

DOUGLAS SHIRE COUNCIL

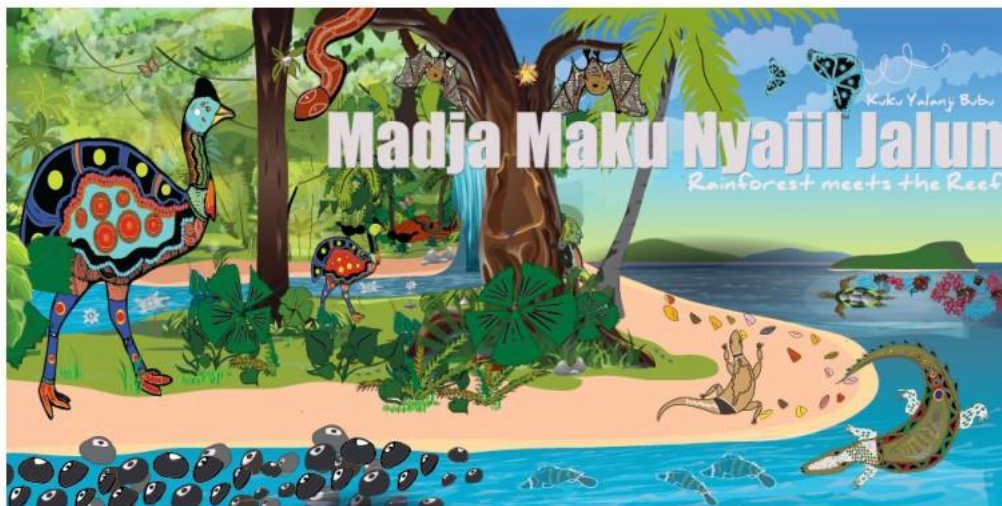
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 27 April 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, 27 APRIL 2021 COMMENCING AT 10.00AM**

Mayor Cr Kerr opened the Meeting by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on Tuesday 27 April 2021 at the Mossman Council Chambers.

Cr Kerr gave notice that, in accordance with *Section 277E of the Local Government Regulation 2012*, the Ordinary Meeting of Council will be restricted in numbers of public attendance because of health and safety reasons associated with the public health emergency involving COVID-19; and advised that this Ordinary Meeting of Council will be available to view via Live Stream on Council's Website and will be available for others to watch at a later time.

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), Lisa Golding (Acting 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), Daniel Lamond (Planning Officer), Jenny Elphinstone (Senior Planning Officer), Robert Donovan (Team Leader Property Services), Katie Wilkinson (Asset Accountant) and Brenda Jang (Executive Assistant).

2. CONFLICT OF INTEREST

Nil

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD ON TUESDAY, 30 MARCH 2021

Moved Cr Scomazzon

Seconded Cr Noli

That the Minutes of the Ordinary Meeting held on Tuesday, 30 March 2021 be confirmed.

Carried unanimously

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5. AGENDA ITEMS

**5.1. REQUEST FOR MINOR CHANGE TO PRAWN FARM DEVELOPMENT
APPROVAL AND EXECUTION OF FORM C FOR PART ROAD CLOSURE**

Daniel Lamond, Planning Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council:

1. *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, in order to allow an application to be lodged at the Department of Resources (DR), with respect to permanently closing part of Old Ferry Road Killaloe, which dissects Lots 203 and 204 on SP264765;*
2. *advises DR by way of the Form Part C, that Council requires further contact from the department, before a decision is made on the application; and*
3. *approves the Request for Minor Change to development approval CA2015/ 1044 in part, over land described as LOT: 8 NR: 153, LOT: 201 SP: 222765, LOT: 7 RP: 846941, 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:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_200, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_201, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_202, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_203, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_204, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_203, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_206, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_207, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_208, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_209, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_210, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_211, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_212, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_213, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Plan</i>	<i>Drawing No 5555_LP_214, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Details</i>	<i>Drawing No 5555_DT_901, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Details</i>	<i>Drawing No 5555_DT_902, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Details</i>	<i>Drawing No 5555_DT_903, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Details</i>	<i>Drawing No 5555_DT_904, Rev B</i>	<i>28 January 2021</i>
<i>Landscape Details</i>	<i>Drawing No 5555_DT_905, Rev B</i>	<i>28 January 2021</i>

