

DOUGLAS SHIRE COUNCIL

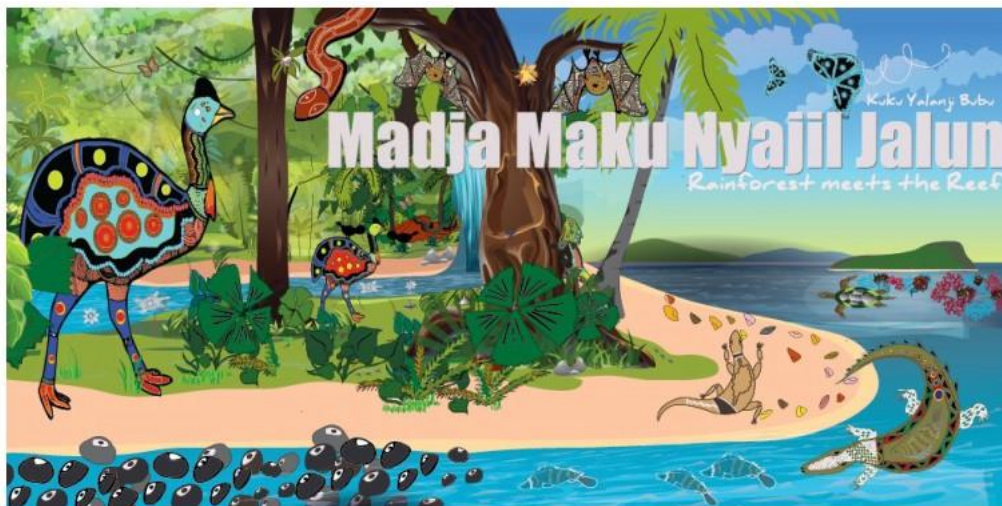
# ORDINARY COUNCIL MEETING

## MINUTES

Tuesday, 24 November 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, 24 NOVEMBER 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.*

*Cr Kerr apologised to those who wished to attend in person, and gave assurance that Council is abiding by the Chief Health Officer's directive of the number of people for this space and size; Council is leading by example. Once a directive has been given as in other areas such as sports fields and theatres etc, the Mayor looks forward to seeing members of the public in Council Meetings and has asked the CEO to consider an alternative solution for the next Council Meeting as he is aware of a number of the public who wishes to attend the meeting.*

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.

**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), Tom Volling (Senior Media and Communications Officer), Wayne Kristalyn (Project Manager), Peter Logan (Coordinator Open Spaces), Daniel Favier (Project Manager Open spaces), Michael Matthews (Project Engineer), Lisa Golding (Team Leader Community & Economic Development), Helen Coulthard (Grants Officer), Renee Ker (Economic Development Officer Sport and Recreation), Robert Donovan (Team Leader Property), Louise Dias (Property Officer), Erin Murray (Administration Officer), Jo Nicholson (Team Leader Financial Accounting), Emmer Tunnock (Digital Communications Officer), Nicole Barton (Mayoral and Councillor Support Officer) and Brenda Jang (Executive Assistant).

Long Service Recipients in attendance: Krista Kenna, Tim O'Brien, Jacqueline Soltys, Denice Assman, Brett Kilpatrick, Peter White, Gabe Roberts, David Seare and Tom Donnelly

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

**2.1 CR NOLI – CONFLICT OF INTEREST**

Cr Noli declared a prescribed conflict of interest for Item 9.1 in the Closed session as Cr Noli is a Board member of one of the Applicants and will leave the group during the discussion and will remove herself from any conversation and voting on the subject.

**2.2 CR MCKEOWN – CONFLICT OF INTEREST**

Cr McKeown informed the meeting that he has a declarable Conflict of Interest in Item 9.1 as a result of being on the Board of one of the discussion matters.

As a result, Cr McKeown advised that he will leave the meeting whilst the item is being considered and voted on.

**3. MAYORAL MINUTE**

**Moved** Cr Kerr

*That Council congratulates the 13 Council Officers who are to be presented with Recognition Awards at this Council meeting today, acknowledging their outstanding contribution in local government to their communities over the last 10 - 25 years of service at Douglas Shire Council.*

**BACKGROUND**

The Douglas Shire is blessed with not just a spectacular natural environment, but a very dedicated local government team committed to doing its best for our communities.

This morning we will be presenting 13 Council Officers with Recognition Certificates for achieving the milestones of 10, 15 and 25 years of service to Douglas Shire Council and our communities – totalling 205 years of experience.

These valued staff members have experienced so much in their careers, many enduring first amalgamation and then all experiencing de-amalgamation and their knowledge and expertise has been invaluable.

