

DOUGLAS SHIRE COUNCIL

# ORDINARY COUNCIL MEETING

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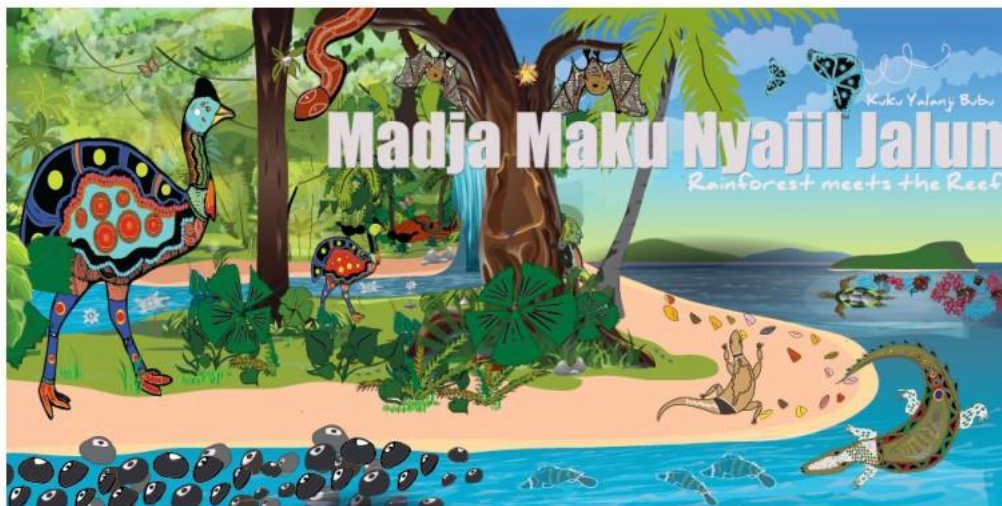
## MINUTES

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Tuesday, 31 August 2021

ENSURING EXCELLENCE IN GOVERNANCE  
ACCOUNTABLE AND TRANSPARENT DECISION-MAKING  
ENGAGING, PLANNING, PARTNERING  
CELEBRATING OUR COMMUNITIES

**DOUGLAS**  
SHIRE COUNCIL



Douglas Shire Council would like to show its appreciation by acknowledging local indigenous artists Lenice Schonenberger, Loretta Pierce (Lenoy) and Ronald Bamboo for providing the cover artwork entitled "**Daintree Ferry**"

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 31 AUGUST 2021 COMMENCING AT 10.00AM**

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Mayor Cr Kerr opened the Meeting by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on Tuesday, 31 August 2021 at the Mossman Council Chambers.

Cr Kerr gave notice that, in accordance with *Section 277E of the Local Government Regulation 2012*, the Ordinary Meeting of Council will be restricted in numbers of public attendance because of health and safety reasons associated with the public health emergency involving COVID-19; and advised that this Ordinary Meeting of Council will be available to view via Live Stream on Council's Website and will be available for others to watch at a later time.

**ACKNOWLEDGEMENT OF COUNTRY**

Cr Kerr acknowledged the Kuku Yalanji people who are the Traditional Custodians of the Land on which this meeting is being held and paid respect to their Elders past, present and emerging, and extended that respect to other Indigenous Australians who may be listening or watching this morning.

**1. ATTENDANCE AND APOLOGIES**

**PRESENT**

Cr Michael Kerr (Mayor), Cr Lisa Scmazzon (Deputy Mayor), Cr Peter McKeown and Cr Roy Zammataro with Cr Abigail Noli joining the meeting via teleconference as provided for under Sections 254K (1) and 277C of the Local Government Regulations 2012.

