

DOUGLAS SHIRE COUNCIL

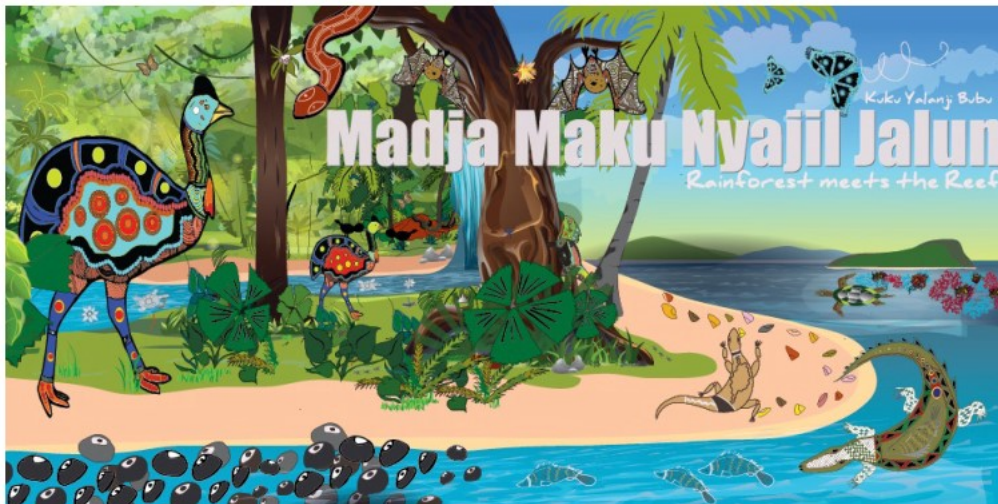
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 30 June 2020

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, 30 JUNE 2020 COMMENCING AT 11.00AM**

Mayor Cr Kerr opened the Meeting by giving Notice that, in accordance with Section 277e of the *Local Government Regulation 2012*, the 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 Council Meeting can be viewed via live stream on Council's Website which will also be available to be watched at a later date; and that this Meeting is also being recorded and that the recordings will be posted onto Council's website along with the Minutes.

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), Paul Hoye (Manager Environment and Planning), Peter Tonkes (Manager Water and Wastewater), Scott Hahne (Manager Project Office), Daniel Lamond (Planning Officer), Tom Volling (Senior Media and Communications Officer), Amy Mail (Media and Communications Officer), Mark Howarth (Network Asset Officer Water Reticulation), Louise Dias (Property Officer), Gaye Scott (Community Liaison Officer), Renee Ker (Community Development Officer Sport & Recreation), Luke Chappell (Project Manager) and Brenda Jang (Executive Assistant).

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

2.1 CONFLICT OF INTERERS/MATERIAL PERSONAL INTEREST – CR McKEOWN

Cr McKeown declared that he has a conflict of interest in *Item 5.15 Operational Plan Initiative 2.1.4 Mossman Botanical Gardens* (as defined by section 175D of the *Local Government Act 2009*) as follows:-

- (a) Cr McKeown is on the Board of Directors for the Mossman Botanical Gardens; and
- (b) as this is a major project for the community and is in the initial planning phase, Cr McKeown is not gaining a financial benefit.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

Cr McKeown has determined that this personal interest is not of sufficient significance that it would lead him to making a decision on the matter that is contrary to the public interest. Cr McKeown would best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, Cr McKeown acknowledges that the remaining Councillors must now determine, pursuant to section 175E of the *Local Government Act 2009*):-

- (a) whether Cr McKeown has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (b) if so, whether:-
 - i. Cr McKeown must leave the meeting while this matter is discussed or voted on; or
 - ii. Cr McKeown may participate in the meeting in relation to the matter, including by voting on this matter."

Cr Kerr put to it to the remaining Councillors to vote whether Cr McKeown has a conflict of interest in this item by a show of hands.

Cr Noli indicated that Cr McKeown has a conflict of interest by raising her hand.

By show of hands there is no finding that Cr McKeown has a conflict of interest and therefore Cr McKeown is able to stay in the meeting and participate and vote.

