

DOUGLAS SHIRE COUNCIL

# ORDINARY COUNCIL MEETING

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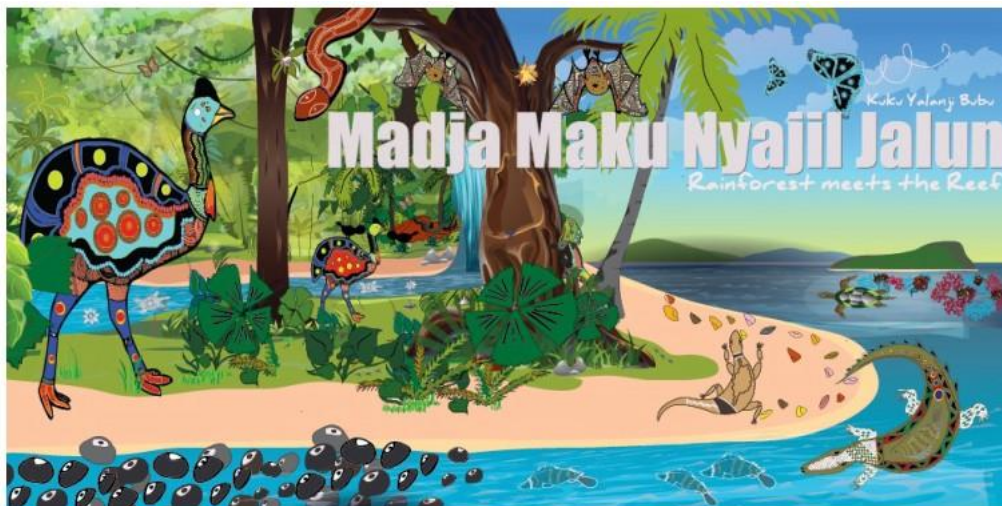
## MINUTES

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Tuesday, 30 March 2021

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 MARCH 2021 COMMENCING AT 10.00AM**

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Cr Scomazzon 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 restricted in numbers to public access 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. We cannot be complacent about this virus.

Cr Scomazzon 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 Scomazzon 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**

As the Mayor will be joining the meeting remotely, Cr Kerr had invited Cr Scomazzon to be Acting Chair on his behalf.

Cr Lisa Scomazzon (Deputy Mayor/Chair), Cr Peter McKeown, Cr Abigail Noli and Cr Roy Zammataro, with Mayor Cr Michael Kerr joining the meeting by telephone as provided for under Section 277C of the Local Government Regulations 2012.

**APOLOGIES**

Nil

**OFFICERS IN ATTENDANCE**

Mark Stoermer (Chief Executive Officer), Tara Killeen (Chief Financial Officer), Juanita Holden (Manager Governance, Natasha Murray (Manager Infrastructure), Lisa Golding (Acting Manager People and Community Services), Neil Beck (Team Leader Planning), Daniel Lamond (Planning Officer), Tim Ellis (Arts and Culture Officer), Sara Roberts (Team Leader Local Laws), Robert Donovan (Team Leader Property), Daniel Favier (Project Manager Open Spaces), Renee Ker, Community Development Officer Sport and Recreation and Tom Volling (Senior Media and Communications Officer), and Brenda Jang (Executive Assistant).

**MINUTE OF SILENCE**

A minute of silence was observed in honour of Council employee Patrick Crimmins.

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**2. CONFLICT OF INTEREST**

Cr Zammataro informed the meeting that he has a prescribed conflict of interest in Item 5.2 (RADF Committee Member Appointment) in that the nominee is a work colleague of his and as such, Cr Zammataro will leave the meeting room whilst the matter is being considered and voted on.

