

DOUGLAS SHIRE COUNCIL

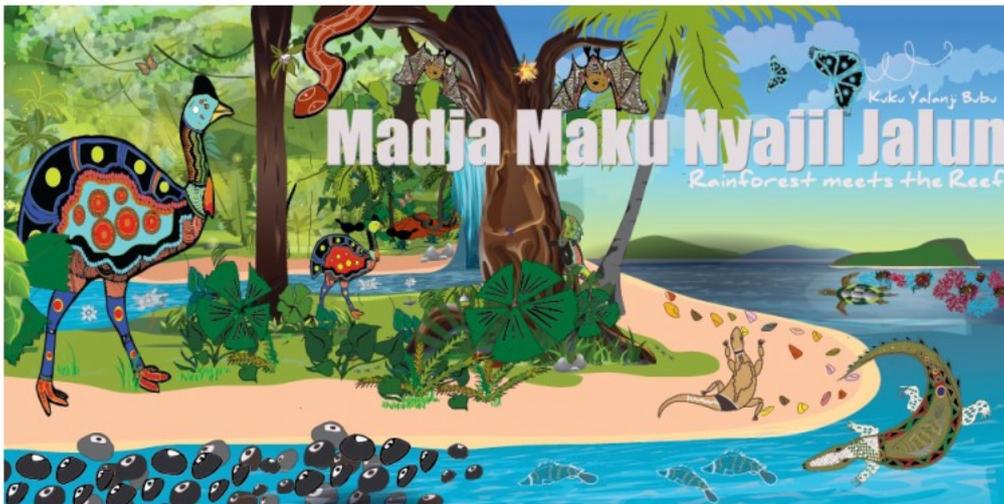
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 29 September 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, 29 SEPTEMBER 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, 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. This is a State requirement not a decision of Council due to the size of the Council Meeting room which safely allows to have less than 20 people at one time appropriately socially distanced. Between Councillors, required staff and the media that fills the limitations.

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.

MINUTE OF SILENCE – THE LATE JOHN RUMNEY

This month the community lost a true hero and a pioneer of Great Barrier Reef conservation, a man who has left a legacy that will no doubt live on forever. John Rumney aged 70 suffered from a stroke earlier this month and passed away a few days later. The Port Douglas-based conservationist who for more than three decades dedicated his life to safeguarding the Great Barrier Reef.

Originally from the United States, John came to Australia because he wanted to see the Great Barrier Reef and when he arrived in Port Douglas he knew that this was his home.

Since then John had been on a constant journey, investigating, documenting and preserving the Great Barrier Reef. It was through his work, research and understanding of the reef that has resulted in the greater protection and conservation we have today.

John's list of selfless participation in committees, meetings, lobbying and appearing in countless documentaries was admirable but most importantly he was a leader and a trusted voice in all reef-related matters. John's most recent passion was his joint venture with Dr Dean Miller in the founding of the Great Barrier Reef (GBR) Legacy. Since 2016 the foundation has brought together many of the best scientific minds, educators, and multimedia specialists to create positive and lasting outcomes for our reef.

Already successfully raising over \$1 million in the last four years, GBR Legacy has now launched the concept plans for the world's first Living Coral Biobank Project, which will see hard-coral species stored and kept alive in a state of the art holding facility in Port Douglas ensuring their survival for generations to come. This project edges closer to reality each month and I am sure John will be watching this project as it come to fruition. Thankfully he saw the completed plans and drawings before his passing.

I would like to offer our deepest condolences to John's wife Linda, his family and friends and ask that you would join me in a minute's silence as we remember and acknowledge the life of an incredible man and one that we should all be proud to call one of our locals.

Cr Kerr also acknowledged National Police Remembrance Day and paid tribute to those Officers who have lost their lives in the line of duty whilst protecting the rights of others. Due to Covid there will be no March today or the near future.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 29 SEPTEMBER 2020 COMMENCING AT 10.00AM**

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), Scott Hahne (Manager Project Office), Natacha Murray (Manager Infrastructure), Jenny Elphinstone (Planning Officer), Paul Smyth (Events Officer), Robert Donovan (Team Leader Property), Gaye Scott (Community Liaison Officer), Mark Halstead (Facilities Maintenance Officer), Pieter Kleinhans (Coordinator Civil Operations), Sean O’Conner (Senior Procurement Officer), Amy Mail (Tourism and Economic Development Officer), Tom Volling (Senior Media and Communications Officer) and Brenda Jang (Executive Assistant).