2.2 CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST – CR KERR

Cr Kerr declared that he has a conflict of interest in *Item 5.15 Operational Plan Initiative 2.1.3 Grant Street Dining Precinct* (as defined by section 175D of the *Local Government Act 2009*) as follows:-

- (a) Cr Kerr is the part owner of two hair dressing businesses in Grant Street; and
- (b) as this is a public area space that the results for an outdoor green dining precinct would far out way the benefit to the community than personally.

Cr Kerr has determined that this personal interest is not of sufficient significance that it would lead him to making a decision on the matter that is contrary to the public interest. Cr Kerr would best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, Cr Kerr acknowledges that the remaining Councillors must now determine, pursuant to section 175E of the *Local Government Act 2009*):-

- (c) whether Cr Kerr has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (d) if so, whether:-
 - iii. Cr Kerr must leave the meeting while this matter is discussed or voted on; or
 - iv. Cr Kerr may participate in the meeting in relation to the matter, including by voting on the matter."

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

DEPUTISED CHAIR OF MEETING

Mayor Cr Kerr deputised Deputy Mayor Cr Lisa Scomazzon to Chair the Meeting at 10.04am to allow voting to take place on his perceived conflict of interest.

Cr Scomazzon put the matter to the remaining Councillors to vote whether Cr Kerr has a conflict of interest for *Initiative 2.1.3 Grant Street Dining Precinct of the Operational Plan*.

Cr Noli voted that Cr Kerr has a real material personal interest not a perceived conflict of interest in that Cr Kerr could financially gain from this item, and that Cr Kerr must leave the meeting whilst the matter is being discussed or voted on.

Cr Zammataro also voted that Cr Kerr does have an interest in this matter as Cr Kerr could financially gain from this item, and that Cr Kerr must leave the meeting whilst the matter is being discussed or voted on.

Cr Kerr declared that he has an interest and will leave the meeting when *Initiative 2.1.3 Grant Street Dining Precinct* of the Operation Plan is being discussed and voted on.

Council will break out into two motions, one to adopt the Operation Plan with the exception of *Initiative 2.1.3 Grant Street Dining Precinct and the second motion (Initiative 2.1.3 Grant Street Dining Precinct) where the Mayor will leave the Meeting when the second motion is being discussed and voted on.*

RESUME CHAIRING OF MEETING

Mayor Cr Kerr resumed Chairing the Meeting at 10.06am

PRESENTATION TO STAFF

Cr Kerr made a special presentation to Mark Howarth, Network Asset Officer, Water Reticulation upon his retirement after 42 years of service to Douglas Shire Council.

3. **MAYORAL MINUTE**

Nil

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

4.1. CONFIRMATION OF MINUTES OF ORDINARY MEETING HELD
TUESDAY, 26 MAY 2020

Moved Cr Scomazzon

Seconded Cr McKeown

“That the Minutes of the Ordinary Meeting held on Tuesday, 26 May 2020 be confirmed.”

Carried Unanimously

4.2. CONFIRMATION OF MINUTES OF SPECIAL MEETING HELD TUESDAY,
2 JUNE 2020

Moved Cr Scomazzon

Seconded Cr McKeown

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

"That the Minutes of the Special Meeting held on Tuesday, 2 June 2020 be confirmed."

Carried Unanimously

4.3. CONFIRMATION OF MINUTES OF SPECIAL MEETING HELD TUESDAY,
9 JUNE 2020

Moved Cr Noli

Seconded Cr Zammataro

"That the Minutes of the Special Meeting held on Tuesday, 9 June 2020 be confirmed."

Carried Unanimously

PROCEDURAL MOTION

Moved Mayor Kerr

Seconded Cr Mckeown

That, as per Council's Standing Order 3.2, the order of business be altered to bring forward agenda item 6 - Notices of Motion as this item references a Notice to Rescind a Motion, which references an operational initiative in the Operational Plan 2020/2021.

