

MINUTES OF THE SPECIAL COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL HELD AT
THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT STREET, MOSSMAN ON
WEDNESDAY, 10 May 2017, COMMENCING AT 10.00AM

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), Darryl Crees (General Manager Corporate Services), Nicholas Wellwood (General Manager Operations), Joanne Jacobson (Manager Governance), Simon Clarke (Planning Coordinator), Rob Donovan (Senior Property Officer), Scott Hahne (Project Engineer), Greg McLean (Communications and Event Officer), Nicole Barton (Mayoral and Councillor Support Officer) and Fionnuala Blayney (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

No apologies.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Kerr declared a perceived conflict of interest in relation to Agenda Item 4.1 "Contractual Matter S275(1)(E) Local Government Regulation 2012 Contract for 2015 & 2016 NDRRA Events", as during the process of responding to the answer of an open RFI that was sent from council staff, Cr Kerr advised that he had inadvertently and unknowingly conversed with an applicant in the tender process about the response of the content in the RFI. Cr Kerr advised that this communication has been perceived to be conflicting and could affect the outcome of this tender and therefore proposed to exclude himself from the meeting while the matter is debated and the vote is taken.

SUSPENSION OF STANDING ORDERS

Moved Cr Leu

Seconded Cr Noli

"That Council resolves to suspend the standing orders to discuss the closed session agenda items:

Carried Unanimously

4. CLOSED SESSION

Moved Cr Leu

Seconded Cr Carey

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

4.1 *Contractual Matters S275 1 E LG Regulation 2012 Contract for 2015 & 2016 NDRRA Events*

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON WEDNESDAY, 10 May 2017, COMMENCING AT 10.00AM**

- 4.2 *Prejudica Matter S275 (1) (H) Local Government regulations 2012 Relocation of the Mooring Facility Deed Port Douglas Waterfront*

Carried Unanimously

DECLARATION OF CONFLICT OF INTEREST & WITHDRAWAL – CR KERR

Cr Kerr declared a conflict of interest in the Agenda Item 4.1 “Contractual Matter S275(1)(E) Local Government Regulation 2012 Contract for 2015 & 2016 NDRRA Events” and withdrew from the meeting at 10.04 am

RE-ATTENDANCE – CR KERR

Cr Kerr re-attended the meeting at 10.07am

OUT OF CLOSED SESSION

Moved Cr Leu

Seconded Cr Noli

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

Carried Unanimously

DECLARATION OF CONFLICT OF INTEREST & WITHDRAWAL – CR KERR

Cr Kerr declared a conflict of interest in the Agenda Item 4.1 “Contractual Matter S275(1)(E) Local Government Regulation 2012 Contract for 2015 & 2016 NDRRA Events” and withdrew from the meeting at 10.13am

**4.1. Contractual Matters S275 1 E LG Regulation 2012 Contract for 2015
& 2016 NDRRA Events**

Scott Hahne, Project Engineer, Operations

Moved Cr Noli

Seconded Cr Carey

“That Council:

- 1. Resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract DSCNDRRA2015-2016 – 2015-2016 NDRRA Road Restoration Programs to Robinson Civil Constructions FNQ Pty Ltd (ABN 79 120 596 581) for their tendered lump sum price of \$1,195,624.61 exclusive of GST.*
- 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 Contract.*

Carried Unanimously

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON WEDNESDAY, 10 May 2017, COMMENCING AT 10.00AM**

RE-ATTENDANCE – CR KERR

Cr Kerr re-attended the meeting at 10.14am

**4.2 PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - RELOCATION OF THE MOORING FACILITY
DEED - PORT DOUGLAS WATERFRONT**

Simon Clark, Planning Coordinator

Moved Cr Leu

Seconded Cr Carey

“That Council resolves:

- 1. to endorse the Deed of Agreement (Relocation of Mooring Facility).*
- 2. that further to s.257 of the Local Government Act 2009, to delegate all authority to the Mayor and Chief Executive Officer to finalise the Deed of Agreement (Relocation of Mooring Facility).*

Carried Unanimously

RESUMPTION OF STANDING ORDERS

Standing Orders were resumed

**3.1 NEGOTIATED DECISION REQUEST THE REEF MARINA WHARF
STREET PORT DOUGLAS**

Simon Clark, Planning Coordinator

Moved Cr Leu

Seconded Cr Carey

“That Council issues a Negotiated Decision for the combined application over land described as Lot 146 SR861, Part Lot 126 SR868, Lot 103 SR500 and Inlet Street Road Reserve, consisting of a material change of use comprising:

- Stage 1a – 5 x Multi-unit housing / Holiday accommodation;*
- Stage 1b – 14 x Multi-unit housing / Holiday accommodation;*
- Stage 2a – Mixed use development – 35 x Multi-unit housing / Holiday accommodation and Commercial / Retail space [Shopping facility / Restaurants / Business facilities/ Tavern];*
- Stage 2b – Public plaza, Temporary commercial/retail container shops, Temporary industrial premises, Temporary retention of slipway:*

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
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Stage 2c – *Mixed use development – 26 x Multi-unit housing / Holiday accommodation and/or Holiday accommodation – Dual key and Commercial / Retail space [Shopping facility / Restaurants / Business facilities / Tavern];*

Stage 3a – *5 x Multi-unit housing / Holiday accommodation and/or Holiday accommodation - Dual key*

and lot reconfiguration comprising three (3) lots into five (5) lots and easements, subject to the following amendments to conditions 4, 5 and 6 contained in its Decision Notice dated 20 February 2017:

Deed of Agreement – Port Douglas Commercial Fishermen’s Association

- 4. Execute the Deed of Agreement (Relocation of Mooring Facility) prepared by King and Company Solicitors with the Port Douglas Commercial Fishermen’s Association and Council prior to commencement of use for Stage 1.*

Deed of Agreement – Operation of Slipway

- 5. Execute the Deed of Agreement (Operation of Slipway) prepared by King and Company Solicitors prior to commencement of use for Stage 1.*

Covenant

- 6. Prior to Council being required to issue a Compliance Certificate for the Plan of Survey, a legally binding covenant is to be entered into to tie proposed Lots 1, 2 and 3 and Lot 103 (the slipway lot) restricting separate sale until such time that each stage of the proposed development is completed relative to that particular stage (e.g. via Community Title Scheme or similar). For the purposes of this condition, Council does not object to the applicant/owner executing lease arrangements via deed agreements (or similar mechanisms) to achieve development of the land in smaller management stages.*

All other conditions remain unchanged.”

Carried Unanimously

CLOSURE OF MEETING

The meeting closed at 10.22am

CONFIRMED THIS 30 DAY OF MAY 2017


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MAYOR/CHAIR