

**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, 15 JULY 2014 COMMENCING AT 10.00 AM**

PRESENT

Cr Julia Leu (Mayor), Cr David Carey, Cr Bruce Clarke, Cr Terry Melchert, Cr Abigail Noli, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Paul Hoyer (General Manager Operations), Greg McLean (Communication/Events Officer), John Rehn (Manager Governance & Finance), Wouter Van der Merwe (Manager Water & Waste), Graham Busby (Property Officer), and Sandra Johnston (Minutes Officer)

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

There were no apologies for the meeting.

CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil

MAYORAL MINUTES

Nil.

CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 24 JUNE 2014

Moved Cr Noli

Seconded Cr Clarke

"That the Minutes of the Ordinary Meeting held on Tuesday, 24 June 2014 be confirmed."

Carried unanimously

SPECIAL MEETING (BUDGET) HELD ON 27 JUNE 2014

Moved Cr Carey

Seconded Cr Noli

"That the Minutes of the Special Meeting (Budget) held on Tuesday, 27 June 2014 be confirmed."

Carried unanimously

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5.1 PROPOSED TRUSTEE LEASE TO PORT DOUGLAS OUTRIGGER CANOE CLUB

**Graham Busby: Property Officer; #424217
Darryl Crees: General Manager Corporate Services**

Moved Cr Melchert

Seconded Cr Noli

"That Council:

Repeal the following resolution of 11 March 2014:

1. *gives in principle approval for the issue of a trustee lease to Port Douglas Outrigger Canoe Club Incorporated (Lessee) over an area of about 1600 m² of lot 110 on SR606, Solander Avenue, Port Douglas, for the purpose of boat storage, a clubhouse and related community use, subject but not limited to the following terms and conditions:*
 - *"in-principle" approval being obtained from the Minister of Natural Resources and Mines;*
 - *for a term of ten (10) years to commence on a date yet to be agreed;*
 - *rent for the first year of the term to be \$139.96 (including GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - *lessee to be responsible for all reasonable costs associated with the preparation, execution and registration of the lease;*
 - *the terms and conditions in Council's Standard Terms Document for Trustee Leases registered under dealing number 713488911;*
 - *in accordance with Council's general policy 'Managing Tenure over Council Owned or Controlled Property';*
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, including the provision of an interim Trustee Permit to the Lessee.*

Proceed with the following new resolution:

"That Council:

1. *gives in principle approval for the issue of a trustee lease to Port Douglas Outrigger Canoe Club Incorporated (Lessee) over an area of approximately 1500 m² of lot 64 on SR573, Barrier Street, Port Douglas, for the purpose of boat storage, a clubhouse and related community use, subject but not limited to the following terms and conditions:*
 - *"in-principle" approval being obtained from the Minister of Natural Resources and Mines;*

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- *for a term of ten (10) years to commence on a date yet to be agreed;*
 - *rent for the first year of the term to be \$144.35 (including GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - *lessee to be responsible for all reasonable costs associated with the preparation, execution and registration of the lease;*
 - *the terms and conditions in Council's Standard Terms Document for Trustee Leases registered under dealing number 713488911;*
 - *in accordance with Council's general policy 'Managing Tenure over Council Owned or Controlled Property';*
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, including the provision of an interim Trustee Permit to the Lessee."*

Cr Melchert suggested the following amendment to Part 2 of the motion.

"That Council:

1. *gives in principle approval for the issue of a trustee lease to Port Douglas Outrigger Canoe Club Incorporated (Lessee) over an area of approximately 1500 m² of lot 64 on SR573, Barrier Street, Port Douglas, for the purpose of boat storage, a clubhouse and related community use, subject but not limited to the following terms and conditions:*
- *"in-principle" approval being obtained from the Minister of Natural Resources and Mines;*
 - *for a term of ten (10) years to commence on a date yet to be agreed;*
 - *rent for the first year of the term to be \$144.35 (including GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);*
 - *lessee to be responsible for all reasonable costs associated with the preparation, execution and registration of the lease;*
 - *the terms and conditions in Council's Standard Terms Document for Trustee Leases registered under dealing number 713488911;*
 - *in accordance with Council's general policy 'Managing Tenure over Council Owned or Controlled Property';*

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2. *delegates authority to the **Mayor and 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, including the provision of an interim Trustee Permit to the Lessee."*

The seconder agreed on the amendment to the motion.

