

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, 28 JUNE 2016, 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), Paul Hoye (General Manager Operations), Joanne Jacobson (Manager Governance), Michael Kriedemann (Manager Infrastructure Services), Kerrie Hawkes (Executive Officer), Simon Clarke (Planning Consultant), Robert Donovan (Property Officer), Susanna Andrews (Property Officer), Lisa Golding (Community and Economic Development Officer), Greg McLean (Communications and Events Officer) and Nicole Barton (Mayoral and Councillor Support Officer) and Nevinia Davenport (Executive Assistant).

ACKNOWLEDGEMENT OF COUNTRY

Cr Leu acknowledged the Kuku Yalanji and Yirriganydji 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.

MINUTE'S SILENCE

A minute's silence was held in memory of long standing Shire resident Mr James Watson.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Zammataro declared a real conflict of interest in regards to item 5.03 due to being recently appointed as Manager of the Sharks A grade rugby league team and proposed to exclude himself from the meeting while the matter is debated and the vote is taken.

Cr Leu declared a real conflict of interest in regards to item 5.09 due to being a Council appointed Director of Tourism Port Douglas Daintree and proposed to exclude herself from the meeting while the matter is debated and the vote is taken.

3. MAYORAL MINUTE

Nil.

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 7 JUNE 2016

Moved Cr Carey

Seconded Cr Kerr

"That the Minutes of the Ordinary Meeting held on Tuesday, 7 June 2016, be confirmed."

Carried unanimously.

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SPECIAL MEETING HELD ON 17 JUNE 2016

Moved Cr Noli

Seconded Cr Carey

“That the Minutes of the Special Meeting held on Friday, 17 June 2016, be confirmed.”

Carried unanimously.

5. AGENDA ITEMS

**5.01. REQUEST FOR COMMENT FOR VARIATION OF LIQUOR LICENCE AT
CHILLY’S PIZZA AND TRATTORIA PORT DOUGLAS**

Daniel Lamond, Planning Officer

Moved Cr Carey

Seconded Cr Noli

“That the applicant and the Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General, be advised that Council objects to the Application for Variation to Commercial Other Subsidiary on Premises Licence to allow for amplified entertainment for Chilly’s Pizza and Trattoria, 2 Mowbray street, Port Douglas, also described as Lot 1 on RP734519 on the basis that:-

- 1. The quiet, good order and amenity of the residential properties in Warner Street will be compromised; and*
- 2. Outstanding Planning and Building Act requirements need to be complied with.”*

For: Cr Carey

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

Lost on the basis that Council does not believe that the amenity of the residential properties in Warner street will be compromised.

**5.02. PROPOSED DOUGLAS SHIRE PLANNING SCHEME COMMUNITY
ENGAGEMENT PLAN**

Simon Clarke, Planning Consultant

Moved Cr Carey

Seconded Cr Leu

“That Council resolves to:

- a. Endorse the proposed Douglas Shire Planning Scheme Community Engagement Plan as its Communication Strategy associated with the consultation stage of the development of a new planning scheme.*
- b. Implement the consultation in accordance with the proposed Douglas Shire Planning Scheme Community Engagement Plan; and*
- c. Delegate all matters associated with the Communication Strategy to the Chief Executive Officer.”*

Carried unanimously.

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MEETING WITHDRAWAL

Cr Zammataro declared a real conflict of interest in regards to item 5.03 due to being recently appointed as Manager of the A grade rugby league team and withdrew from the meeting 10.26am.

