



DOUGLAS SHIRE COUNCIL

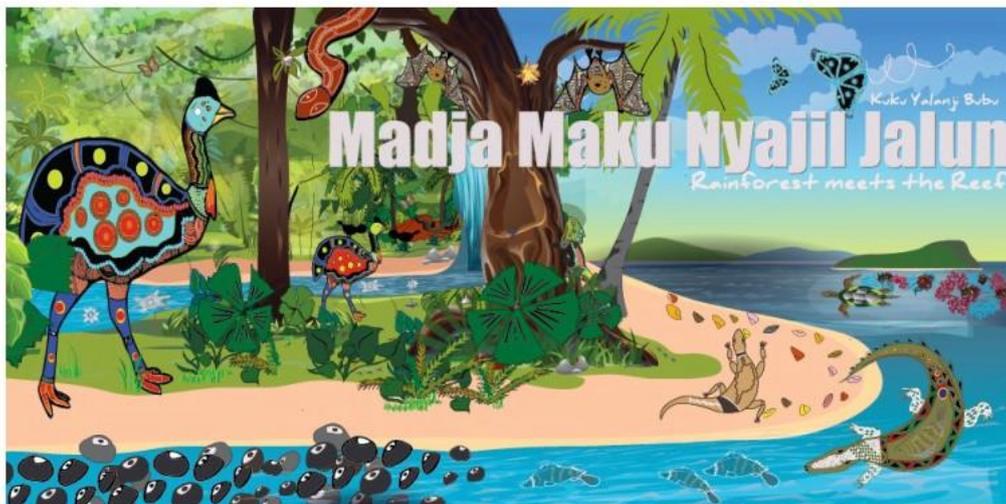
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 23 February 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, 23 FEBRUARY 2021 COMMENCING AT 10.00AM**

Mayor Cr Kerr opened the Meeting by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on Tuesday 23 February 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 Scomazzon (Deputy Mayor), Cr Peter McKeown, Cr Abigail Noli and Cr Roy Zammataro.

APOLOGIES

Nil

OFFICERS IN ATTENDANCE

Mark Stoermer (Chief Executive Officer), Terry Farrelly (Manager People and Community Services), Tara Killeen (Chief Financial Officer), Juanita Holden (Manager Governance), Peter Tonkes (Manager Water and Wastewater), Scott Hahne (Manager Project Office), Neil Beck (Team Leader Planning), Lisa Golding (Team Leader Community & Economic Development), Rene Kerr (Community Development Officer Sport & Recreation), Robert Donovan (Team Leader Property Services), Joanne Nicholson (Team Leader Financial Accounting), Kursty Logan (Senior Rates Officer), Donna Smith (Finance Officer Rates), Tom Volling (Senior Media and Communications Officer), and Brenda Jang (Executive Assistant).

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD ON WEDNESDAY 27 JANUARY 2021.

Moved Cr Scomazzon

Seconded Cr Zammataro

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That the Minutes of the Ordinary Meeting held on Wednesday, 27 January 2021 be confirmed.

Carried unanimously

5. AGENDA ITEMS

5.1. INFRASTRUCTURE CHARGES RESOLUTION

Neil Beck, Team Leader Planning and Jenny Elphinstone, Senior Planning Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council resolves to:

1. *adopt the Douglas Shire Council Infrastructure Charges Resolution (No.2) 2021 as detailed in Attachment 1 in accordance with the requirements of the Planning Act 2016;*
2. *declare there are no infrastructure charges for development north of the Daintree River;*
3. *set 1 March 2021 as the commencement date for the Douglas Shire Council Infrastructure Charges Resolution (No.2) 2021; and*
4. *delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 and the Planning Act 2016 to finalise any and all matters associated with the implementation of the Douglas Shire Council Infrastructure Charges Resolution (No.2) 2021.*

Moved Cr Noli

Seconded Not seconded

That the motion be amended to read:

That Council resolves to:

1. *adopt the Douglas Shire Council Infrastructure Charges Resolution (No.2) 2021 as detailed in Attachment 1 in accordance with the requirements of the Planning Act 2016;*
2. *set 1 March 2021 as the commencement date for the Douglas Shire Council Infrastructure Charges Resolution (No.2) 2021; and*
3. *delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 and the Planning Act 2016 to finalise any and all matters associated with the implementation of the Douglas Shire Council Infrastructure Charges Resolution (No.2) 2021.*

The amended motion was lapsed due to no Seconder and the original motion reinstated.

Moved Cr Zammataro

Seconded Cr Noli

That the original motion be amended to read:

That Council resolved to:

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
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1. *adopt the Douglas Shire Council Infrastructure Charges Resolution (No.2) 2021 as detailed in Attachment 1 in accordance with the requirements of the Planning Act 2016;*
2. *set 1 March 2021 as the commencement date for the Douglas Shire Council Infrastructure Charges Resolution (No.2) 2021; and*
3. *delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 and the Planning Act 2016 to finalise any and all matters associated with the implementation of the Douglas Shire Council Infrastructure Charges Resolution (No.2) 2021. In particular, the requirement to be able to collect charges for development north of the Daintree River.*

Carried unanimously

Moved Cr McKeown

Seconded Cr Scomazzon

That the amended motion be accepted and put to the vote.

