Scott Hahne (Manager Project Office), Michael Matthews (Project Engineer), Gaye Scott (Acting Media and Communications Officer), Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (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 Leu declared that she has a perceived conflict of interest in Closed Session Item 9.1 (as defined by section 175D of the *Local Government Act 2009*) due to being a Council appointed Director of Tourism Port Douglas Daintree, however Cr Leu has determined that this perceived conflict of interest is not of sufficient significance that it will lead her to making a decision on the matter that is contrary to the public interest. Cr Leu will best perform her responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, Cr Leu acknowledged that the remaining Councillors must now determine, pursuant to section 175E of the *Local Government Act 2009*): -

- (a) whether Cr Leu has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (b) if so, whether: -
  - i. Cr Leu must leave the meeting while this matter is discussed or voted on; or
  - ii. Cr Leu may participate in the meeting in relation to the matter, including by voting on the matter."

**Moved** Cr Noli

**Seconded** Cr Carey

*That Cr Leu does not have either a real conflict of interest or perceived conflict of interest in the matter and is accordingly free to participate in the meeting while this matter is discussed, including by voting on the matter.*

**Carried** unanimously

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3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

4.1 CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD ON 9 JULY 2019

**Moved** Cr Carey

**Seconded** Cr Noli

*“That the Minutes of the Ordinary Meeting held on 9 July 2019 be confirmed.”*

**Carried** unanimously

4.2 AMENDMENT OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON 25 JUNE 2019

**Moved**

**Seconded**

*“That the following amendments be made to the Minutes of the 25 June 2019 Special Council Meeting, due to minor administrative errors:*

**ITEM 3.8 UTILITY CHARGES AND ASSOCIATED RATING MATTERS 2019-2020**

**B. SEWERAGE UTILITY CHARGES**

- (ix) *“...The rating on the basis set out above to be charged from the date on which sewer connections are completed to the premises concerned. In the case of vacant land, or in the case where an owner or occupier refuses or delays permission to enter his land to complete connections, the rating be charged from the date on which connections would have been made if there was a building or improvement on the land or if the owner or occupier had not refused or delayed permission. In all those cases where the sewer connection is completed or would have been completed (as the case may be) after 1 July 2018 the rate shall be apportioned.”*

To:

- (ix) *“...The rating on the basis set out above to be charged from the date on which sewer connections are completed to the premises concerned. In the case of vacant land, or in the case where an owner or occupier refuses or delays permission to enter his land to complete connections, the rating be charged from the date on which connections would have been made if there was a building or improvement on the land or if the owner or occupier had not refused or delayed permission. In all those cases where the sewer connection is completed or would have been completed (as the case may be) after 1 July **2019** the rate shall be apportioned.”*

And

**C. WATER UTILITY CHARGES**

1. *“... Pursuant to section 94 of the Local Government Act 2009 and section 99 of the Local Government Regulation 2012, Council make and levy water utility charges, for the supply of water services by the Council, as follows:*

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*Water Charges shall be made for the purpose of supplying water for the 2018/19 financial year on the following basis: -....”*

**To:**

1. *“... Pursuant to section 94 of the Local Government Act 2009 and section 99 of the Local Government Regulation 2012, Council make and levy water utility charges, for the supply of water services by the Council, as follows:*

*Water Charges shall be made for the purpose of supplying water for the 2019/20 financial year on the following basis: -....”*

**Noted:** Council did not vote on this recommendation. Further information required and deferred to next Council Meeting.

4.3 AMENDMENT OF MINUTES OF SPECIAL COUNCIL MEETING 25 JUNE 2019

**Moved** Cr Noli

**Seconded** Cr Carey

*“That the following amendment be made to the Minutes of the 25 June 2019 Special Council Meeting, due to minor administrative error:*

3.9. STATEMENT OF ESTIMATED FINANCIAL POSITION 2019-2020

1. *“...Pursuant to section 205 of the Local Government Regulation 2012, the statement of the financial operations and financial position of the Council in respect of the 2019/20 financial year (“the Statement of Estimated Financial Position”) be received and its contents noted.....”*

**To:**

1. *“...Pursuant to section 205 of the Local Government Regulation 2012, the statement of the financial operations and financial position of the Council in respect of the 2018/19 financial year (“the Statement of Estimated Financial Position”) be received and its contents noted...”*

**Carried** unanimously

5. AGENDA ITEMS

5.1. COUNCIL TO CEO DELEGATION UPDATE  
Juanita Holden, Acting Manager Governance

**Moved** Cr Carey

**Seconded** Cr Zammataro

*“That Item 5.1 “Council to CEO Delegation Update” be deferred to a future Council meeting date to allow for further discussion and consideration.”*