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr McKeown declared that he has a Material Personal Interest in Closed Item 9.1 *Contractual Matter S275 1 E Local Government Regulations 2012 – Douglas Shire Mowing Tenders* as defined by section 175D of the *Local Government Act 2009*, due to Brett McKeown, owner of Vic’s Mowers Mossman stands to gain a benefit or suffer a loss depending on the outcome of Council’s consideration of this matter. Cr McKeown’s relationship to Brett McKeown is that he is Cr McKeown’s son.

Cr McKeown will be dealing with this declared conflict of interest by leaving the meeting whilst this matter is being discussed and voted on.

3. MAYORAL MINUTE

Moved Cr Kerr

“That Council:

1. *resolves to refund / waive the Special Refuse Charge for properties north of the Daintree River for the period from 26 March 2020 to 15 May 2020 on a pro rata basis; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to administer the above relief provisions.”*

BACKGROUND

Covid-19 has had a profound impact on businesses in the Douglas Shire, none more so than those businesses operating north of the Daintree River. Many remain shut and are on the brink of permanent closure. During the peak of pandemic isolation measures, the Daintree Ferry was closed to all but local residents.

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While tourists other than those already in the Douglas Shire were unable to move about anyway due to State and Federal imposed restrictions, the area north of the Daintree was particularly hard hit due its distance from the local town centres.

There are 36 impacted businesses north of the Daintree River that pay a Special Refuse Charge. The Charge covers the cost of maintenance and operation of the transfer station at Cow Bay. The Charge varies by property and is based on improvements to the property, not on the amount of rubbish that is deposited.

The total cost of refunding the fee to the 36 properties (or waiving it for those who have not yet paid it) for the period in which the ferry service was restricted (26 March 2020 to 15 May 2020) is \$7,261.49. This is the pro-rata amount. Depending on the specific property, refunds / waivers will range from \$26.40 to \$633.71.

Carried Unanimously

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD ON
TUESDAY, 25 AUGUST 2020

Moved Cr Noli

Seconded Cr Scomazzon

“That the Minutes of the Ordinary Meeting held on Tuesday, 25 August 2020 be confirmed.”

Carried Unanimously

AGENDA ITEMS

5.1. MATERIAL CHANGE OF USE FOR SHOP 11 WARNER STREET

Moved Cr Kerr

Seconded Cr Zammataro

“That the recommendation be adopted, subject to Item 3 – (Limitation of Approval) being amended to read:

Limitation of Approval

3. *This development permit shall lapse three months from the date the approval takes effect.*

For: Cr Kerr, Cr Scomazzon, Cr McKeown, Cr Zammataro

Against: Cr Noli

Carried

The amendment was carried.

The Substantive Motion with the amendment was then put to the vote:

“That Council approves the development application for Material Change of Use (Shop) over land described as Lot 37 on PTD2091, 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:

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<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Site Plan</i>	<i>DSC base site plan with proposed seafood van location mark-up by applicant. Sheet 5</i>	<i>Not nominated</i>
<i>Site Plan</i>	<i>DSC base site plan with proposed seafood van location mark-up by applicant. Sheet 4</i>	<i>Not nominated</i>

ASSESSMENT MANAGER CONDITIONS & ADVICES

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.*

Limitation of Approval

3. *This development permit shall lapse three months from the date the approval takes effect.*

Car Parking Spaces

4. *The car parking spaces at the rear of the site must remain accessible to the public.*

Advertising devices

5. *Additional advertising devices on the site other than the van itself are not permitted.*

Cyclone damage prevention

6. *Upon public notice that a tropical cyclone poses a risk to the locality (Cyclone Warning issued by the Bureau of Meteorology), the trailer must be removed from the premises and taken to a secure storage location.*

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
to ensure compliance with the Planning Act 2016.*

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Findings on material questions of fact:

- a) *the development application was properly lodged to the Douglas Shire Council on 28 August 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:

- c) *the development triggered assessable development under the Assessment Table associated with the Centre Zone Code;*
- d) *Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and*
- e) *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. HOT AND STEAMY FESTIVAL - RESOURCE AND PERFORMANCE AGREEMENT
People and Community Services

Moved Cr Scomazzon

Seconded Cr Noli

"That Council:

1. *enters into a three-year Resource and Performance Agreement with event organisers for the Hot & Steamy Festival with \$7,000 (GST Exc) in Year One; \$4,000 (GST Exc) in Year Two; and \$2,000 (GST Exc) in Year Three; with in-kind support comprising use of Port Douglas Sugar Wharf for one date per year over the three years and the use of Council's mobile noticeboards, if available, for promotion of the event each year leading up to the event; and*
2. *delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to administer matters associated with the above."*

Carried Unanimously

5.3. TRUSTEE LESSEE REQUEST TO PERMANENTLY CONSTRUCT FRONT FENCING ON PART OF LOT 175 ON SP241399
Property Services

Moved Cr Zammataro

Seconded Cr McKeown

"That Council resolves to:

1. *request Trustee Lessee to remove improvement (gate extension and gate) over Part Lot 175 on SP 241399 due to the improvement's inconsistency with the purposes of the Trustee Land that is open space and recreation purposes;*

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2. *advises Trustee Lessee that this improvement is not required by the business to demonstrate compliance with the current restrictions on business activities and undertakings for COVID-19. The implemented measures should be site specific and relevant to the premises design/layout, any alterations required for better management of customer flow can be achieved without impacting the nearby public beach access; and*
3. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with breach notice sent to the Lessees of Part Lot 175 on SP 241399."*

Carried Unanimously

- 5.4. AMENDMENT TO COUNCIL RESOLUTION - SALE OF LOT 83 SR596 CAPE TRIBULATION ROAD
Robert Donovan, Team Leader Property

Moved Cr Scomazzon

Seconded Cr McKeown

"That Council amend the resolution from 10 August 2020 Special Meeting by deleting the following:

- *Resolves to delegate its power pursuant to section 257 and 262 of the Local Government Act 2009 to the Chief Executive Officer to sell Lot 83 SR596, Cape Tribulation Road, Cape Kimberley to Queensland Trust for Nature and Rainforest Rescue for the sale price of \$725,000 (Ex GST), the purchase price Council paid for the land in October 2019;*

and by substituting the following:

- *Resolves to delegate its power pursuant to section 257 and 262 of the Local Government Act 2009 to the Chief Executive Officer to sell Lot 83 SR596, Cape Tribulation Road, Cape Kimberley to Landscapes Queensland Limited as trustee for the Queensland Trust for Nature for the sale price of \$725,000 (Ex GST), the purchase price Council paid for the land in October 2019;*

Carried Unanimously

- 5.5. MOSSMAN POOL - SCHOOL SWIMMING PROGRAM
Terry Farrelly, Manager People and Community Services

Moved Cr Scomazzon

Seconded Cr Noli

"That Council:

1. *reduces the Mossman Pool entrance fee to from \$3.00 to \$2.00 per student for the annual school swimming program for seven (7) identified schools in 2020;*
2. *notes that the schools will need to arrange Mossman Pool lifeguards for their swimming sessions and each school will be financially responsible for lifeguard's time for their swimming programs; and*
3. *delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to handle matters associated with the above.*

Carried Unanimously

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MEETING ADJOURNED

Moved Cr Kerr

Seconded Cr Noli

“That the meeting be adjourned due to power failure.”

Carried unanimously

(The meeting adjourned at 10.22am)

MEETING RECONVENED

Moved Cr Kerr

Seconded Cr Noli

“That the meeting be reconvened at 10.37am and will be recorded by audio only as the power outage had caused malfunctioning of live streaming.”

Carried Unanimously

- 5.6. NAMING OF NEW BRIDGE IN WHYANBEEL
Gaye Scott, Community Liaison Officer

Moved Cr Zammataro

Seconded Cr Noli

“That Council resolves to name the new bridge in Whyanbeel Jimalji Bridge.”

Carried Unanimously

- 5.7. NAMING OF UNNAMED ROAD, KILLALOE
Gaye Scott, Community Liaison Officer

Moved Cr Scomazzon

Seconded Cr Kerr

“That Council resolves to name the road off Captain Cook Highway, leading to Gold Coast Marine Aquaculture, Noel Herbst Road.”

For: Cr Kerr, Cr Scomazzon

Against: Cr Noli, Cr McKeown, Cr Zammataro

Not Carried

Note: A Motion was raised at Item 6.

