

**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, 16 JUNE 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), Rebecca Assman (Manager Governance), John Rehn (Manager Finance & IT), Neil Beck (Acting Manager Development and Environment), Michael Kriedemann (Manager Infrastructure), Scott Hahne (NDRRA Project Engineer), Wouter van der Merwe (Manager Water and Wastewater), Helen Coulthard (Community and Economic Development Officer), Erica Bigby (Research & Project Officer), Mandy Boyle (Governance Officer), Janette Guthrie (Team Leader Frontline Services), Peter Walker (Ganger Public & Natural Areas), Thomas Donnelly (Team Leader Maintenance/Construction), David Seare (Ganger Daintree North), Brian Lees (Team Leader Roads), Daniel Cobb (Ganger Public & Natural Areas), Elizabeth Leonard (Administration Officer (OBSU)), Kelly Morris (Waste Operations Field Officer), Karen Ward (Budget and Grant Officer), Michael Mantell (Ganger Public & Natural Areas), Mary Graham (Administration Officer (OBSU)), Jeff White (Labourer Water Reticulation), Judith Chamberlain (Ganger Public & Natural Areas), Gaberiall Roberts (Plant Operator), Peter White (Team Leader Wastewater), Jacqueline Soltys (Human Resources Officer), Timothy O'Brien (Environmental Health Officer), Denice Assman (Stores Person), Rebecca Phillips (Senior Business Support Officer), Enzo Picerni (Team Leader Environment Health & Regulatory), Ernest Mailman (Labourer Water Reticulation), Brett Kilpatrick (Team Leader Public & Natural Areas), Jason Sorensen (Plant Operator), Nicole Barton (Mayor & Councillor Support Officer) and Nevinia Davenport (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

There were no apologies.

CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Leu declared a Conflict of Interest in Item 5.4 (as per Section 173 of the *Local Government Act 2009*) due to the fact that she owns property on Coral Drive Port Douglas that is related to these matters and advised that she would be excluding herself from the meeting whilst these matters are discussed and the vote is taken.

Cr Leu declared a Conflict of Interest in Item 5.11 (as per Section 173 of the *Local Government Act 2009*) due to the fact that she is currently a member of the Tourism Port Douglas Daintree Board and has worked on projects either directly or indirectly related to these matters and advised that she would be excluding herself from the meeting whilst these matters are discussed and the vote is taken.

Cr Melchert declared a Conflict of Interest in Item 5.13 (as per Section 173 of the *Local Government Act 2009*) due to the fact that he has worked with the company Marano Enterprises Pty Ltd on projects either directly or indirectly related to these matters and

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 16 JUNE 2015, COMMENCING AT 10.00 AM**

advised that he would be excluding himself from the meeting whilst these matters are discussed and the vote is taken.

Cr Clarke declared a Conflict of Interest in Item 6.4 (as per Section 173 of the *Local Government Act 2009*) due to the fact that he has previously held a position on the Board of the Mossman Botanic Gardens and has worked on projects either directly or indirectly related to these matters and advised that he would be excluding himself from the meeting whilst these matters are discussed and the vote is taken.

MINUTES SILENCE

One minute's silence was observed in honour of:

- the victims of the Ravenshoe café explosion; and
- local residents that have been victims of recent car accidents, Lee Lafferty and Zaman Ryan.

MAYORAL MINUTE

Moved Cr Leu

"That Council congratulates the 28 Council staff who are to be presented with Recognition Awards at this Council meeting today, acknowledging their outstanding contribution in local government to their communities over the last 10 to 25 years at Douglas Shire Council."

Carried unanimously.

The meeting was paused at 10.17am to allow the Mayor, Chief Executive Officer and relevant staff to withdraw so that a photo of the Award recipients could be taken. The Mayor and Chief Executive Officer returned and the meeting resumed at 10.22am.

Moved Cr Leu

"That Council initiate and facilitate a "Douglas Business Forum" in the first quarter of the 2015/16 Financial Year. That Council consult with the Douglas Chamber of Commerce, Tourism Port Douglas Daintree and the primary industry sector as required, in relation to the format and agenda of the Forum".

Carried unanimously.

CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

ORDINARY MEETING HELD ON 26 MAY 2015

Moved Cr Carey

Seconded Cr Clarke

"That the Minutes of the Ordinary Meeting held on Tuesday 26 May 2015, be confirmed."

Carried unanimously.

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 16 JUNE 2015, COMMENCING AT 10.00 AM**

SPECIAL MEETING HELD ON 2 JUNE 2015

Moved Cr Noli

Seconded Cr Carey

"That the Minutes of the Special Meeting held on Tuesday 2 June 2015, be confirmed."

Carried unanimously.

AGENDA ITEMS

**5.1 OPERATIONAL WORKS (CODE ASSESSMENT) ON-PREMISES
ADVERTISING DEVICE – 9 DAVIDSON STREET PORT DOUGLAS**

Neil Beck, Planning Officer: OP334/2014: #453004

Moved Cr Carey

Seconded Cr Leu

"That Council approve the development application for Placing an Advertising Device on Premises (not Associated with a Material Change of Use) over land described as Lot 1 on RP738379, located at 9 Davidson Street, Port Douglas subject to the following:-

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Application documentation</i>	<i>Council document reference - 453312</i>	<i>23 April 2015</i>
<i>Port Douglas Motel Illuminated Sign – Site & Elevation Plans</i>	<i>Council document reference 453312</i>	<i>23 April 2015</i>

ASSESSMENT MANAGER CONDITIONS

1. *Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:*
 - a. *The specifications, facts and circumstances as set out in the application submitted to Council;*
 - b. *The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual*

except where modified by these conditions of approval.

Amendment to Design

2. *The total height of the sign must not exceed 2.8m or 300m below the fascia of the single storey component of the building fronting Davidson Street whichever is the lesser. An amended plan must be submitted and endorsed by the Chief*

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 16 JUNE 2015, COMMENCING AT 10.00 AM**

Executive Officer prior to the issue of a Development Permit for Building Work. All works must be carried out in accordance with approved plans prior to the Commencement of Use.

Location of Sign

3. *The sign and associated footings must be contained within the property boundaries, being Lot 1 on RP738379.*

Hours of Illumination

4. *Illumination of signage must be limited to 9.30pm seven (7) days a week.*

FURTHER ADVICE

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the Sustainable Planning Act 2009.*
2. *Advice regarding building approval for the Advertising Device should be obtained from a suitably qualified private building certifier prior to construction and commencement of use.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*
4. *For information relating to the Sustainable Planning Act 2009 log on to www.dsdp.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.*

REASONING

It is considered that this provides a better result aesthetically and structurally than the pre-existing use rights the applicant has and that this proposal is able to be considered in isolation and on its individual merits."

Carried unanimously.

**5.2 VARIATION OF A LIQUOR LICENCE FOR A LICENSED PREMISES – THE
LITTLE LARDER, SHOP 2, 40 MACROSSAN STREET, PORT DOUGLAS
Paul Hoyer, General Manager Operations: #455865**

Moved Cr Melchert

Seconded Cr Clarke

"That the applicant and the Office of Liquor & Gaming Regulation, Department of Justice & Attorney-General, be advised that Council does not object to the Application for a variation of liquor licence for a licensed premises for The Little Larder, Shop 2, 40 Macrossan Street, Port Douglas, also described as Lot 306 on PTD2091."

Carried unanimously.

5.3 RIVER IMPROVEMENT TRUST

Michael Kriedemann: Manager Infrastructure #457243
Paul Hoye: General Manager Operations

Moved Cr Carey

Seconded Cr Melchert

"Council resolve that:-

1. Council's Manager of Infrastructure enter into discussions with Cairns Regional Council and the Cairns River Improvement Trust (RIT) to determine a mutually agreed position on the future of the current Cairns RIT; and
2. The Manager of Infrastructure bring a report back after March 2016 for the new Council to make a decision on a future River Improvement Trust in the Douglas Shire; and
3. Council note that 2014/15 Operational Plan initiative 14 will not be met in full for the reasons expressed in the report."

Carried unanimously.

WITHDRAWAL – CR LEU

Cr Leu declared a Conflict of Interest in the following matter and withdrew at 10.47am. Cr Noli took the Chair.