**Carried** unanimously

5.2. WORKPLACE HEALTH & SAFETY POLICY JULY 2019  
Terry Farrelly, Manager People and Community Services

**Moved** Cr Noli

**Seconded** Cr Carey

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*“That Council:*

- 1. adopts the revised Workplace Health and Safety General Policy; and*
- 2. delegates authority under Section 257 (1)(b) of the Local Government Act 2009 to the Chief Executive Officer to finalise any minor amendments to the Workplace Health and Safety General Policy.”*

**Carried** unanimously

5.3. INVESTIGATIONS POLICY  
Juanita Holden, Acting Manager Governance

**Moved** Cr Leu

**Seconded** Cr Carey

*“That, in accordance with s150AE of the Local Government Act 2009, Council adopts the Investigation Policy by adding the following to the last sentence of the Policy...” unless otherwise resolved by Council”.*

**Carried** unanimously

5.4. PUBLIC INTEREST DISCLOSURE POLICY  
Juanita Holden, Acting Manager Governance

**Moved** Cr Noli

**Seconded** Cr Carey

*“That Council adopts the Public Interest Disclosure (PID) Policy as presented.”*

**Carried** unanimously

5.5. FRAUD AND CORRUPTION PREVENTION POLICY  
Juanita Holden, Acting Manager Governance

**Moved** Cr Zammataro

**Seconded** Cr Kerr

*“That: -*

- 1. Council adopts the Fraud and Corruption Prevention Policy as presented; and*
- 2. Council adopts the Fraud and Corruption Control Plan as presented.”*

**Carried** unanimously

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

8.1 ON-LINE PETITION ON COUNCIL CARBON CREDITS  
Mark Stoermer, Chief Executive Officer

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**Moved** Cr Leu

**Seconded** Cr Kerr

*“That the on-line petition on Council Carbon Credits be received and presented to Council.”*

**For:** Cr Leu, Cr Noli, Cr Carey and Cr Kerr

**Against:** Cr Zammataro

**Carried**

9. CLOSED SESSION

**Moved** Cr Carey

**Seconded** Cr Noli

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

- 9.1 *Prejudicial Matter S275(1)(H) Local Government Regulation 2012 – **Tourism Port Douglas Daintree Operational Documents***
- 9.2 *Contractual Matter S275(1)(E) Local Government Regulation 2012 – **Contract Award Polettis Bridge Replacement Project, Miallo***
- 9.3 *Contractual Matter S275(1)(E) Local Government Regulation 2012 – **Contract 2019-085 Cape Tribulation Bloomfield Road Bank Stabilisation Design & Construct***
- 9.4 *Contractual Matter S275(1)(E) Local Government Regulation 2012 – **Contract 2019-89 Syndicate Road Slip Repair***
- 9.5 *Contractual Matter S275(1)(E) Local Government Regulation 2012 – **Contract 2019-086 2018 DRFA Road Restoration***
- 9.6 *Prejudicial Matter S275(1)(H) Local Government Regulation 2012 – **Proposed Contract for Specialised Mail Services S235(B)***
- 9.7 *Prejudicial Matter S275(1)(H) Local Government Regulation 2012 – **Write Off of Bad Debts***
- 9.8 *Prejudicial Matter S275(1)(H) Local Government Regulation 2012 – **Acquisition of Property for Rates S149(1)***
- 9.9 *Prejudicial Matter S275(1)(H) Local Government Regulation 2012 – **QAO Interim Management Letter S213(3)***
- 9.10 *Prejudicial Matter S275(1)(H) Local Government Regulation 2012 – **Proposed Contract Future IT Project S235(B)***
- 9.11 *Prejudicial Matter S275(1)(H) Local Government Regulation 2012 – **Councillor Matter***

**Carried** unanimously

OUT OF CLOSED SESSION

**Moved** Cr Leu

**Seconded** Cr Kerr

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

**Carried** unanimously

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- 9.1. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION 2012 - TOURISM PORT DOUGLAS DAINTREE OPERATIONAL DOCUMENTS  
Terry Farrelly, Manager Community Development

**Moved** Cr Zammataro

**Seconded** Cr Noli

*“That Council:*

- 1. receives and notes the following documents from Tourism Port Douglas Daintree (TPDD), submitted in accordance with the Resource and Performance Agreement between TPDD and Douglas Shire Council:*

- Strategic Framework*
- Organisational Plan*
- Marketing Strategy*
- 2019-20 Budget; and*

- 2. notes and accepts these documents.”*

**Carried** unanimously

- 9.2. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION 2012 - CONTRACT AWARD POLETTIS BRIDGE REPLACEMENT PROJECT, MIALLO  
Michael Matthews, Project Engineer

**Moved** Cr Kerr

**Seconded** Cr Carey

*“That Council resolves to:*

- 1. enter into contract 2019-077 Polettis Bridge Replacement Project with King Concreting (QLD) Pty Ltd ABN:70 075 411 442 trading as “CIVFORM”; and*
- 2. delegates authority under Section 257 (1) b of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated with the contract.”*

