

DOUGLAS SHIRE COUNCIL

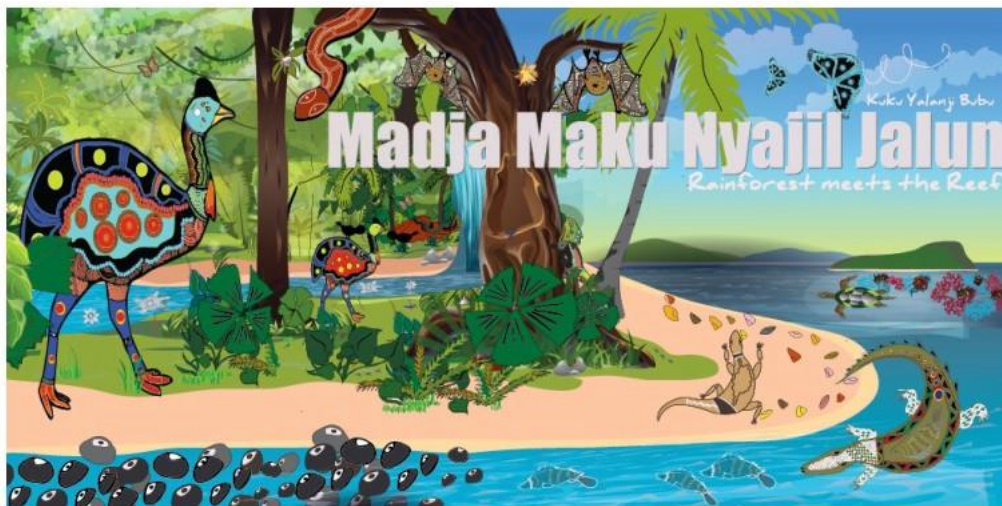
ORDINARY COUNCIL MEETING

MINUTES

Tuesday, 29 June 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, 29 JUNE 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, 29 June 2021 at the Mossman Council Chambers. Change to seating.

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), Juanita Holden (Manager Governance), Tara Killeen (Chief Financial Officer), Paul Hoye (Manager Environment and Planning), Natasha Murray (Manager Infrastructure), Lisa Golding (Acting Manager People and Community Services), Robert Donovan (Team Leader Property), Sara Roberts (Team Leader Local Laws), Amy Mail (Tourism & Economic Development Officer), Mary Martin (Tourism & Economic Development Officer), Erin Murray (Acting Grants Officer), Emma Tunnock (Digital Communications Officer), Tristan Burrows (ICT Support Officer) and Brenda Jang (Executive Assistant).

2. CONFLICT OF INTEREST

Nil

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

4.1 CONFIRMATION OF MINUTES OF MEETING HELD ON TUESDAY, 25 MAY 2021

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 29 JUNE 2021 COMMENCING AT 10.00AM**

Moved Cr Scomazzon

Seconded Cr McKeown

That the Minutes of the Ordinary Meeting held on Tuesday, 25 May 2021 be confirmed.

Carried Unanimously

**4.2 CONFIRMATION OF MINUTES OF SPECIAL MEETING HELD ON
TUESDAY, 8 JUNE 2021**

Moved Cr Scomazzon

Seconded Cr Kerr

That the Minutes of the Special Meeting held on Tuesday, 8 June 2021 be confirmed.

Carried Unanimously

**4.3 CONFIRMATION OF MINUTES OF SPECIAL MEETING HELD ON
TUESDAY, 15 JUNE 2021**

Moved Cr McKeown

Seconded Cr Scomazzon

That the Minutes of the Special Meeting held on Tuesday, 15 June 2021 be confirmed.

Carried Unanimously

5. AGENDA ITEMS

**5.1. RECONFIGURATION OF A LOT (1 INTO 2 RESIDENTIAL LOTS) AT 349
MOWBRAY RIVER ROAD, MOWBRAY**

Jenny Elphinstone, Senior Planning Officer

Moved Cr Zammataro

Seconded Cr Noli

That Council refuse the development application for over land described as Lot 23 on SP227933, to be reconfigured one lot into two lots.

The reasons for this decision are:

A. *Sections 60 and 63 of the Planning Act 2016:*

1. *The Douglas Shire Council, as the assessment manager, was not directed to refuse the application by a referral agency (refer to s.63 (2)(f)(i) Planning Act 2016).*
2. *Reasons for refusing the application (s.63 (2)(f)(ii) Planning Act 2016)) and Non-Compliance with Assessment Benchmarks:*
 - i. *The development creates lots which are not of an appropriate size and configuration to retain and sustain the utility and productive capacity of the land for rural purposes. The proposed development will fragment rural land, in particular good quality agricultural land that is identified as Class A Agricultural Land Classification. The development is incapable of being conditioned to achieve compliance with the required codes;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 29 JUNE 2021 COMMENCING AT 10.00AM**