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<i>Statement of Landscape Intent</i>	<i>Drawing No. 555-L/L/01-Plans 01-03 inclusive</i>	<i>30 June 2015</i>
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ASSESSMENT MANAGER CONDITIONS & ADVICES

1. Condition 10 remains unchanged as detailed in the Decision Notice dated 16 June 2016.
2. Condition 20 from the Decision Notice dated 16 June 2016 be deleted and replaced with the following:

Landscape Plan

20. The site must be landscaped generally in accordance with Landscape Plans 5555_LP_200-214 and Landscape Detail Plans 5555_DT_901-905 and;
 - a. Be maintained at all times to the satisfaction of the Chief Executive Officer;
 - b. The temporary printed screen fencing running down the frontage of Old Ferry Road must only be in place for a maximum of two (2) years. The two years allows for the applicant to obtain a development approval and undertake the material change of use. In the event that development approval and material change of use for farm expansion over the balance land does not occur, the area approved for temporary screen fencing must be densely landscaped in accordance with a landscaping plan prepared in accordance with Planning Scheme Policy SC6.7 and to the satisfaction of the Chief Executive Officer;
 - c. In the event a development application is lodged for further expansion, the ultimate treatment of this section of land will be determined at the time of assessment of this application.

REASONS FOR DECISION

The reasons for this decision are:

Section 81 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;

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 19 February 2021 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 and 2006 Douglas Shire Planning Scheme 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 Code;

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- b) Council undertook an assessment in accordance with the provisions of section 81 of the Planning Act 2016; and
- c) the applicant's reasons have been considered and the following findings are made:
The access driveway/ road requires two lanes for entry and egress.

The landscaping plan proposed is satisfactory subject to a condition limiting the duration of time the component of printed screening may be in place.

Carried unanimously

**5.2. MATERIAL CHANGE OF USE FOR A FUNCTION CENTRE AT 188-190
TREZISE RD MOWBRAY**

Jenny Elphinstone, Senior Planning Officer

Moved Cr Noli

Seconded Cr Kerr

That Council approves the development application for Material Change of Use Function facility in addition to the continuing use of a dwelling house on each lot over land described as 115 on SP199697 and Lot 49 on N157479, being 188-190 Trezise Road, Mowbray, 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:

Drawing or Document	Reference	Date
Site Layout	Lot 115 on SP199697 & Lot 49 on N157479 (Trezise Road, Mowbray), as prepared by the applicant and submitted to Council on 22 February 2021 (Council document 998018).	22 February 2021
Event Floorplan	As prepared by the applicant and submitted to Council on 22 December 2020 (Council document 989347).	22 December 2020

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.

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Limitation of Use

3. *The Development Permit remains valid only while both Lot 115 on SP199697 and Lot 49 on Plan N157479 are both made available to accommodate the approved use. In the event circumstances change that result in either lot not being available to accommodate or be used for the approved use, the Development Permit has no force or effect.*

Approved Use

4. *Approval is granted for the purpose of a private functions, that are facilitated by Eventcore Pty Ltd (or another event company, that is a registered company under Commonwealth law, to the satisfaction of the Chief Executive Officer) or the landowner.*

Events Management Plan

5. *The applicant must submit a Function Facility Management Plan that outlines how functions will be managed including, but not limited to, matters such as parking, lighting, ablutions, noise, waste, health, service of food and beverages (including a copy of the associated food license held by a provider for the function) and safety (including crocodile management and the lake, such as temporary fencing as is necessary). The Function Facility Management Plan must be submitted to the satisfaction of the Chief Executive Officer prior to Commencement of Use. The Function Facility Management Plan must be adhered to at all times during events.*