On behalf of Council, I would like to sincerely thank them for all for their hard work and commitment over many years and express our gratitude for their valued input to all facets of Council activities.

Please join me in giving them a round of applause for their efforts.

**Carried** Unanimously

**4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD ON TUESDAY, 27 OCTOBER 2020**

**Moved** Cr McKeown

**Seconded** Cr Scomazzon

*That the Minutes of the Ordinary Meeting held on Tuesday, 27 October 2020 be confirmed.*

**Carried** Unanimously

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**AGENDA ITEMS**

**5.1. FINANCIAL REPORT OCTOBER 2020**

Tara Killeen, Chief Financial Officer

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

*That Council notes the Financial Report for the period ended 31 October 2020.*

**Carried** Unanimously

**5.2. REVISED BUDGET 2020-2021**

Tara Killeen, Chief Financial Officer

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That Council resolve to adopt, pursuant to Sections 169 and 170 of the Local Government Regulation 2012 the Revised Budget for the financial year 2020-2021 and the Long-Term Financial Forecast for the financial years 2020-2021 to 2029-2030 as contained in the document titled 2020/2021 Revised Annual Budget and set out in the pages contained therein:*

1. *Budgeted Statement of Income and Expenditure*
2. *Budgeted Statement of Financial Position*
3. *Budgeted Statement of Cash Flow*
4. *Budgeted Statement of Changes in Equity*
5. *Long Term Financial Forecast*
6. *Measures of Financial Sustainability*
7. *Budgeted sources and application of Capital Funding*
8. *Budgeted movement in Reserves*
9. *Budgeted Rates and Utilities Charges*
10. *Total Value of change in the rates and charges expressed as a percentage*
11. *Capital Works Program*

**Carried** Unanimously

**5.3. CAPITAL WORKS PROGRESS REPORT FOR THE 1ST QUARTER 2020 - 2021**

Scott Hahne, Manager Projects

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Council receives and notes the progress of the Capital Works Program to 30 September 2020 for the 2020/21 financial year.*

**Carried** Unanimously

**5.4. CONTRACT 2021-036 PORT DOUGLAS WASTEWATER TREATMENT PLANT UV DISINFECTION SYSTEM**

Wayne Kristalyn, Project Manager

**Moved** Cr Noli

**Seconded** Cr Scomazzon

*That Council: -*

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1. *resolves to award Contract Number 2021-036 Port Douglas Wastewater Treatment Plant UV Disinfection System to Liquitek Pty Ltd (ABN 54 064 960 836) for \$241,850.00 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

**5.5. CONTRACT 2021-008 - PARKS RENEWAL PROGRAM 2020/21 -  
PLAYGROUNDS**

Daniel Favier, Project Manager Open Spaces

**Moved** Cr Zammataro

**Seconded** Cr Scomazzon

That Council resolves to:

1. enter into Contract 2021-008 Parks Renewal Program 2020/21 – Playground Renewal with Bigsplash Enterprises for the supply and installation of new play equipment and rubber softfall surfacing across five (5) Douglas Shire Council Parks to the value of \$358,208.09 (GST exclusive); and
2. delegate 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

**5.6. CONTRACT WO5243 - JUNCTION CREEK CYCLEWAY BRIDGE  
CONSTRUCTION**

Michael Matthews, Project Engineer

**Moved** Cr Noli

**Seconded** Cr Scomazzon

*That Council resolves to:*

1. *enter into contract WO5243 Junction Creek Cycleway Bridge Construction Project with King Concreting (QLD) Pty Ltd (Civform) ABN 70 075 411 422 to the value of \$648,784.00 (GST Exclusive) ; and*
2. *delegate authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer be to negotiate, finalise and execute any and all matters associated with the contract.*

**Carried** unanimously

**5.7. BRIDGES RENEWAL PROGRAM ROUND 5 - WARNERS BRIDGE AND  
ANICHS BRIDGE**

Michael Matthews, Project Engineer; Helen Coulthard, Grants Officer

**Moved** Cr Zammataro

**Seconded** Cr McKeown

That Council:

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1. accepts the funding offer of \$500,000.00 (GST Exc) from the Australian Government's Bridges Renewal Program Round Five for the Warners Bridge Replacement project;
2. commits the required 50% co-contribution of \$500,000.00 (GST Exc) in 2021-22 Budget towards the Warners Bridge Replacement project;
3. accepts the funding offer of \$440,000.00 (GST Exc) from the Australian Government's Bridges Renewal Program Round Five for the Anichs Bridge Replacement project;
4. commits the required 50% co-contribution of \$440,000.00 (GST Exc) in 2021-22 Budget towards the Anichs Bridge Replacement project; and
5. delegates authority under section 257 of the *Local Government Act 2009* to the Chief Executive Officer to determine and finalise any matters associated with the above matter.