- ii. *The development is inconsistent with the 2018 Douglas Shire Planning Scheme in regard to: the Rural Zone Code and the Reconfiguring A Lot Code. The development is incapable of being conditioned to achieve compliance with the required codes;*
- iii. *The fragmentation of agricultural land and the size and configuration of the proposed lots is development that is inconsistent with the Far North Queensland Regional Plan 2009-2031, the State Planning Policy 2017 and the Planning Scheme. There is no identified need for the smaller lots in the rural area in order to achieve the outcomes of: the State Planning Policy 2017, the Far North Queensland Regional Plan 2009-2031 and the Planning Scheme;*
- iv. *There are insufficient grounds to justify approval despite the conflicts with the State Planning Policy 2017, the Far North Queensland Regional Plan 2009-2031 and the Planning Scheme.*

B. Findings on material questions of fact:

1. *The application was properly lodged to the Douglas Shire Council on the 29 March 2021 under section 51 of the Planning Act 2016 and included a planning report.*

C. Evidence or other material on which findings were based:

1. *Council undertook an investigation of assessment of the development, against the State Development Requirements and the 2018 Douglas Shire Council Planning Scheme in making its assessment manager decision; and*
2. *Council undertook an assessment in accordance with the provisions of section 60 of the Planning Act 2016.*

Carried Unanimously

**5.2. APPLICATION FOR PERMANENT ROAD CLOSURE OVER PART OF
UNNAMED ROAD RESERVE OFF RASMUSSEN ROAD CASSOWARY
ADJOINING LOTS 42, 43 AND 45 ON SP155094**

Property Services

Moved Cr Scomazzon

Seconded Cr McKeown

That Council:

1. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009, to execute a Form Part C as Road Manager, advising the Department of Resources (DOR) that Council cannot authorise a proposed permanent road closure over part of the unnamed road reserve off Rasmussen Road Cassowary, adjoining Lots 42, 43 and 45 on SP155094 (identified by the locality map attached to this report), however it requests DOR to consider an application under the Land Act 1994 in relation to this matter;*
2. *advises DOR that it has no objection to the application for permanent road closure over unnamed road reserve off Rasmussen Road Cassowary, adjoining Lots 42, 43 and 45 on SP155094; and*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 29 JUNE 2021 COMMENCING AT 10.00AM**

3. *delegates authority to the Chief Executive Officer in accordance section 257 of the Local Government Act 2009, to finalise all matters associated with the application.*

Carried Unanimously

5.3. REGISTRATION OF STANDARD TERMS FOR TRUSTEE LEASES

Robert Donovan, Team Leader Property

Moved Cr McKeown

Seconded Cr Scomazzon

That Council resolves to:

1. *register with the Department of Resources, standard terms documents for leasing trustee reserve and or buildings: and*
2. *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

5.4. REVOKE BUSKING GENERAL POLICY

Sara Roberts, Team Leader Local Laws

Moved Cr Kerr

Seconded Cr Zammataro

That Council revoke the Busking General Policy.

Carried Unanimously

5.5. SMALL BUSINESS FRIENDLY COUNCILS CHARTER

Amy Mail, Tourism and Economic Development Officer

Moved Cr Scomazzon

Seconded Cr McKeown

That Council:

1. *agrees to join the Queensland Government's Small Business Friendly Councils initiative and signs the Small Business Friendly Councils Charter; and*
2. *delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to deal with any matters arising from the implementation of the Charter.*

Carried Unanimously

5.6. TOURISM PORT DOUGLAS DAINTREE KPI STRATEGIES 2020/2021

Mary Martin, Tourism and Economic Development Officer

Moved Cr Noli

Seconded Cr Zammataro

That Council receives and notes the following three reports required under the Resource and Performance agreement with Tourism Port Douglas Daintree (TPDD) dated 1 July 2020 to 30 June 2021 between TPDD and Douglas Shire Council:

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 29 JUNE 2021 COMMENCING AT 10.00AM**

1. *Tourism Port Douglas Daintree Destination Tourism Plan 2025 Draft*
2. *Tourism Port Douglas Daintree Event Strategy 2025*
3. *Tourism Port Douglas Daintree Brand Review 2021*

Carried Unanimously

5.7. TOURISM PORT DOUGLAS DAINTREE RESOURCE AND PERFORMANCE AGREEMENT 2021/2024

Mary Martin, Tourism and Economic Development Officer

Moved Cr Kerr

Seconded Cr McKeown

That Council resolves to:

1. *enter into a Resource and Performance Agreement with Tourism Port Douglas Daintree as a specialist service provider for destination marketing and management under S235(b) of the Local Government Regulation 2012, for the financial years 1 July 2021 to 30 June 2024.*
 - a. *Contracted to the amount of:*
 - i. *\$400,000 (Ex GST) year 2021/2022;*
 - ii. *\$450,000 (Ex GST) year 2022/2023; and*
 - iii. *\$500,000 (Ex GST) year 2023/2024; and*
2. *delegate authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise the minor amendments and execute the Resource and Performance Agreement.*

Moved Cr Kerr

Seconded Cr Noli

That the Council Meeting be released from the Standing Orders to further debate Item 5.7.