For: Cr Kerr, Cr McKeown, Cr Scomazzon

Against: Cr Noli, Cr Zammataro

Carried

6. NOTICES OF MOTION

6.1. NOTICE TO RESCIND MOTION - MEETING 11 FEBRUARY 2020 ITEM
5.9 CONCEPT PLAN FOR LOT 83 SR596 CAPE TRIBULATION RD,
KIMBERLEY

Moved Cr Kerr

Seconded Cr Scomazzon

NOTICE OF RESCINDING MOTION:

Cr Kerr gave notice, that pursuant to S 262 of the Local Government Regulation 2012, that at the meeting of Council to be held on 30 June 2020, Cr Kerr intends to move that the resolution of council, made at the 11 February 2020, as follows be repealed:-

"Item 5.9 Concept Plan for Lot 83 SR596 Cape Tribulation Rd, Kimberley

Moved Cr Carey

Seconded Cr Zammataro

That Council endorses the Lot 83 SR596 Concept Plan, the establishment of a stakeholder reference group and undertakes community consultation.

For: Cr Leu, Cr Noli, Cr Carey and Cr Zammataro

Against: Cr Kerr"

MOTION TO MOVE:

If the rescinded motion is successful, then Cr Kerr intends to move the following motion:

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

1. *That no further action occurs on the land until the completion of the Daintree Ferry consultation and the Council/Community Carbon Position Consultation, both of which are proposed actions on the 2020/21 Operational Plan and;*
2. *That Council approve the CEO to test the market for the sale of the land with the intent of selling it if an appropriate buyer comes forward. The process must follow compliance to Council Policy No. 22 – Strategic Freehold Land General Policy and Local Government Regulations 2012.*

COMMENT:

EXECUTIVE SUMMARY

The proposed development and use of the Lot 83 SR596 Cape Tribulation Rd, Kimberley has been topical pre and post the Local Government elections. As a result, Mayor Kerr has requested broader community consultation on the proposed use of the land. Council's new Operational Plan 2020/21 includes proposed actions for community consultation in relation to options for the Daintree River Ferry and community consultation on how Council should manage its carbon footprint. It is proposed that no further actions occur on land prior to completion of the community consultation. This will allow staff to carry out the consultation process and, using the information gathered as part of that process, make a recommendation to Council on the use of the land based on the feedback from the community.

Until Council provides a clear direction on the use of the land, staff resources will not be used on any potential use or development of the land. In addition to the above various conservation groups have expressed an interest in purchasing the parcel of land. Any proposed sale of the land would need to meet the requirements of the Local Government Act 2009.

BACKGROUND

At a Special Meeting of Council on 28 August, 2019 Council resolved the following: -

“That Council:

1. ***resolves to delegate its power, pursuant to section 257 and 262 of the Local Government Act 2009, to the Chief Executive Officer (CEO) to pursue the local investment opportunity to the extent of the identified available funding, with the details being made public once the local investment opportunity is finalised;***
2. ***authorises the CEO to delegate the exercise of the powers contained in Attachment 2 – Instrument of Delegation - to the nominated legal firm as detailed in the Confidential Report to act on behalf of Council and to enter into a Contract as described in the Confidential Report on behalf of Council in regard to this matter; and that***
3. ***due to the specialised and confidential nature of the services sought, authorises the CEO to engage professional services to undertake a valuation of the local investment opportunity; and***
4. ***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 local investment opportunity.”***

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

On 3 October 2019, Council purchased a 376 hectare block of land, north of the Daintree River. The land is located on Lot 83 Crown Plan SR596 and was purchased for \$725,000 exclusive of GST. Prior to purchase of the land on 3 October 2020, an independent valuation reported the land value to be \$755,000.

This valuation is valid for 12 months. Whilst the land is predominantly rainforest, there are cleared sections consisting of approximately 70 hectares (19% of the total block). The cleared sections are currently being used for beef cattle farming, with the existing farmer continuing to use the land under an executed License Agreement with Council.

Council held two Environmental Workshops on 12 December 2019 in Cow Bay and Port Douglas. The Environmental Workshops provided a high-level overview of Council's environmental initiatives and introduced the Lot 83 SR596 project.

Ideas for Lot 83 SR596 were discussed and included: carbon sequestration planting; an interpretation kiosk; a dedicated research area; additional solar capacity for the Daintree Ferry; a walking trail and viewing platform; and the sale of 'tourist trees' were some of the ideas discussed.

