



DOUGLAS SHIRE COUNCIL

# ORDINARY COUNCIL MEETING

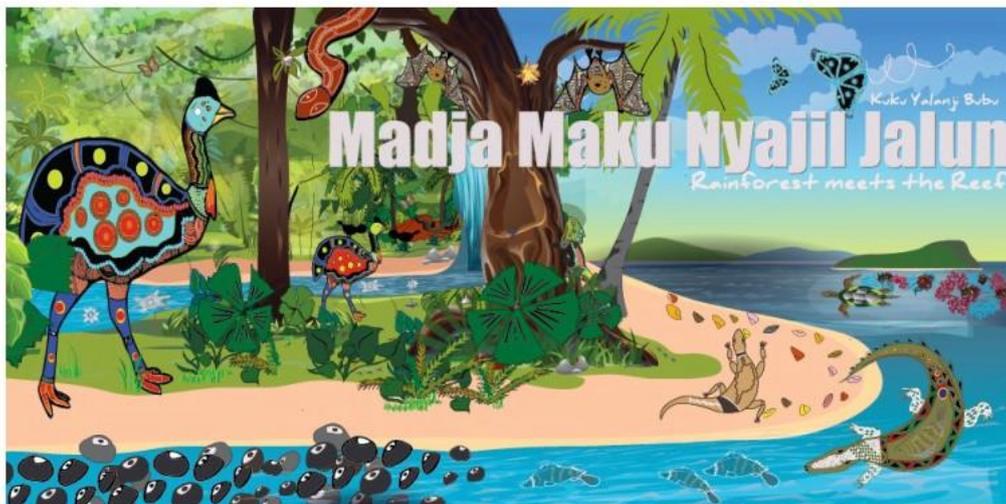
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## MINUTES

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Tuesday, 27 October 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, 27 OCTOBER 2020 COMMENCING AT 10.00AM**

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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), Natasha Murray (Manager Infrastructure), Sara Roberts (Team Leader Local Laws), Tom Volling (Senior Media and Communications Officer), Emma Tunnock (Digital Communications Officer) and Brenda Jang (Executive Assistant).

**2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST**

**2.1 CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST – CR MCKEOWN**

Cr McKeown informed the meeting that he has a prescribed conflict of interest as a result of Item 6.1 *Notice to Repeal Motion – Mossman Golf Course Lease* as Cr McKeown is an elected Board Member of the Mossman Golf Club Inc. As a result of Cr McKeown's Conflict of interest, Cr McKeown will leave the meeting room whilst the matter is being considered and voted on.

**2.2 CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST – CR KERR**

Cr Kerr informed the meeting that he has a declarable conflict of interest as a result of Item 5.2 *FNQROC Manual* as Cr Kerr is the Chair of FNQROC.

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Although Cr Kerr has a declarable conflict of interest, Cr Kerr does not believe a reasonable person could have a perception of bias because the FNQROC is a committee that represents local government. Therefore Cr Kerr will choose to remain in the meeting. However Cr Kerr respects the decision of the meeting on whether he can remain and participate in the decision.

**Moved** Cr Scomazzon

**Seconded** Cr Noli

That it is in the public interest that Cr Kerr participates and votes on Item 5.2 *FNQROC Manual* in that FNQROC is ordinary business of Council and therefore a reasonable person would trust that the final decision is made in the public interest.

**Carried** Unanimously

**3. MAYORAL MINUTE**

Nil

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

**4.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 29 SEPTEMBER 2020**

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

*“That the Minutes of the Ordinary Meeting held on Tuesday, 29 September 2020 be confirmed.”*

**Carried** Unanimously

**4.2 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON FRIDAY, 9 OCTOBER 2020**

**Moved** Cr Scomazzon

**Seconded** Cr Noli

*“That the Minutes of the Special Council Meeting held on Friday, 9 October 2020 be confirmed.”*

**Carried** Unanimously

**5. AGENDA ITEMS**

**5.1. INTERIM WONGA BEACH FORESHORE MANAGEMENT PLAN**

Sara Roberts, Team Leader Local Laws

**Moved** Cr Zammataro

**Seconded** Cr Scomazzon

*That Council adopt the Interim Wonga Beach Foreshore Management Plan.*

**Carried** Unanimously

**5.2. FNQROC - REGIONAL DEVELOPMENT MANUAL PLANNING SCHEME POLICY – REVIEW OF SUBMISSIONS AND ADOPTION OF AMENDMENTS FOR VERSION 11/19 (ISSUE 8)**

Natasha Murray, Manager Infrastructure

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**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Council:*