5.03. RELOCATION OF PLAYING FIELD

Joanne Jacobson, Manager Governance

Moved Cr Noli

Seconded Cr Leu

“That Council:

1. *Advise the Mossman-Port Douglas Sharks Senior Rugby League Football Club (the Club) that it gives in-principle support to the proposed relocation of the playing field at the Mossman Showgrounds, which forms part of Lot 92 on SR81, Grogan Street, Mossman, subject to the following conditions:*
 - a. *A detailed site plan, drawn to scale, must be provided to Council and endorsed by the Manager Infrastructure prior to commencement of works. The site plan is to detail:*
 - i. *the existing and proposed new location of the playing field;*
 - ii. *existing buildings and structures, including lights, and any proposed relocation of same;*
 - iii. *the location of all existing trees; and*
 - iv. *proposed changes to the perimeter fence of the oval.*
 - b. *An estimate of the cost of the proposed works and evidence that the Club can meet these costs, must be provided to Council prior to commencement of works.*
 - c. *Existing vegetation on the subject land must be retained and adequately fenced off for protection purposes prior to and during construction work.*
 - d. *Fences are to comply with the relevant Australian Standards prior to commencement of use of the playing field.*
 - e. *Fence setbacks are to comply with the National Rugby League Preferred Facility Guidelines for Grassroots Rugby League 2014 prior to commencement of use of the playing field.*
 - f. *Fences that are damaged or relocated as a result of construction activities are to be replaced or repaired at the Club’s cost and to the satisfaction of the Manager Infrastructure prior to commencement of use of the playing field.*
 - g. *Relocation of fences must not detrimentally impact use of the Mossman Showground for other events or by other current users.*
 - h. *Relocation of the playing field is to have a no worsening effect on the current existing light lumens. No additional luminaires are to be placed on existing light poles.*

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- i. *In the event that any part of the existing electricity infrastructure or Council's existing sewer or water infrastructure is damaged as a result of construction activities occurring on the site, the Club must notify Council immediately of the affected infrastructure and have it repaired or replaced at the Club's cost, prior to commencement of use of the playing field.*
 - j. *All initial and ongoing costs, associated with the relocation of the playing field, including adjustments to floodlights, are to be borne by the Club. There is to be no increase in scheduled maintenance costs to Council.*
 - k. *A robust risk management plan to be provided to Council by the Club's contractor engaged to co-ordinate the relocation of the playing surface prior to commencement of the works.*
 - l. *Council will not be responsible for any increase in ongoing maintenance costs as a result of the relocation of the playing surface. All identified costs will be billed to the club on a monthly basis.*
 - m. *Council takes no responsibility for the satisfactory outcome of the project and will not contribute financially to any rectification works resulting from this project.*
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 this request to relocate the playing field at the Mossman Showgrounds."*

Carried unanimously.

MEETING RE-ATTENDANCE

Cr Zammataro re-attended the meeting at 10.26am.

**5.04. LAND MANAGEMENT PLAN-CORONATION PARK MOSSMAN
SHOWGROUNDS**

Robert Donovan, Property Officer

Moved Cr Carey

Seconded Cr Leu

"That Council:

1. *endorses the Land Management Plan for Lot 92 and Lot 129 on SR81 known as Coronation Park, Mossman Showgrounds, Reserve for Recreation Purpose R1269.*
2. *resolves that all current and future user groups will be required to enter into a standard Department of Natural Resources and Mines Trustee Lease with Council;*
3. *resolves that the trustee leases are to have an initial term of 5 years with 2 x 5 year renewable options and the lessee will be responsible for all reasonable costs of the preparation, execution and registration of the trustee lease;*
4. *resolves that a Coronation Park User Group be formed which will report to Council as required and that the Council appoint a Councillor as its representative to the User Group who is to be supported by an appropriate member of staff;*

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5. *resolves that the Land Management Plan will be registered on the title at Council's cost; and*
6. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise all matters associated with the lodgment of the trustee leases and lodgment of the Land Management Plan."*

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

Carried.

5.05. NAMING OF HEADLAND 'FOXCROFT POINT'

Susanna Andrews, Property Officer

Moved Cr Leu

Seconded Cr Noli

"That Council advises the Department of Natural Resources and Mines that it does not support the naming of a headland situated on land described as Lot 20 on Crown Plan NPW695, on proposed plan QPN1278, in the Daintree National Park located at Kimberley 'Foxcroft Point' in honour of Mr Len Foxcroft, for the following reasons:

1. *insufficient evidence has been provided to demonstrate there is a local historical connection between the nominated point and Mr Len Foxcroft; and*
2. *an Indigenous Land Use (Area) Agreement for the Eastern Kuku Yalanji ILUA Area exists over the land, between Agnes Walker, Eileen Walker, Hazel Douglas, John Walker Jnr, Peter Fischer, and the Douglas Shire Council. Council considers it more appropriate to allow naming of the point by the ILUA representatives."*

Carried unanimously.

