

DOUGLAS SHIRE COUNCIL

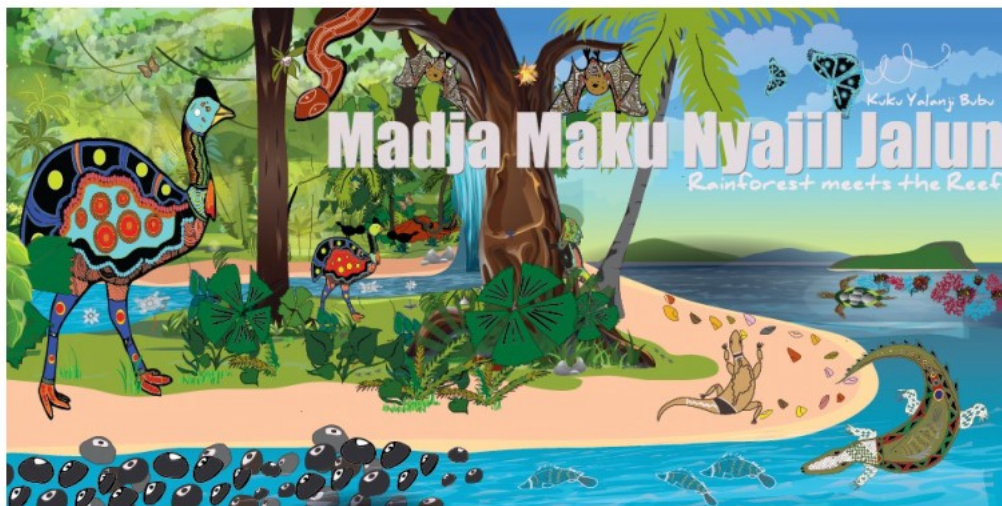
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 21 January 2020

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, 21 JANUARY 2020 COMMENCING AT 10.00AM**

Mayor Cr Leu opened the Meeting by advising the audience that the meeting is being recorded and that the recordings will be posted onto 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), Terry Farrelly (Manager People and Community Services), Tara Killeen (Chief Financial Officer), Juanita Holden (Manager Governance), Paul Hoye (Manager Environment and Planning), Nicola Learmond (Sustainability Officer), Melissa Mitchell (Development and Environmental Compliance Officer), Louise Dias (Property Officer), Susan Lunn (Property Officer), Pieter Kleinhans (Coordinator Civil Operations), Peter Logan (Coordinator Public Spaces), Helen Coulthard (Grants Officer), Mark Halstead (Building Facilities Officer), Daniel Favier (Project Manager Open Spaces), Luke Chappell (Project Manager), Tom Volling (Senior Media and Communications Officer), Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

APOLOGIES

Nil

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD TUESDAY, 3 DECEMBER 2019

Moved Cr Carey

Seconded Cr Zammataro

"That the Minutes of the Ordinary Meeting held on Tuesday, 3 December 2019 be confirmed."

Carried Unanimously

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5. AGENDA ITEMS

5.1. ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT

Nicola Learmond, Sustainability Officer

Melissa Mitchell, Development and Environmental Compliance Officer

Moved Cr Carey

Seconded Cr Noli

“That Council resolves to support and submit the attached Environmental Protection and Biodiversity Conservation Act Submission to the Department of the Environment and Energy Independent Review Panel.”

Carried Unanimously

5.2. EXPRESSION OF INTEREST - MOSSMAN POOL SWIMMING COACHING AND AQUATIC PROGRAMS

Louise Dias, Property Officer

Susan Lunn, Property Officer

Moved Cr Noli

Seconded Cr Zammataro

“That Council:

1. *note the Officers’ recommendations following Council’s Expression of Interest (EOI) process for the Provision of Swimming Coaching and Aquatic Programs from January to June 2020 for the Mossman Pool located on Lot 6 RP 742785 corner of Foxtton Avenue and Park Street Mossman;*
2. *Offer swimming pool lane hire in mutually agreed hired lane spaces to suitably qualified and experienced applicants for the purpose of Swimming Coaching and Aquatic Programs, subject but not limited to the following terms and conditions;*
 - a. *lane hire fee to be \$30 per hour for a term between the 21st of January 2020 to the 30th of June 2020 and subject to annual review as per Council’s annually approved Fees and Charges for the Mossman Pool;*
 - b. *in addition to the lane hire fee, the usual Mossman Pool entry fees from Council’s annually approved Fees and Charges apply to the successful applicants’ members;*
 - c. *successful respondents of the EOI will be invited to submit an Application for Swimming Pool Lane Hire. Council reserves the right to terminate any arrangements for the use of facilities in the event of non-compliance with terms and conditions agreed in the application;*
 - d. *all future applicants for swimming pool lane hire will be accepted and assessed according to the Mossman Pool and Caravan Park – Swimming Pool Lane Hire Agreement;*
 - e. *all applicants for Lane Hire are responsible for all costs associated with providing the documentation required for the Mossman Pool and Caravan Park – Swimming Pool Lane Hire Agreement; and*
 - a. *all mandatory copies of supporting documentation must be provided with the application for Mossman Pool and Caravan Park - Swimming Pool Lane Hire*

