

**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 24 NOVEMBER 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), Donna Graham (Manager Development and Environment), Wouter van der Merwe (Manager Water and Wastewater), Susanna Andrews (Technical Planning Officer), Jenny Elphinstone (Senior Planning Officer), Abbey Belcher (Technical Officer Waste), Greg McLean (Communication/Events Officer), Sara Roberts (Mayor and Councillor Support) and Nicole Barton (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.

OBSERVANCE OF ONE MINUTE OF SILENCE

A minute silence was observed in honour of the victims of the recent shootings in Paris.

APOLOGIES

There were no apologies.

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Leu declared a conflict interest in the following agenda items and advised that she would be excluding herself from the meeting while these matters are debated and the vote is taken:-

- Item 5.10 – Tourism Port Douglas Daintree – Annual Report 2014/15 – due to being a Council appointed Director of Tourism Port Douglas Daintree;
- Item 9.1 – Community Support Program (CSP) Funding Recommendations – due to being a committee member of the Port Douglas Community Services Network;
- Item 9.2 – Event Funding Program Recommendations – due to being a committee member of the Port Douglas Community Services Network;

Cr Clarke declared a conflict of interest in agenda items 9.1 and 9.2 due to being a member of the Douglas Shire Community Services Association Ltd and advised that he would be excluding himself from the meeting while these matters are debated and the vote is taken.

3. MAYORAL MINUTE

Nil.

**MINUTES OF THE ORDINARY COUNCIL MEETING
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4. CONFIRMATION OF MINUTES OF COUNCIL MEETING

ORDINARY MEETING HELD ON 3 NOVEMBER 2015

Moved Cr Carey

Seconded Cr Noli

“That the Minutes of the Ordinary Meeting held on Tuesday, 3 November 2015, confirmed.”

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

Against:- Cr Melchert

Carried.

5. AGENDA ITEMS

5.01. LIQUOR LICENCE - POSEIDON III

Susanna Andrews, Technical Planning Officer

Moved Cr Noli

Seconded Cr Clarke

“That the applicant and the Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General, be advised that Council does not object to the Application for a variation of liquor licence, Commercial Other Subsidiary on Premises Licence (Vessel) for Poseidon III, berthed at Marina Mirage, Marine Berth D17, Inlet Street, Port Douglas, also described as Lot 146 on SR861, and plying the waters of the Great Barrier Reef and the Torres Strait Zone not more than 50 nautical miles within the region or zone.”

Carried unanimously.

5.02. DRAFT WIND FARM STATE CODE

Jenny Elphinstone, Senior Planning Officer

Moved Cr Noli

Seconded Cr Carey

“A. That Council makes a submission to the Department of Infrastructure, Local Government and Planning regarding the draft wind farm state code, raising the issues as outlined in the officer’s report.

B. That a copy of the Council’s submission to the Department of Infrastructure, Local Government and Planning regarding the draft wind farm state code is forwarded to the Local Government Association of Queensland (for inclusion in any joint Council submission to be prepared by the LGAQ.)

C. That the submission be provided to Councillors before it is forwarded to the LGAQ.”

Carried unanimously.

**MINUTES OF THE ORDINARY COUNCIL MEETING
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5.03. DRAFT AMENDMENT TO STATE PLANNING POLICY (SPP) 2015

Jenny Elphinstone, Senior Planning Officer

Moved Cr Leu

Seconded Cr Noli

- “A. That Council makes a submission to the Department of Infrastructure, Local Government and Planning regarding the proposed amendments to the State Planning Policy, raising the issues as outlined in the Officer’s report.*
- B. That a copy of Council’s submission on the proposed amendments to the State Planning Policy to the Department of Infrastructure, Local Government and Planning be forwarded to the Local Government Association of Queensland (LGAQ) for inclusion in any joint Council submission to be prepared by the LGAQ.”*

Carried unanimously.

5.04. QUEENSLAND TOURISM AND TRANSPORT STRATEGY

Jenny Elphinstone, Senior Planning Officer

Moved Cr Carey

Seconded Cr Clarke

“That upon release of the draft strategy for consultation a further report be presented to the Council to provide it with the opportunity to make a submission in response to that draft.”

Carried unanimously.