On 11 February Council endorsed a Concept Plan for Lot 83 SR596 Cape Tribulation Rd, Kimberley. This plan included formation of stakeholder reference groups, which would assist with establishment of project plans, feasibility studies, community consultation and creation of final plan for the land.

The resolution passed on 11 February was: -

**"5.9. CONCEPT PLAN FOR LOT 83 SR596 CAPE TRIBULATION RD,
KIMBERLEY**

Mark Stoermer, Chief Executive Officer

Moved Cr Carey **Seconded** Cr Zammataro

"That Council endorses the Lot 83 SR596 Concept Plan, the establishment of a stakeholder reference group and undertakes community consultation."

For: Cr Leu, Cr Noli, Cr Carey and Cr Zammataro

Against: Cr Kerr

Carried

The concept plan and report is provided as an attachment to this report.

Due to the local government elections and COVID-19 pandemic, the actions within the Concept Plan for Lot 83 SR596 Cape Tribulation Rd, Kimberley have not been progressed. More recently Council's proposed Operational Plan 2020/21 includes actions for community consultation in relation to options for the Daintree River Ferry and community consultation on how Council should manage its carbon footprint. At the time of the land purchase staff had calculated a carbon footprint for Council's operations. Since that time a third party auditor has completed an assessment of Council's operations and calculated a carbon footprint for 2018-19 of 8,162 tonnes CO₂e.

COMMENT

Council's proposed Operational Plan 2020/21 includes actions for community consultation in relation to options for the Daintree River Ferry and community consultation on how Council should manage its carbon footprint. Mayor Kerr has

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

proposed that the actions proposed in the Council report of 11 February not proceed at this stage and the resolution in relation to the concept plan and actions be rescinded. The 11 February report is attached for Councillors' information.

The proposed community consultation will require staff resourcing and is considered necessary to understand how Council would like to proceed in relation to the development, or otherwise, on the land at Lot 83. To provide certainty on future activities in relation to the land it is proposed that all actions in relation to the land are put on hold until such time as broad community consultation, as proposed in the Operational Plan is undertaken and Council provides a clear direction to staff after consideration of the results of this consultation.

Motion to rescind the original motion:

For: Cr Kerr, Cr Scomazzon Cr McKeown

Against: Cr Noli, Cr Zammataro

Carried

Moved Cr Kerr

Seconded Cr Scomazzon

1. *That no further action occurs on the land until the completion of the Daintree Ferry consultation and the Council/Community Carbon Position Consultation, both of which are proposed actions on the 2020/21 Operational Plan and;*
2. *That Council approve the CEO to test the market for the sale of the land with the intent of selling it if an appropriate buyer comes forward. The process must follow compliance to Council Policy No. 22 – Strategic Freehold Land General Policy and Local Government Regulations 2012.*

Moved Cr Noli

Seconded Cr Zammataro

An amendment to remove from the motion Point 2 "Council approve the CEO to test the market for the sale of the land with the intent of selling it if an appropriate buyer comes forward. The process must follow compliance to Council Policy No. 22 – Strategic Freehold Land General Policy and Local Government Regulations 2012".

For: Cr Noli, Cr Zammataro

Against: Cr Kerr, Cr Scomazzon, Cr McKeown

NOT Carried

The proposed amendment to the motion was lost and the original motion was put to the vote.

For: Cr Kerr, Cr McKeown, Cr Scomazzon

Against: Cr Noli, Cr Zammataro

Carried.

5. AGENDA ITEMS

- 5.1. REQUEST FOR MINOR CHANGE TO DEVELOPMENT APPROVALS -
WHYANBEEL ROAD
Daniel Lamond, Planning Officer

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

Moved Cr Noli

Seconded Cr Scomazzon

That Council approves the request for minor change to boundary realignment development approvals SUP 2018_2941 and ROL 2019_3071 over land described as Lots 4, 5 and 6 on RP851512 and Lot 10 on RP748614, subject to the following changes to conditions:

ASSESSMENT MANAGER CONDITIONS AND ADVICES

SUP 2018_2941

1. Condition 3 be amended to read as follows:-

Storm Water Drainage

3. *It is evident that the existing drainage path accommodating flows from approved Lot 2 across approved Part Lot 1 has scoured the footing of the awning attached to the adjacent timber class 10a building. Remove the footing and post supporting the awning of the adjacent timber class 10a building and amend the awning design to include a cantilevered solution or alternative solution to the satisfaction of the Chief Executive Officer.*
- ~~3. The existing drainage path accommodating flows from Lot 2 across Lot 1 currently affecting the footing of the timber class 10 structure on Lot 1 must be formalised by way of an RPEQ certified engineering assessment. The assessment must be submitted and endorsed by the Chief Executive Officer and works must be completed prior to endorsement of the plan of survey.~~

2. Condition 6 be deleted.

Structural Integrity of Timber Class 10 Structure

- ~~6. Determine whether the structural integrity of the class 10 structure on Lot 1 has been compromised by the storm water scouring the buildings footing. Provide advice from a suitably qualified person and undertake remediation works if required. The certification and remediation works if required, must be submitted and completed prior to the endorsement of the Plan of Survey.~~

ROL 2019_3071

3. Condition 3 be amended to read as follows:-

Storm Water Drainage

3. *It is evident that the existing drainage path accommodating flows from approved Lot 2 across approved Part Lot 10 has scoured the footing of the awning attached to the adjacent timber class 10a building. Remove the footing and post supporting the awning of the adjacent timber class 10a building and amend the awning design to include a cantilevered solution or alternative solution to the satisfaction of the Chief Executive Officer.*
- ~~3. The existing drainage path accommodating flows from Lot 2 across Lot 10 currently affecting the footing of the timber class 10 structure on Lot 10 must be formalised by way of an RPEQ certified engineering assessment. The assessment must be submitted and endorsed by the Chief Executive Officer and works must be completed prior to endorsement of the plan of survey.~~

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

4. *Condition 6 be deleted.*

Structural Integrity of Timber Class 10 Structure

~~6. Determine whether the structural integrity of the class 10 structure on Lot 1 has been compromised by the storm water scouring the buildings footing. Provide advice from a suitably qualified person and undertake remediation works if required. The certification and remediation works if required, must be submitted and completed prior to the endorsement of the Plan of Survey.~~

5. *All other conditions remain the same and be renumbered accordingly.*

REASONS FOR DECISION

The reasons for this decision are:

Sections 60, 62 and 63 of the Planning Act 2016:

to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0 and the 2006 Douglas Shire Planning Scheme; and;

to ensure compliance with the Planning Act 2016.

Findings on material questions of fact:

- a) the development application was properly lodged to the Douglas Shire Council on 15 May 2020 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.*

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 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:*

Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Carried Unanimously

5.2. REQUEST FOR FUNDING FROM PORT SHORTS FILM FESTIVAL

Paul Smyth, Events Officer

Moved Cr McKeown

Seconded Cr Scomazzon

That Council resolves to:

1. *increase funding for Port Shorts Film Festival from \$15,000 to \$20,000 for the life of the current triannual agreement, expiring October 2021;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

2. *provide one-off funding of \$9,000 in 2020/21 for a live broadcast of the event; and*
3. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any minor amendments in relation to funding Port Shorts Film festival.*

Carried Unanimously

- 5.3. CAPE YORK TENURE RESOLUTION PROGRAM REQUEST FOR VIEWS
ON DAINTREE NATIONAL PARK TENURE ACTIONS
Louise Dias, Property Officer

Moved Cr Zammataro

Seconded Cr Scomazzon

That Council:

1. *advises the Cape York Peninsula Resolution Program (CYPTRP) on the objection to proposed tenure actions (see attachments) including road closures 8, 10, 11 and the Unallocated State Land on Lot 63 RP898391. On the basis that these proposed tenure actions have current and/or future use for Council;*
2. *advises the CYPTRP that Council has no objections to the proposed tenure actions not mentioned above. On the basis that these proposed tenure actions have no current and/or no foreseeable use for Council; and*
3. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer, to progress all matters associated with these discussions.*

