

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD AT THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT
STREET, MOSSMAN ON WEDNESDAY, 3 DECEMBER 2014
COMMENCING AT 10.00 AM**

PRESENT

Cr Julia Leu, Cr Abigail Noli, Cr David Carey, Cr Bruce Clarke, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Kerrie Hawkes (Executive Officer), Peter Logan (Coordinator Public and Open Spaces), Michael Matthews (Project Engineer) 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.

MINUTE OF SILENCE

One minute of silence was observed in honour of Australian Cricketer, Phillip Hughes.

ATTENDANCE – CR MELCHERT

Cr Melchert attended the meeting at 10.04 am.

APOLOGIES

There were no apologies.

CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil.

MAYORAL MINUTE

PROPOSED SHED - PORT DOUGLAS SPORTS COMPLEX - PORT DOUGLAS FOOTBALL CLUB INC

Moved Cr Leu

- "1. As explained in the CEO's comments (Item 6.1, page 23) to the proposed amendment by Cr Melchert, to Council's resolution of 7 October regarding the location of the AFL storage shed at the Port Douglas Sports Complex, under the Local Government Act, the resolution is not capable of amendment as all that is required to implement Council's decision has been done. A fresh resolution is required and none has been submitted for consideration on this agenda.*
- 2. Furthermore, the Port Douglas Football Club has acted on Council's resolution of 7 October and has incurred costs in doing so. I am also aware that the grant funding received for the shed must be acquitted early in the New Year.*

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3. *However, there is clearly a need for additional stakeholder discussion regarding the location of the shed, particularly with the Douglas Netball Association and I propose that a representative of each stakeholder be invited to attend the Councillors' workshop on 9 December to work through in a structured way, the opportunities and constraints of the additional storage shed.*
4. *Last night, a further matter was brought to my attention which may impact on Council's ability to make a fresh resolution at this time, other than the procedural issue that I mentioned earlier. Staff have become aware that a Native Title Claim has been lodged over the Port Douglas Sports Complex site and immediately sought preliminary advice on any short term impact. Verbal legal advice received yesterday suggested Council should suspend any decisions on any works at any site where mentioned in the Native Title Application.*
5. *Given this latest advice, I propose that the invitation to stakeholders to attend the Councillors' workshop on 9 December remain, and when staff have further information to hand about the Native Title Claim, that this information is provided for Council's consideration at the earliest opportunity."*

Cr Carey suggested an amendment to the Mayoral Minute to include point 6:-

- "6. That the Mayor and CEO be given authority to action the outcomes of the meeting on 9 December 2014 without further reference to the Council."

Cr Leu accepted the amendment and the amendment became part of the motion.

On the advice of Council Officers that a fresh resolution may be required, the amendment was withdrawn by Cr Carey.

Carried unanimously.

CONFIRMATION OF MINUTES OF COUNCIL MEETING

ORDINARY MEETING HELD ON 18 NOVEMBER 2014

Moved Cr Carey

Seconded Cr Clarke

"That the Minutes of the Ordinary Meeting held on Tuesday, 18 November 2014 be confirmed."

Carried unanimously.

5.1 REVIEW OF CURRENT ELECTORAL ARRANGEMENTS FOR DOUGLAS SHIRE COUNCIL

Darryl Crees: General Manager Corporate Services #434365

Moved Cr Carey

Seconded Cr Noli

"That Council:

- Advises the Hon David Crisafulli MP, Minister for Local Government Community, Recovery and Resilience that Council has resolved to remain an undivided local government and to retain 5 elected representatives; and*
- Notes the Electoral Commissioner will be advised that the Chief Executive Officer will not be undertaking the role of Returning Officer for the 2016 quadrennial local government elections."*

For:- Crs Leu, Carey, Noli and Clarke.

Against:- Cr Melchert.

Carried

5.2 FAR NORTH QUEENSLAND REGIONAL ORGANISATION OF COUNCILS DEVELOPMENT MANUAL (ISSUE 6) – PLANNING SCHEME POLICY NO.6

Michael Matthews-Project Engineer
Paul Hoye-General Manager Operations

Moved Cr Noli

Seconded Cr Carey

"That Council:

- 1. Adopt the proposed amendments for Issue 6 (03.14) to the FNQROC Development Manual being Planning Scheme Policy No.6 of the Douglas Shire Planning Scheme as modified, having regard to the submissions received; and*
- 2. Place a notice in the Queensland Government Gazette, the Port Douglas and Mossman Gazette and on Council's website advising of Council's decision to adopt the amendments with an effective date of 1 January, 2015."*

Carried unanimously.

6.1 NOTICE OF PROPOSED AMENDMENT TO RESOLUTION – CR MELCHERT – PROPOSED SHED – PORT DOUGLAS SPORTS COMPLEX – PORT DOUGLAS FOOTBALL CLUB INC

Cr Melchert withdrew the notice of proposed amendment to resolution.

7. URGENT BUSINESS

Nil

8. CLOSED SESSION

Moved Cr Clarke

Seconded Cr Noli

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

- *Contractual Matter S275 (1)(E) Local Government Regulation 2012 – Contract No 02-14/15 – Register of Pre-Qualified Suppliers for Hire of Mobile and Fixed Plant (Wet and Dry);*
- *Contractual Matter S275 (1)(E) Local Government Regulation 2012 – Port Douglas Roundabout Landscaping Project."*

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 CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT REGULATION 2012 - CONTRACT NO 02-14/15 – REGISTER OF PRE-QUALIFIED SUPPLIERS FOR HIRE OF MOBILE & FIXED PLANT (WET & DRY)

Paul Hoyer: General Manager Operations

Moved Cr Carey

Seconded Cr Noli

"That Council:

- 1) *Awards Contract No 02-14/15 – Register of Pre-Qualified Suppliers for hire of mobile and fixed plant (Wet & Dry) to the contractors listed in Attachment 1 to this report for the period from 10 December 2014 to 9 December 2016, with the option of an extension of one year at Council's discretion; and*
- 2) *Delegates authority to the Mayor and Chief Executive Officer in accordance with Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to this contract/arrangement."*

Carried unanimously.

**8.2 CONTRACTUAL MATTER S275 (1) (E) LOCAL GOVERNMENT
REGULATION 2012-PORT DOUGLAS ROUNDABOUT LANDSCAPING
PROJECT**

Peter Logan: Coordinator Public and Open Spaces
Paul Hoyer: General Manager Operations

Moved Cr Melchert

Seconded Cr Clarke

"That Council resolve to:-

- 1. Award the contract for the design and construction of the Port Douglas Roundabout and entrance to Port Douglas to Papillon Landscapes in accordance with the submitted quotation and design; and*
- 2. Undertake a consultation process with the Douglas community to choose one of the three (3) designs submitted by Papillon for construction on the roundabout itself and report back to Council on the preferred design option."*

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 11.05 am.

CONFIRMED THIS 16TH DAY OF DECEMBER 2014


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MAYOR/CHAIR

