

**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 FEBRUARY 2015, COMMENCING AT 10.00 AM**

PRESENT

Cr Julia Leu, Cr Abigail Noli, Cr David Carey, Cr Bruce Clarke, Cr Terry Melchert, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Paul Hoye (General Manager Operations), Kerrie Hawkes (Executive Officer), Greg McLean (Communications and Events Officer), Garry Mason (Team Leader ICT & Process Improvement) and Nicole Barton (Mayor & Councillor Support 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.

CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Leu declared a conflict of interest in agenda item 5.6 "Port Douglas Community Service Network Inc" due to being a member of the Management Committee of the Port Douglas Community Service Network Inc and advised that she would be excluding herself from the meeting while this matter is debated and the vote is taken.

MAYORAL MINUTE

Nil.

CONFIRMATION OF MINUTES OF COUNCIL MEETING

ORDINARY COUNCIL MEETING HELD ON TUESDAY 20 JANUARY 2015

Moved Cr Noli

Seconded Cr Clarke

"That the Minutes of the Ordinary Council Meeting held on Tuesday 20 January 2015 be confirmed."

Carried unanimously.

SPECIAL COUNCIL MEETING HELD ON THURSDAY 29 JANUARY 2015

Moved Cr Carey

Seconded Cr Noli

"That the Minutes of the Special Council Meeting held on Thursday 29 January 2015 be confirmed."

Moved Cr Melchert

Seconded Cr Clarke

"That the motion be amended to show that for each resolution in the minutes it be noted that Cr Melchert abstained from voting and was taken to have voted in the negative."

For:- Crs Melchert and Clarke.

Against:- Crs Leu, Noli and Carey.

Lost.

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The original motion was put to the vote.

For:- Crs Leu, Noli and Carey.

Against:- Crs Melchert and Clarke.

Carried.

5. AGENDA ITEMS

5.1 PORT DOUGLAS TENNIS CLUB INC. CONSTRUCTION OF GRASS TENNIS COURT – PART OF LOT 18 ON CROWN LAND PTD 20939 REYNOLDS PARK

Robert Donovan: Property Officer #438827

Darryl Crees: General Manager Corporate Services

Moved Cr Carey

Seconded Cr Melchert

That Council resolve:

1. *To give preliminary approval to the application submitted by the Port Douglas Tennis Club to construct a grass tennis court on the north side of the property boundary abutting existing tennis courts in accordance with the sketch plan (Attachment 3) on part of Lot 18 PTD 20939 and subject to:*
 - *All costs associated with the construction of the grass tennis court to be the sole responsibility of the Port Douglas Tennis Club.*
 - *Council being advised in writing prior to the commencement of works.*
 - *Construction of a safety barrier/fencing around the area prior to the commencement and for the duration of the works.*
 - *All works to be confined to the area shown on the sketch submitted to Council 19 December 2014.*
 - *The existing sewer manhole abutting the proposed "pure" grass tennis court to remain accessible all times.*
 - *The Port Douglas Tennis Club to be responsible for any and all costs of the grass court reinstatement should Council need to excavate and repair sewer main.*
 - *The Port Douglas Tennis Club being advised the allotment is subject to Native Title Determination.*
 - *All works to be completed in a good and workmanlike manner by qualified tradesperson and the area is to be left in a clean and tidy condition once the works are completed.*
 - *The Port Douglas Tennis Club being advised that Council will not be responsible for the cost of works, maintenance and compensation to the club or any successor, or to repair or restore the works.*

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- *This resolution is also subject to Ministerial approval being granted under the Land Act 1994 as per clause 21.7 of the current lease.*
- 2. *To delegate authority to the Mayor and the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate, determine or resolve any and all matters associated with this preliminary approval."*

Carried unanimously.