Carried Unanimously

- 5.4. RELINQUISHMENT OF JOINT TRUSTEESHIP BETWEEN DOUGLAS
SHIRE COUNCIL AND JABALBINA YALANJI ABORIGINAL
CORPORATION LOT 900 SP238233 BLUE POOLS
Robert Donovan, Team Leader Property

Moved Cr Noli

Seconded Cr Zammataro

That Council:

1. *advise the Department of Natural Resources Mines and Energy that Council wishes to relinquish Joint Trusteeship of Lot 900 SP 238233 and hand over to Jabalbina Yalanji Aboriginal Corporation as the prescribed body corporate for the Traditional owners as sole trustee; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer, to execute any documents required for the completion of this transaction.*

Carried Unanimously

- 5.5. DOUGLAS CHAMBER OF COMMERCE RESOURCE AND PERFORMANCE
AGREEMENT
Lisa Golding, Team Leader Community & Economic Development

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

Moved Cr Kerr

Seconded Cr McKeown

That Council:

1. *resolves to contract the Douglas Chamber of Commerce as a specialised service provider under S235(b) of the Local Government Regulation 2012 for specialist business support, with funding of \$50,000 (GST exc) under terms set out in a Resource and Performance Agreement for a period of one year dated from 1 July 2020 to 30 June 2021;*
2. *notes that Council staff will develop KPI's for the allocated funding that will focus on strong support for small businesses in the community and supporting economic growth for the Shire; and*
3. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer, to finalise any minor amendments and execute the Resource and Performance Agreement.*

For: Cr Kerr, Cr McKeown, Cr Scomazzon

Against: Cr Noli, Cr Zammataro

Carried

5.6. TOURISM PORT DOUGLAS DAINTREE RESOURCE AND
PERFORMANCE AGREEMENT

Lisa Golding, Team Leader Community & Economic Development

Moved Cr Kerr

Seconded Cr McKeown

That Council resolves to:

1. *support Tourism Port Douglas Daintree with a contract as a specialist service provider for destination marketing and management under S235(b) of the Local Government Regulation 2012, for the financial year of 1 July 2020 to 30 June 2021 with funding of \$250,000 (GST exc) and include office space to the in-kind assistance offer in the Agreement;*
2. *delegate authority for a Council Officer representative to join the Tourism Port Douglas Daintree Board of Directors in recognition of the significance of tourism and destination marketing on economic growth; and*
3. *delegate authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer, to finalise any minor amendments and execute the Resource and Performance Agreement.*

Moved Cr Noli

Seconded Cr Zammataro

That an amendment to the motion to support Tourism Port Douglas funding of \$488408.59 (as per annual report) applying indexation of 1.5% per year for 3 years, dated 1/7/2020 – to 30/6/2023

For: Cr Noli, Cr Zammataro

Against: Cr Kerr, Cr Scomazzon, Cr McKeown

Not Carried

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

The proposed amendment to the motion was lost and the original motion was put to the vote.

For: Cr Kerr, Cr Scomazzon, Cr McKeown, Cr Noli

Against: Cr Zammataro

Carried

5.7. GIFTING OF THE BALLEY HOOLEY STEAM RAILWAY

Terry Farrelly, Manager People and Community Services

Michael Kriedemann, Executive Manager Infrastructure

Moved Cr Scomazzon

Seconded Cr McKeown

That Council resolves to:

1. *note that the owner has recently approached Council with a proposal to gift the assets of the Balley Hooley Steam Railway to Council;*
2. *invite the Balley Hooley Steam Railway owner to enter into discussions with relevant Council Officers to discuss details of this proposal;*
3. *note that Council Officers will provide a future Council Report describing the details of the proposal and recommendations about the Balley Hooley Steam Railway assets; and*
4. *delegate authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer, to determine and finalise any and all matters associated with this report.*

Carried Unanimously

5.8. COMMERCIAL WATER USAGE CHARGE FOR UNTREATED WATER SUPPLY

Lara Balzarolo, Technical Support Officer Water & Wastewater

Moved Cr Zammataro

Seconded Cr Scomazzon

That Council adopts the commercial untreated water usage charge for businesses that utilise untreated water supply within Douglas Shire.

