

DOUGLAS SHIRE COUNCIL

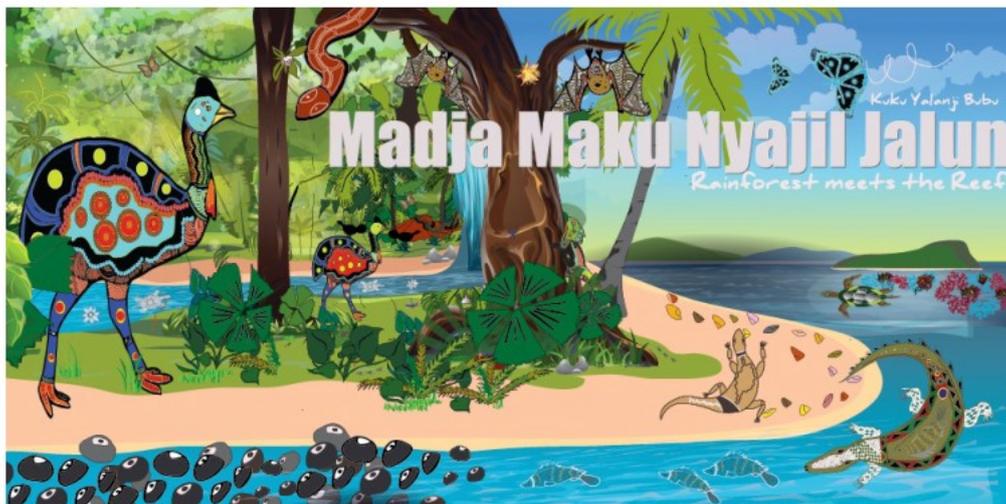
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 28 April 2020

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





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, 28 APRIL 2020 COMMENCING AT 10.00AM**

Mayor Cr Kerr opened the Meeting by giving Notice that in accordance with Section 277E of the *Local Government Regulation 2012*, that this Ordinary Meeting of Council will be closed to the public because of health and safety reasons associated with the public health emergency involving Covid-19.

Mayor Cr Kerr advised that the meeting is being recorded and that the recordings will be posted onto Council's website along with the minutes. Cr Kerr also advised that the meeting is being live-streamed.

ACKNOWLEDGEMENT OF COUNTRY

Cr Kerr acknowledged the Kuku Yalanji people who are the Traditional Custodians of the Land on which we meet today and paid respect to their Elders both past and present and extended that respect to other Indigenous Australians present.

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), Michael Kriedemann (Executive Manager Infrastructure), Terry Farrelly (Manager People and Community Services), Tara Killeen (Chief Financial Officer), Juanita Holden (Manager Governance), Scott Hahne (Manager Project Office), Tim Ellis (Arts and Culture Officer), Tom Volling (Senior Media and Communications Officer) and Brenda Jang (Executive Assistant).

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Zammataro declared that he has a Conflict of Interest in Closed Item 9.2 (*Contractual Matter S275 1 E Local Government Regulation 2012 – **Contract 2020-119 Killaloe Dump Road New Water Main.***) as defined by section 175D of the *Local Government Act 2009*, due to his brother being a Contractor named in this item. Cr Zammataro will be dealing with this declared conflict of interest by leaving the meeting whilst this matter is being discussed and voted on.

3. MAYORAL MINUTES

Firstly, I would like to state the obvious and make mention that there has been an election, we have new elected representatives, all who have been elected for the views and beliefs that they have, which clearly a majority of the community also has agreed with and that is why each of us are here today.

Quite frankly there is no better test for change in any government policy than an election, it is the basis of democracy in this country and it is for the policies that we as candidates put forward during the campaign confirms why we have been elected to these positions.

Three of the four motions I am presenting this morning are all election promises that I made, I have spoken widely about them during the campaign and on my website. So there should be absolutely no surprise what so ever that I am bringing them before council.

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As per any Mayoral Minute they are a Councillor-based motion and obviously do not have Council Officer's recommendations, as they are not intended to. They are a process for a Mayor to bring motions to the Council to be considered in order for the Council staff to complete a process that I am legally entitled to do.