**APOLOGIES**

Nil

**OFFICERS IN ATTENDANCE**

Juanita Holden (Acting Chief Executive Officer), Tara Killeen (Chief Financial Officer), Paul Hoyer (Manager Environment and Planning), Peter Tonkes (Manager Water and Wastewater), Scott Hahne (Manager Project Office), Natasha Murray (Manager Infrastructure), Lisa Golding (Acting Manager People and Community Services), Tom Volling (Senior Media and Communications Officer), Jenny Elphinstone (Senior Planning Officer), Daniel Lamond (Planning Officer), Wayne Kristalyn (Project Manager) Sara Roberts (Team Leader Local Laws), Margaret Ross-Kelly (Community Development Officer First Peoples), Mark Halstead (Building Facilities Officer), Paul Smyth (Events Officer), Kelly Dean (Technical Support Officer Local Laws), Renee Ker (Community Development Officer Sport & Recreation) and Brenda Jang (Executive Assistant).

**2. CONFLICT OF INTEREST**

Nil

**3. MAYORAL MINUTE**

Nil

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**4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS**

**4.1 CONFIRMATION OF MINUTES OF ORDINARY MEETING HELD TUESDAY, 27 JULY 2021**

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That the Minutes of the Ordinary Meeting held on Tuesday, 27 July 2021 be confirmed.*

**Carried** Unanimously

**4.2 CONFIRMATION OF MINUTES OF SPECIAL MEETING HELD TUESDAY, 3 AUGUST 2021**

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

*That the Minutes of the Special Meeting held on Tuesday, 3 August 2021 be confirmed.*

**Carried** Unanimously

**4.3 CONFIRMATION OF MINUTES OF SPECIAL MEETING HELD MONDAY, 16 AUGUST 2021**

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

*That the Minutes of the Ordinary Meeting held on Monday, 17 August 2021 be confirmed.*

**Carried** Unanimously

**5. AGENDA ITEMS**

**5.1. COMBINED DEVELOPMENT APPLICATION FOR DUAL OCCUPANCY AND RECONFIGURING A LOT (1 LOT INTO 2) 56 MUDLO ST PORT DOUGLAS**

Daniel Lamond, Planning Officer

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

*That Council approves the combined development application for material change of use (Dual occupancy) and reconfiguring a lot (1 lot into 2 lots) over land described as LOT: 7 TYP: PTD PLN: 20933, 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>Site Plan, General Notes &amp; Legend</i>	<i>Nathan Verri plan, Sheet 01, Rev 9</i>	<i>3 August 2021</i>
<i>Floor Plans</i>	<i>Nathan Verri plan, Sheet 02, Rev 9</i>	<i>3 August 2021</i>
<i>Elevations and Perspectives</i>	<i>Nathan Verri plan, Sheet 03, Rev 9</i>	<i>3 August 2021</i>
<i>Landscape Concept Plan</i>	<i>Plan prepared by Kate Hewett Landscape Design, page 1 of 3, issue C</i>	<i>4 August 2021</i>

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<i>Details and typical level 1 planting</i>	<i>Plan prepared by Kate Hewett Landscape Design, page 2 of 3, issue B</i>	<i>12 July 2021</i>
<i>Landscape Planting Plan</i>	<i>Plan prepared by Kate Hewett Landscape Design, page 2 of 3, issue B</i>	<i>12 July 2021</i>

**ASSESSMENT MANAGER CONDITIONS & ADVICES**

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; and*
  - 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*

*Timing of Effect*

2. *The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.*

*Air-conditioning Screens*

3. *Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.*

*Damage to Council Infrastructure*

4. *In the event that any part of Council's existing sewer/water or road infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council.*

*Sewerage Works Internal*

5. *Connect each dwelling via separate jump-up to Council's sewerage network traversing the rear of the property.*

*Vehicle Parking*

6. *The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.*

*Lighting*

7. *The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.*

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*External Works*

8. *Undertake the following works external to the land at no cost to Council:*
- a. *Provide two vehicle crossovers and aprons to Mudlo Street;*
  - b. *Undertake planting of a 600mm wide garden bed with appropriate species along the exterior edge of the perimeter fence on the Mudlo Street road reserve.*
  - c. *Construct a 2000mm wide concrete footpath across the Mudlo Street frontage in accordance with the FNQROC Development Manual.*
  - d. *Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.*