Carried unanimously

5.2 FNQ REGIONAL ORGANISATION OF COUNCILS – PROPOSED ECONOMIC DEVELOPMENT RESOURCE AND PERFORMANCE AGREEMENT WITH ADVANCE CAIRNS

Kerrie Hawkes: Executive Officer #424092
Linda Cardew: Chief Executive Officer

Moved Cr Melchert

Seconded Cr Carey

"That Council:

1. *Resolves that, as a new Council with a focus on the consolidation of its activities over its first full year of business, the request by FNQ Regional Organisation of Councils for funding of \$25,000 for Advance Cairns Limited to provide regional economic development advocacy and assistance be declined.*
2. *Note that during the 2014/2015 financial year, Council will be undertaking a diverse range of economic advocacy and economic development activities as adopted in its Operational Plan and funded by the adopted 2014/2015 Budget.*
3. *Monitor the success of Council's economic development activities over the next 12 months, and then again consider the opportunity to enter into a further Agreement with Advance Cairns in the future."*

Carried unanimously

5.3 TOURISM PORT DOUGLAS DAINTREE – RESOURCE AND PERFORMANCE AGREEMENT

Kerrie Hawkes: Executive Officer: #424251
Linda Cardew: Chief Executive Officer

Moved Cr Carey

Seconded Cr Melchert

"That Council:

1. *Resolves to support Tourism Port Douglas Daintree with funding of \$430,000 (ex GST) per year for a term of three (3) years with with a Resource and Performance Agreement dated 1 July 2014 to 30 June 2017;*

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2. Resolves that the Mayor represent Douglas Shire Council on the Tourism Port Douglas Daintree Board of Directors in recognition of the significance of tourism and destination marketing of the region and the influences on economic growth;
3. Delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the execution of the Resource and Performance Agreement."

Cr Carey then proposed the following amendment to Part 1 of the motion.

1. Resolves to support Tourism Port Douglas Daintree with funding of \$430,000 (ex GST) per year for a term of three (3) years with **annual indexation applying to years two (2) and three (3), to be determined by the Council during its budget deliberations**, with a Resource and Performance Agreement dated 1 July 2014 to 30 June 2017;
2. Resolves that the Mayor represent Douglas Shire Council on the Tourism Port Douglas Daintree Board of Directors in recognition of the significance of tourism and destination marketing of the region and the influences on economic growth;
3. Delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments in relation to the execution of the Resource and Performance Agreement."

Moved Cr Carey

Seconded Cr Melchert

Carried unanimously

5.4 PORT DOUGLAS EVENT MANAGEMENT – RESOURCE AND PERFORMANCE AGREEMENT

Kerrie Hawkes: Executive Officer #424142
Linda Cardew: Chief Executive Officer

Moved Cr Noli

Seconded Cr Melchert

"That Council resolves:

1. To provide support for the Port Douglas Event Management (PDEM) Canegrowers Great Barrier Reef Marathon Festival with funding of \$5,000 (ex GST) and \$5,000 'in-kind' support for a period of three (3) years on terms set out in the Resource and Performance Agreement 1 August 2014 to 31 July 2017.
2. That funding is subject to the event organisers, PDEM, providing the following supporting documentation to the satisfaction of the Council officers:
 - a) Project Plan
 - b) Description of the Benefits / Opportunities to Council
 - c) Proposed Courses

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- d) *Traffic / Risk Management Plans for the Event*
 - e) *The appropriate level of Insurances*
 - f) *Approvals from Councils of the other Local Governments Areas through which the course may travel; and*
 - g) *Key Performance Indicators.*
3. *That funding is guaranteed for the first year, with the second and third years subject to satisfactory completion of agreed performance indicators and satisfactory annual funding acquittal, in accordance with the terms of the Resource and Performance Agreement.*
4. *To delegate authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any minor amendments and execute the Resource and Performance Agreement."*

Carried unanimously

5.5 INTERIM FINANCIAL REPORT FOR PERIOD ENDING 30 JUNE 2014

Darryl Crees – General Manager Corporate Services #424269

Moved Cr Melchert

Seconded Cr Carey

"That the report be noted and it be listed for discussion at the next briefing session."

Carried unanimously

5.6 OPERATIONAL PLAN 2013/14

Darryl Crees: General Manager Corporate Services #424089

Moved Cr Carey

Seconded Cr Clarke

"That Council notes the results achieved through the major initiatives implemented in the Operational Plan 2013/14."

Carried unanimously

5.7 COUNCILLOR REMUNERATION GENERAL POLICY

Darryl Crees: General Manager Corporate Services #424242

Moved Cr Noli

Seconded Cr Carey

"That Council adopts the Councillor Remuneration General Policy."

Carried unanimously

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5.8 REPORT FROM THE CHIEF EXECUTIVE OFFICER

Linda Cardew – Chief Executive Officer: #424267

Moved Cr Noli

Seconded Cr Carey

“That Council receives and notes the report.”