5.4 ROAD CLOSURE ON LANGLEY ROAD-PORT DOUGLAS

Michael Matthews: Project Engineer
Paul Hoye: General Manager Operations

Moved Cr Clarke

Seconded Cr Melchert

"That Council resolve to:

1. maintain the existing road closure at Langley Road, Port Douglas; and
2. notify the respondents and the residents of the precinct of the outcome."

Carried unanimously.

RE-ATTENDANCE – CR LEU

Cr Leu re-attended the meeting at 10.49am and resumed the Chair.

**5.5 NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS
(2014) PROGRESS REPORT #4 – APRIL 2015**

Scott Hahne: NDRRA Project Engineer #456665

Paul Hoye: General Manager Operations

Moved Cr Carey

Seconded Cr Noli

“That Council notes the results achieved to date and the future projections contained in the 2014 NDRRA PCG Monthly Report 4 – April 2015. “

Carried unanimously.

**5.6 REVIEW OF CHEMICAL-FREE DRINKING WATER OPTIONS AND
IMPLEMENTATION REQUIREMENTS FOR DOUGLAS SHIRE COUNCIL**

Wouter van der Merwe: Manager Water and Wastewater

Paul Hoye: General Manager Operations

Moved Cr Leu

Seconded Cr Carey

“That Council:

- note that the Chlorine Free Trial Review was successfully completed;*
- implement an appropriate capital works program to rectify existing system deficiencies; and*
- that a Chlorine Free Trial be re-considered, when the water infrastructure capital works program is completed”.*

Carried unanimously.

5.7 WASTE COLLECTION NORTH OF THE DAINTREE RIVER

Abbey Belcher – Technical Officer Waste

Paul Hoye – General Manager Operations

Moved Cr Carey

Seconded Cr Leu

“That Council resolves to:-

- 1. a) Provide a general waste kerbside collection service to identified accessible properties, both residential and commercial, along the Cape Tribulation Road between Forest Creek Road and the first section of the Bloomfield Track subject to a favourable acceptance of the proposal by ratepayers and residents in the proposed collection area; and*

b) Conduct a consultation process with ratepayers and residents in the proposed collection area consisting of a community information session and the provision of written feedback in the form of a survey and information outlining the matters associated with a general waste kerbside collection service, including the cost; and

c) Note that the general waste kerbside collection service will not include recyclables at this stage; and

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 16 JUNE 2015, COMMENCING AT 10.00 AM**

2. *Adopt a Special Refuse Charge in the 2015/16 Rates and Charges that defines disposal limits in line with the number of Special Refuse Charges applying to a property; and*
3. *Introduce a Special Refuse Charge in the 2015/16 Rates and Charges that is based on the improvements on a property."*

For:- Cr Leu, Cr Carey, Cr Clarke, Cr Noli

Against:- Cr Melchert

Carried

5.8 WASTE MANAGEMENT IN DEGARRA

Abbey Belcher: Technical Officer Waste

Paul Hoye: General Manager Operations

Moved Cr Noli

Seconded Cr Carey

"That Council resolves to:-

1. *Issue letters to Degarra property owners that are currently paying a Special Refuse Charge requesting feedback on the two (2) proposed options for future waste management in the Degarra area. The two proposed options being:-*
 - a). *A user pays arrangement where users of the transfer station would pay the applicable fee for waste disposal and the current Special Refuse Charge (\$156.87) would be removed; or*
 - b). *Increasing the Special Refuse Charge ("SRC") to an amount that reflects Council's costs; and*
2. *The owners of the commercial property be advised that as from July 1 2015 the Special Refuse Charge will be removed from the property and that they will no longer be able to dispose of waste at the Ayton Transfer Station free of charge."*

For:- Cr Leu, Cr Carey, Cr Clarke, Cr Noli

Against:- Cr Melchert

Carried

5.9 COMMUNITY SUPPORT PROGRAM POLICY AND GUIDELINES REVIEW

Helen Coulthard: Community And Economic Development Officer
Kerrie Hawkes: Executive Officer/Policy & Strategy Coordinator # 433068

Moved Cr Carey

Seconded Cr Noli

"That Council:

- 1 note and adopt the revised Community Support Program General Policy and Guidelines; and*
- 2 delegate 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 Community Support Program."*

