

**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, 10 OCTOBER 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), Kerrie Hawkes (Executive Officer), Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

Part Meeting: Joanne Jacobson (Manager Governance), Tracey Crouch (A/Manager Sustainable Communities), Michael Kriedemann (Manager Infrastructure), Simon Clarke (Planning Coordinator), Graham Busby (Property Officer), Nicola Learmond (Sustainability Officer), John Rehn (Manager Finance & IT), Lloyd Nunns (Senior Procurement Officer), Michael Kriedemann (Manager, Infrastructure); Peter Tonkes (Coordinator Operations); Scott Hahne (Principal Project Manager)

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 Agenda Item 5.2 "*Prelodgement Enquiry for Proposed Extension to the Combined Club 7 Ashford Avenue Port Douglas*" as he is a member of the Combined Club for the purpose of being able to use the facility however, he has considered his position and is firmly of the opinion that he can participate in the debate and vote on this matter in the public interest.

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 19 SEPTEMBER 2017

Moved Cr Carey

Seconded Cr Noli

"That the Minutes of the Ordinary Meeting held on Tuesday 19 September, 2017 be confirmed."

Carried Unanimously

5. AGENDA ITEMS

- 5.1. MATERIAL CHANGE OF USE FOR TELECOMMUNICATION FACILITIES
AT LOT 99 WHARF STREET PORT DOUGLAS
Simon Clarke, Coordinator Development Assessment and Coordination

Moved Cr Noli

Seconded Cr Carey

“That Council approves the development application for Telecommunications Facilities over land described as Lot 99 on SP150469, located at Wharf Street Port Douglas, subject to approved drawing(s) and/or document(s).”

Carried Unanimously

5.2. PRELODGE MENT ENQUIRY FOR PROPOSED EXTENSION TO THE
COMBINED CLUB 7 ASHFORD AVENUE PORT DOUGLAS
Simon Clarke Planning Coordinator

Moved Cr Carey

Seconded Cr Leu

“That the applicant be advised on a without prejudice basis that:

1. *In the event that the applicant proceeds to a formal application, the proposed extensions constitute a material change of use for either a restaurant or tavern use, being impact assessable development in the Community and Recreational Facilities Planning Area under the Douglas Shire Planning Scheme 2006 (as amended).*
2. *Any formal application would need to fully justify any proposed car parking arrangements via an evidence-based traffic study prepared by an appropriately qualified traffic consultant for the additional floor space.”*

For Cr Leu, Cr Noli, Cr Carey, Cr Zammataro

Against Cr Kerr

Carried

5.3. FURTHER LEASE TO DOUGLAS ARTS STUDIO GALLERY INC (DAB)
LOT 14 ON RP707231, 11 MILL STREET MOSSMAN
Graham Busby, Property Officer

Moved Cr Noli

Seconded Cr Carey

“That Council:

1. *Offers a further trustee lease to Douglas Arts Studio Gallery Inc (lessee) over Lot 14 on RP707231, Mill Street Mossman, for the purpose of an office, art gallery and associated art based activities, subject to but not limited to the following terms and conditions:*
 - a. *for a term of ten (10) years to commence from a date to be determined;*
 - b. *rent for the first year of the term to be \$110.00 (including GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - c. *lessee to be responsible for all rates and charges, including any costs of water usage on the premises;*
 - d. *lessee to be responsible for all reasonable costs associated with the preparation and registration of the lease;*

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e. *Council's Standard Terms Document for Freehold Leasing, registered under dealing number 717940168 and amended as detailed in this report.*

2. *Delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to determine and finalise any and all matters associated with the lease."*

Carried Unanimously

5.4. MOSSMAN RETIREMENT FACILITY JOHNSTON ROAD, MOSSMAN - AMENDED PLANS
Simon Clarke, Coordinator Development Assessment and Coordination

Moved Cr Leu

Seconded Cr Zammataro

"That Council:

1. *approves the following plans as being in accordance with the Design Guidelines that attach to the Development Lease Agreement between Douglas Shire Council and the Salvation Army (Queensland) Property Trust, subject to the design elements shown on the Landscape Master Plan being incorporated into the detailed landscape plans that are required to be submitted to Council in order to satisfy condition 31 of the negotiated decision notice dated 18 May 2016:*