5.05. ENDORSEMENT OF DRINKING WATER QUALITY MANAGEMENT PLAN (DWQMP)

Wouter van der Merwe, Manager Water and Wastewater

Moved Cr Leu

Seconded Cr Carey

“That Council endorses the Amended Drinking Water Quality Management Plan (DWQMP).”

Carried unanimously.

5.06. OUTCOME OF CONSULTATION RE WASTE COLLECTION NORTH OF THE DAINTREE RIVER

Abbey Belcher, Technical Officer Waste

Moved Cr Carey

“That the Council defer this report to the next Ordinary meeting and in the interim the report including details of the outcomes of the consultations with those properties considered to be inaccessible for a waste collection service be presented to a further Councillors workshop.”

The motion lapsed for want of a seconder.

**MINUTES OF THE ORDINARY COUNCIL MEETING
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Moved Cr Noli

Seconded Cr Melchert

“That Council resolves:-

- 1. Not to proceed with the provision of a mandatory general waste kerbside collection service to identified accessible properties between Forest Creek Road and Emmagen Creek due to an unfavourable response from ratepayers and residents in the subject area; and*
- 2. To continue to levy the Special Refuse Charge on properties in the Degarra area and subsidise use of the Ayton Transfer Station for Special Refuse Card Holders.”*

For:- Cr Noli, Cr Melchert, Cr Leu and Cr Clarke

Against:- Cr Carey

Carried.

**5.07. AMENDMENT TO SCHEDULED MEETINGS DECEMBER 2015,
JANUARY & FEBRUARY 2016**

Rebecca Assman, Manager Governance

Moved Cr Carey

Seconded Cr Clarke

“That Council amends the Council Meeting Dates as follows:

- Meeting scheduled for 15 December 2015 moved to 16 December 2015*
- Meeting scheduled for 19 January 2016 moved to 28 January 2016*
- Special meeting to be held 15 January 2016 for Australia Day Award Consideration*
- Meeting scheduled for 02 February 2016 to be cancelled.”*

Carried unanimously.

5.08. FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2015

John Rehn, Manager Finance and IT

Moved Cr Leu

Seconded Cr Noli

“That Council notes the Financial Report for the period ended 31 October 2015.”

Carried unanimously.

CONFLICT OF INTEREST AND MEETING WITHDRAWAL – CR MELCHERT

Cr Melchert declared a conflict of interest in agenda item 5.09 due to being a member of the Douglas Shire Chamber of Commerce and therefore he would be excluding himself from the meeting while this matter is debated and the vote is taken.

Cr Melchert withdrew from the meeting at 10.40am.

**MINUTES OF THE ORDINARY COUNCIL MEETING
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**5.09. RENEWAL WITH AMENDMENTS TO DOUGLAS CHAMBER OF
COMMERCE RESOURCE AND PERFORMANCE AGREEMENT – NEW
YEAR’S EVE**

Greg McLean, Communications & Events Officer

Moved Cr Leu

Seconded Cr Noli

“That Council resolves to:

- 1. renew the Resource and Performance Agreement held with the Douglas Chamber of Commerce for the delivery of New Year’s Eve festivities in Port Douglas as per the table contained in the body; and*
- 2. increase the funding provided from \$3,000 cash and in-kind support of venues, to \$6,000 cash and in-kind support through the provision of the venues identified; and*
- 3. 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.

MEETING WITHDRAWAL – CR LEU

Cr Leu declared a conflict of interest in the following item due to being a Council appointed Director of Tourism Port Douglas Daintree and withdrew from the meeting at 10.42 am.

ACTING CHAIR

Cr Noli took the Chair in the absence of Cr Leu.

MEETING RE-ATTENDANCE - CR MELCHERT

Cr Melchert re-attended the meeting at 10.42 am

5.10. TOURISM PORT DOUGLAS DAINTREE – ANNUAL REPORT 2014/2015

Kerrie Hawkes, Executive Officer

Moved Cr Carey

Seconded Cr Clarke

“That Council receives and notes the Annual Report for Tourism Port Douglas Daintree (TPDD) for the 2014 - 2015 financial year, provided in accordance with TPDD’s Resource and Performance Agreement.”

Carried unanimously.

MEETING RE-ATTENDANCE - CR LEU

Cr Leu re-attended the meeting at 10.43am and resumed the Chair.