Location of the Function facility

6. *The location of the Function facility area must be generally in the north-western portion of Lot 115 on SP199697 as detailed on the applicant's Site Plan, as submitted to Council on 22 February 2021 (Council document reference 998018). The use of the Function facility must not be undertaken beyond the property boundary and if necessary temporary fencing is to be provided to the northern property boundary to ensure attendees remain on the land.*

Availability of onsite management

7. *When hosting an event, the owners of the property or their representative (which maybe the event company providing for the Function facility) must be present at all times to ensure the Development Permit and the nominated Function Facility Management Plan are complied with.*

The owner or their representative as the Function facility on-site manager is responsible for all persons on the premises (including all invited guests, hosts, employees, charter drivers and subcontractors) display an acceptable level of behaviour at all times.

The owner or their representative, who is attending the premises as the Function facility on-site manager, must make their telephone number available to nearby neighbours and Queensland Police (Port Douglas Station).

The owner or their onsite representative must manage any complaints immediately when a function occurs.

Maximum number of persons

8. *While it is anticipated the average number of attendees (excluding Function facility employees) is 80 persons, the maximum number is limited to 150 persons at any one event. A maximum of 20 employees/sub-contractors associated with the function can*

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attend the site at any one time.

Function facility operations

9. *The Function facility can only operate during either of the following times:*
- a. *Daytime function – between 10:00 am and ending by 5:30 pm and all persons attending the Function facility (excluding employees) must be transported off the premises by 6:00pm that day;*
 - b. *After a daytime function all employees associated with the Function facility must depart the premises by 7:00pm and while attending and leaving and leaving must do so in a quiet manner;*
 - c. *Evening function – between 2:30pm and ending by 10:30pm and all persons attending the Function facility (including employees) must depart the premises by 11:00pm that evening;*
 - d. *Function facility employees may attend the day prior to, during the day or the day after an evening function to setup and pack away equipment. At all such time the employees must behave in an orderly and quiet manner;*
 - e. *Only one function (either an evening function or a daytime function) is to be held per day;*
 - f. *A maximum of two (2) daytime functions and one (1) evening can be held each calendar month between and including the months of April to November; and*
 - g. *No persons are permitted to stay on and either reside or camp on the premises other than the accommodation of persons associated with the established land use of House on each lot.*

Transport of attendees

10. *With the exception of disabled persons utilising self-drive or assisted driver transport, all persons attending the function (excluding employees and those who are residing on the premises) must be transported to and from the Function facility by a chartered bus. Attendees are to be transported to and from their place of accommodation.*

Onsite parking and access

11. *All vehicles associated with events must be contained onsite at all times generally in the area identified as the “Vehicle Carpark” on Lot 49 as detailed on the Site Plan. Parking of vehicles on Mowbray Road, Tresize Road or Spring Creek Road is not permitted.*

For access and parking areas a minimum of a solid ground cover must be provided and maintained to a satisfactory standard for the life of the approved use (e.g. - blue stone and gravel products) to the satisfaction of the Chief Executive Officer.

All access and egress to the property must only be from the existing constructed access point at the north-eastern vehicle access to Tresize Road (on Lot 49 on N157479. No access or egress is permitted at the access point opposite the intersection of Spring Creek Road.

Provide sufficient concrete aprons on the site to each lot vehicle access point of a minimum of 10 metres length and 3 metres width, to ensure wheel turn does not carry

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gravel onto the adjacent road, to the satisfaction of the Chief Executive Officer.

All pedestrian accesses within the premises must have either a sealed surface or a minimum full ground cover must be maintained at all times (e.g. a defined pedestrian walkway of gravel or grass) to the satisfaction of the Chief Executive Officer.