Sheet Name	Reference	Date
Site Plan prepared by Thomson Adsett Pty Ltd	15.0285.11 DA002 Rev 3	21 September 2017
Overall Roof Plan by Thomson Adsett Pty Ltd (excluding Roof Shades)	15.0285.11 DA003 Rev 3	21 September 2017
Floor Plan Part A prepared by Thomson Adsett Pty Ltd	15.0285.11 DA004 Rev 3	21 September 2017
Floor Plan Part B prepared by Thomson Adsett Pty Ltd	15.0285.11 DA005 Rev 3	21 September 2017
Floor Plan Part C prepared by Thomson Adsett Pty Ltd	15.0285.11 DA006 Rev 3	21 September 2017
Elevations prepared by Thomson Adsett Pty Ltd	15.0285.11 DA007 Rev 3	21 September 2017
Elevations prepared by Thomson Adsett Pty Ltd	15.0285.11 DA008 Rev 3	21 September 2017
Sections prepared by Thomson Adsett Pty Ltd	15.0285.11 DA007 Rev 3	21 September 2017
Entry Breezeway Through Chapel prepared by Thomson Adsett Pty Ltd	15.0285.11 DA014 Rev 1	21 September 2017
Internal Residential Wing prepared by Thomson Adsett Pty Ltd	15.0285.11 DA015 Rev 1	21 September 2017
Landscape Master Plan prepared by Andrew Prowse Landscape Architects	Mossman Aged Care Plus Centre Issue D	4 October 2017
Main Courtyard Landscape Plan prepared by Andrew Prowse Landscape Architects	Mossman Aged Care Plus Centre Issue D	4 October 2017
Typical Courtyard Landscape Plan prepared by Andrew Prowse Landscape Architects	Mossman Aged Care Plus Centre Issue D	4 October 2017
Main Courtyard Elevations prepared by Andrew Prowse Landscape Architects	Mossman Aged Care Plus Centre Issue D	4 October 2017
Entry Sign prepared by Andrew Prowse	Mossman Aged Care	4 October 2017

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Sheet Name	Reference	Date
Landscape Architects (Entry sign only)	Plus Centre Issue D	

(Note: Where a conflict between plans exists with respect to elevations and outdoor landscape design, the Andrew Prowse Landscape Architects Plans will prevail)

2. *considers the abovementioned approved plans to be generally in accordance with the negotiated decision notice dated 18 May 2016."*

Carried Unanimously

- 5.5. REEF 2050 WATER QUALITY IMPROVEMENT PLAN SUBMISSION TO EHP
Nicola Learmond, Sustainability Officer

Moved Cr Leu

Seconded Cr Carey

"That Council resolves to support and submit the attached Reef 2050 Water Quality Improvement Plan 2017-2022 to the Department of Environment and Heritage Protection"

Carried Unanimously

- 5.6. EXTEND RELEVANT PERIOD FOR ROL COMPONENT FOR 40-52 MITRE STREET CRAIGLIE
Jenny Elphinstone, Senior Planning Officer

Moved Cr Leu

Seconded Cr Kerr

"A. That Council approves the request for extension of the relevant period for part of the approval, being the reconfiguring of a lot, over land described as Lots 1, 2 and 6 on CPLN2253, located at 42-44, 46-52 and 40-52 Mitre Street, Craiglie, for a further four (4) years, up to and including the 13 October 2022; and

B. That an Adopted Infrastructure Charges Notices be issued to the Applicant in respect to the Reconfiguring of a Lot component of the approval."

Carried Unanimously

- 5.7. CHRISTMAS CLOSE DOWN PERIOD 2017
Joanne Jacobson, Manager Governance

Moved Cr Carey

Seconded Cr Kerr

"That Council resolves to nominate the close down period for 2017 as being from close of business Friday 22nd December 2017 to start of business Tuesday 2nd January 2018."

Carried Unanimously

6. NOTICES OF MOTION

Nil.