That Council resolves to:

1. *adopt the Douglas Shire Council Infrastructure Charges Resolution (No.2) 2021 as detailed in Attachment 1 in accordance with the requirements of the Planning Act 2016;*
2. *set 1 March 2021 as the commencement date for the Douglas Shire Council Infrastructure Charges Resolution (No.2) 2021; and*
3. *delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 and the Planning Act 2016 to finalise any and all matters associated with the implementation of the Douglas Shire Council Infrastructure Charges Resolution (No.2) 2021. In particular, the requirement to be able to collect charges for development north of the Daintree River.*

Carried Unanimously

5.2. SUPPORT FOR THE PORT DOUGLAS GRAND FONDO FESTIVAL

Amy Mail, Tourism and Economic Development Officer

Moved Cr Noli

Seconded Cr Zammataro

The Council resolves to:

1. *provide a letter of support to Connect Sport Australia to accompany their funding application for the Port Douglas Grand Fondo Festival to regional and state tourism bodies; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any minor amendments in relation to the letter of support for the Port Douglas Grand Fondo Festival.*

Moved Cr Kerr

Seconded Cr McKeown

That the motion be amended to read:

The Council resolves to:

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
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1. *provide a letter of in-principal support to Connect Sport Australia to accompany their funding application for the Port Douglas Grand Fondo Festival to regional and state tourism bodies;*
2. *if funding is successful, a finalised scope of the event is to be brought back to Council for an approval resolution; and*
3. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer and the Mayor to finalise any minor amendments in relation to the letter of in principle support for the Port Douglas Grand Fondo Festival.*

For: Cr Kerr, Cr McKeown

Against: Cr Scmazzon, Cr Noli, Cr Zammataro

LOST

The original motion was put to the vote:

The Council resolves to:

1. *provide a letter of support to Connect Sport Australia to accompany their funding application for the Port Douglas Grand Fondo Festival to regional and state tourism bodies; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any minor amendments in relation to the letter of support for the Port Douglas Grand Fondo Festival.*

Carried Unanimously

5.3. LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM

People and Community Services

Moved Cr Zammataro

Seconded Cr Scmazzon

That Council resolves to:

1. *endorse the following projects and funds under Phase Two of the Local Roads and Community Infrastructure Program:*

<i>A - Macrossan and Owen Street Intersection Upgrade</i>	<i>\$140,000.00 (GST Exc)</i>
<i>B - Beach Access upgrades to Four Mile Beach</i>	<i>\$170,000.00 (GST Exc)</i>
<i>C - Mossman Pool Shade Sails</i>	<i>\$90,000.00 (GST Exc)</i>
<i>D - Pop up Engagement container/trailer</i>	<i>\$80,000.00 (GST Exc)</i>
<i>E - Bump Track Access parking</i>	<i>\$27,981.00 (GST Exc)</i>
2. *delegate authority to the Chief Executive Officer under Section 257 of the Local Government Act 2009 to administer the above matters.*

Carried Unanimously

5.4. DRINKING WATER QUALITY MANAGEMENT PLAN REVISED VERSION

Peter Tonkes, Manager Water and Wastewater

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Moved Cr Scomazzon

Seconded Cr McKeown

That Council endorses the 2020 revised version of the Drinking Water Quality Management Plan for Douglas Shire Council.

Carried Unanimously

5.5. CONTRACT WO5040-02 - DONOVAN RANGE PAVEMENT UPGRADE

Gabriel Nucifora, Project Manager

Moved Nil

Seconded

That Council:

1. *resolves to award Contract WO5040-02 – Donovan Range Pavement Upgrade to Geo Construct Pty Ltd (ABN 42 640 635 445) for \$2,617,323.85 (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.*

Moved Cr Zammataro

Seconded Cr Scomazzon

That the motion be amended to read:

That Council:

1. *resolves to award Contract WO5040-02 – Donovan Range Pavement Upgrade to MC Group QLD Pty Ltd for \$2,213,681.31 (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.*

RECORDING OF REASONS FOR A PARTICULAR DECISION:

Where a decision made at a local government meeting is inconsistent with a recommendation or advice given by an advisor of the local government and the decision is inconsistent with a policy of the local government, the minutes must include a statement of the reasons for not adopting the recommendation or advice.

The reasons for not adopting the officer's recommendation and adopting a resolution which is inconsistent with the Procurement Policy is that Councillors argued that while officers evaluated the tender according to criteria, there was an overarching need due to Covid to ensure that a local company was supported.

The amended motion was put to the vote.

Carried Unanimously

5.6. CAPITAL WORKS PROGRESS REPORT FOR THE 2ND QUARTER 2020-2021

Scott Hahne, Manager Projects

Moved Cr Noli

Seconded Cr Zammataro

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That Council receives and notes the progress of the Capital Works Program to 31 December 2020 for the 2020/21 financial year.