Carried Unanimously

5.9. CONCEALED LEAK FINANCIAL ASSISTANCE POLICY

Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr Kerr

That Council adopt the Concealed Leak Financial Assistance Policy.

Carried Unanimously

5.10. RATES FINANCIAL HARDSHIP POLICY

Tara Killeen, Chief Financial Officer

Moved Cr McKeown

Seconded Cr Scomazzon

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

That Council adopt the Rates Financial Hardship Policy.

Carried Unanimously

5.11. QAO INTERIM MANAGEMENT LETTER
Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council notes the observations contained within the Douglas Shire Council Interim Management Report to the Mayor (Observation Report) from the Queensland Audit Office for the 2019/20 financial year.

Carried Unanimously

5.12. EXPENSE REIMBURSEMENT - COUNCILLORS POLICY
Juanita Holden, Manager Governance

Moved Cr Scomazzon

Seconded Cr McKeown

That Council adopt the revised Expense Reimbursement- Councillor Policy as presented.

Carried Unanimously

5.13. INFORMATION PRIVACY POLICY
Juanita Holden, Manager Governance

Moved Cr Noli

Seconded Cr McKeown

The Council adopt the Information Privacy Policy as presented.

Carried Unanimously

5.14. COUNCILLOR REMUNERATION POLICY
Juanita Holden, Manager Governance

That Council adopt the Councillor Remuneration Policy as presented.

Moved Cr Kerr

Seconded Cr Zammataro

An amendment to Item 5.14 Councillor Remuneration Policy that:

- 1. Council resolve not to accept the increased remuneration put forward by the Local Government Remuneration Commission for 2020/2021 financial year, furthermore Councillors, including the Mayor and Deputy Mayor will continue to be paid in accordance with the Remuneration Schedule decided by the Commission for the 2019/2020; and*
- 2. the Remuneration Policy is updated to reflect 0% increase for this financial year.*

Carried Unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

Moved Cr Kerr

Seconded Cr Scomazzon

That the amended motion be accepted.

Carried Unanimously

5.15. OPERATIONAL PLAN 2020-2021
Juanita Holden, Manager Governance

1. *That pursuant to section 174 of the Local Government Regulations 2012, Council adopt the Operational Plan 2020-2021 as presented; and*
2. *Council requires quarterly updates from the Chief Executive Officer regarding the implementation of the Operational Plan for the 2020-2021 financial year.*

Moved Cr Kerr

Seconded Cr Scomazzon

An amended motion that Initiative 2.1.3 Grant Street Dining Precinct of the Operational Plan be separated from the Operational Plan.

Carried Unanimously

Moved Cr McKeown

Seconded Cr Scomazzon

That:

1. *pursuant to section 174 of the Local Government Regulations 2012, Council adopt the Operational Plan 2020-2021 excluding Initiative 2.1.3 (Grant Street Dining Precinct) which will be presented as a separate item;*
2. *Council requires quarterly updates from the Chief Executive Officer regarding the implementation of the Operational Plan for the 2020-2021 financial year; and*
3. *delegates the Chief Executive Office to finalise all details in accordance with Section 174 of the Local Government Regulations 2012.*

For: Cr Kerr, Cr Scomazzon, Cr McKeown

Against: Cr Noli, Cr Zammataro

Carried

The proposed amendment to the motion was put to the vote and carried, therefore the original motion was lost

MEETING WITHDRAWAL

Mayor Cr Kerr declared a Material Personal Interest in regards to Initiative 2.1.3 (Grant Street Dining Precinct) of the Operational Plan and excluded himself from the meeting at 12.49pm.

Deputy Mayor, Cr Scomazzon took the Chair during the absence of the Mayor.

Cr Zammataro withdrew from the meeting at 12.49pm.