Sound emissions

12. *Sound emitting from the site from entertainment, music or related activities must not exceed a maximum noise level of no more than 5dB(A) above background when measured from the following points along the boundary:*
- a. *at the western corner of the common boundary corner of Lot 115 on SP199697 and Lot 49 on N157479;*
 - b. *at the eastern vehicle entry to Trezise Road, just south of the common boundary corner of Lot 115 on SP199697 and Lot 49 on N157479;*
 - c. *at the south-eastern boundary of Lot 49 on N157479, opposite the intersection of Trezise and Spring Creek Roads.*

No entertainment, music or related activity noise is to be emitted beyond the boundaries of the properties after 10:30pm.

Lighting

13. *Lighting must not be directed toward nearby properties; and where applicable, shields and baffles must be installed on lighting to prevent spill onto adjoining properties.*

Ablution Facilities

14. *Sufficient toilets facilities with an adequate supply of toilet paper, potable water and soap must be provided for and maintained during each event.*

Waste

15. *Waste receptacles must be provided of sufficient number and size capable of containing the volume of waste produced on the premises during each event.*

Waste generated during each event must be disposed of at an appropriate waste disposal facility.

Dust

16. *Dust emissions or other air pollutants must not extend beyond the boundary of the site. Where dust can be seen extending beyond the boundary of the site, the event manager must immediately provide a directive to cease the activity, or immediately implement corrective actions to prevent activities from causing further dust movements beyond the property boundaries.*

ADVICE

1. *This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the Planning Act 2016.*

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2. *All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
3. *This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.*
4. *The food and beverage providers at each event must hold relevant licenses and approvals under the Queensland Food Act 2006.*
5. *Despite condition 12, noise emanating from the site must not cause a noise nuisance in accordance with the Environmental Protection Act 1994 and the Environmental Protection Policy (Noise) 2008.*
6. *Light emanating from the site must not cause a light nuisance to surrounding properties in accordance with the Environmental Protection Act 1994.*
7. *Ablution facilities are to be provided having regard to the Commonwealth Premises Standards and the Building Code of Australia, under the Building Act 1975.*
8. *For information relating to the Planning Act 2016 log on to www.dsdmip.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au .*

REASONS FOR DECISION

1. *The reasons for this decision are:*
 - a. *Sections 60, 62 and 63 of the Planning Act 2016:*
 - b. *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
 - c. *to ensure compliance with the Planning Act 2016.*
2. *Findings on material questions of fact:*
 - a. *the development application was properly lodged to the Douglas Shire Council 21 January 2021 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.*
3. *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:*

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

Carried unanimously

5.3. PROPOSED VARIATION TO LIQUOR LICENSE FOR TURTLE ROCK CAFE, CAPE TRIBULATION

Paul Hoye, Manager Environment and Planning

Moved Cr Kerr

Seconded Cr McKeown

That the motion be amended to read:

That Council resolves to object to the proposed variation of on-premises (Accommodation) License – Provision of accommodation to allow for amplified entertainment on the basis that:

- a. the amenity of the locality will be affected due to noise nuisance;
- b. the applicant has not demonstrated satisfactory measures to manage noise nuisance from the premises;
- c. the location of the proposed amplified entertainment is on an open air deck outdoors;
- d. the acoustic report does not adequately address noise nuisance concerns; and
- e. the community has raised concerns with noise nuisance related to the current operation of the premises.

