

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, 11 OCTOBER 2016, COMMENCING AT 9.00AM

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Linda Cardew (Chief Executive Officer), Nicholas Wellwood (General Manager Operations), Joanne Jacobson (Acting General Manager Corporate Services), John Rehn (Manager Finance & IT), Kerrie Hawkes (Executive Officer), Simon Clarke (Planning Consultant), Jenny Elphinstone (Senior Planning Officer), Nicola Learmond (Sustainability Officer), Robert Donovan (Property Officer), Lloyd Nunns (Senior Procurement Officer) and Nevinia Davenport (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 Carey declared a perceived conflict of interest in Item 9.2 – *Port Douglas Combined Clubs proposed conversion of trustee lease 711770040 to freehold* as he recognises that his membership of the Port Douglas Combined Clubs gives the appearance of a perceived conflict of interest, however he has considered his position and is firmly of the opinion that he can make a decision on the matter before this meeting in the public interest.

Cr Kerr declared a perceived conflict of interest in Item 9.2 – *Port Douglas Combined Clubs proposed conversion of trustee lease 711770040 to freehold* as he recognises that his membership of the Port Douglas Combined Clubs gives the appearance of a perceived conflict of interest, however he has considered his position and is firmly of the opinion that he can make a decision on the matter before this meeting in the public interest.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 20 SEPTEMBER 2016

Moved Cr Noli

Seconded Cr Carey

“That the Minutes of the Ordinary Meeting held on Tuesday, 20 September 2016, be confirmed.”

Carried unanimously.

5. AGENDA ITEMS

5.1. MINISTERIAL DESIGNATION PORT DOUGLAS FIRE STATION

Jenny Elphinstone, Senior Planning Officer

Moved Cr Carey

Seconded Cr Kerr

“That Council:

- 1. Notes the proposed Ministerial Designation for Community Infrastructure for the Port Douglas Fire Station over Lot 117 on SR670 located at 5 Port Douglas Road, Port Douglas.*
- 2. Resolves to support and forward the submission, as included in Attachment 5, to the Public Safety Business Agency advising that it has no objection to the proposed Ministerial Designation for Community Infrastructure for the Port Douglas Fire Station over Lot 117 on SR670 located at 5 Port Douglas Road, Port Douglas and confirms Council’s Officer comments as previously forwarded by letter dated 16 September 2016.”*

Carried unanimously.

5.2. PETITION RESPONSE - SERVICE STATION DEVELOPMENT, CRAIGLIE

Simon Clarke, Planning Consultant

Moved Cr Noli

Seconded Cr Carey

“That the principal submitter be advised that Council is not in a position to stop development of the land for a service station as there is a valid development permit that remains current over the land and that the developer may act upon this development permit at any time while the development permit remains current.”

Carried unanimously.

5.3. FINANCIAL REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2016

John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Carey

“That Council notes the Financial Report for the period ended 30 September 2016.”

Carried unanimously.

5.4. CHRISTMAS CLOSE DOWN PERIOD 2016

Joanne Jacobson, Manager Governance

Moved Cr Carey

Seconded Cr Zammataro

“That Council resolves to nominate the close down period for 2016 as being from close of business Friday 23rd December 2016 to start of business Tuesday 3rd January 2017.”

Carried unanimously.

5.5. COASTAL HAZARD ADAPTATION STRATEGY GRANT APPLICATION

Nicola Learmond, Sustainability Officer

Moved Cr Leu

Seconded Cr Noli

“That Council resolves to:-

- 1. Support the submission of the attached draft Coastal Hazard Adaptation Strategy Grant Application, for Phases One and Two, to the QCoast2100 program; and*
- 2. The submission of the application be subject to Council receiving the necessary quotations for completion of the required work, for inclusion in the application.”*

Carried unanimously.