**5.06. SCHEDULE OF FEES AND CHARGES FOR 2016-2017 FINANCIAL
YEAR**

Darryl Crees, General Manager Corporate Services

Moved Cr Kerr

Seconded Cr Carey

"That Council:

1. *adopts the Schedule of Fees and Charges for 2016-2017 financial year; and*
2. *delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to negotiate fees and charges where circumstances warrant and to make minor administrative amendments to the Schedule."*

Carried unanimously.

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5.07. PROCUREMENT POLICY

Lloyd Nunns, Senior Procurement Officer

Moved Cr Noli

Seconded Cr Leu

“That Council adopts the Procurement General Policy for the 2016/17 financial year.”

Carried unanimously.

5.08. LGAQ CIVIC LEADERS FORUM, BENOWA, 13-15 JULY 2016

Nicole Barton, Mayoral & Councillor Support Officer

Moved Cr Kerr

Seconded Cr Carey

“That Council endorses the attendance of the Mayor and Deputy Mayor at the Local Government Association of Queensland (LGAQ) Civic Leaders Summit on 13-15 July 2016 at Benowa, Gold Coast.”

Carried unanimously.

MEETING WITHDRAWAL

Cr Leu declared a real conflict of interest in regards to item 5.09 due to being a Council appointed Director of Tourism Port Douglas Daintree and withdrew from the meeting at 10.45am. Cr Noli took the Chair.

**5.09. TOURISM PORT DOUGLAS DAINTREE - QUARTERLY REPORT
JANUARY - MARCH 2016**

Kerrie Hawkes, Executive Officer

Moved Cr Carey

Seconded Cr Kerr

“That Council notes the January - March 2016 Quarterly Report received from Tourism Port Douglas Daintree (TPDD) further to the Resource and Performance Agreement dated 1 July 2014 to 30 June 2017 between TPDD and Douglas Shire Council.”

Carried unanimously.

MEETING RE-ATTENDANCE

Cr Leu re-attended the meeting at 10.46am and resumed the Chair.

5.10. RIVER IMPROVEMENT TRUST

Michael Kriedemann, Manager Infrastructure

Moved Cr Leu

Seconded Cr Noli

“That Council resolves to finalise discussions with Cairns Regional Council to remove the Douglas Shire area from the Cairns River Improvement Trust and make a joint application to the Minister for Natural Resources and Mines to reduce the Cairns RIT.”

Carried unanimously.

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5.11. STRATEGIC ASSET AND SERVICE MANAGEMENT PLAN

Michael Kriedemann, Manager Infrastructure

Moved Cr Noli

Seconded Cr Leu

“That Council adopts the Strategic Asset and Service Management Plan dated 28 June 2016.”

Carried unanimously.

5.12. REEF GUARDIAN COUNCILS MEMORANDUM OF UNDERSTANDING

Lisa Golding, Community & Economic Development Officer

Moved Cr Leu

Seconded Cr Carey

“That Council resolves to:

- 1. sign the Memorandum of Understanding and letter of request to continue participation in the Reef Guardian Council program; and*
- 2. delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments and execute the Memorandum of Understanding and letter of request.”*

Carried unanimously.

5.13. LANE ROPES FOR BICENTENNIAL SWIMMING POOL

Darryl Crees, General Manager Corporate Services

Moved Cr Noli

Seconded Cr Zammataro

“That Council resolves to increase the 2015/16 Capital Works Program by \$18,000 to facilitate the purchase of six lane ropes and associated equipment for the Mossman Bicentennial Swimming Pool.”

Carried unanimously.

5.14. REPORT FROM THE CHIEF EXECUTIVE OFFICER

Linda Cardew, Chief Executive Officer

Moved Cr Carey

Seconded Cr Leu

“That Council receives and notes the report.”