**3. MAYORAL MINUTE**

Nil

**4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD ON TUESDAY, 23 FEBRUARY 2021**

**Moved** Cr Noli

**Seconded** Cr McKeown

*That the Minutes of the Ordinary Meeting held on Tuesday, 23 February 2021 be confirmed.*

Carried unanimously

**5. AGENDA ITEMS**

**5.1. REQUEST FOR MINOR CHANGE AND EXTENSION TO CURRENCY PERIOD FOR DEVELOPMENT APPLICATION CA2638/2008**

Daniel Lamond, Planning Officer

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*That Council resolves the following in relation to the request to extend the currency period and minor changes to conditions of approval for a combined development approval for a material change of use and reconfiguration of a lot (30 lots & common property) with a House on 28 lots, a display home on a lot and a food and drink outlet on a lot over land described as Lots 1 and 2 on SP311489:-*

1. *approves the request for an extension of currency period for a further four (4) years up to and including 20 January 2025;*
2. *approves the minor change to the approved plan of development for the amalgamation of Lots 12, 13 and 14 and Lots 11 and 33 to create two larger residential allotments as detailed on Drawing No. PR141541-300 dated 20 January 2021;*
3. *condition 9 & Condition 37 as detailed in Decision Notice dated 6 May 2020 remain unchanged.*

*Note - A 600mm landscape strip may be provided within the Escape Street Road Reserve adjacent to the existing fence. This will need to be detailed as part of the Landscape Plan as required by conditions of the development approval.*

4. *condition 21 of Decision Notice dated 6 May 2020 be amended to read as follows:-*

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*Parkland*

21. *The applicant shall make contribution for parkland for twenty six (26) ~~thirty-three (33)~~ allotments in accordance with Council's requirements for parkland contribution, as defined under Planning Policy No.5 or any other relevant Policy or Code applicable at time of payment.*
5. *Council notes that a review of the provision of on-site car parking spaces must be undertaken during design review and endorsement of each stage as part of condition 45.*

**REASONS FOR DECISION**

*The reasons for this decision are:*

1. *Sections 80 and 81A of the Planning Act 2016:*
  - a) *to ensure compliance with the Planning Act 2016.*
2. *Findings on material questions of fact:*
  - a) *the change application was properly lodged to the Douglas Shire Council on 2 March 2020.*
  - b) *the development application contained information from the applicant which Council reviewed together with Council's own assessment in making its assessment manager decision.*
3. *Evidence or other material on which findings were based:*
  - a) *the applicant's reasons have been considered and the following findings are made:*
    - (i) *Conditions 9 and 37 remain unchanged in order to allow for reasonable pedestrian movement and infrastructure protection in accordance with the requirements the FNQROC Development Manual & Planning Scheme requirements.*

**Carried** unanimously

**MEETING WITHDRAWAL**

Cr Zammataro had declared a prescribed conflict of interest in Item 5.2 (RADF Committee Member Appointment) and excluded himself from the meeting whilst the matter was being discussed and voted on. Cr Zammataro withdrew from the meeting at 11.09am.

**5.2. RADF COMMITTEE MEMBER APPOINTMENT**

Tim Ellis, Arts and Culture Officer

**Moved** Cr McKeown

**Seconded** Cr Noli

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*That Council endorse the appointment of new Regional Arts Development Fund (RADF) Committee member Sabine Hoeng to the Regional Arts Development Fund (RADF) Committee, to serve a term of four years, with an option to stand down after two years.*

**Carried** unanimously

**MEETING RE-ATTENDANCE**

Cr Zammataro re-attended the meeting at 10.10am.

**5.3. ROADSIDE VENDING POLICY UPDATE**

Sara Roberts, Team Leader Local Laws

**Moved** Cr Noli

**Seconded** Cr McKeown

*That Council adopt the updated Roadside Vending General Policy.*

**Carried** unanimously

**5.4. PROPOSED LAND RESUMPTION AND ROAD OPENING PART OF LOT 20  
ON NPW695**

Property Services

**Moved** Cr Zammataro

**Seconded** Cr McKeown

*That Council:*

- 1. acquires either by private agreement or by agreement under section 15 of the Acquisition of Land Act 1967 the area of 1759m<sup>2</sup> of land being part of Lot 20 on NPW695 on Cape Tribulation Road in accordance with the landowner's offer (specified on the Financial/ Resource Implications section of this report) to facilitate the replacement of the Noah Creek Bridge;*
- 2. approves the road opening of the acquired land to enable use of the acquired land as road and enable bridge infrastructure to be constructed within the area of new road reserve; and*
- 3. delegates authority to the Chief Executive Office in accordance with section 257 of the Local Government Act 2009 to finalise all matters associated with this dealing.*