For:- Cr Leu, Cr Carey, Cr Noli

Against:- Cr Melchert, Cr Clarke

Carried

5.10 DOUGLAS SHIRE EVENT STRATEGY AND POLICY REVIEW

Kerrie Hawkes: Executive Officer: #456707
Linda Cardew: Chief Executive Officer

Moved Cr Carey

Seconded Cr Noli

"That Council:

- 1. Note and adopt the revised Event Strategy and Policy; and*
- 2. Note and adopt the addition of an 'Event' Funding program and guidelines; and*
- 3. Delegate 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 Event Strategy and Event Funding Guidelines".*

For:- Cr Leu, Cr Noli, Cr Carey

Against:- Cr Melchert, Cr Clarke

Carried

WITHDRAWAL – CR LEU

Cr Leu declared a Conflict of Interest in the following matter and withdrew at 11.26am. Cr Noli took the Chair.

**5.11 TOURISM PORT DOUGLAS DAINTREE - QUARTERLY REPORT
JANUARY – MARCH 2015**

Kerrie Hawkes: Executive Officer # 456544
Linda Cardew: Chief Executive Officer

Moved Cr Carey

Seconded Cr Melchert

"That Council notes the January – March 2015 Quarterly Report received from Tourism Port Douglas Daintree (TPDD) further to the Resource and Performance Agreement between TPDD and Douglas Shire Council."

Carried unanimously

RE-ATTENDANCE – CR LEU

Cr Leu re-attended the meeting at 11.28am and resumed the Chair.

**5.12 GENERAL POLICIES OF A FINANCE AND ADMINISTRATION
NATURE**

Rebecca Assman, Manager Governance : #455975
Darryl Crees, General Manager Corporate Services

Moved Cr Carey

Seconded Cr Noli

"1. That Council adopts the Acquisition/Resumption of Land by Council for Road or other Purpose General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"2. That Council adopts the Adornment of Graves General Policy;"

For:- Cr Leu, Cr Noli, Cr Clarke, Cr Carey

Against:- Cr Melchert

Carried

Moved Cr Noli

Seconded Cr Carey

"3. That Council adopts the Advertising Spending General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Melchert

"4. That Council adopts the Asset Capitalisation General Policy;"

Carried unanimously.

Moved Cr Noli

Seconded Cr Carey

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 16 JUNE 2015, COMMENCING AT 10.00 AM**

"5. That Council adopts the Asset and Service Management General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"6. That Council adopts the Busking General Policy;"

For:- Cr Leu, Cr Noli, Cr Clarke, Cr Carey

Against:- Cr Melchert

Carried

Moved Cr Noli

Seconded Cr Carey

"7. That Council adopts the Commercial Filming Photography General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"8. That Council adopts the Council's Role in Regional Economic Development General Policy;"

Carried unanimously.

Moved Cr Noli

Seconded Cr Carey

"9. That Council adopts the Crime Prevention through Environmental Design General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Clarke

"10. That Council adopts the Debt Recovery General Policy;"

Carried unanimously.

Moved Cr Noli

Seconded Cr Carey

"11. That Council adopts the Development Interaction Guidelines General Policy;"

For:- Cr Leu, Cr Noli, Cr Clarke, Cr Carey

Against:- Cr Melchert

Carried

Moved Cr Carey

Seconded Cr Clarke

"12. That Council adopts the Directional Signs General Policy;"

Carried unanimously.

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 16 JUNE 2015, COMMENCING AT 10.00 AM**

Moved Cr Carey

Seconded Cr Clarke

"13. That Council adopts the Douglas Libraries Internet General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"14. That Council adopts the Drinking Water Quality General Policy;"

Carried unanimously.

Moved Cr Noli

Seconded Cr Carey

"15. That Council adopts the Election Caretaker Provisions General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Clarke

"16. That Council adopts the Entertainment and Hospitality Expenditure General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"17. That Council adopts the Equal Employment Opportunity (EEO) and Workforce Diversity General Policy;"

Carried unanimously.

Moved Cr Noli

Seconded Cr Carey

"18. That Council adopts the Fitness for Work General Policy;"

Carried unanimously.

Moved Cr Noli

Seconded Cr Clarke

"19. That Council adopts the Fraud General Policy;"

Carried unanimously.