Carried unanimously

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

Moved Cr Kerr

Seconded Cr McKeown

That Council resolves to object to the proposed variation of on-premises (Accommodation) License – Provision of accommodation to allow for amplified entertainment on the basis that:

- a. *the amenity of the locality will be affected due to noise nuisance;*
- b. *the applicant has not demonstrated satisfactory measures to manage noise nuisance from the premises;*
- c. *the location of the proposed amplified entertainment is on an open air deck outdoors;*
- d. *the acoustic report does not adequately address noise nuisance concerns; and*
- e. *the community has raised concerns with noise nuisance related to the current operation of the premises.*

Carried Unanimously

5.4. EXPIRING TRUSTEE PERMIT FOR PROVISION OF MARINE RESCUE SERVICES LOT 51 ON SP288958 WHARF ST PORT DOUGLAS

Property Services

Moved Cr Noli

Seconded Cr Kerr

That Council:

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1. offers a Trustee Permit to the Queensland Fire and Emergency Services (QFES) over Lot 51 on SP288958, Wharf Street Port Douglas, for the purpose of providing marine rescue services covering an area from Ellis Beach to the Hope Islands and for the storage of flares and associated flammable materials:
 - i) for a term of 12 months commencing from 30 April 2021 and expiring 29 April 2022, or until such time as the dispute between the Marine Rescue Douglas Shire Inc (MRDSI) and its parent body the Australian Volunteer Coast Guard Association (AVCGA) is resolved and a trustee lease is formally in place, whichever is the sooner;
 - ii) utilising the terms and conditions of the Standard Terms Document registered under dealing number 717940164 and the State's Mandatory Standard Terms Document registered under dealing number 711932933; and
 - iii) rent for the term of the Trustee Permit to be waived; and
2. delegates 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 the execution of the Trustee Permit.

Carried Unanimously

**5.5. APPLICATION FOR PERMANENT ROAD CLOSURE ADJOINING LOT 204
ON SP264765 CAPTAIN COOK HIGHWAY, KILLALOE**

Property Services

Moved Cr Kerr

Seconded Cr Zammataro

That Item 5.5 be withdrawn from the agenda as it is forms part of Item 5.1 (Request for Minor Change to Prawn Farm Development Approval and Execution of From C for Part Road Closure).

Carried Unanimously

**5.6. LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE
2 - REVISED LIST OF PROJECTS**

Manager Infrastructure

Moved Cr Scomazzon

Seconded Cr McKeown

That Council resolves to:

1. *Replace the following projects previously endorsed by Council under Phase Two of the Local Roads and Community Infrastructure Program*

<i>A - Macrossan and Owen Street Intersection Upgrade</i>	<i>\$140,000.00 (GST Exc)</i>
<i>B - Beach Access upgrades to Four Mile Beach</i>	<i>\$170,000.00 (GST Exc)</i>
<i>C - Mossman Pool Shade Sails</i>	<i>\$ 90,000.00 (GST Exc)</i>
<i>D - Pop up Engagement container/trailer</i>	<i>\$ 80,000.00 (GST Exc)</i>
<i>E - Bump Track Access parking</i>	<i>\$ 27,981.00 (GST Exc)</i>

with

<i>A – Disability Infrastructure Upgrades</i>	<i>\$ 75,000.00 (GST Exc)</i>
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<i>B - Timber Bridge and Boardwalk Renewal</i>	<i>\$ 60,000.00 (GST Exc)</i>
<i>C – Footpath Renewals</i>	<i>\$105,000.00 (GST Exc)</i>
<i>D – Parks Renewals</i>	<i>\$267,981.00 (GST Exc)</i>

- 2. Delegate authority to the Chief Executive Officer under Section 257 of the Local Government Act 2009 to administer the above matters.*

Carried Unanimously

5.7. CAPITAL WORKS PROGRESS REPORT FOR THE 3RD QUARTER 2020-2021

Scott Hahne, Manager Project Office

Moved Cr Scomazzon

Seconded Cr McKeown

That Council receives and notes the progress of the Capital Works Program to 31 March 2021 for the 2020/21 financial year.

Carried Unanimously

5.8. AUDIT COMMITTEE MEETING MINUTES - 15 MARCH 2021

Juanita Holden, Manager Governance

Moved Cr Noli

Seconded Cr Zammataro

That Council receive and note the unconfirmed minutes of the Audit Committee held on 15 March 2021.