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM

MEETING RE- ATTENDANCE

Cr Zammataro re-attended the meeting at 12.50pm

INITIATIVE 2.1.3 (GRANT STREET DINING PRECINCT) OF THE OPERATIONAL PLAN 2020-2021

Moved Cr McKeown

Seconded Cr Noli

That:

1. *pursuant to section 174 of the Local Government Regulations 2012, Council adopt Initiative 2.1.3 (Grant Street Dining Precinct) of the Operational Plan 2020-2021;*
2. *Delegates CEO to finalise all details of the Operational Plan 2020-2021 in accordance with Section 174 of the Local Government Regulations 2012; and*
3. *Council requires quarterly updates from the Chief Executive Officer regarding the implementation of the Operational Plan for the 2020-2021 financial year (including Initiative 2.1.3 Grant Street Dining Precinct).*

Moved Cr Noli

Seconded Cr Zammataro

An amendment to include that Council have a thorough public consultation to understand the desire of a dining precinct along Grant Street; and that information presented to the public during the consultation period would include such things as:

- *costs;*
- *timelines;*
- *different options;*
- *traffic alternatives / parking alternatives (refer to 2.1.7); and;*

if positively embraced by the community, then develop a concept plan (by Council resolution) and finalise the detailed design in preparation for construction for a future year.

Carried Unanimously

The proposed amendment to the motion was put to the vote and carried.

MEETING RE-ATTENDANCE

Cr Kerr re-attended the Meeting and resumed the Chair at 1.02pm

7. URGENT BUSINESS

Nil

8. PETITIONS

Nil

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 30 JUNE 2020 COMMENCING AT 11.00AM**

9. CLOSED SESSION

Moved Cr Scomazzon

Seconded Cr Zammataro

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

- 9.1 Prejudicial Matter S275 1 H *Local Government Regulation 2012 - **Port Douglas Sports Complex and Coronation Park Masterplan and new amenities building***
- 9.2 Contractual Matter S275 1 E *Local Government Regulations 2012 - **Waste and Recycling Collection Contract***
- 9.3 Contractual Matter S275 1 E *Local Government Regulation 2012 - **Contract 2020-130 Craiglie Reservoir Lining and External Painting***

Carried Unanimously

(Meeting moved into Closed Session at 1.03pm)

OUT OF CLOSED SESSION

Moved Cr Kerr

Seconded Cr Zammataro

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

Carried Unanimously

(Meeting moved out of Closed Session at 1.23pm)

- 9.1. PREJUDICIAL MATTER S275 1 H LOCAL GOVERNMENT REGULATION 2012 - PORT DOUGLAS SPORTS COMPLEX AND CORONATION PARK MASTERPLAN AND NEW AMENITIES BUILDING
Renee Ker, Economic Development Officer Sport & Recreation

Moved Cr Noli

Seconded Cr Zammataro

That Council:

- 1. *adopts the draft Port Douglas Sports Complex and Coronation Park Masterplan, ready for community consultation;*
- 2. *notes inclusion of, and approves site and concept plan for, the proposed disability accessible amenities block at Coronation Park, to be funded by Mossman and District Show Society Inc’s successful application to the Regional Agricultural Show Development Grants Program;*
- 3. *notes the Chief Executive Officer’s Letter of Support as part of the Show Society’s grant application; and*
- 4. *delegates authority under S257 of the Local Government Act 2009 to the Chief Executive Officer to administer all matters associated with the above.*

Carried Unanimously

9.2. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATIONS 2012 - WASTE AND RECYCLING COLLECTION CONTRACT

Paul Hoye, Manager Environment and Planning

Moved Cr Zammataro

Seconded Cr Scomazzon

That Council resolves to: -

1. *award Contract Number 2020-097 to Cleanaway Pty Ltd for Waste and Recycling Collection for an estimated amount of \$9,765,000.00 over the term of the contract; 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

9.3. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION 2012 - CONTRACT 2020-130 CRAIGLIE RESERVOIR LINING AND EXTERNAL PAINTING

Luke Chappell, Project Manager

Moved Cr Scomazzon

Seconded Cr McKeown

That Council: -

1. *resolves to award Contract Number 2020-130 Craiglie Reservoir Lining and External Painting to Duratec Limited for an amount of \$498,636.94 exclusive of GST; 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

CLOSURE OF MEETING

The meeting closed at 1.26pm.

CONFIRMED THIS 28TH DAY OF JULY 2020


.....
MAYOR/CHAIR