**Carried** unanimously

**5.5. WONGA BEACH CARAVAN PARK CARETAKER MANAGEMENT  
AGREEMENT**

Robert Donovan, Team Leader Property

**Moved** Cr Noli

**Seconded** Cr Zammataro

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*That Council resolves to:*

1. *approve the appointment of temporary caretaker for a period of 3 months from 31 March 2021 at remuneration as stated in the financial section of the report;*
2. *approve the allocation of \$140,000.00 to construct on site accommodation at Wonga Beach Caravan Park; and*
3. *delegate authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise all matters associated with this matter.*

**Carried** unanimously

**5.6. MILMAN DRIVE PLAYGROUND - SIX MONTH POST INSTALLATION REVIEW**

Daniel Favier, Project Manager Open Spaces

**Moved** Cr Noli

**Seconded** Cr Kerr

*That Council:*

1. *receives and notes the Milman Drive Playground Six Month Post Installation Survey Findings Report, presented to Councillor Workshop on the 16 March 2021; and*
2. *resolves to retain the Milman Drive Playground in situ with no further significant changes.*

**Carried** unanimously

**5.7. CONTRACT WO5288 - MACROSSAN AND OWEN STREET INTERSECTION UPGRADE - CONSTRUCTION**

Daniel Favier, Project Manager Open Spaces

**Moved** Cr Kerr

**Seconded** Cr McKeown

The Council

*That Council resolves to:*

1. *Award the Contract WO5288 – Construction of the Macrossan and Owen Street Intersection Upgrade to Durack Civil Pty Ltd (ABN 35 633 665 380) for \$358,561.77 (GST exclusive); 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

**5.8. RELATED PARTY GENERAL POLICY**

Tara Killeen, Chief Financial Officer

**Moved** Cr Noli

**Seconded** Cr McKeown

*That Council adopts the Related Party General Policy*

**Carried** unanimously

**5.9. DEBT GENERAL POLICY**

Tara Killeen, Chief Financial Officer

**Moved** Cr Noli

**Seconded** Cr McKeown

*That Council adopts the Debt General Policy 2021-22*

**Carried** unanimously

**5.10. DEBT RECOVERY GENERAL POLICY**

Tara Killeen, Chief Financial Officer

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

*That Council adopt the Debt Recovery General Policy*

**Carried** unanimously

**5.11. PROCUREMENT POLICY**

Tara Killeen, Chief Financial Officer

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*That Council adopts the Procurement General Policy for the 2021/22 financial year.*

**Carried** unanimously

**5.12. INVESTMENT GENERAL POLICY**

Tara Killeen, Chief Financial Officer

**Moved** Cr Noli

**Seconded** Cr McKeown

*That Council adopt the Investment General Policy.*

**Carried** unanimously



**5.13. CORPORATE CREDIT CARD POLICY**

Tara Killeen, Chief Financial Officer

**Moved** Cr McKeown

**Seconded** Cr Zammataro

*That Council adopt the Corporate Credit Card Policy.*

**Carried** unanimously

**5.14. FINANCIAL REPORT FEBRUARY 2021**

Tara Killeen, Chief Financial Officer

**Moved** Cr McKeown

**Seconded** Cr Scomazzon

*That Council notes the Financial Report for the period ended 28 February 2021.*

**Carried** unanimously

**5.15. COUNCIL TO CEO DELEGATION UPDATE**

Juanita Holden, Manager Governance

**Moved** Cr Kerr

**Seconded** Cr McKeown

*That Council resolves to delegate, under section 257 of the Local Government Act 2009, the exercise of the powers contained within the Delegations Register – Council to the Chief Executive Officer. Furthermore, these powers must be exercised subject to the limitations contained in the Delegations Register as listed.*