Carried unanimously

6. NOTICES OF MOTION

6.1 NOTICE OF MOTION – CR CLARKE

**Extend Invitation to Minister for Environment & Heritage Protection to Discuss
Crocodile Management Issues #424296**

Moved Cr Clarke

Seconded Cr Melchert

“That, in light of representations received from the Port Douglas Surf Life Saving Club and the Port Douglas Outrigger Canoe Club expressing concern at the increasing danger posed to swimmers and users of recreational craft in the Douglas Shire, the Council invite the Queensland Minister for the Environment and Heritage Protection, the Hon. Andrew Powell MP, to meet with Council and representatives of the Clubs to discuss crocodile management issues in the Douglas Shire.”

Cr Noli suggested the following amendment to the motion.

“That in light of representations received from the Port Douglas Surf Lifesaving Club and the Port Douglas Outrigger Canoe Club expressing concern at the increasing danger posed to swimmers and users of recreational craft in the Douglas Shire:

- 1. That the Council seek to engage the assistance of the Department of Environment & Heritage Protection in developing and commencing a community education program about being ‘Croc Wise’ in Douglas.*
- 2. Concurrently to point one, Council seeks a public viewpoint as to the long-term management of crocodiles in our shire.*
- 3. After collating the public’s viewpoint Council invite the Queensland Minister for the Environment and Heritage Protection, the Hon. Andrew Powell MP, to meet with Council to discuss how to achieve the desired outcomes of the consultation for Crocodile Management issues in the Douglas Shire.”*

Moved Cr Noli

Seconded Cr Clarke

Carried unanimously

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6.2 NOTICE OF MOTION – CR MELCHERT

Water Leakage Relief Policy #424247

Moved Cr Melchert

Seconded Cr Clarke

"That the Council request relevant staff to prepare a Water Leakage Relief policy, similar to that adopted by Gold Coast City Council, for consideration at the next Council meeting. The policy to provide relief from water charges which occur as a result of a concealed water leak and the relief to be available for a maximum of two (2) water billing periods."

For: Crs Melchert, Clarke

Against: Crs Leu, Noli and Carey

Lost

6.3 NOTICE OF MOTION – CR MELCHERT

**Maintenance and Management of the Mossman Showgrounds Playing Field
#424250**

Moved Cr Melchert

Seconded Cr Clarke

"That the Council move immediately to:

- fully repair and reinstate the playing fields, including grass planting by sprigging, at the Mossman Showgrounds, which have been severely damaged by recent weed control spraying;*
- that in the future Council not spray poisons on playing fields during the playing season of the respective users and, further, spraying not be carried out during periods of slow growth in the winter months;*
- all field maintenance be carried out in consultation with users of the facilities and under the control of Senior Managers."*

For: Crs Melchert and Clarke

Against: Crs Leu, Noli and Carey

Lost

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6.4 NOTICE OF MOTION – CR MELCHERT

**Maintenance and Management of the Mossman Show Grounds Joint-Use Club
Rooms #424249**

Moved Cr Melchert

Seconded Cr Clarke

"That the Council resolves not to proceed with leasing the joint-use club rooms at the Mossman Show Grounds and the Council proceed to manage and maintain the facility in a similar way to the Port Douglas Oval joint-use facility. In the first instance the Council proceed immediately with the replacement of an unserviceable hot water heater and repairs to the upstairs toilet facilities."

For: Cr Melchert

Against: Crs Leu, Noli, Carey and Clarke

Lost

6.5 NOTICE OF MOTION – CR MELCHERT

Proposed Installation of Gaseous Chlorine Water Supply Disinfection #424268

Moved Cr Melchert

Seconded Cr Clarke

"That the Council requests the relevant Council Managers to provide a full report to the next Council meeting on the proposed installation of gaseous chlorine water supply disinfection, including full comment on the workplace health and safety and community safety issues associated with the use and storage of this deadly gas."

For: Crs Melchert, Clarke

Against: Crs Leu, Noli and Carey

Lost

7. URGENT BUSINESS

There was no urgent business.

8. CLOSED SESSION

Moved Cr Carey

Seconded Cr Clarke

"That Council resolves to move into Closed Session to discuss the following matter as listed in the agenda:

- *Contractual matter – appointment of external member of audit committee"*

Carried unanimously

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OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Noli

"That Council resolves to move out of Closed Session."

Carried unanimously

**8.1 CONTRACTUAL MATTER – APPOINTMENT OF EXTERNAL MEMBER OF
AUDIT COMMITTEE**

Darryl Crees: General Manager Corporate Services #424003

Moved Cr Carey

Seconded Cr Noli

"That Council appoint Mr Geoff Haberfeld as the external Audit Committee member for a two (2) year term."

For: Crs Leu, Noli, Carey and Clarke

Against: Cr Melchert

Carried

CLOSURE OF MEETING

The meeting closed at 11.34 am.

CONFIRMED THIS *01st* **DAY OF** *August* **2014**


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MAYOR/CHAIR