1. *adopt the proposed amendments for Version 11/19 (Issue 8) to the FNQROC Development Manual Planning Scheme Policy, as modified, having regard to the submissions received in accordance with Section 22 of the Planning Act 2016 and Chapter 3 Minister's Rules for Making and Amending a Planning Scheme Policy (PSP); and*
2. *place a notice on Newsport website advising of Council's decision to adopt the amendments and the effective date of Version 11/19 (Issue 8).*

**Carried** Unanimously

**5.3. WATER AND WASTEWATER QUARTERLY REPORT FOR THE PERIOD  
ENDING 30 SEPTEMBER 2020**

Peter Tonkes, Manager Water and Wastewater

**Moved** Cr Noli

**Seconded** Cr Scomazzon

*That Council receive and note the Quarterly Report of the Water and Wastewater branch for the period ending 30 September 2020.*

**Carried** Unanimously

**5.4. MONTHLY FINANCIAL REPORT SEPTEMBER 2020**

Tara Killeen, Chief Financial Officer

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That Council notes the Financial Report for the period ended 30 September 2020.*

**Carried** Unanimously

**5.5. QAO FINAL MANAGEMENT REPORT 2019-2020**

Tara Killeen, Chief Financial Officer

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

*That Council notes the observations contained within the Final Management Report (Observation Report) from the Queensland Audit Office for the 2019-2020 financial year.*

**Carried** Unanimously

**5.6. MOSSMAN STATE HIGH SCHOOL ANNUAL PRESENTATION NOVEMBER  
2020 - REQUEST FOR SPONSORSHIP**

Terry Farrelly, Manager People and Community Services

**Moved** Cr Noli

**Seconded** Cr Zammataro

*That Council:*

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1. *provides Mossman State High School with \$500 (GST Exc) cash as Gold Sponsor of the Awards Presentation on 18 November 2020; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the above.*

**Carried** Unanimously

**5.7. APPOINTMENT OF AUDIT COMMITTEE**

Juanita Holden, Manager Governance

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*That the recommendation be adopted subject to amending the “term of 4 years” to “the remainder of the 4 year term”.*

**Carried** Unanimously

*The Substantive Motion with the amendment was then put to the vote.*

**Moved** Cr Noli

**Seconded** Cr Scomazzon

*That Council:*

1. *appoint Dr Martin Fahy as the Independent Chair of the Douglas Shire Audit Committee for the remainder of the 4 year team;*
2. *appoint Drong Vue as an Independent External Member of the Douglas Shire Council Audit Committee for the remainder of the 4 year term;*
3. *appoint Mayor Kerr as a member of the Douglas Shire Council Audit Committee for remainder of the 4 year term; and*
4. *appoint Deputy Mayor Lisa Scomazzon as a member of the Douglas Shire Council Audit Committee for the remainder of the 4 year term.*

**Carried** Unanimously

**5.8. CHRISTMAS PERIOD ANNUAL SHUTDOWN**

Juanita Holden, Manager Governance

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Council resolves to nominate the close down period for 2020 as being from the close of business Thursday 24 December 2020 to the start of business Monday 4 January 2021.*

**Carried** Unanimously

**5.9. INVESTIGATION POLICY**

Juanita Holden, Manager Governance

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

*That in accordance with S150AE of the Local Government Act 2009, Council adopts the Investigation Policy as presented.*

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**Carried** Unanimously

**5.10. ANNUAL REPORT 2019/2020**

Juanita Holden, Manager Governance

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

1. *That pursuant to S182 (2) of the Local Government Regulation, that Council adopt the Annual Report 2019/2020.*
2. *Delegate authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the publishing of the Annual Report.*

**Carried** Unanimously

**5.11. 2021 COUNCIL MEETING DATES**

Juanita Holden, Manager Governance

**Moved** Cr Zammataro

**Seconded** Cr McKeown

*That Council resolve to hold the Ordinary Meetings of Council in the Council Administrative Office, 64-66 Front Street, Mossman on the following days, dates and times for the 2021 calendar year.*

DAY	DATE	TIME
Wednesday	27 January 2021	10:00AM
Tuesday	23 February 2021	10:00AM
Tuesday	30 March 2021	10:00AM
Tuesday	27 April 2021	10:00AM
Tuesday	25 May 2021	10:00AM
Tuesday	29 June 2021	10:00AM
Tuesday	27 July 2021	10:00AM
Tuesday	31 August 2021	10:00AM
Tuesday	28 September 2021	10:00AM
Tuesday	26 October 2021	10:00AM
Tuesday	30 November 2021	10:00AM
Tuesday	14 December 2021	10:00AM

**Carried** Unanimously

**5.12. OPERATIONAL PLAN PROGRESS REPORT FOR PERIOD JULY TO  
SEPTEMBER 2020**

Mark Stoermer, Chief Executive Officer

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That Council notes the progress of the implementation of the Operational Plan 2020-2021.*