Whilst I appreciate that social media can be a great tool for the spreading information it is also a destructive weapon that can be used to misrepresent facts and create unnecessary turmoil when inappropriately used.

I will not, however, allow this to deter the democratic process with what is occurring and I have absolutely no intentions of allowing myself to be embroiled in a social media circus or be dictated to by fear mongering for the purpose of my election opponents, to garner support for a false cause headed by misrepresented facts and straight out lies about these Mayoral Minutes that we will be talking about today, their method is purely for the purpose and intention to divide this community.

We are all entitled to our opinions and beliefs and we as Councillors should be and I believe are open to listening by everyone. I have absolute confidence in the two new Councillors who have been heavily involved in the campaign process and have in depth knowledge of how the people of this Shire are thinking and quite frankly it would be insulting to say otherwise, as they were substantially elected for their positions.

3.1 DAINTREE FERRY

Moved Cr Kerr

"That Council:

1. *temporarily suspends contract negotiations for contract 2019 – 084 Daintree Ferry Contract 2021 whilst it:*
2. *explores the option of a bridge crossing at various locations and the possible economic benefits to the region;*
3. *conducts further community consultation including the bridge option and details of the costs of the two ferry solution provided for in the currently negotiated contract; and*
4. *bring the results of the community consultation back to an Ordinary Council Meeting for further discussion and resolution."*

For: Cr Kerr, Cr McKeown, Cr Scmazzon

Against: Cr Noli, Cr Zammataro

Carried

3.2 MOSSMAN RSL

Moved Cr Kerr

"That Council:

1. *notes that the Mossman RSL has incurred expenses in the amount of \$1,734 to repair a water leak and is requesting that Council consider its currently due water bill to be an amount equal to its previous account;*

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2. *notes the contribution that the Mossman RSL makes to the community through supporting returned services personnel; and*
3. *grants the request and instruct Council officers to make the appropriate amendments to the water bill.*

Carried Unanimously

3.3 PORT DOUGLAS POOL

Moved Cr Kerr

“That Council:

1. *resolves to request the Chief Executive Officer to allocate in the Community Development 2019-20 Budget \$5,000 to investigate if the privately owned pool located next to the Oaks Resort in Port Douglas is a feasible option for Council to purchase; and*
2. *delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to determine and finalise any and all matters associated with this matter.”*

For: Cr Kerr, Cr McKeown, Cr Scmazzon

Against: Cr Noli, Cr Zammataro

Carried

3.4 DAINTREE MICRO GRID

Moved Cr Kerr

“That Council expresses its support for the Federal Government’s Daintree micro grid project and the need for reliable and clean energy for residents and businesses north of the Daintree River.”

For: Cr Kerr, Cr Scmazzon, Cr McKeown, Cr Noli

Against: Cr Zammataro

Carried

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING

Moved Cr Zammataro

Seconded Cr Noli

“That the Minutes of the Ordinary Meeting held on Tuesday, 10 March 2020 be confirmed.”

Carried Unanimously

5. AGENDA ITEMS

- 5.1. REQUEST FOR MINOR CHANGE TO DEVELOPMENT APPROVAL
2639/2008
Mark Stoermer, Chief Executive Officer

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Moved Cr Noli

Seconded Cr Scomazzon

“That Council approves the request for minor change to the combined development approval for a material change of use and reconfiguration of a lot (30 lots & common property) with a House on 28 lots, a display home on a lot and a food and drink outlet on a lot over land described as Lots 1 and 2 on SP311489, subject to the following changes to conditions listed:

ASSESSMENT MANAGER CONDITIONS & ADVICES

1. Condition 15 be deleted.
2. Condition 17 be amended to read as follows:-

Minimum Floor Levels

17. *The minimum floor level for all habitable rooms in any building erected on the premises must be a minimum of 3.4 metres AHD or an alternative level justified within an RPEQ certified localised flood and drainage study.*
3. *Condition 38 & 39 be deleted and replaced with the following.*