**5.2 AMENDMENT TO LEASE DOUGLAS SHIRE MEALS ON WHEELS INC –
LOT 148 ON SP102150, 11 MAXWELL STREET, MOSSMAN**

Graham Busby: Property Officer #437702
Darryl Crees: General Manager Corporate Services

Moved Cr Melchert

Seconded Cr Carey

"That Council:

1. *Approve an amendment of lease dealing no. 711730918 being to Douglas Shire Meals on Wheels Inc. over Lot 148 on SP102150, 11 Maxwell Street, Mossman as follows:-*
 - *Item 8 on the Schedule 'Outgoings Payable by the Tenant' be amended to read 'All outgoings payable in respect to the land, excluding Council rates and charges'; and*
2. *Meets all costs associated with the amendment of the current lease agreement.*
3. *Delegates authority to the Mayor and 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 amendment."*

Carried unanimously.

**5.3 APPLICATIONS FOR PERMITS TO OCCUPY, CAPE TRIBULATION
ROAD, KIMBERLEY**

Graham Busby: Property Officer #438181
Darryl Crees: General Manager Corporate Services

Moved Cr Melchert

Seconded Cr Carey

"That Council:

1. *Advise the Department of Natural Resources and Mines that it has no objection to the applications for permits to occupy, Lots A and B on Drawing CNS14/033, Cape Tribulation Road Kimberley, subject to there being no change to the proposed permitted use of the permit areas and that the permits remain associated with Lot 61 on SR894.*
2. *Delegates authority to the Mayor and 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 Permits to Occupy."*

Carried unanimously.

**5.4 NATIVE TITLE DETERMINATION APPLICATION QUD 602/2012
YIRRGANYDJI (IRUKANDJI) PEOPLE AND NATIVE TITLE
DETERMINATION APPLICATION QUD 673/14 CAPE YORK UNITED #1
PRE NOTIFICATION**

Robert Donovan: Property Officer #438864
Darryl Crees: General Manager Corporate Services

Moved Cr Noli

Seconded Cr Carey

"That Council receive and note the report."

Carried unanimously.

ATTENDANCE

The Manager of Finance & IT attended the meeting at 10.15am.

5.5 FINANCIAL REPORT FOR PERIOD ENDING 31 JANUARY 2015

Darryl Crees – General Manager Corporate Services

Moved Cr Carey

Seconded Cr Noli

"That Council receive and note the report."

Carried unanimously.

DECLARATION OF CONFLICT OF INTEREST - CR LEU

Cr Leu declared a conflict of interest in agenda item 5.6 as she is a member of the Management Committee for the Port Douglas Community Services Network Inc and withdrew from the meeting at 10.18am.

The Deputy Mayor assumed the role of Acting Chair.

**5.6 PORT DOUGLAS COMMUNITY SERVICE NETWORK INC.-
SURRENDER TRUSTEE LEASE NO. 714134651 ON PART OF LOT 99
SP 150469 PORT DOUGLAS**

Robert Donovan: Property Officer #438884
Darryl Crees: General Manager Corporate Services

Moved Cr Melchert

Seconded Cr Clarke

"That Council:-

- 1. advise the Port Douglas Community Service Network Inc. that Council has no objections to the surrender of Trustee Lease No. 714134651 on part of Lot 99 SP150469 County of Solander Parish of Salisbury;*
- 2. advise the Port Douglas Community Service Network Inc. that all fees and charges associated with relinquishing the lease will be their responsibility;*
- 3. approve a 50% refund of current lease payment amounting to \$322;*

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4. *delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate determine or resolve any and all matters associated with the relinquishing of the Trustee lease."*

Moved Cr Carey

Seconded Cr Melchert

"That the motion be amended to show dot point (4) above as dot point (5) and the below be included as dot point (4):-

4. *That upon surrender of the lease by Port Douglas Community Service Network Inc, and subject to a further report, expressions of interest be sought at an appropriate time from incorporated groups and organisations in the Shire to assume the lease of the area set aside for the community garden project."*

Carried unanimously.

The amendment became part the motion.