**Carried** unanimously

**5.16. COUNCILLORS ADMINISTRATIVE SUPPORT POLICY**

Juanita Holden, Manager Governance

**Moved** Cr Noli

**Seconded** Cr McKeown

*That Council adopt the Councillor Administrative Support Policy as presented.*

**Carried** unanimously

**6. NOTICES OF MOTION**

**6.1 NOTICE OF MOTION - REPEAL OF DECISION FOR APPLICATION FOR  
PERMANENT ROAD CLOSURE OVER ESPLANADE ADJACENT TO LOT 2  
RP 724386 PORT DOUGLAS**

**Moved** Cr Noli

**Seconded** Cr Zammataro

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1. *That the recommendation of Item 5.7 – Application for Permanent Road Closure over Esplanade Adjacent to Lot 2 RP 724386 Port Douglas, resolved at the Ordinary Council Meeting held on 15 December 2020, be repealed:*
  - (i) *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to execute a Form Part C as Road Manager, advising the Department of Natural Resources Mines & Energy (DNRME) that Council cannot authorise a proposed permanent road closure over the Esplanade in Port Douglas adjoining Lot 2 on RP 724386 (as per attachment) however, it requests DNRME to consider an application under the Land Act 1994 in relation to this matter; and*
  - (ii) *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 application.*
2. *Informs DNRME that if Part C assessment process has already been expedited, that Council delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to immediately advise the Department of Natural Resources Mines & Energy (DNRME) that Council is not supportive of the road closure, and*
3. *When DNRME formally seeks views from Council and the public as outlined in the 15 December 2020 report, Council will provide objections to the proposed road closure*

**Moved** Cr Noli

**Seconded** Cr Zammataro

An amendment to the original motion by deleting Item 1 (i) and (ii) which will allow Development Assessment process to continue.

1. *Informs DNRME that if Part C assessment process has already been expedited, that Council delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to immediately advise the Department of Natural Resources Mines & Energy (DNRME) that Council is not supportive of the road closure, and*
2. *When DNRME formally seeks views from Council and the public as outlined in the 15 December 2020 report, Council will provide objections to the proposed road closure*

The amended motion was put to the vote

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

**Against:** Cr Kerr

**Carried**

The amended motion became the substantive motion and was put to the vote.

**Moved** Cr Noli

**Seconded** Cr Zammataro

*That Council:*

1. *informs DNRME that if Part C assessment process has already been expedited, that Council delegates authority under section 257 of the Local Government Act 2009 to the*

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*Chief Executive Officer to immediately advise the Department of Natural Resources Mines & Energy (DNRME) that Council is not supportive of the road closure, and*

2. *when DNRME formally seeks views from Council and the public as outlined in the 15 December 2020 report, Council will provide objections to the proposed road closure.*

**For:** Cr Scmazzon, Cr Noli, Cr Zammataro

**Against:** Cr Kerr, Cr McKeown

**Carried**

**7. URGENT BUSINESS**

Nil

**8. PETITIONS**

Nil

**9. CLOSED SESSION**

**Moved** Cr Noli

**Seconded** Cr McKeown

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

- 9.1 *Confidential – 254J 3 G Local Government Regulation 2021 **Australian Olympic Team Event***

**Carried** Unanimously

(Meeting moved into Closed Session at 11.04am.)

**OUT OF CLOSED SESSION**

**Moved** Cr McKeown

**Seconded** Cr Zammataro

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

**Carried** unanimously

(Meeting moved out of Closed session at 11.12am.)

**9.1. CONFIDENTIAL - 254J 3 G LOCAL GOVERNMENT REGULATION 2012 -  
AUSTRALIAN OLYMPIC TEAM EVENT**

Renee Ker, Community Development Officer Sport and Recreation

**Moved** Cr McKeown

**Seconded** Cr Noli

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*That Council:*

1. *supports an Australian Olympic Sports team to hold a competition in Port Douglas to showcase the region and increase visitation, with a financial contribution of up the \$12,000.00; and*
- 2.
3. *acknowledges the report to 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 remains confidential until the official notification release of the event.*

**Carried** unanimously

**CLOSURE OF MEETING**

The meeting closed at 11.14am.

**CONFIRMED THIS 27TH DAY OF APRIL 2021**

  
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**MAYOR/CHAIR**