Moved Cr Clarke

Seconded Cr Carey

"20. That Council adopts the Hoarding, Scaffolding, Gantry & Depositing Goods & Materials on Roads General Policy;"

Carried unanimously.

Moved Cr Noli

Seconded Cr Carey

"21. That Council adopts the Information Privacy General Policy;"

Carried unanimously.

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 16 JUNE 2015, COMMENCING AT 10.00 AM**

Moved Cr Carey

Seconded Cr Clarke

"22. That Council adopts the Intellectual Property Rights General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"23. That Council adopts the Investment General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"24. That Council adopts the Management of Confidential Information General Policy;"

For:- Cr Leu, Cr Clarke, Cr Noli, Cr Carey

Against:- Cr Melchert

Carried

Moved Cr Carey

Seconded Cr Noli

"25. That Council adopts the Public Interest Disclosure General Policy;"

Carried unanimously.

Moved Cr Noli

Seconded Cr Carey

"26. That Council adopts the Recycled Water General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Clarke

"27. That Council adopts the Revaluation of Non-Current Assets General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"28. That Council adopts the Roadside Vending General Policy;"

For:- Cr Leu, Cr Clarke, Cr Noli, Cr Carey

Against:- Cr Melchert

Carried

Moved Cr Noli

Seconded Cr Carey

"29. That Council adopts the Security – Council Buildings & Depots General Policy;"

Carried unanimously.

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 16 JUNE 2015, COMMENCING AT 10.00 AM**

Moved Cr Carey

Seconded Cr Clarke

"30. That Council adopts the Sewer Construction – Replacement of Trees General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Clarke

"31. That Council adopts the Vegetation on Council controlled Land: Planting, Removal and Maintenance General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Clarke

"32. That Council adopts the Water Meter Installation General Policy;"

Carried unanimously.

Moved Cr Noli

Seconded Cr Carey

"33. That Council adopts the Water Restrictions General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"34. That Council re-adopts the Code of Conduct for Councillors General Policy;"

For:- Cr Leu, Cr Noli, Cr Carey

Against:- Cr Melchert, Cr Clarke

Carried

Moved Cr Carey

Seconded Cr Noli

"35. That Council revokes the Asbestos Disposal General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Clarke

"36. That Council revokes the Business and Residential Parking Permits General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"37. That Council revokes the Liquor Licensing General Policy;"

Carried unanimously.

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 16 JUNE 2015, COMMENCING AT 10.00 AM**

Moved Cr Carey

Seconded Cr Clarke

"38. That Council revokes the Registration/Microchipping for Aged Pensioners' Dogs and Guide, Hearing and Assistance for Life Dogs General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"39. That Council revokes the Reports and Information Council May Request General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"40. That Council revokes the Structures within the Road Reserve including Subdivision in Strata General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Clarke

"41. That Council revokes the Information Security General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"42. That Council revokes the Extensions to Relevant Period for Development Approvals General Policy;"

Carried unanimously.

Moved Cr Carey

Seconded Cr Noli

"43. That Council delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to have the ability to effect any minor administrative changes to the general policies of a finance and administrative nature."

Carried unanimously.

WITHDRAWAL – CR MELCHERT

Cr Melchert declared a Conflict of interest in the following matter and withdrew at 12.26pm.

**5.13 PROPOSED MORTGAGE BY WESTPAC BANKING CORPORATION
OVER TRUSTEE LEASES 715487882, 715487893 & 715487898
(LEASES D, E, J) PART OF LOT 126 CROWN PLAN SP868 COUNTY OF
SOLANDER PARISH OF SALISBURY**

Robert Donovan, Property Officer, Rebecca Assman Manager Governance
#455664
Darryl Crees; General Manager Corporate Services

Moved Cr Carey

Seconded Cr Noli

"That Council

- 1. consent to the proposed Mortgage by Westpac Banking Corporation over Douglas Shire Council Trustee Lessees 715487882, 715487893 and 715487898 (Lessees D,E and J) Part of Lot No 126 Crown Plan SP868, County of Solander, Parish of Salisbury (subject to the Ministers approval)*
- 2. advise the Minister of Department of Natural Resources and Mining of Council's decision as required under The Land Act 1994 section 58 (1)*
- 3. advise the applicant that Council has consented to the Mortgage*
- 4. advise the applicant that all fees and charges associated with the setting up of the Mortgage with Westpac banking Corporation be born by the Mortgagee*
- 5. delegates 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 the Mortgage consent".*

Carried unanimously.