**Carried** unanimously

**5.8. REQUEST FOR FUNDING - CAPE YORK WEEKLY**

Terry Farrelly, Manager People and Community Services; Tom Volling, Senior Media and Communications Officer

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

That Council:

1. approves \$10,000.00 (GST Exc) from the People and Community Services operational budget towards supporting the Cape York Weekly to commence a community newspaper;
2. notes that Council staff will develop KPI's for the allocated funding that will focus on strong support for advertising for not for profit and community groups in the shire; 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 the above.

**For:** Cr Kerr

**Against:** Cr Scomazzon, Cr McKeown, Cr Noli, Cr Zammataro

**Not Carried**

**5.9. PORT DOUGLAS SPORTS COMPLEX AND CORONATION PARK  
MASTERPLAN - FINAL PLAN**

Renee Ker, Economic Development Officer Sport and Recreation

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Council:*

1. *adopts the final Port Douglas Sports Complex and Coronation Park Masterplan;*
2. *notes the small change in location and approves the site for the proposed disability accessible amenities block at Coronation Park funded by the Mossman District Show Society;*

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3. *notes the Chief Executive Officer's Letter of Support as part of the Show Society's grant application; and*
4. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to administer all matters associated with the above.*

**Carried** Unanimously

**5.10. NEW LEASE - MOSSMAN HORSE RIDING CLUB INC.**

Robert Donovan, Team Leader Property

**Moved** Cr Noli

**Seconded** Cr Zammataro

*That Council:*

1. *agrees to surrender the existing lease to Mossman Pony Club Inc.*
2. *offer a Trustee Lease to Mossman Horse Riding Club Inc. over Lot 378 SR672 being 60 Finlayvale Road, Mossman QLD 4873:*
  - a. *for a term of 9 years from date of execution with no options;*
  - b. *utilising the terms and conditions of the Standard Terms and Conditions document registered under dealing number 717940164 and also the State's mandatory Terms document registered under dealing number 711932933;*
  - c. *lease payments to be \$150.00 per annum plus GST with annual CPI increases as per the lease; and*
  - d. *trustee Lessee to pay all reasonable costs associated with the lodgement of lease documents with the Titles Office; and*
3. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise any matters associated with the execution of the Trustee Lease.*

**Carried** Unanimously

**6. NOTICES OF MOTION**

Nil

**7. URGENT BUSINESS**

Nil

**8. PETITIONS**

Nil

**9. CLOSED SESSION**

**Moved** Cr Zammataro

**Seconded** Cr Scomazzon



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

**9.1 Confidential - Council Grants Program 2020-21 Major Grants Stream**

This report is considered confidential in accordance with section 254J (3) (g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

**9.2 Confidential - Land Resumption and Road Opening - Part of Lot 2 on RP738987 and Lot 2 on SR462**

This report is considered confidential in accordance with section 254J(3)(h), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to the taking of land by the Local Government under the *Acquisition of Land Act 1967*.

**9.3 Confidential - Freehold Land Purchase**

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

**Carried Unanimously**

(Meeting moved into Closed Session at 10.57am)

**MEETING WITHDRAWAL**

10.57am Cr Scmazzon withdrew from the meeting.  
10.57am Cr Noli withdrew from the meeting.  
10.58am Cr Zammataro withdrew from the meeting.  
10.58am Cr McKeown withdrew from the meeting.

**MEETING RE-ATTENDANCE**

10.59am Cr Zammataro re-attended the meeting.  
10.59am Cr McKeown re-attended the meeting.  
10.59am Cr Scmazzon re-attended the meeting.  
10.59am Cr Noli re-attended the meeting.

**MEETING WITHDRAWAL**

Cr Noli had declared a prescribed conflict of interest for Item 9.1 in the Closed session as Cr Noli is a Board member of one of the Applicants and will leave the group during the discussion, and withdrew from the meeting at 11.06am.

Cr McKeown had informed the meeting that he has a declarable Conflict of Interest in Item 9.1 as a result of being on the Board of one of the discussion matters and withdrew from the meeting at 11.06am.