Bikeway/Pathway

38. *Remove the existing section of Bikeway/ Pathway at the Western Side of Escape Street and re-turf to the satisfaction of the Chief Executive Officer.*
4. *All other conditions as detailed in Decision Notice dated 24 April 2019 remain unchanged and renumbered where required.*

REASONS FOR DECISION

The reasons for this decision are:

5. *Sections 80 and 81A of the Planning Act 2016:*
 - a. *to ensure compliance with the Planning Act 2016.*
6. *Findings on material questions of fact:*
 - a. *the change application was properly lodged to the Douglas Shire Council on 2 March 2020.*
 - b. *the development application contained information from the applicant which Council reviewed together with Council’s own assessment in making its assessment manager decision.*
7. *Evidence or other material on which findings were based:*
 - c. *the applicant’s reasons have been considered and the following findings are made:*
 - i. *Conditions regarding flood levels and habitable floor levels have been changed to allow the applicant to seek a new RPEQ flood and drainage study to determine the Q100 flood level for the development.*
 - ii. *Conditions requiring the applicant to install a pollution control device at the storm water outlet for the development have been deleted as the previous Douglas Shire Council administration approved the operational works plans*

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for the civil works supporting the development without a pollution control device. Retrospectively requiring a pollution control device would be considered unreasonable given the civil works have been completed for the subdivision.

- iii. *Conditions requiring the applicant to develop a footpath at the Escape Street Frontage have been deleted because upon inspection of the site, a landscaped outcome is more suitable to protecting the amenity of the street and neighbourhood's character. A wide footpath that occupies most of the verge against a wall without any room for shade providing greenery will render the western side of Escape Street an overly hot and suburban looking zone. Escape Street is not a through way and has little traffic. With a proper landscaping plan, pedestrian space can be provided without sacrificing the character of the area."*

Carried Unanimously

- 5.2. REGIONAL ARTS DEVELOPMENT FUND (RADF) 2020-21 - FUNDS FOR GRANT PROGRAM
Tim Ellis, Arts and Culture Officer

Moved Cr Noli

Seconded Cr Zammataro

"That Council:

- 1. endorses the 2020-2021 Regional Arts Development Fund (RADF) application for \$30,000 (GST Exc) in funding to Arts Queensland based on Council's contribution of \$20,000 (GST Exc); and*
- 2. delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to administer Council's RADF program including the development of the funding application to Arts Queensland, development of local RADF Guidelines and the application form."*

Carried Unanimously

- 5.3. DO IT IN DOUGLAS CAMPAIGN - BUDGET REQUEST
Terry Farrelly, Manager People and Community Services

Moved Cr Zammataro

Seconded Cr Kerr

"That Council:

- 1. approves \$25,000 (GST Exc) in 2019/20 Community Development budget for the Do it in Douglas campaign; and*
- 2. delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to finalise any and all matters associated with the above matter."*

Carried Unanimously

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- 5.4. MONTHLY FINANCIAL REPORT MARCH 2020
Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr Scomazzon

“That Council notes the Financial Report for the period ended 31 March 2020.”

Carried Unanimously

- 5.5. COVID-19 RELIEF MEASURES YEAR END 30 JUNE 2020
Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr Scomazzon

“That Council:

1. *resolves to endorse the proposed Covid-19 relief provisions for the year ended 30 June 2020;*
2. *delegates authority to the Chief Executive Officer to administer such relief provisions; and*
3. *notes the likely impact of Covid-19 on the operating result for the year ended 30 June 2020.”*

Carried Unanimously

- 5.6. DETERMINATION AS TO WHETHER ELECTED MEMBERS WILL BE
SUBJECT TO PAYG WITHHOLDING TAX
Juanita Holden, Manager Governance

Moved Cr Scomazzon

Seconded Cr McKeown

“That Council:

1. *resolves to become an eligible governing body subject to Section 446-5 of Schedule 1 of the Taxation Administration Act 1953 effective 18 April 2020, and requests that officers advise the Australian Taxation Office accordingly.*

Carried Unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITION – SAVE THE DAINTREE (AGAIN)

Cr Noli tabled the Change.org petition “*Save the Daintree (Again)*” with the principal being the Douglas Shire Sustainability Group which had obtained 2553 signatures (captured on USB) as at 8.30am, 28 April 2020.