Carried unanimously.

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. *Contractual Matter S275 (1) (E) Local Government Regulations 2012 - 2016/2017 Regional Bitumen Reseal and Register of Pre-Qualified Suppliers;*
- 9.2. *Contractual Matter S275 (1) (E) Local Government Regulations 2012 - Gold Coast 2018 Commonwealth Games Queen's Baton Relay Agreement; and*
- 9.3. *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Encroachment onto Reserve for Park - Birdwing Street, Craiglie.”*

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

Carried unanimously.

**9.1. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATIONS 2012 - 2016/2017 REGIONAL BITUMEN RESEAL AND
REGISTER OF PRE-QUALIFIED SUPPLIERS**

Michael Kriedemann, Manager Infrastructure

Moved Cr Carey

Seconded Cr Noli

“That Council resolves to:

1. *Award contract 92-2016 Regional Bitumen Reseal Program to Fulton Hogan Industries Pty Ltd for a period of 12 months.*
2. *Adopt the Register of Prequalified Suppliers in accordance with the attached supplier listing for 24 months with the option of a further 12-month extension which is at Council's discretion.*
3. *Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to these arrangements.”*

Carried unanimously.

**9.2. CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATIONS 2012 - GOLD COAST 2018 COMMONWEALTH GAMES
QUEEN'S BATON RELAY AGREEMENT**

Nevinia Davenport, Executive Assistant
Linda Cardew, Chief Executive Officer

Moved Cr Carey

Seconded Cr Noli

"That Council not enter into the Gold Coast 2018 XXI Commonwealth Games QLD Queen's Baton Relay Local Government Agreement with the Gold Coast 2018 Commonwealth Games Corporation and not provide in-principle agreement to allocate funds to the 2017-2018 Annual Budget to fulfil the terms of the agreement."

Carried unanimously.

**9.3. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - ENCROACHMENT ONTO RESERVE FOR PARK -
BIRDWING STREET, CRAIGLIE**

Susanna Andrews, Property Officer

Moved Cr Carey

Seconded Cr Noli

"That Council:

1. *approves the removal, under section 406 of the Land Act 1994, of improvements and anything enclosing the land from Reserve for Park located at Birdwing Street, Craiglie, also described as Lot 75 on SP108624;*
2. *advises its legal representative to register a caveat under section 17 of the Land Title Act 1994 over the lot located at 6 Birdwing Street, Craiglie, also described as Lot 11 on SP108624, and advises that the caveat will state that:*
 - a. *it is for the purpose of removal of improvements and anything enclosing the land from the Reserve for Park located at Birdwing Street, Craiglie, also described as Lot 75 on SP108624;*
 - b. *the works are to be completed no later than 4:00 pm on the first business day that falls six (6) months after the date of settlement of the contract of sale of land over which the caveat is to be registered;*
 - c. *the works are to be completed at no cost to Council.*
3. *advises the registered owner of 6 Birdwing Street, Craiglie, also described as Lot 11 on SP108624, that a caveat has been registered over the subject land and the circumstances, if necessary, be reviewed after 28 February 2017;*
4. *advises the registered owner of 8 Birdwing Street, Craiglie, also described as Lot 12 on SP108624, that an extension of time has been given to complete the required work to remove improvements and anything enclosing the land from the Reserve for Park described as Lot 75 on SP108624. The extension of time will have regard to Conditions 2 and 3 above and the practical necessity of the affected landowners working together to complete the rectification works.*

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5. *advises the affected landowners that the removal of the improvements and anything enclosing the land is to be completed at no cost to Council. If required, an independent survey to determine the boundaries of the freehold lots should be undertaken at the cost of the individual landowners.*
6. *delegates authority to the Chief Executive Officer, in accordance with section 257 of the Local Government Act 2009, to finalise all matters associated with this matter."*

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

Against: Cr Kerr

Carried.

CLOSURE OF MEETING

The meeting closed at 11.46am.

CONFIRMED THIS 19th DAY OF JULY 2016


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MAYOR/CHAIR