5.11. BUSINESS DEVELOPMENT FUND

Brendan Leishman, Senior Community and Economic Development Officer

Moved Cr Leu

Seconded Cr Carey

“That Council:

- 1. adopt the Business Development Fund Guidelines with the inclusion in the eligibility criteria that preference will be given to projects which, while they may not demonstrate a profit in the short term, are able to demonstrate long term viability, financial sustainability and the prospects of business expansion and/or employment growth or words to that effect; and*
- 2. delegate authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any amendments in relation to the Business Development Fund Guidelines.”*

Carried unanimously.

5.12. PORT SHORTS FILM FESTIVAL INC – RESOURCE & PERFORMANCE AGREEMENT

Kerrie Hawkes, Executive Officer

Moved Cr Carey

Seconded Cr Leu

“That Council:

- 1. resolves to support Port Shorts Film Festival Incorporated for the delivery of the Port Shorts Film Festival with funding of \$8,000 (GST Exc) and in-kind assistance for venue hire for a period of three years under terms set out in the Resource and Performance Agreement, subject to the successful acquittal of the Community Support Program 2014-2015 grant.*
- 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 Resource and Performance Agreement.”*

Carried unanimously.

5.13. REPORT FROM THE CHIEF EXECUTIVE OFFICER

Linda Cardew, Chief Executive Officer

Moved Cr Leu

Seconded Cr Noli

“That Council receives and notes the report.”

Carried unanimously.

6. NOTICES OF MOTION

6.1 NOTICE OF MOTION – MOSSMAN TOWN CENTRE STREETScape UPGRADES

Moved Cr Carey

Seconded Cr Clarke

“That as part of the 2015/16 capital works for upgrades to the Mossman town centre streetscape and subject to plans and costings being provided to the Council, works be carried out to remove the “pool type fencing” on the north east side of Front Street at the approach to the footway over Parkers Creek and this fence be replaced for its total length by planting a suitable ornamental species which can be maintained as a hedge to a height of 1.0 to 1.5 metres and the works be carried out in order to substantially comply with requirements of “Austroad Guides to Road Design Part 6a Pedestrian Cycle Paths.”

That, in addition, if funding permits, the area of Council controlled land on the eastern side and western side of Front Street be beautified to bring them up to a standard commensurate with the Mossman “entry statement” areas located at South Mossman.”

Moved Cr Noli

Seconded Cr Leu

“That the motion be amended to read as follows:-

That as part of the 2015/16 capital works for upgrades to the Mossman town centre streetscape, Stage Two will include an upgrade to the entrance of Mossman from Parker’s Creek Bridge to the traffic lights. This includes beautification, where possible, on both sides of the street to bring it up to a standard to commensurate with the Mossman “entry statement” areas located at South Mossman.

- *It may include a variation on the current fencing over Parker Creek.*
- *It will include provision for future pedestrian access on the west side of the road as previously discussed by Council.”*

For:- Cr Noli and Cr Leu

Against:- Cr Carey, Cr Clarke and Cr Melchert.

Lost.

The original motion was put to the vote.

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

Against:- Cr Noli

Carried.

7. URGENT BUSINESS

Nil.

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8. PETITIONS

Cr Melchert tabled a petition from residents of South Arm Drive Wonga Beach, requesting Council to urgently upgrade sections of South Arm Drive.

Moved Cr Melchert

Seconded Cr Clarke

“That the petition be received and referred to Council Officers for report to a future Council Meeting.”

Carried unanimously.

9. CLOSED SESSION

Moved Cr Carey

Seconded Cr Noli

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

- 9.1 - *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Community Support Program (CSP) Funding*
- 9.2 - *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Event Funding Program (EFP) Funding Recommendations 2015 - 2016*
- 9.3 - *Prejudicial Matter S275 (1) (H) Local Government Regulation 2012 - Request to Amend Current Crocodile Trophy Resource and Performance Agreement.”*

Carried unanimously.

OUT OF CLOSED SESSION

Moved Cr Carey

Seconded Cr Noli

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

Carried unanimously.