**5.6. PROPOSED FRAMEWORK FOR THE DEVELOPMENT OF A
COMMUNITY PLAN**

Kerrie Hawkes, Executive Officer

Moved Cr Carey

Seconded

“That Council:

- 1. Note the Community Plan Framework Proposal;*
- 2. Consider a staged development of a Community Plan:*
 - a. 2016 – 2017 Operational Plan - Development of a consultancy brief with substantial input from Councillors and engagement of a consultant; and*
 - b. 2017 – 2018 Operational Plan – Development of a Community Plan”*

The motion lapsed for want of a seconder.

An alternative motion was moved.

Moved Cr Leu

Seconded Cr Noli

“That Council note the Community Plan Framework Proposal.”

For: Cr Leu, Cr Noli, Cr Kerr and Cr Zammataro

Against: Cr Carey

Carried.

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 matters:

- 9.1 *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Request to amend the current Port Douglas Event Management - Great Barrier Reef Marathon Resource and Performance Agreement*
- 9.2 *Contractual Matter S275 (1) (E) Local Government Regulation 2012 - Port Douglas Combined Club - Proposed Conversion of Trustee Lease 711770040 to Freehold*
- 9.3 *Contractual Matter S275 (1) (E) Local Government Regulation 2012 - Register of Sole Source Supplier*
- 9.4 *Contractual Matter S275 (1) (H) Local Government Regulation 2012 – Employment Contract*

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Noli

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

Carried unanimously.

9.1. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT REGULATION 2012 - REQUEST TO AMEND THE CURRENT PORT DOUGLAS EVENT MANAGEMENT - GREAT BARRIER REEF MARATHON RESOURCE AND PERFORMANCE AGREEMENT

Kerrie Hawkes, Executive Officer

Moved Cr Carey

Seconded Cr Zammataro

“That Council resolves to decline the request from the event organisers to increase funding and amend the existing Resource and Performance Agreement held with Port Douglas Event Management for the Great Barrier Reef Marathon.”

Carried unanimously.

**9.2. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 - PORT DOUGLAS COMBINED CLUB - PROPOSED
CONVERSION OF TRUSTEE LEASE 711770040 TO FREEHOLD**

Robert Donovan, Senior Property Officer

Moved Cr Noli

Seconded Cr Zammataro

“That Council:

- 1. advise the Port Douglas District Combined Club that Council does not support the signing of the Statement in relation to an application over State land Part C; and*
- 2. delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 the ability to determine and finalise any and all matters associated with this request.”*

For: Cr Leu, Cr Noli, and Cr Zammataro

Against: Cr Carey and Cr Kerr

Carried.

**9.3. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 - REGISTER OF SOLE SOURCE SUPPLIER**

Lloyd Nunn, Senior Procurement Officer

Moved Cr Noli

Seconded Cr Kerr

“That Council:

- 1. resolves in accordance with section 235 of the Local Government Regulation 2012 that the Council's register of sole source suppliers be extended to include the Bureau of Meteorology (QLD); and*
- 2. delegates authority to the Mayor and 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 contractual arrangement.”*

Carried unanimously.

**9.3. CONTRACTUAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - EMPLOYMENT CONTRACT**

Joanne Jacobson, Manager Governance

Moved Cr Leu

Seconded Cr Noli

"Given the expiry of the Chief Executive Officer's contract of employment on or before 9 March 2017, and in accordance with the provisions of section 194 of the Local Government Act 2009, it is resolved that Council:

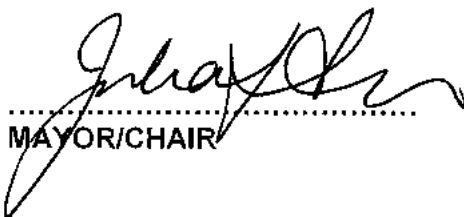
- 1. renew the contract of the Chief Executive Officer Ms Linda Cardew to the 2nd October 2020; and*
- 2. delegates authority to the Mayor in accordance with section 257 of the Local Government Act 2009, to negotiate the final terms and conditions of the appointment on Council's behalf."*

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 10.29am.

CONFIRMED THIS 2nd DAY OF NOVEMBER 2016


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MAYOR/CHAIR