**Carried** Unanimously

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**5.13. CEO REPORT FOR PERIOD JULY TO SEPTEMBER 2020**

Mark Stoermer, Chief Executive Officer

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

*That Council receives and notes the Organisational Report Card and the Report from the Chief Executive Officer for the period July to September 2020.*

**Carried** Unanimously

**5.14. INVESTIGATION OF INAPPROPRIATE CONDUCT REFERRAL FROM THE  
OFFICE OF INDEPENDENT ASSESSOR (C/20/00486)**

Cr Michael Kerr, Mayor

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That Council, under Section 245 (J) of the Local Government Act that the meeting move into closed session to discuss Item 5.14.*

**Carried** Unanimously

**CLOSED SESSION OF MEETING**

At the request of the Chair, Cr Kerr, all members of the meeting, other than Councillors, vacated the meeting at 10.36am.

**Moved:** Cr Scomazzon

**Seconded** Cr McKeown

*That Council moved into open session.*

**Carried** Unanimously

**RESUME OPEN SESSION OF MEETING**

The Chair, Cr Kerr invited staff and members of the media to re-attend the open session of the meeting at 11.14am.

**Moved:** Cr Scomazzon

**Seconded:** Cr McKeown

*That Cr Zammataro has not engaged in inappropriate conduct, however has offered to apologise if offence was taken on the day and will attend further media training.*

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

**Carried**

**6. NOTICES OF MOTION**

**MEETING WITHDRAWAL**

Cr McKeown had informed the meeting that he has a prescribed conflict of interest as a result of Item 6.1 *Notice to Repeal Motion – Mossman Golf Course Lease* as Cr McKeown is an elected Board Member of the Mossman Golf Club Inc.

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As a result of Cr McKeown's Conflict of interest, Cr McKeown withdrew from the meeting room at 11.18am whilst the matter is being considered and voted on.

**6.1. NOTICE TO REPEAL MOTION - MOSSMAN GOLF COURSE LEASE**

Terry Farrelly, Manager People and Community Services

**Moved** Cr Noli

*To defer the recommendation until more information is received.*

**Motion lapsed** due to there being no Seconder.

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

*That Council:*

1. *repeal Resolution 5.7 - 2 of its Ordinary Meeting on 28 July 2020, which resolved:*

*"That Council:*

*After purchase approves a trustee permit for Lot 263 SR540 and freehold leases on Lots 20 and 21 SP212664 with Mossman Memorial Bowls Club for twelve (12) months with an option agreeable to both parties to extend into a trustee permit or management rights options on Council freehold land up to a further two (2) years, to manage operations of the Mossman Golf Course";*

2. *continues with the purchase of Lot 21 on SP212664 and associated buildings on the land and on adjacent land on Lot 20 SP212664 from the Douglas Community & Sports Club Inc as per the Council resolution on 28 July 2020;*
3. *approves a management agreement (lease simple) for Lot 263 SR540, Lot 20 and Lot 21 SP212664 with Mossman Golf Club Incorporation for twelve (12) months with an option to extend into a management agreement up to a further two (2) years, to manage operations of the Mossman Golf Course;*
  - a) *terms and conditions of Standard Terms Document register under dealing number 713488911 and 717940168 and also the State's Mandatory Standard Terms Document registered under dealing number 711932933.*
  - b) *associated costs of the management agreement (lease simple), including survey plans to be met by the lessee; and*
  - c) *lessee will be responsible for the grounds and general maintenance of buildings and facilities.*
4. *Permit and lease payments as per the financial section of the report, noting Council will receive an annual return on investment; and*
5. *delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise any and all matters associated with the above matter.*

**Carried** Unanimously

**MEETING RE-ATTENDANCE**

Cr McKeown re-attended the meeting at 11.24am.

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**6.2. NOTICE TO REPEAL MOTION - REQUEST FOR FUNDING FROM PORT SHORTS FILM FESTIVAL**

Terry Farrelly, Manager People and Community Services

Moved Cr Scomazzon

Seconded Cr McKeown

*That Council:*

1. *repeal Resolution 5.2 - 2 of its Ordinary Meeting on 30 June 2020, which resolved to:*  
*"Provide one-off funding of \$9,000 for Port Shorts for a live broadcast of the event";*
2. *To provide one off funding of \$9,000.00 for Port Shorts for the purpose of a three-month campaign presenting the Port Shorts Film Festival on the digital platform 10 Play; 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

**7. URGENT BUSINESS**

Nil

**8. PETITIONS**

Nil

**9. CLOSED SESSION**

Nil

**CLOSURE OF MEETING**

The meeting closed at 11.29am.

**CONFIRMED THIS 24<sup>TH</sup> DAY OF NOVEMBER 2020**

  
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MAYOR/CHAIR