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Agreement. Mandatory documentation includes current Public Liability Insurance to \$20,000,000 with Douglas Shire Council noted as an interest party, current qualification and accreditation certificates and current Queensland Blue Card; and

- 3. delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise any and all matters associated with this EOI."*

Carried Unanimously

- 5.3. TV BROADCASTING ALEXANDRA BAY AND DAINTREE VILLAGE
Michael Kriedemann, Executive Manager Infrastructure

Moved Cr Leu

Seconded Cr Carey

"That Council defer item 5.3 TV Broadcasting Alexandra Bay and Daintree Village to a future Council Meeting date to be determined."

Carried Unanimously

- 5.4. PROPOSED AMENDMENT TO THE FAR NORTH QUEENSLAND REGIONAL ORGANISATION OF COUNCILS DEVELOPMENT MANUAL PLANNING SCHEME POLICY
Pieter Kleinhans, Coordinator Civil Operations

Moved Cr Noli

Seconded Cr Carey

"That Council resolves to:

- 1. amend the Far North Queensland Regional Organisation of Council's Development Manual Planning Scheme Policy in accordance with Section 22 of the Planning Act 2016 and Chapter 3 Minister's Rules for Making and Amending a Planning Scheme Policy; and*
- 2. proceed to public consultation of the proposed amendments as required under Chapter 3 Minister's Rules for Making and Amending a Planning Scheme Policy."*

Carried Unanimously

- 5.5. GLYPHOSATE REDUCTION STRATEGY
Peter Logan, Coordinator Public Spaces

Moved Cr Leu

Seconded Cr Carey

"That Council resolves to adopt the Glyphosate Reduction Strategy."

Carried Unanimously

- 5.6. ASSET MANAGEMENT FRAMEWORK
Michael Kriedemann, Executive Manager Infrastructure

Moved Cr Carey

Seconded Cr Kerr

"That Council resolve to adopt the Asset Management Framework."

Carried Unanimously

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5.7. CAPITAL WORKS PROGRESS REPORT FOR THE 2ND QUARTER 2019 -
2020

Michael Kriedemann, Executive Manager Infrastructure

Moved Cr Leu

Seconded Cr Noli

“That Council receives and notes the progress of the Capital Works Program to 31 December 2019 for the 2019/2020 financial year.”

Carried Unanimously

5.8. MONTHLY FINANCIAL REPORT FOR NOVEMBER 2019

Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr Carey

“That Council notes the Financial Report for the period ended 30 November 2019.”

Carried Unanimously

5.9. MONTHLY FINANCIAL REPORT FOR DECEMBER 2019

Tara Killeen, Chief Financial Officer

Moved Cr Leu

Seconded Cr Noli

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

Carried Unanimously

5.10. ACCEPTABLE GUIDELINE REQUEST

Juanita Holden, Manager Governance

Moved Cr Noli

Seconded Cr Kerr

“That Council:

- 1. revoke the Councillor and Staff Interaction Protocol General Policy; and*
- 2. adopt the Acceptable Guidelines Request Policy as presented.”*

Carried Unanimously

5.11. CARETAKER PERIOD POLICY

Juanita Holden, Manager Governance

Moved Cr Carey

Seconded Cr Kerr

“That Council:

- 1. resolve to revoke the Election Caretaker Provisions General Policy; and*
- 2. resolve to adopt the Caretaker Period Policy as presented.”*

Carried Unanimously

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6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Kerr

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

- 9.1. *Prejudicial Matter S275 1 H Local Government Regulation 2012 - **Council Grants Program 2019-20 Major Grants Stream.***
- 9.2. *Contractual Matter S275 1e Local Government Regulation 2012 - **Sugar Wharf Maintenance Project.***
- 9.3. *Contractual Matter S275 1 E Local Government Regulation 2012 - **Playground Renewal Program 2019/2020.***
- 9.4. *Contractual Matter S275 1 E Local Government Regulation 2012 - **Contract 2020-093 Ponzo Rd Landslip Repair.***
- 9.5. *Contractual Matter S275 1 E Local Government Regulation 2012 - **Contract 2020-099 Mowbray River Road Water Main Replacement.***
- 9.6. *Prejudicial Matter S275 1 H Local Government Regulation 2012 - **Acquisition Of Property For Rates S149(1) Lot 367 Rp739002 Hickory Rd Cow Bay.***