Carried unanimously

5.7. BUILDING BETTER REGIONS FUND ROUND 5 - CO-CONTRIBUTION

Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr Noli

That Council:

1. *endorses applications to Building Better Regions Fund Round Five for:
 - a) Mossman Shire Hall electrical, mechanical and building upgrades (including air conditioning);
 - b) Marrs Creek Cycle & Pedestrian Bridge and shared path to Mossman Gorge Centre; and
 - c) Cooya Beach Reservoir Connection;*
2. *commits a 10% contribution in the 2021-22 Budget towards eligible project costs for each project, if successful; and*
3. *delegates authority to the Chief Executive Officer under Section 257 of the Local Government Act 2009 to administer all matters in relation to the above.*

Carried unanimously

5.8. RATES REBATE - NOT FOR PROFIT ENTITIES POLICY

Tara Killeen, Chief Financial Officer

Moved Cr Kerr

Seconded Cr Scomazzon

That Council adopts the Rates Rebate – Not for Profit Entities Policy.

Carried unanimously

5.9. RATES INCENTIVE FOR CONSERVATION POLICY

Tara Killeen, Chief Financial Officer

Moved Cr Zammataro

Seconded Cr Noli

That Council adopts the Rates Incentive for Conservation Policy.

For: Cr Kerr, McKeown, Noli, Zammataro

Against: Cr Scomazzon

Carried

5.10. RATES REBATE FOR DAINTREE RIVER HUTS POLICY

Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr McKeown

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That Council adopts the Rates Rebate for Daintree River Huts Policy

Carried unanimously

5.11. FINANCIAL REPORT JANUARY 2021

Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council notes the Financial Report for the period ended 31 January 2021.

Carried unanimously

5.12. AUDIT COMMITTEE MEETING MINUTES - 7 DECEMBER 2020

Juanita Holden, Manager Governance

Moved Cr Noli

Seconded Cr Zammataro

That Council note the minutes of the Audit Committee Meeting held 7 December 2020.

Carried unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

9. CLOSED SESSION

Moved Cr Scomazzon

Seconded Cr Noli

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

- 9.1. Confidential 254J 3 H Local Government Regulation 2012 - Land Purchase Part of Lot 5 on RP 716977.
- 9.2. Confidential 254J 3 C Local Government Regulation 2012 - Rates Modelling Review Proposal.

Carried unanimously

(Meeting moved into closed session at 11.10am)

MEETING WITHDRAWAL

Cr Scomazzon withdrew from the meeting at 11.00am.

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
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MEETING RE-ATTENDANCE

Cr Scomazzon re-attended the meeting at 11.02am.

OUT OF CLOSED SESSION

Moved Cr Zammataro

Seconded Cr McKeown

That Council resolves to move out of Closed Session.

Carried unanimously

(Meeting moved out of closed session at 11.11am)

**9.1. CONFIDENTIAL 254J 3 H LOCAL GOVERNMENT REGULATION 2012 -
LAND PURCHASE PART OF LOT 5 ON RP 716977**

Property Services

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council resolves to:

1. *acquire either by private agreement or by agreement under section 15 of the Acquisition of Land Act 1967 the area of 9,894 m² of land being part of Lot 5 on RP 716977 on Gorge Road, Mossman in accordance with the valuation attached to this report less the disturbance costs of \$3,000.00 (excl GST) to formalise access to Lots 1 and 4 on RP716977 and for infrastructure associated with the Mossman Alternative Water Intake;*
2. *approves in principle, an application for a road opening upon the acquired land to enable continued use of the road for access to Lots 1 and 4 on RP716977 for the storage of civil works material and the Mossman Alternative Water Intake;*
3. *delegates authority to the Chief Executive Office in accordance with section 257 of the Local Government Act 2009 to finalise all matters associated with this dealing;*
4. *agrees to enter into a Deed of Access and Indemnity with the registered owner of land described as Lot 5 on RP716977, located at Gorge Road Mossman Gorge; and*
5. *acknowledges report/attachments to be deemed a confidential document and be treated as such in accordance with sections 171 and 200 of the Local Government Act 2009 and that the document remains confidential unless Council decides otherwise by resolution.*

Carried unanimously

**9.2. CONFIDENTIAL 254J 3 C LOCAL GOVERNMENT REGULATION 2012 -
RATES MODELLING REVIEW PROPOSAL**

Tara Killeen, Chief Financial Officer

Moved Cr McKeown

Seconded Cr Kerr

1. *That Council adopts the recommendations of the General Rates Report - Douglas Shire Council, for implementation in preparing the 2021-2022 Budget.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
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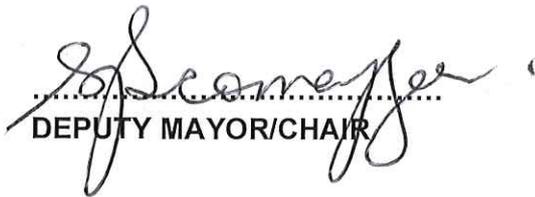
2. *That the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 of the Local Government Act 2009 and that the document remains confidential unless Council decides otherwise by resolution.*

Carried unanimously

CLOSURE OF MEETING

The meeting closed at 11.15am.

CONFIRMED THIS 30TH DAY OF MARCH 2021


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DEPUTY MAYOR/CHAIR