**MEETING RE-ATTENDANCE**

Cr Noli re-attended the meeting at 11.07am

Cr McKeown re-attended the meeting at 11.08am

**OUT OF CLOSED SESSION**

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

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

**Carried** Unanimously

(Meeting moved out of Close Session at 11.12am)

**9.1. CONFIDENTIAL - COUNCIL GRANTS PROGRAM 2020-21 MAJOR GRANTS STREAM**

Helen Coulthard, Grants Officer

*Council to resolve that the report/attachment be deemed a confidential document and be treated as such in accordance with sections 171 and 200 of the Local Government Act 2009 and that the document remain confidential unless Council decides otherwise by resolution and:*

- *approves five (5) applications under the 2020-21 Council Grants Program in Attachment A;*

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Applicant "A" be approved.*

**Carried** Unanimously

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

*That Applicant "B" be approved.*

**For:** Cr Kerr

**Against:** Cr Scomazzon, Cr McKeown, Cr Noli, Cr Zammataro

**Not Carried**

**Moved** Cr Zammataro

**Seconded** Cr McKeown

*That Applicant "C" be approved.*

**Carried** unanimously

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Applicant "D" be approved.*

**Carried** unanimously

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Applicant "E" be approved.*

**Carried** unanimously

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- *approves one (1) application under the 2020-21 Council Grants Program in Attachment B;*

**MEETING WITHDRAWAL**

Cr Noli had declared a prescribed conflict of interest for Item 9.1 in the Close session as Cr Noli is a Board member of one of the Applicants and will leave the group during voting and withdrew from the meeting at 11.15am.

Cr McKeown had informed the meeting that he has a declarable Conflict of Interest in Item 9.1 as a result of being on the Board of one of the discussion matters and withdrew from the meeting at 11.15am.

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That Applicant "F" be approved.*

**Carried** unanimously

**MEETING RE-ATTENDANCE**

Cr Noli re-attended the meeting at 11.16am

- *not approve one (1) application under the 2020-21 Council Grants Program in Attachment C;*

**Moved** Cr Zammataro

**Seconded** Cr Scomazzon

*That Applicant "G" not be approved.*

**Carried** unanimously

**MEETING RE-ATTENDANCE**

Cr McKeown re-attended the meeting at 11.16am

- *not approve three (3) applications under the 2020-21 Council Grants Program in Attachment D; and*

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That Applicant "H" not be approved.*

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

**Against:** Cr Zammataro

**Carried**

**Moved** Cr Scomazzon

**Seconded** Cr Zammataro

*That Applicant "I" not be approved.*

**Carried** unanimously

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**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Applicant "J" not be approved and*

*delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to administer and finalise any and all matters associated with the above.*

**Carried** unanimously

**9.2. CONFIDENTIAL - LAND RESUMPTION AND ROAD OPENING - PART OF  
LOT 2 ON RP738987 AND LOT 2 ON SR462**

Michael Matthews, Project Engineer; Robert Donovan, Team Leader Property Services.

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Council resolves to:*

1. *the report/attachment being deemed a confidential document and be treated as such in accordance with sections 171 and 200 of the Local Government Act 2009 and that the document remain confidential unless Council decides otherwise by resolution;*
2. *agree to enter into a Deed of access and indemnity with register owner of land described as Lot 2 on RP 738987 and Lot 2 on SR462 located at Boonie Doon Road, Cooya Beach;*
3. *acquire either by private agreement or by agreement under section 15 of the Acquisition of Land Act 1967 the area of 10,823 m<sup>2</sup> of land being part of Lot 2 on RP 738987 and the area of 5,923 m<sup>2</sup> of land being part of Lot 2 on SR462 on Boonie Doon Road, subject, but limited to:*
  - a. *the purchase price to be determined by way of market value as determined by a registered Valuer or negotiated by the Chief Executive Officer, noting the contents of this report; and*
  - b. *council being responsible for all costs associated with the matter including, but not limited to survey, valuation, stamp duty and transfer registration fees.*
4. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Office to negotiate, determine and finalise at Council's expense any and all matters associated with this purchase, including compensation, settlement and the execution of any agreements and plans; and*
5. *approves a road opening of the acquire land, in order to enable use for transport infrastructure.*

**Carried** unanimously

**9.3. CONFIDENTIAL - FREEHOLD LAND PURCHASE**

Robert Donovan, Team Leader Property

**Moved** Cr Zammataro

**Seconded** Cr McKeown

*That Council resolves;*

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1. *that the report be deemed a confidential document and be treated as such in accordance with sections 171 and 200 of the Local Government Act 2009 and that the document remain confidential unless Council decides otherwise by resolution;*
2. *purchase vacant land as identified in Table 1 to the value as mentioned in the financial section of the report; and*
3. *delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise all matters associated with the sale and purchase of the land and authority to negotiate the sale price of properties to be sold following the auction if the reserve price is not attained.*

**Carried** unanimously

**CLOSURE OF MEETING**

The meeting closed at 11.18am.

**CONFIRMED THIS 15TH DAY OF DECEMBER 2020**

  
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**MAYOR/CHAIR**