RE-ATTENDANCE – CR MELCHERT

Cr Melchert re-attended the meeting at 12.27pm.

**5.14 REPORT FROM THE CHIEF EXECUTIVE OFFICER
Linda Cardew – Chief Executive Officer**

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 CAREY – MOTION TO THE 2015 ANNUAL CONFERENCE OF THE LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND

The Notice of Motion was withdrawn by Cr Carey.

6.2 NOTICE OF MOTION – CR CLARKE – PROVISION OF POWER NORTH OF THE DAINTREE RIVER

Moved Cr Clarke

Seconded Cr Leu

"That Council reiterate the previous advice sent to the former Premier, Mr Newman, in November 2014".

Carried unanimously.

6.3 NOTICE OF MOTION – CR MELCHERT – INVITATION TO ELDERS JUSTICE GROUP TO ATTEND COUNCIL WORKSHOP

Moved Cr Melchert

Seconded Cr Leu

"That Council formally invite the Elders Justice Group to attend a morning tea and discussion at the Mossman Office at a mutually agreeable date and time".

Carried unanimously.

WITHDRAWAL – CR CLARKE

Cr Clarke declared a Conflict of Interest in the following matter and withdrew at 12.41pm.

6.4 NOTICE OF MOTION – CR MELCHERT – RATES BASED FINANCIAL ASSISTANCE TO MOSSMAN BOTANIC GARDENS FOR 2015/16.

Moved Cr Melchert

Seconded

"That Council resolve to provide Rates based Financial assistance to the Mossman Botanic Gardens Inc for the 2015/2016 Financial Year for its property situated at Front Street Mossman on the basis that Council provide a 100% remission from Rates and Charges attaching to the property. The assistance arrangement to be reviewed annually."

The motion lapsed for want of a seconder.

RE-ATTENDANCE – CR CLARKE

Cr Clarke re-attended the meeting at 12.42pm.

6.5 NOTICE OF MOTION – CR MELCHERT – MCU (CODE ASSESSABLE DEVELOPMENT) LOT 1 CAPTAIN COOK HIGHWAY INTENSIVE ANIMAL HUSBANDRY ETC

Moved Cr Melchert

Seconded Cr Clarke

“That in relation to the conditions attaching to Development Approval MCU (Code Assessable Development) Lot 1 Captain Cook Highway Intensive Animal Husbandry Etc Council:-

- *Engage Mr Daniel Gore QC to advise Council on all matters relating to the issue of the Development Approval including interpretation and implementation of conditions and that the Council as a whole be given the opportunity to discuss matters with Mr Gore.*
- *Engage AECOM specialist noise engineers to advise Council on the appropriateness and validity of any submissions made by the developer which seek to fulfil the following condition:-*

“5 Facilities that house animals incorporate noise attenuation measures. A report prepared by a qualified Acoustical Consultant must be submitted at the time of lodgement of an application for a Development Permit for Building Work and endorsed by the Chief Executive Officer prior to the issue of the Development Permit for Building Work. The report must indicate design and construction features to be incorporated in the development to ensure that the development is acoustically insulated having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 2008.”

For:- Cr Melchert, Cr Clarke

Against:- Cr Leu, Cr Noli, Cr Carey

Lost

6.6 NOTICE OF MOTION – CR MELCHERT – REGULATION OF ILLEGAL CAMPING

Moved Cr Melchert

Seconded Cr Clarke

“That Council resolve that funds from savings in the 2014/2015 budget proposed to be allocated to the Spaceport be reallocated to allow for the immediate implementation of the approved Illegal Camping Regulation program and funding for the Spaceport be considered in the 2015/2016 budget.”

For:- Cr Melchert, Cr Clarke

Against:- Cr Leu, Cr Noli, Cr Carey

Lost

6.7 NOTICE OF MOTION – CR MELCHERT – COMMUNITY SUPPORT PROGRAM 2014-2015 – APPLICATION OF UNALLOCATED FUNDS

Moved Cr Melchert

Seconded Cr Clarke

"That Council resolve that any unallocated funds from the 2014-2015 Community Support Program (CSP) and from any future CSP be accounted for so that any unallocated funds are carried forward in full into future programs so that the funds are fully available to support applications made by community groups and others under the program."