Carried Unanimously

5.9. SCHEDULE OF FEES AND CHARGES FOR 2021-2022

Katie Wilkinson, Asset Accountant

Moved Cr Scomazzon

Seconded Cr McKeown

That Council:

- 1. Adopts the Schedule of Fees and Charges for the 2021/22 financial year; and*
- 2. Delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate fees and charges where circumstances warrant and to make minor administrative amendments to the Schedule.*

Carried Unanimously

5.10. REVENUE GENERAL POLICY

Tara Killeen, Chief Financial Officer

Moved Cr Kerr

Seconded Cr Scomazzon

That Council adopts the Revenue General Policy 2021-2022.

Carried Unanimously

5.11. FINANCIAL REPORT MARCH 2021

Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council notes the Financial Report for the period ended 31 March 2021.

Carried Unanimously

**5.12. WATER AND WASTEWATER QUARTERLY REPORT FOR PERIOD ENDING
31 MARCH 2021**

Peter Tonkes, Manager Water and Wastewater

Moved Cr Noli

Seconded Cr Zammataro

That Council receives and notes the progress of the Quarterly Report of the Water and Wastewater branch for the period ending 31 March 2021.

Carried Unanimously

**5.13. OPERATIONAL PLAN PROGRESS REPORT FOR JANUARY TO MARCH
2021**

Mark Stoermer, Chief Executive Officer

Moved Cr Scomazzon

Seconded Cr McKeown

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

Carried Unanimously

6. NOTICES OF MOTION

Nil

7. URGENT BUSINESS

Nil

8. PETITIONS

Cr McKeown presented a petition received from Ron Smith on behalf of the residents of Atherton Street and Cedar Street. The petition seeks Council to remove the unsafe exit from Atherton Street to Cedar Street (Mossman – Daintree Road)

Moved Cr McKeown

That the petition be received and referred to a responsible officer for consideration and a report back to Council.

Carried Unanimously

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9. CLOSED SESSION

Moved Cr Scomazzon

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 2012 - Lease Rental Market Review
- The Douglas Community & Sports Club Inc.*

Carried Unanimously

(Meeting moved into Closed Session at 10.29am)

OUT OF CLOSED SESSION

Moved Cr Zammataro

Seconded Cr McKeown

That Council resolves to move out of Closed Session.

Carried Unanimously

(Meeting moved out of Closed Session at 10.37am.)

**9.1. CONFIDENTIAL 254J 3 G LOCAL GOVERNMENT REGULATION 2012 -
LEASE RENTAL MARKET REVIEW - THE DOUGLAS COMMUNITY &
SPORTS CLUB INC**

Property Services

Moved Cr Scomazzon

Seconded Cr Noli

That Council:

1. *provides notice to The Douglas Community & Sports Club Inc "Lessee" that the annual lease rental for part of Lot 5 on SP288958 Asford Avenue Port Douglas has been reviewed under the terms of the lease and the lease rental will now be increased in accordance with the outcome of the rental market review undertaken by an external Valuer;*
2. *advises the Lessee that the proposed increase in annual lease rental will be effective from 1 July 2021;*
3. *advises the Lessee that the rental market review was undertaken in accordance with the terms of the lease, by taking into consideration the land and those improvements which existed on the property at the time that the lease commenced on 1 October 2009;*
4. *advises the Lessee that under the terms of the lease, the Lessee has twenty-one (21) days from notification of the new rent, to lodge a dispute with Council;*
5. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise all matters associated with the rental market review; and*
6. *acknowledges report/attachments 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 unless Council decides otherwise by resolution.*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 27 APRIL 2021 COMMENCING AT 10.00AM**

For: Cr Scmazzon, Cr Noli, Cr Zammataro.
Against: Cr Kerr, Cr McKeown

CARRIED

CLOSURE OF MEETING

The meeting closed at 10.38 am.

CONFIRMED THIS 25TH DAY OF MAY 2021


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MAYOR/CHAIR