

DOUGLAS SHIRE COUNCIL

# ORDINARY COUNCIL MEETING

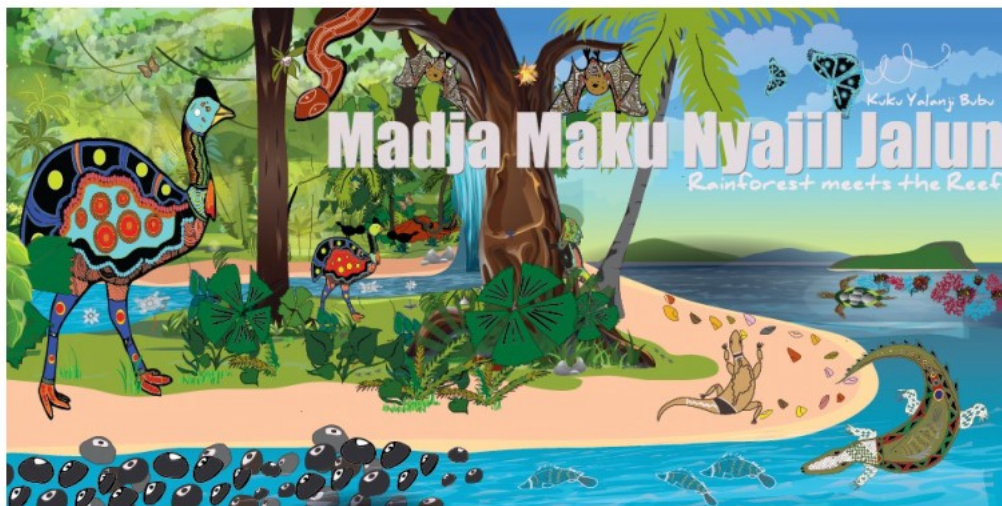
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## MINUTES

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Tuesday, 12 November 2019

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



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, 12 NOVEMBER 2019 COMMENCING AT 10.00AM**

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Mayor Cr Leu opened the Meeting by advising the audience that the meeting is being recorded and that the recording will be posted on Council's website along with the minutes.

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.

1. ATTENDANCE

PRESENT

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

**Officers in Attendance**

Mark Stoermer (Chief Executive Officer), Michael Kriedemann (Executive Manager Infrastructure), Brad Everett (Team Leader Biosecurity), Sean Cooper (Team Leader Natural and Public Areas PD) Terry Farrelly (Manager People and Community Services), Tara Killeen (Chief Financial Officer), Juanita Holden (Acting Manager Governance), Peter Tonkes (Manager Water and Wastewater), Robert Donovan (Team Leader Property), Scott Hahne (Manager Project Office), Tom Volling (Senior Media and Communications Officer), Gaye Scott, (Community Liaison Officer), Lisa Golding (Team Leader Community and Economic Development), and Brenda Jang (Executive Assistant).

APOLOGIES

Nil

MINUTE OF SILENCE

A minute of silence was observed in honour of past Councillor, the late George Pitt.

Cr Leu also paid tribute to those who have lost their lives during the current bush fires in Queensland and New South Wales and acknowledged the work carried out by the QFES and all other services during this devastating event.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Leu declared a perceived conflict of interest in Item 5.5, Tourism Port Douglas and Daintree (TPDD) Annual Report and Closed Item 9.3, Tourism Port Douglas and Daintree (TTPDD) with Financials, (as defined by section 175D of the *Local Government Act 2009*) in that Cr Leu is an appointed Director of TPDD.

Cr Leu has determined that this perceived conflict of interest is not of sufficient significance that it will lead her to make 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.

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

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- (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 or perceived conflict of interest in the matter and is accordingly free to participate in the meeting while these matters are discussed, including by voting on the matter.”*

**Carried** unanimously

Cr Noli declared that she has a perceived conflict of interest in Item 5.2, Douglas Shire Community Services Association (as defined by section 175D of the *Local Government Act 2009*) in that Cr Noli is an appointed Director of the Association.

Cr Noli has determined that this personal interest is not of sufficient significance that it will lead her to make a decision on the matter that is contrary to the public interest. Cr Noli 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.

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

- (c) whether Cr Noli has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (d) if so, whether:-
  - iii. Cr Noli must leave the meeting while this matter is discussed or voted on; or
  - iv. Cr Noli may participate in the meeting in relation to the matter, including by voting on the matter.”

**Moved** Cr Carey

**Seconded** Cr Zammataro

*“That Cr Noli does not have either a real 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

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD TUESDAY,  
22 OCTOBER 2019

**Moved** Cr Noli

**Seconded** Cr Kerr

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*“That the Minutes of the Ordinary Meeting held on Tuesday, 22 October 2019 be confirmed.”*

**Carried** unanimously

5. AGENDA ITEMS

5.1. TELEVISION BROADCASTING ALEXANDRA BAY

Gaye Scott, Community Liaison Officer and Mark Halstead, Building Facilities Officer