- 5.8. RE-ALLOCATION OF THE BLUE PRINT BUDGET TO DIGGERS BRIDGE
PARK
Daniel Favier, Project Manager

Moved Cr Kerr

Seconded Cr Scomazzon

“That Council resolves to transfer the remaining budget from the Port Douglas CBD Blueprint Planning Project to the Diggers Bridge Park Project to facilitate Community Consultation, Landscape Design and Approvals for a new Ceremony Venue near Diggers Bridge.”

Carried Unanimously

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- 5.9. BUILDING OUR REGIONS - PORT DOUGLAS SUGAR WHARF
Mark Halstead, Facilities Maintenance Officer

Moved Cr Noli

Seconded Cr Zammataro

“That Council resolves to:

- 1. note the successful \$250,000 (GST Exc) funding application to Round 5 Building our Regions for the Port Douglas Sugar Wharf Upgrade Project;*
- 2. commit to delivering the project;*
- 3. acknowledge responsibility for any funding shortfalls if costs change;*
- 4. contribute \$100,000 (GST Exc) towards the project with funds in the 2020/2021 Budget; and*
- 5. delegate authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to administer the above matters.”*

Carried Unanimously

- 5.10. DAINTREE FERRY TOUR BUS FEES 50% REBATE OCTOBER TO
DECEMBER 2020
Tara Killeen, Chief Financial Officer

Moved Cr Noli

Seconded Cr McKeown

“That Council:

- 1. resolves to endorse the proposed Daintree Ferry Tour bus fees rebate of 50% for the period 1 October 2020 – 31 December 2020; and*
- 2. delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to administer the above relief provision.”*

Carried Unanimously

- 5.11 FINANCIAL REPORT AUGUST 2020
Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr McKeown

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

Carried Unanimously

- 5.12. COUNCIL DELEGATES FOR THE 2020 LGAQ ANNUAL CONFERENCE
Juanita Holden, Manager Governance

Moved Cr Noli

Seconded Cr Zammataro

“That Council appoint Mayor Kerr and Deputy Mayor Scomazzon as voting delegates for the 2020 LGAQ Conference.”

Carried Unanimously

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6. NOTICE OF MOTION

6.1 TOURISM AND ECONOMIC DEVELOPMENT OFFICER (TEDO)
QUARTERLY REPORTS

Moved Cr Noli

Seconded Cr Zammataro

“That the position of Tourism and Economic Development Officer (TEDO), that sits within the Council operational structure, provides monthly updates to Councillors and prepares quarterly releases for Council noting and resolution”

BACKGROUND

In the meeting of 30 June 2020 under council resolution, there was the TPDD Resource and Performance Agreement in which it was stated the importance of the TEDO position.

“It is proposed that Council enter into a Resource and Performance Agreement with TPDD on an annual basis and collaborate closely through the Tourism and Economic Development Officer (TEDO) with TPDD to develop a flexible and targeted branding and destination marketing strategy aimed at reinvigorating the domestic tourist market.

In recognition of the importance of tourism to the regional economy, the position of Tourism and Economic Development Officer was developed to complement and collaborate with TPDD, as well as partner with the DCC and other industry groups to develop and advocate for a unified strategy for economic development in Douglas.

This new position (TEDO) will work with tourism bodies, industry leaders, businesses and the community in Douglas with a focus to advance business and tourism opportunities, create employment opportunities and contribute to economic sustainability for the Shire. This position will support the work of TPDD and the development of the tourism sector”.

Economic development is going to be a prime motivator of activities across the region as we begin post-Covid recovery. Reinvigorating tourism will require significant support from Council.

Council partnership through the Tourism and Economic Development Officer and funding through a Resource and Performance Agreement will signify a unified drive to State and Federal funding bodies and a collaborative and strategic approach to building the Douglas economy.

In accordance with the Resource and Performance Agreement, KPIs will be reported on monthly and TPDD will prepare quarterly releases and an Annual Report no more than two months after 30 June, 2021.

Furthermore, through a Mayoral Minute, 26/5/20, the TEDO position was implemented.

“That Council:

- 1. Notes the implementation of the Tourism and Economic Development Officer position within Council’s structure and express support for the process undertaken by the Chief Executive Officer in the recruitment of a Tourism and Economic Development Officer.”*

The Tourism and Economic Development Officer (TEDO) will play an integral role in shaping the local sector to better respond to tourism trends, working closely with Regional and Local Tourism Organisations to support them in targeted destination management and branding, leading strategic Council initiatives that will enhance job opportunities in the sector and supporting local businesses that depend either directly or indirectly on tourism.

