

ORDINARY MEETING 16 DECEMBER 2014	6.2
--	-----

NOTICE OF MOTION – CR MELCHERT

DELEGATIONS – LEASE OF COUNCIL RESERVES AND FREEHOLD LAND

NOTICE OF MOTION

I hereby give notice of my intention to move the following motion at Council’s Ordinary Meeting to be held on Tuesday 16 December 2014:-

“That Council remove all implied or documented delegations to the Chief Executive Officer regarding the lease of Council Trustee or Freehold land and direct that all negotiations and actions regarding the proposed lease of such land must not occur with such proposals being formally approved by resolution of the Council.”

BACKGROUND

Information is available that there was a clear intention of Cairns Regional Council to lease joint use sporting grounds in the Douglas area to Individual sporting clubs and Douglas Shire Council staff have indicated they have been proceeding under delegated authority to implement the lease process.

In my opinion in a small Council area such as Douglas Shire the leasing of sporting facilities especially joint use sporting facilities should not occur other than through an open and transparent process involving a formal decision of Council and full consultation with user groups.

This motion seeks to put beyond doubt that any such actions cannot occur without formal Council approval and therefore without a clear and transparent administrative process.

CEO’S COMMENT:

As previously advised to Cr Melchert, in all land dealings/transactions with third parties (which are not confined to tenure), staff will pursue the most beneficial arrangement possible for Council, the ratepayers, and the community.

In doing so all options will be considered and a recommended course of action will be determined. Unless relevant delegations are held by staff then these recommendations will be presented to Council and staff will enact the majority decision of Council.

With regards to the two major sporting/recreation precincts, Port Douglas Sports Complex and Coronation Park, staff will be progressing an overarching governance framework with the inclusion of all users prior to determining the most appropriate tenure for the individual users, and then bringing those recommendations to Council for its consideration.

Additionally in the report presented to Council on 16 December 2014 on the Review of Council to Chief Executive Officer Delegations, Council is informed of the principles recommended by staff for adoption when considering which legislative authority should be delegated to the CEO. One of these principles is that any legislative power involving tenure of council freehold land or trustee land will not be delegated.