Amended motion:-

Moved Cr Melchert

Seconded Cr Clarke

"That Council:-

1. *advise the Port Douglas Community Service Network Inc. that Council has no objections to the surrender of Trustee Lease No. 714134651 on part of Lot 99 SP150469 County of Solander Parish of Salisbury;*
2. *advise the Port Douglas Community Service Network Inc. that all fees and charges associated with relinquishing the lease will be their responsibility;*
3. *approve a 50% refund of current lease payment amounting to \$322;*
4. *That upon surrender of the lease by Port Douglas Community Service Network Inc, and subject to a further report, expressions of interest be sought at an appropriate time from incorporated groups and organisations in the Shire to assume the lease of the area set aside for the community garden project."*
5. *delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate determine or resolve any and all matters associated with the relinquishing of the Trustee lease."*

Carried unanimously.

RE-ATTENDANCE - CR LEU

Cr Leu re-attended the meeting at 10.30am and resumed the Chair.

5.7 REPORT FROM THE CHIEF EXECUTIVE OFFICER

Linda Cardew – Chief Executive Officer

Moved Cr Carey

Seconded Cr Melchert

"That Council receives and notes the report."

Carried unanimously.

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5.8 PORT DOUGLAS ROUNDABOUT LANDSCAPING PROJECT

Paul Hoye: General Manager Operations

Moved Cr Noli

Seconded Cr Carey

"That Council resolve to proceed with the construction of the Option 1 design submitted by Papillon on the roundabout at the intersection of Port Douglas Road and the Captain Cook Highway."

Carried unanimously.

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

- *8.1 - Prejudicial Matter – Audit Committee Meeting Minutes;*
- *8.2 - Contractual Matter – Engagement of Specialist Consulting Services to assist with the decommissioning of old records management software;*
- *8.3 - Contractual Matter – Repeal of Motion – Daintree River Ferry Contract."*

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Noli

Seconded Cr Carey

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

Carried unanimously.

**8.1 PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 AUDIT COMMITTEE MEETING MINUTES –
15 DECEMBER 2014**

Rebecca Assman, Manager Governance #438568
Darryl Crees, General Manager Corporate Services

Moved Cr Noli

Seconded Cr Carey

"That Council accepts the minutes from the Audit Committee Meeting held on 15 December 2014."

Carried unanimously.

**8.2 CONTRACTUAL MATTER S275(1)(E) LOCAL GOVERNMENT
REGULATION 2012 - ENGAGEMENT OF SPECIALIST CONSULTING
SERVICES TO ASSIST WITH THE DECOMMISSIONING OF OLD
RECORDS MANAGEMENT SOFTWARE**

Garry Mason - IT Team Leader & Business Process Improvement #439050
Darryl Crees – General Manager Corporate Service

Moved Cr Carey

Seconded Cr Noli

"That Council resolves to contract Redman Solutions as a specialised service provider under Section 235(b) of the Local Government Act 2012, to assist Council in the decommissioning of its Dataworks software."

Carried unanimously.

**8.3 CONTRACTUAL MATTER – REPEAL OF MOTION – DAINTREE RIVER
FERRY CONTRACT**

Moved Cr Melchert

Seconded Cr Clarke

"That Council:-

- 1. Repeal the following resolution passed at Council Meeting on Tuesday 20 January 2015:-*

'That Council, pursuant to clause 2.1 of the Daintree Ferry Contract, offers Sirron Enterprises (Qld) Pty Ltd an extension of 5 years to the Daintree Ferry Contract effective upon the expiration of the initial contract term being 1 July 2016.'; and

- 2. Pursuant to clause 2.1 of the Daintree Ferry Contract, advise Sirron Enterprises (Qld) Pty Ltd (the current ferry contractor) Council will consider an extension of 5 years to the Daintree Ferry Contract effective upon the expiration of the initial contract term being 1 July 2016 subject to:-*
 - a) The contractor providing a current survey certificate prepared by an appropriately qualified person confirming that the current ferry is in a condition, in all respects, which would, barring "acts of God", allow the ferry to operate for an extended period to 1st July 2021 without interruption to normal ferry service levels, and in full compliance with vessel survey requirements as will exist from 1st July 2016."*

For:- Crs Melchert and Clarke.

Against:- Crs Leu, Noli and Carey.

Lost.

CLOSURE OF MEETING

The meeting closed at 11.38am.

CONFIRMED THIS 3RD DAY OF MARCH 2015


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MAYOR/CHAIR