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. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION 2012 - COUNCIL GRANTS PROGRAM 2019-20 MAJOR GRANTS STREAM
Helen Coulthard, Grants Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council:

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1. *approves \$10,000 (GST Exc) to CE Kerr and DC Pinson for the Daintree Life Beach Restoration North Myall Beach Cape Tribulation project under the 2019-20 Council Grants Program;*
2. *approves \$5,235 (GST Exc) to SG Matthews for Life Amongst the Trees – Part Two project under the 2019-20 Council Grants Program;*
3. *approves \$10,000 (GST Exc) to Port Douglas Artists Inc for the Call of the Running Tide 2021: Further development, Operational Plan and Website Creation project under the 2019-20 Council Grants Program;*
4. *approves \$9,700 (GST Exc) to Trailblazers Qld Pty Ltd for the Daintree Food Trail project under the 2019-20 Council Grants Program;*
5. *approves \$6,995 (GST Exc) to Great Barrier Reef Research Expeditions Inc for the Biorock Reef Restoration project under the 2019-20 Council Grants Program;*
6. *approves \$2,532 (GST Exc) to Rosanne Watts for Elements of Drawing - Community Art Classes in Cow Bay under the 2019-20 Council Grants Program;*
7. *approves \$4,000 (GST Exc) to Lenice Schonenberger for the Newell Beach Amenities Marine Mural under the 2019-20 Council Grants Program;*
8. *approves \$5,800 (GST Exc) to Marine Rescue Douglas Shire Inc for the Youth Coxwain Grade 1 Trainee Program under the 2019-20 Council Grants Program;*
9. *notes the allocation of three marquees to Port Douglas Outrigger Canoe Club Inc, Mossman Squash and Tennis Club Inc and Douglas Integrated Riders and Trailbuilders Club Inc under the 2019-20 Council Grants Program;*
9. *notes applications not recommended for funding or a marquee under the 2019-20 Council Grants Program in the Attachment to this Report; and*
10. *delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to administer and finalise any and all matters associated with the above."*

Carried Unanimously

9.2. CONTRACTUAL MATTER S275 1E LOCAL GOVERNMENT REGULATION
2012 - SUGAR WHARF MAINTENANCE PROJECT
Mark Halstead, Building Facilities Officer

Moved Cr Leu

Seconded Cr Zammataro

"That Council resolves to:

1. *Enter into contract 2020 – 025B Sugar Wharf Structure Repairs and Maintenance with Neater Constructions (Q) Pty Ltd; and*
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 associated with this contract."*

Carried Unanimously

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9.3. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION
2012 - PLAYGROUND RENEWAL PROGRAM 2019/2020
Daniel Favier, Project Manager Open Spaces

Moved Cr Kerr

Seconded Cr Noli

“That Council resolves to:

1. *Enter into Contract 2020 - 054 Playground Renewal with Willplay Pty Ltd for the supply and installation of new play equipment and rubber softfall surfacing across ten (10) park areas; and*
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 associated with the contracts.”*

Carried Unanimously

9.4. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION
2012 - CONTRACT 2020-093 PONZO RD LANDSLIP REPAIR
Luke Chappell, Project Manager

Moved Cr Carey

Seconded Cr Noli

“That Council resolves to:

1. *resolves to award Contract Number 2020-093 Ponzo Rd Landslip Repair to LDI Constructions Civil Pty Ltd for an amount of \$828,741.00 exclusive of GST; and*
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

9.5. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION
2012 - CONTRACT 2020-099 MOWBRAY RIVER ROAD WATER MAIN
REPLACEMENT
Luke Chappell, Project Manager

Moved Cr Noli

Seconded Cr Carey

“That Council resolves to:

1. *resolves to award Contract Number 2020-099 Mowbray River Road Water Main Replacement to LDI Constructions Civil Pty Ltd for an amount of \$424,607.00 exclusive of GST; and*
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

**9.6. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION
2012 - ACQUISITION OF PROPERTY FOR RATES S149(1) LOT 367
RP739002 HICKORY RD COW BAY**

Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr Carey

"That Council resolves –

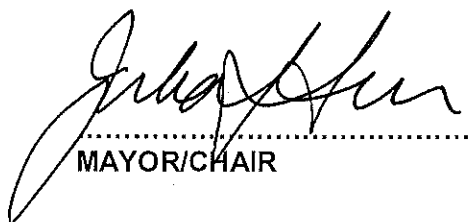
1. *it is satisfied that the vacant land at Hickory Road, Cow Bay more particularly described as Lot 367 on RP739002 ("the Land") is land on which there are rates which have been overdue for at least 3 years; and*
2. *that the total amount of the overdue rates and charges is more than the market value 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

CLOSURE OF MEETING

The meeting closed at 10.45am.

CONFIRMED THIS 11TH DAY OF FEBRUARY 2020


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MAYOR/CHAIR