**9.1. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - COMMUNITY SUPPORT PROGRAM (CSP)
FUNDING RECOMMENDATIONS 2015 - 2016**

Helen Coulthard, Community & Economic Development Officer

Moved Cr Leu

Seconded Cr Carey

“That Council:

1. *approves two grants totaling \$3,161 (GST Exc) in the 2015 - 2016 Community Support Program, as per Attachment 1, Part A;*

Carried unanimously.

**MINUTES OF THE ORDINARY COUNCIL MEETING
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MEETING WITHDRAWAL – CR CLARKE

Cr Clarke declared a conflict of interest in the following item due to being a member of the Douglas Shire Community Services Association and withdrew from the meeting at 11.45am.

Moved Cr Noli

Seconded Cr Leu

“That Council:

2. *approves one grant totaling \$8,432 (GST Exc) in the 2015 -2016 Community Support Program, as per Attachment 1, Part B;”*

Carried unanimously.

MEETING WITHDRAWAL - CR LEU

Cr Leu declared a conflict of interest in the following agenda item due to being a committee member of the Port Douglas Community Services Network and withdrew from the Meeting at 11.46am

ACTING CHAIR

Cr Noli took the Chair in the absence of Cr Leu.

MEETING RE-ATTENDANCE - CR CLARKE

Cr Clarke re-attended the meeting at 11.46am

Moved Cr Noli

Seconded Cr Clarke

“That Council:-

3. *approves one grant totaling \$8,960 (GST Exc) in the 2015 - 2016 Community Support Program, as per Attachment 1, Part C.”*

Carried unanimously.

MEETING RE-ATTENDANCE CR LEU

Cr Leu re-attended the meeting at 11.47am and resumed the Chair.

Moved Cr Carey

Seconded Cr Noli

“That Council:-

4. *delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise minor amendments in relation to administering the 2015 - 2016 Community Support Program applications.”*

Carried unanimously.

**9.2. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - EVENT FUNDING PROGRAM (EFP) FUNDING
RECOMMENDATIONS 2015 – 2016**

Kerrie Hawkes, Executive Officer

Moved Cr Leu

Seconded Cr Carey

“That Council:

- 1. approves three grants totaling \$23,017 (GST Exc) in the 2015 – 2016 Event Funding Program, as per Attachment 1, Part A.”*

Carried unanimously.

MEETING WITHDRAWAL - CR CLARKE

Cr Clarke declared a conflict of interest in the following item due to being a member of the Douglas Shire Community Services Association and withdrew from the meeting at 11.48am.

Moved Cr Noli

Seconded Cr Carey

“That Council:

- 2. approves one grant totaling \$8,000 (GST Exc) in the 2015 – 2016 Event Funding Program, as per Attachment 1, Part B.”*

Carried unanimously.

MEETING RE-ATTENDANCE - CR CLARKE

Cr Clarke re-attended the meeting at 11.48 am.

MEETING WITHDRAWAL - CR LEU

Cr Leu declared a conflict of interest in the following agenda item due to being a committee member of the Port Douglas Community Services Network and withdrew from the Meeting at 11.48am

ACTING CHAIR

Cr Noli took the Chair in the absence of Cr Leu.

Moved Cr Carey

Seconded Cr Melchert

“That Council:

- 3. approves one grant totaling \$2,280 (GST Exc) in the 2015 – 2016 Event Funding Program, as per Attachment 1, Part C.”*

Carried unanimously.

**MINUTES OF THE ORDINARY COUNCIL MEETING
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MEETING RE-ATTENDANCE CR LEU

Cr Leu re-attended the meeting at 11.49am and resumed the Chair.

Moved Cr Noli

Seconded Cr Carey

"That Council:

4. *delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise minor amendments in relation to administering the 2015 – 2016 Event Funding Program applications."*

Carried unanimously.

**9.3. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT
REGULATION 2012 - REQUEST TO AMEND CURRENT CROCODILE
TROPHY RESOURCE AND PERFORMANCE AGREEMENT**

Kerrie Hawkes, Executive Officer

Moved Cr Carey

Seconded Cr Clarke

"That Council resolves to decline the request from the event organisers to increase funding and amend the existing Resource and Performance Agreement held with World Wide Sports Agency Pty Ltd for the Crocodile Trophy Mountain Bike Race."

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 11.50 am.

CONFIRMED THIS 16th DAY OF DECEMBER 2015


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MAYOR/CHAIR