Carried Unanimously

Moved Cr Kerr

Seconded Cr McKeown

That Council resume the Meeting under the Standing Orders for the matter to be voted on.

Carried unanimously

For: Cr Kerr, Cr McKeown, Cr Noli, Cr Zammataro

Against: Cr Scmazzon

Carried

5.8. DOUGLAS CHAMBER OF COMMERCE - AMENDMENT TO RESOURCE AND PERFORMANCE AGREEMENT

Amy Mail, Tourism and Economic Development Officer

Moved Cr McKeown

Seconded Cr Scomazzon

That Council resolves to:

1. *approve the request to amend the Douglas Chamber of Commerce's current Resource and Performance Agreement to extend the expiry date by three months from 30 June, 2021 to 30 September, 2021; and*
2. *delegate authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise all matters in relation to the above Agreement.*

Carried Unanimously

5.9. COUNCIL GRANTS PROGRAM 2019-20 - GBR LEGACY - VARIANCE IN PROJECT

People and Community Services

Moved Cr Zammataro

Seconded Cr Kerr

That Council:

1. *approves a variation to the GBR Legacy grant funding agreement to allow a change of project from "Biorock Community Reef Restoration Project" to "Humpback Whale Community Research Project"; and*
2. *delegates authority under Section 257 of the Local Government Act 2009 to the CEO to finalise all matters in relation to this agreement.*

Carried Unanimously

5.10. ENTERPRISE RISK MANAGEMENT POLICY, FRAMEWORK AND CORPORATE RISK REGISTER

Juanita Holden, Manager Governance

Moved Cr Scomazzon

Seconded Cr McKeown

The Council:

1. *adopts the Enterprise Risk Management Policy;*
2. *adopts the Enterprise Risk Management Risk Framework and Guideline; and*
3. *endorses the Corporate Risk Register.*

Carried Unanimously

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
HELD ON TUESDAY, 29 JUNE 2021 COMMENCING AT 10.00AM

5.11. PROCUREMENT GENERAL POLICY

Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr McKeown

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

Carried Unanimously

5.12. PRINCIPAL PLACE OF RESIDENCE POLICY

Tara Killeen, Chief Financial Officer

Moved Cr Scomazzon

Seconded Cr Kerr

That Council adopts the Principal Place of Residence Policy.

Carried Unanimously

5.13. QAO INTERIM AUDIT MANAGEMENT LETTER 2021

Tara Killeen, Chief Financial Officer

Moved Cr Kerr

Seconded Cr Scomazzon

That Council notes the observations contained within the Douglas Shire Council Interim Management Report to the Mayor (Observation Report) from the Queensland Audit Office for the 2020/21 financial year.

Carried Unanimously

6. NOTICES OF MOTION

6.1 NOTICE OF MOTION – MEETINGS TO BE MADE PUBLIC

Moved Cr Zammataro

Seconded Cr Noli

That Council, in the interest of transparency, pass a resolution that all meetings, including workshops, be open to the public unless closed for one of the reasons specified in the Local Government Regulations 254J Closed meetings.

Moved Cr Kerr

Seconded Cr Scomazzon

That Council, in the interest of transparency, requests the CEO to bring a report back to the August 2021 Ordinary council meeting outlining the requirements to implement the “Building Douglas Committee” as a regular part of this Council’s calendar.

Retraction of Alternative Motion

Cr Kerr withdrew his alternative motion, and that Cr Kerr will raise a Mayoral Minute to the next Council Meeting to reflect his proposed motion.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL
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During the debate the Chair, Cr Kerr advised Cr Zammataro that his comments were out of line during a formal Council Meeting and requested that Cr Zammataro apologise for his comments.

Cr Zammataro offered his apologies to the Chair.

Moved Cr Zammataro

Seconded Cr Noli

That Council, in the interest of transparency, pass a resolution that Ordinary Council meetings and workshops, be open to the public unless closed for one of the reasons specified in the Local Government Regulations 254J Closed meetings.

For: Cr Zammataro, Cr Noli

Against: Cr Kerr, Cr Scomazzon, Cr McKeown

Not carried

The proposed amendment to the motion was lost and the original motion was put to the vote.

Moved Cr Zammataro

Seconded Cr Noli

That Council, in the interest of transparency, pass a resolution that all meetings, including workshops, be open to the public unless closed for one of the reasons specified in the Local Government Regulations 254J Closed meetings.

For: Cr Zammataro, Cr Noli

Against: Cr Kerr, Cr Scomazzon, Cr McKeown

Not carried

7. URGENT BUSINESS

Nil

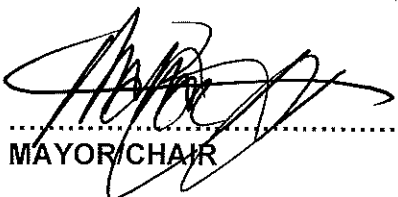
8. PETITIONS

Nil

CLOSURE OF MEETING

The meeting closed at 11.08 am.

CONFIRMED THIS 27TH DAY OF JULY 2021


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MAYOR/CHAIR