*Stockpiling and Transportation of Fill Material*

9. *Soil excavated from the site is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.*  
*Transportation of fill or spoil to and from the site must not occur within:*
- a. *peak traffic times;*
  - b. *before 7:00 am or after 6:00 pm Monday to Friday;*
  - c. *before 7:00 am or after 1:00 pm Saturdays; or*
  - d. *on Sundays or Public Holidays.*

*Emissions*

10. *Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.*

*Storage of Machinery and Plant*

11. *The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.*

*Landscaping Plan*

12. *The site must be landscaped in accordance with details included on the landscaping plans prepared by Kate Hewett Landscape Design, with the exception of the following changes and requirements;*
- a. *No stepping stones are permitted on the road verge;*
  - b. *Side boundary deep planting is to be in a staggered and offset pattern;*
  - c. *Prior to deep planting of side boundaries, the locations of plantings on the ground must be endorsed by the Chief Executive Officer.*

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*Lawful Point of Discharge*

13. *All stormwater from the property must be directed to a lawful point of discharge being Mudlo Street, such that it does not adversely affect surrounding properties or properties downstream from the development.*

*Ponding and/or Concentration of Stormwater*

14. *The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.*

*Minimum Fill and Floor Level*

15. *All floor levels in all buildings must be located 300mm above the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.*

*Sediment and Erosion Control*

16. *Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).*

*Refuse Storage Area*

17. *The refuse bin enclosure must be roofed, bunded, and connected to sewer with a bucket trap. A hose cock fitting must also be provided to the refuse facility.*

*Construction Signage*

18. *Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:*
  - a. *Developer;*
  - b. *Project Coordinator;*
  - c. *Architect/Building Designer;*
  - d. *Builder;*
  - e. *Civil Engineer;*
  - f. *Civil Contractor;*
  - g. *Landscape Architect.*



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*RECONFIGURATION OF A LOT*

*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>Site Plan, General Notes &amp; Legend</i>	<i>Nathan Verri plan, Sheet 01, Rev 9</i>	<i>2021</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; and*
  - 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*

*Timing of Effect*

- 2. The conditions of the Development Permit must be effected prior to Council endorsing the Survey Plan, except where specified otherwise in these conditions of approval.*

*Fire Separation*

- 3. The boundary placement between each dwelling must be in accordance with the National Construction Code and in particular, the building setbacks from the side boundaries must comply with the fire regulations within the code.*

*Timing of Lot Reconfiguration*

- 4. Prior to Council endorsing the Plan of Survey;*
  - a. The under slab must be completed for both dwellings with the relevant building inspection undertaken. The slab must be deemed satisfactory with the relevant documentation submitted to Council.*
  - b. Construction of the dual occupancy development must be commenced to the extent of three courses of blocks.*

*Water Supply*

- 5. Provide separate water meters and connection for each dwelling unit.*

*Sewer Connection*

- 6. The development must be connected to Councils reticulated sewer system in accordance with the following requirements;*
  - a. Provide a separate sewer connection for each allotment;*



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- b. *Create an easement in favour of proposed lot 1 burdening proposed lot 2, to contain the house connection branch traversing proposed lot 2;*
- c. *No sewer main extension is to occur.*

**REASONS FOR DECISION**

*The reasons for this decision are:*

1. *Sections 60, 62 and 63 of the Planning Act 2016:*
  - a. *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
  - b. *to ensure compliance with the Planning Act 2016.*
2. *Findings on material questions of fact:*
  - a. *the development application was properly lodged to the Douglas Shire Council on 14 April 2021 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
  - b. *the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.*
3. *Evidence or other material on which findings were based:*
  - a. *the development triggered assessable development under the Assessment Table associated with the Tourist Accommodation Zone Code;*
  - b. *Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and*
  - c. *the applicant's reasons have been considered and the following findings are made:*
    - i. *Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.*
4. *Reasons for decision despite non-compliance with benchmarks.*
  - a. *The development is consistent with the planning intent for the area and is consistent in form and scale with the surrounding street-scape.*