For:- Cr Melchert, Cr Clarke

Against:- Cr Leu, Cr Noli, Cr Carey

Lost

6.8 NOTICE OF MOTION – CR MELCHERT – MCU (CODE ASSESSABLE DEVELOPMENT) PROPOSED WATER SUPPLY RESERVOIR PORT DOUGLAS

Moved Cr Melchert

Seconded Cr Clarke

"That as Council moves to obtain Development Approval [MCU (Code Assessable Development)] for the proposed new Port Douglas water supply reservoir, notwithstanding the development is Code Assessable and does not require formal "statutory advertising", it proceed to advertise the proposal in the Port Douglas and Mossman Gazette and send formal notification to property owners in the area advising of the proposed development and seeking comment from them."

For:- Cr Melchert, Cr Clarke, Cr Noli

Against:- Cr Leu, Cr Carey

Carried

7. URGENT BUSINESS

Nil

8. CLOSED SESSION

Moved Cr Clarke

Seconded Cr Carey

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

- 8.1 - Contractual Matter S275 (1) (E) Local Government Regulation 2012 – Lifeguard Services Contract 2015 – 2017;
- 8.2 - Contractual Matter – Cairns Airport Adventure Festival 2016 – 2018; and
- 8.3 - Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 Application For Renewal/Conversion Of S/L 204530 Over Lot 352 Cp896308 To Freehold"

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Clarke

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

Carried unanimously.

**8.1 CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012 – LIFEGUARD SERVICES CONTRACT 2015 – 2017**

M Kriedemann: Manager Infrastructure

P Hoye: General Manager Operations

Moved Cr Melchert

Seconded Cr Clarke

"That Council:

- 1. Approve the engagement of Surf Life Saving Queensland (ABN 27 360 485 381) as a sole supplier to carry out lifeguard services for Douglas Shire Council as per section 235 (a) of the Local Government Regulations 2012 for the period 1 July 2015 to 30 June 2017; and*
- 2. Delegate to the General Manager Operations the authority to negotiate and finalise any and all matters associated with the awarding of this contract."*

Carried unanimously.

**8.2 CONTRACTUAL MATTER – CAIRNS AIRPORT ADVENTURE FESTIVAL
2016 - 2018**

Kerrie Hawkes: Executive Officer # 457065

Linda Cardew: Chief Executive Officer

Moved Cr Carey

Seconded Cr Leu

"That Council resolves to:

- 1. Establish a three year funding Agreement with IRONMAN Asia Pacific Pty Ltd, for the Cairns Airport Adventure Festival 2016 – 2018 of \$50,000 (GST Exc) cash and \$10,000 in – kind per annum;*
- 2. Enter into a Memorandum of Understanding between IRONMAN Asia Pacific PTY LTD., Cairns Regional Council and Douglas Shire Council for Cairns Airport Adventure Festival 2016 – 2018; and*
- 3. Delegate authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters in relation to the above Agreement and MOU.*

Carried unanimously.

**8.3 PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 APPLICATION FOR RENEWAL/CONVERSION OF
S/L 204530 OVER LOT 352 CP896308 TO FREEHOLD**

Robert Donovan: Property Officer #457116

Darryl Crees: General Manager Corporate Services

Moved Cr Noli

Seconded Cr Carey

"Council resolves:

- 1 to advise the Department of Natural Resources and Mines (DNRM) that Council does not object to the application under the Land Act 1994 for the purchase of State Leased Land described as Lot 352 CP896308 County of Solander, Parish of Whyanbeel, on the basis the conversion of the subject land to freehold facilitates the consolidation of the rural activity (sugar cane cultivation) on this, and surrounding land, preferably through the amalgamation of adjoining land titles, road closures or similar mechanisms; and
- 2 to delegate authority to the Mayor and Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise all matters associated with this matter."

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 1.18pm.

CONFIRMED THIS 7TH DAY OF JULY 2015


.....
MAYOR/CHAIR