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The Chief Executive Officer (CEO) has commenced the process of recruiting for a TEDO which has seen a high calibre of applicants. It is envisioned the position will work within the Community and Economic Development Section and work closely with other departments to find innovative ways to support the economy.

For: Cr Noli, Cr Zammataro

Against: Cr Kerr, Cr Scomazzon, Cr McKeown

Not Carried

6.2 NAMING OF UNNAMED ROAD, KILLALOE

Moved Cr Noli

Seconded Cr Zammataro

“That Council resolves to name the unnamed road off Captain Cook Highway leading to Gold Coast Marine Aquaculture ‘Old Ferry Road’.”

Carried Unanimously

7. URGENT BUSINESS

Nil

8. PETITIONS

Mayor Cr Kerr advised that Council has received two petitions:

1. Alchera Drive regarding road noise; and
2. Wangetti Trail – proposed route to southern end access

and moved that the Petitions be received and referred to the Chief Executive Officer for consideration and a report to Council be presented at a later date.

Carried Unanimously

9. CLOSED SESSION

Moved Cr Noli

Seconded Cr Scomazzon

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

9.1 Contractual Matter S275 1 E Local Government Regulations 2012 - Douglas Shire Mowing Tenders; and

9.2 Contractual Matter S275 1 E Local Government Regulation 2012 - Contract For Reseal Program

(Meeting moved into Closed Session at 11.13am)

MEETING WITHDRAWAL

Cr McKeown had declared a Material Personal Interest in Closed Item 9.1 *Contractual Matter S275 1 E Local Government Regulations 2012 – Douglas Shire Mowing Tenders*

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as defined by section 175D of the *Local Government Act 2009*, due to Brett McKeown, Owner of Vic's Mowers Mossman stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter. Cr McKeown's relationship to Brett McKeown is that he is Cr McKeown's son. Cr McKeown excluded himself from the meeting whilst the matter was being discussed, and left the meeting at 11.13am.

MEETING RE-ATTENDANCE

Cr McKeown re-attended the meeting at 11.26am.

OUT OF CLOSED SESSION

Moved Cr Zammataro

Seconded Cr Scomazzon

"That Council resolves to move out of Closed Session."

Carried Unanimously

(Meeting moved out of Closed Session at 11.28am.)

MEETING WITHDRAWAL

Cr McKeown had declared a Material Person Interest in Closed Item 9.1 *Contractual Matter S275 1 E Local Government Regulations 2012 – Douglas Shire Mowing Tenders* as defined by section 175D of the *Local Government Act 2009*, due to Brett McKeown, Owner of Vic's Mowers Mossman stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter. Cr McKeown's relationship to Brett McKeown is he is Cr McKeown's son. Cr McKeown excluded himself from the meeting whilst the matter was being voted upon, and left the meeting at 11.29am

9.1. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATIONS
2012 - DOUGLAS SHIRE MOWING TENDERS
Peter Logan, Coordinator Public Spaces

Moved Cr Scomazzon

Seconded Cr Noli

"That Council resolves to:

1. *enter into Contract 2020-137 Mowing Services Port Douglas with Bulban Enterprises Pty Ltd;*
2. *enter into Contract 2020-138 Mowing Services Mossman with Douglas Shire Mowing;*
3. *enter into Contract 2020-139 Mowing Services Daintree with Vic's Mowing; and*
4. *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 associated with the contracts."*

Carried Unanimously

MEETING RE-ATTENDANCE

Cr McKeown re-attended the meeting at 11.29.59am

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**9.2. CONTRACTUAL MATTER S275 1 E LOCAL GOVERNMENT REGULATION
2012 - CONTRACT FOR RESEAL PROGRAM**

Pieter Kleinhans, Coordinator Civil Operations

Moved Cr Noli

Seconded Cr Scmazzon

That Council resolves to:

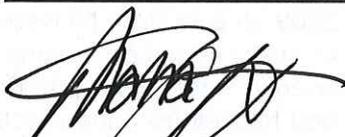
1. *enter into contract 2021-002 with Koppens Construction Pty (Ltd) Pty Ltd ABN: 74 600 199 120; and*
2. *delegates authority under Section 257(1) b of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated with the contract."*

Carried Unanimously

CLOSURE OF MEETING

The meeting closed at 11.30am.

CONFIRMED THIS 27TH DAY OF OCTOBER 2020



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MAYOR/CHAIR