Mayor Cr Kerr moved that the Petition be received by Council.

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9. CLOSED SESSION

Moved Cr Zammataro

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 Regulations 2012 – **Appointment of Regional Arts Development Fund (RADF) Committee**; and*
- 9.2 *Contractual Matter S275 1 E Local Government Regulation 2012 – **Contract 2020-119 Killaloe Dump Road New Water Main.**”*

Carried Unanimously

MEETING WITHDRAWAL

Cr Scomazzon withdrew from the meeting at 11.27am.

MEETING RE-ATTENDANCE

Cr Scomazzon re-attended the meeting at 11.30am.

MEETING WITHDRAWAL

Cr Zammataro had declared a Conflict of Interest in Closed Item 9.2 (*Contractual Matter S275 1 E Local Government Regulation 2012 – **Contract 2020-119 Killaloe Dump Road New Water Main.***) due to his brother being a Contractor named in the item and excluded himself from the meeting whilst the matter was being discussed, and left the meeting at 11.31am.

MEETING RE-ATTENDANCE

Cr Zammataro re-attended the meeting at 11.34am.

OUT OF CLOSED SESSION

Moved Cr Kerr

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 - APPOINTMENT OF REGIONAL ARTS DEVELOPMENT FUND (RADF) COMMITTEE
Tim Ellis, Arts and Culture Officer

Moved Cr Scomazzon

Seconded Cr Zammataro

“That Council:

1. *endorses the changes made to the RADF Committee member numbers, to include one member from Councillors and 4 other community members;*
2. *endorses the appointment of new Regional Arts Development Fund (RADF) Committee members Lynda Irvine, Sandra Cruz, Perry Harrison to the Regional Arts Development*

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Fund (RADF) Committee, to serve a term of four years, with an option to set down after two years;

3. *endorses Cr Noli to the appointment of Councillor to the Regional Arts Development Fund (RADF) Committee, to serve for their elected term, and for this appointment to act as Committee Chair; and that Council may further appoint at least one other Councillor; and*
4. *delegates authority to the Chief Executive Officer in accordance with Local Government Act 2009 to finalise any minor amendments in relation to Council's Regional Arts Development Program committee."*

Carried Unanimously

MEETING WITHDRAWAL

Cr Zammataro had declared a Conflict of Interest in Closed Item 9.2 (*Contractual Matter S275 1 E Local Government Regulation 2012 – Contract 2020-119 Killaloe Dump Road New Water Main.*) due to his brother being a Contractor named in this item and excluded himself from the meeting whilst the item was being voted on, and left the meeting as 11.35am.

**9.2. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION
2012 - CONTRACT 2020-119 KILLALOE DUMP ROAD NEW WATER MAIN**

Scott Hahne, Manager Project Office

Moved Cr Scomazzon

Seconded Cr McKeown

"*That Council:*

1. *resolves to award Contract Number 2020-119 for Killaloe Dump Road New Water Main to LDI Constructions Civil Pty Ltd (ABN 90 605 616 984) for an amount of \$546,982.00 exclusive of GST; and*
2. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate, finalise and execute any and all matters in relation to this contract."*

Carried Unanimously

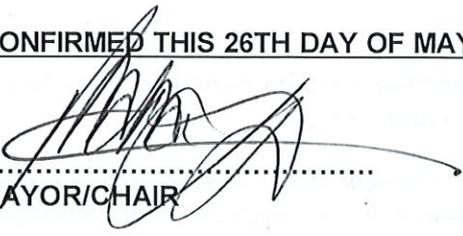
MEETING RE-ATTENDANCE

Cr Zammataro re-attended the meeting at 11.36am.

CLOSURE OF MEETING

The meeting closed at 11.36am.

CONFIRMED THIS 26TH DAY OF MAY 2020


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MAYOR/CHAIR