**Carried** Unanimously

**5.2. APPLICANT REPRESENTATION FOR NEGOTIATED DECISION FOR  
INFRASTRUCTURE CHARGE MCU (LIMITED FUNCTION FACILITY) AT  
5146 CAPTAIN COOK HIGHWAY OAK BEACH**

Jenny Elphinstone, Senior Planning Officer

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**Moved** Cr Kerr

**Seconded** Cr McKeown

*That Council issues a Negotiated Adopted Infrastructure Charges Notice in association for the approval of the development application for Material Change of Use for a Function facility in addition to the continuing use of a Dwelling house over land described as Lot 1 on RP742791, being 5146 Captain Cook Highway Oak Beach.*

**REASONS FOR DECISION**

1. *The reasons for this decision are:*
  - a. *Section 125 of the Planning Act 2016:*
  - b. *to ensure compliance with Council's Infrastructure Charges Resolution (No.2) 2021; and*
  - c. *to ensure compliance with the Planning Act 2016.*
2. *Findings on material questions of fact:*
  - a. *the applicant's representations for a Negotiated Infrastructure Charges notice was properly lodged to the Douglas Shire Council on 14 June 2021 under section 125 of the Planning Act 2016;*
  - b. *the representations development application contained information from the applicant which Council reviewed together with Council's own assessment against the Council's Infrastructure Charges Resolution (No.2) 2021 in making its assessment manager decision.*
3. *Evidence or other material on which findings were based:*
  - a. *the development triggered assessable development under the Assessment Table associated with the Rural Zone Code;*
  - b. *Council undertook an assessment in accordance with the provisions of section 125 of the Planning Act 2016 and has issued a Negotiated Infrastructure Charges Notice; and*
  - c. *the applicant's reasons have been considered and the following findings are made:*
    - i. *the charges as stated in the applicant's representations are considered reasonable.*

**Carried** Unanimously

**5.3. CONTRACTUAL MATTER - ULTRA FILTRATION CARTRIDGES FOR WATER QUALITY**

Sean O'Connor, Senior Procurement Officer

**Moved** Cr McKeown

**Seconded** Cr Scomazzon

*That Council:*

1. *resolves in accordance with section 235 of the Local Government Regulation 2012 to accept a single source quotation from Akvotek Pty Ltd (ABN: 60 609 331 008) for an*

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*amount of A\$253,440.00 excluding GST for the purchase of 52 Koch Cartridges (Targa II 8072 PM50);*

- 2. resolves to award a contract for the purchase of Koch Cartridges from Akvotek Pty Ltd; and*
- 3. Delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters in relation to this contractual arrangement.*

**Carried** Unanimously

**5.4. CONTRACT 2020-023 - SMART WATER METERS**

Wayne Kristalyn, Project Manager

**Moved** Cr McKeown

**Seconded** Cr Scomazzon

*That Council:*

- 1. resolves to award Contract 2020-023 – Smart Water Meters to Taggle Systems Pty Ltd (ABN 64 126 467 847) up to \$670,000.00 (GST exclusive); and*
- 2. delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters in relation to this contract.*

**Carried** Unanimously

**5.5. APPROVED INSPECTION PROGRAM - DOG REGISTRATION**

Sara Roberts, Team Leader Local Laws

**Moved** Cr Kerr

**Seconded** Cr McKeown

*That Council approves a systematic Approved Inspection Program to be carried out from 20 September 2021, for a period of not more than 6 months from that date, to ensure compliance with the registration requirements of the Animal Management (Cats and Dogs) Act 2008.*

**Carried** Unanimously

**5.6. FINANCIAL REPORT JULY 2021**

Tara Killeen, Chief Financial Officer

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

*That Council notes the Financial Report for July 2021.*

**Carried** Unanimously

**5.7. SOLE SPECIALISED SUPPLIER REGISTER**

Tara Killeen, Chief Financial Officer

**Moved** Cr McKeown

**Seconded** Cr Scomazzon

*That Council resolves to:*

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1. *approve the attached list of Sole suppliers and/or Specialised suppliers under S235 (a) and (b) of the Local Government Regulation 2012 for the supply of equipment and services, for a period of two years; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to Sole Suppliers subject to Council's normal procurement policies and practices.*