**Moved** Cr Leu

**Seconded** Cr Kerr

*“That Council resolves to defer this item to a future meeting.”*

**Carried** unanimously

5.2. DOUGLAS SHIRE COMMUNITY SERVICES ASSOCIATION COMMUNITY  
CHRISTMAS DAY LUNCH

Helen Coulthard, Grants Officer

**Moved** Cr Zammataro

**Seconded** Cr Carey

*“That Council:*

- 1. enters into a three-year Resource and Performance Agreement providing \$500 (GST Exc) cash and in-kind support (use of Mossman Shire Hall) to Douglas Shire Community Services Association to host the annual Community Christmas Day Lunch; and*
- 2. delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the above.”*

**Carried** unanimously

5.3. BIOSECURITY MANAGEMENT PLAN AND SURVEILLANCE PROGRAM

Peter Logan, Coordinator Public Spaces

**Moved** Cr Carey

**Seconded** Cr Leu

*“That Council resolves to:*

- 1. adopt the updated Douglas Shire Biosecurity Management Plan; and*
- 2. adopt the Douglas Shire Council Invasive Plants and Animals Surveillance Program.*

**Carried** unanimously

5.4. OPEN SPACES POLICY AND OPEN SPACES STRATEGY

Peter Logan, Coordinator Public Spaces

**Moved** Cr Noli

**Seconded** Cr Carey

*“That Council resolves to:*

- 1. adopt the Open Spaces General Policy; and*
- 2. adopt the Open Spaces Strategy.*

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**Carried** unanimously

5.5. TOURISM PORT DOUGLAS AND DAINTREE (TPDD) ANNUAL REPORT  
Lisa Golding, Team Leader Community and Economic Development

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“That Council:*

1. *receives and notes the Tourism Port Douglas Daintree Annual Report 2018/2019, submitted in accordance with the Resource and Performance Agreement between TPDD and Douglas Shire Council; and*
2. *notes TPDD’s Strategic Objectives 2019 to 2022 to achieve economic growth for the Shire through effective tourism marketing.”*

**Carried** unanimously

5.6. WATER AND WASTEWATER QUARTERLY REPORT FOR PERIOD ENDING  
30 SEPTEMBER 2019  
Peter Tonkes, Manager Water and Wastewater

**Moved** Cr Noli

**Seconded** Cr Carey

*“That the Quarterly Report of the Water and Wastewater branch for the period ending 30 September 2019 be received and noted.”*

**Carried** unanimously

5.7. MONTHLY FINANCIAL REPORT FOR OCTOBER 2019  
Tara Killeen, Chief Financial Officer

**Moved** Cr Leu

**Seconded** Cr Carey

*“That Council notes the Financial Report for the period ended 31 October 2019.”*

**Carried** unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

9. CLOSED SESSION

**Moved** Cr Kerr

**Seconded** Cr Zammataro

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

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- 9.1 *Contractual Matter S275 (1) (E) Local Government Regulation 2012 – Proposed Land Resumption and Road Opening – Part of Lot 62 SP146421 Cape Tribulation Road.*
- 9.2 *Prejudicial Matter S275 1 E Local Government Regulation 2012 – Contract for 2019 DRFA Road Restoration Program.*
- 9.3 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 – Tourism Port Douglas and Daintree (TPDD) Annual Report with Financials.*

**Carried** unanimously

OUT OF CLOSED SESSION

**Moved** Cr Kerr

**Seconded** Cr Carey

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

**Carried** unanimously

- 9.1. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT REGULATION 2012 - PROPOSED LAND RESUMPTION AND ROAD OPENING - PART OF LOT 62 SP146421 CAPE TRIBULATION ROAD  
Louise Dias, Property Officer

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*“That Council:*

- 1. acquires either by private agreement or by agreement under section 15 of the Acquisition of Land Act 1967 the area of 810m<sup>2</sup> of land being part of Lot 62 on SP146421 on Cape Tribulation Road at the agreed price (specified on the Financial/ Resource Implications section of this report) to facilitate the replacement of the Noah Creek Bridge;*
- 2. approves the road opening of the acquired land to enable continued use of the road and enable bridge infrastructure to be constructed within road reserve; and*
- 3. delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Office to negotiate, determine and finalize at Council’s expense any and all matters associated with this purchase, including compensation, settlement and the execution of any agreements and plans. “*

**Carried** unanimously

- 9.2. PREJUDICIAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION 2012 - CONTRACT FOR 2019 DRFA ROAD RESTORATION PROGRAM  
Scott Hahne, Manager Project Office

**Moved** Cr Noli

**Seconded** Cr Carey

*“That Council:*

- 1. Resolves to award Contract Number 2020-070 2019 DRFA Road Restoration Program to HEH Civil Pty Ltd for an amount of up to \$2,808,972.00 exclusive of GST; and*



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2. *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

**9.3. PREJUDICIAL MATTER S275(1) (H) LOCAL GOVERNMENT REGULATION  
2012 - TOURISM PORT DOUGLAS AND DAINTREE (TPDD) ANNUAL  
REPORT WITH FINANCIALS**

Lisa Golding, Team Leader Community and Economic Development

**Moved** Cr Zammataro

**Seconded** Cr Carey

*"That Council notes the Tourism Port Douglas Daintree Annual Report financial statements 2018/19, submitted in accordance with the Resource and Performance Agreement between TPDD and Douglas Shire Council."*

**Carried** unanimously

**CLOSURE OF MEETING**

The meeting closed at 10.43am.

**CONFIRMED THIS THIRD DAY OF DECEMBER 2019**

  
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MAYOR/CHAIR