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7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

- 9.1 Contractual Matters S275 1 E Local Government Regulations 2012 Kulki National Park Intersection Upgrade Works**
- 9.2 Contractual Matter S275 (1) (E) Local Government Regulation 2012 Cloud/Managed Services Agreement Under S234 the Contract Is Made Under an Exception for LGA Arrangement**
- 9.3 Contractual Matter S275 1 E Local Government Regulation 2012 Contract Award For Rex Creek Intake Upgrade**
- 9.4 Contractual Matter S275 1 E Local Government Regulation 2012 Contract Award For Mossman WWTP Bank Stabilisation**
- 9.5 Contractual Matter S275 1 E Local Government Regulation 2012 Contract Award For Mossman WTP Backwash Recovery Filter Plant**
- 9.6 Contractual Matter S275 1 E Local Government Regulation 2012 Contract Award For PD WWTP Sludge Dewatering Plant Upgrade**
- 9.7 Legal Matter S275 1 F Local Government Regulations 2012 Appeal 152 of 2017”**

Carried Unanimously

OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Kerr

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

Carried Unanimously

- 9.1. CONTRACTUAL MATTERS S275 1 E LOCAL GOVERNMENT REGULATIONS 2012 KULKI NATIONAL PARK INTERSECTION UPGRADE WORKS
Peter Tonkes, Coordinator Civil Operations

Moved Cr Noli

Seconded Cr Carey

“That Council resolves to:

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1. *Award Contract 2018-062 Kulki National Park Intersection Works to Northern Civil Earthworks Pty Ltd. Lump Sum Price contract to the value of \$227,115 excluding GST.*
2. *Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contract, negotiate, finalise and execute any and all matters associated with or in relation to this contract subject to Council's procurement practices and policies."*

Carried Unanimously

- 9.2. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT
REGULATION 2012 CLOUD/MANAGED SERVICES AGREEMENT
UNDER S234 THE CONTRACT IS MADE UNDER AN EXCEPTION FOR
LGA ARRANGEMENT
John Rehn, Manager Finance & IT

Moved Cr Kerr

Seconded Cr Noli

"That Council:

1. *Resolves in accordance with Section 234 of the Local Government Regulation 2012 to enter into a contract with Civica Pty Ltd for the provision of Cloud / Managed Services for the amount of \$14,641 per month (excluding GST) over a period of two years; and*
2. *Delegates authority to the 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/agreement."*

Carried Unanimously

- 9.3. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT
REGULATION 2012 CONTRACT AWARD FOR REX CREEK INTAKE
UPGRADE
Lloyd Nunns, Senior Procurement Officer

Moved Cr Leu

Seconded Cr Zammataro

"That Council:

- a. *Resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract Number 2018-025 Rex Creek Intake Upgrade to Kenmac Construction Pty Ltd for an amount of \$293,100.00 exclusive of GST; and*
- b. *Delegates authority to the 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

- 9.4. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT
REGULATION 2012 CONTRACT AWARD FOR MOSSMAN WWTP BANK
STABILISATION
Lloyd Nunns, Senior Procurement Officer

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Moved Cr Carey

Seconded Cr Kerr

“That Council:

- 1. Resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract Number 2018-003 Mossman WWTP Bank Stabilisation to HEH Civil Pty Ltd for an amount of \$1,139,252.97 exclusive of GST; and*
- 2. Delegates authority to the 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

9.5. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT
REGULATION 2012 CONTRACT AWARD FOR MOSSMAN WTP
BACKWASH RECOVERY FILTER PLANT
Lloyd Nunns, Senior Procurement Officer

Moved Cr Leu

Seconded Cr Noli

“That Council:

- 1. Resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract Number 2018-013 Mossman Water Treatment Plant Backwash Recovery Filter Plant to Aquatec Maxcon Pty Ltd for an amount of \$718,273.00 exclusive of GST; and*
- 2. Delegates authority to the 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

9.6. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT
REGULATION 2012 CONTRACT AWARD FOR PD WWTP SLUDGE
DEWATERING PLANT UPGRADE
Lloyd Nunns, Senior Procurement Officer

Moved Cr Carey

Seconded Cr Noli

“That Council:

- 1. Resolves in accordance with section 228 of the Local Government Regulation 2012 to award Contract Number 2017- 037 Port Douglas Waste Water Treatment Plant Sludge Dewatering Plant Upgrade to Tema Engineers Pty Ltd for an amount of \$706,500.00 exclusive of GST.*
- 2. Delegates authority to the 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

**9.7. LEGAL MATTER S275 1 F LOCAL GOVERNMENT REGULATIONS 2012
- APPEAL 152 OF 2017**

Moved Cr Noli

Seconded Cr Kerr

"That Council adopt the officer's recommendation to note the information discussed."

For Cr Leu, Cr Noli, Cr Carey, Cr Kerr

Against Cr Zammataro

Carried

CLOSURE OF MEETING

The meeting closed at 11.43 am.

CONFIRMED THIS 31st DAY OF OCTOBER 2017



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MAYOR/CHAIR