**Carried** Unanimously

**5.8. RATES INTEREST GRACE PERIOD EXTENSION**

Tara Killeen, Chief Financial Officer

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That Council resolves to endorse the extension of the interest grace period to 30 days for the current rates levy due 26 August 2021.*

**Carried** Unanimously

**5.9. DRAFT RECONCILIATION ACTION PLAN**

Margaret Ross-Kelly, Community Development Officer First Peoples

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Council approves the draft Reconciliation Action Plan (RAP) to submit to Reconciliation Australia for their consideration and endorsement.*

**Carried** Unanimously

**5.10. REVIEW OF BLACK SPOT TOWERS IN DOUGLAS SHIRE**

Mark Halstead, Building Facilities Officer

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Council resolves to: -*

1. *formally decommission the Alexandra Range Television Tower broadcast equipment;*
2. *decommission the Daintree Village Television Tower 30 June 2022;*
3. *notify all Daintree Village residents of the tower's decommissioning planned for 30 June 2022;*
4. *conduct a survey of Shannonvale and Cassowary residents to ascertain how many residents access television channels from the South Mossman Television Tower; and*
5. *bring the survey results back to Council to be workshopped.*

**Carried** Unanimously

**5.11. RESOURCE AND PERFORMANCE AGREEMENT - REEF TO REEF / TRIPLE**

**R**

Paul Smyth, Events Officer

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*That Council:*

1. *sponsors the Reef to Reef and Triple R Event with a Resource and Performance Agreement over three (3) years for:*
  - a. *\$20,000 (GST Exc) and \$10,000 in-kind support per year, or*
  - b. *\$15,000 (GST Exc) and \$10,000 in-kind support per year; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the Agreement.*

**Moved** Cr Kerr

**Seconded** Cr McKeown

*That the motion be amended to:*

*That Council:*

1. *sponsors the Reef to Reef and Triple R Event with a Resource and Performance Agreement over three (3) years for \$20,000 (GST Exc) and \$10,000 in-kind support per year; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the Agreement.*

**Carried** Unanimously

The amended motion became the substantive motion and was put to the vote.

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*That Council:*

1. *sponsors the Reef to Reef and Triple R Event with a Resource and Performance Agreement over three (3) years for \$20,000 (GST Exc) and \$10,000 in-kind support per year; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the Agreement.*

**Carried** Unanimously

**5.12. RESOURCE AND PERFORMANCE AGREEMENT - WONDERLAND  
ENTERTAINMENT LEISURE**

Paul Smyth, Events Officer

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**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Council:*

1. *resolves to enter into a three (3) year Resource and Performance agreement with Wonderland Entertainment and Leisure Pty Ltd for \$55,000 (Ex GST) plus \$10,000 in-kind, per annum, to provide the Wonderland Spiegel tent for the 2022, 2023 and 2024 Port Douglas Carnivale, subject to conditions contained within this report; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with this agreement.*

**Carried** Unanimously

**5.13. RESOURCE AND PERFORMANCE AGREEMENT - MOSSMAN AND DISTRICT SHOW SOCIETY**

Paul Smyth, Events Officer

**Moved** Cr Zammataro

**Seconded** Cr McKeown

*That Council:*

1. *enters into a Resource and Performance Agreement with Mossman and District Show Society for a term of three years to 30 July 2024, to a value of \$20,000 (ex GST) per annum In-Kind; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters in relation to the Agreement.*

**Carried** Unanimously

**6. NOTICES OF MOTION**

Nil

**7. URGENT BUSINESS**

Nil

**8. PETITIONS**

Nil

**CLOSURE OF MEETING**

The meeting closed at 10.37am.

**CONFIRMED THIS 28TH DAY OF SEPTEMBER 2021**

  
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MAYOR/CHAIR