**Carried** unanimously

- 9.3. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATIONS 2012 - CONTRACT 2019-085 CAPE TRIBULATION BLOOMFIELD RD BANK STABILISATION DESIGN & CONSTRUCT  
Scott Hahne, Manager Project Office

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council:*

- 1. resolves to award Contract Number 2019-085 Cape Tribulation Bloomfield Rd Bank Stabilisation to GEO Design Pty Ltd for an amount of \$432,144 exclusive of GST; and*



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- delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters in relation to this contract.”*

**Carried** unanimously

- 9.4. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATIONS  
2012 - CONTRACT 2019-089 SYNDICATE RD SLIP REPAIR  
Scott Hahne, Manager Project Office

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*“That Council:*

- resolves to award Contract Number 2019-089 Syndicate Road Slip Repair to GEO Stabilise Pty Ltd for an amount of \$326,432 exclusive of GST; and*
- delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters in relation to this contract.”*

**Carried** unanimously

- 9.5. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATIONS  
2012 - CONTRACT 2019-086 2018 DRFA ROAD RESTORATION  
Scott Hahne, Manager Projects

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council:*

- resolves to award Contract Number 2019-086 2018 DRFA Road Restoration program to HEH Civil Pty Ltd for an amount of \$1,066,618 exclusive of GST; and*
- delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to this contract.”*

**Carried** unanimously

- 9.6. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION  
2012 - PROPOSED CONTRACT FOR SPECIALISED MAIL SERVICES  
S235 (B)  
Tara Killeen, Chief Financial Officer

**Moved** Cr Kerr

**Seconded** Cr Carey

*“Due to the specialised nature of the regulated mail services sought, Council resolves (under S235(b) of the Local Government Regulation 2012) to engage the services of IQ Mail via a contract and service level agreement.”*

**Carried** unanimously

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9.7. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION  
2012 - WRITE OFF OF BAD DEBTS  
Tara Killeen, Chief Financial Officer

**Moved** Cr Noli

**Seconded** Cr Kerr

*“That Council resolves to*

- *write off all monies owed by Debtor Account Number 5554441.67 as a bad and doubtful debt with an effective date of 30 June 2019; and*
- *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise all matters relating to these debts written off.”*

**Carried** unanimously

9.8. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION  
2012 - ACQUISITION OF PROPERTY FOR RATES S149(1)  
Tara Killeen, Chief Financial Officer

**Moved** Cr Noli

**Seconded** Cr Carey

*“That Council resolves –*

1. *it is satisfied that the vacant land at Mitre Street Craiglie, more particularly described as Lot 803 on Crown Plan C2253 (“the Land”), is land on which there are rates which have been overdue for at least 3 years;*
2. *that the total amount of the overdue rates and charges is more than the market value of the Land; and*
3. *to acquire the Land in accordance with Section 149, 150 and 151 of the Local Government Regulation 2012; and*
4. *to delegate authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to issue a notice of intention to acquire the Land and to finalise any and all matters associated with the acquisition.”*

**Carried** unanimously

9.9. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION  
2012 - QAO INTERIM MANAGEMENT LETTER S213 (3)  
Tara Killeen, Chief Financial Officer

**Moved** Cr Carey

**Seconded** Cr Kerr

*“That Council notes the observations contained within the Douglas Shire Council Interim Management Report to the Mayor (Observation Report) from the Queensland Audit Office for the 2018/19 financial year.”*

**Carried** unanimously

**9.10. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION  
2012 - PROPOSED CONTRACT FUTURE IT PROJECT S235 (B)**

Tara Killeen, Chief Financial Officer

Moved Cr Leu

Seconded Cr Kerr

*"That Council resolves to contract Surebridge Pty Ltd as a specialised service provider under S235(b) of the Local Government Regulation 2012 for the detailed design, construct, hardware and support services for the proposed on-premises IT infrastructure model, for a period of 24 months."*

Carried unanimously

**MEETING WITHDRAWAL**

Cr Carey declared that he has a conflict of interest in Closed Item 9.11 (as defined by section 175D of the *Local Government Act 2009*) as follows:-

(a) Cr Carey is a Councillor named in the matter in which this item is referred to.

Cr Carey will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on."

Cr Carey left meeting 11.46am.

**9.11. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION  
2012 - COUNCILLOR MATTER**

Moved Cr Noli

Seconded Cr Leu

*In relation to the matter at Item 9.11 of the closed session, there was no inappropriate conduct by Cr Carey.*

Carried unanimously

**MEETING RE-ATTENDANCE**

Cr Carey re-attended the meeting at 11.48am

**CLOSURE OF MEETING**

The meeting closed at 11.48am

**CONFIRMED THIS 20<sup>TH</sup> DAY OF AUGUST 2019**

  
.....  
MAYOR/CHAIR