

DOUGLAS SHIRE COUNCIL

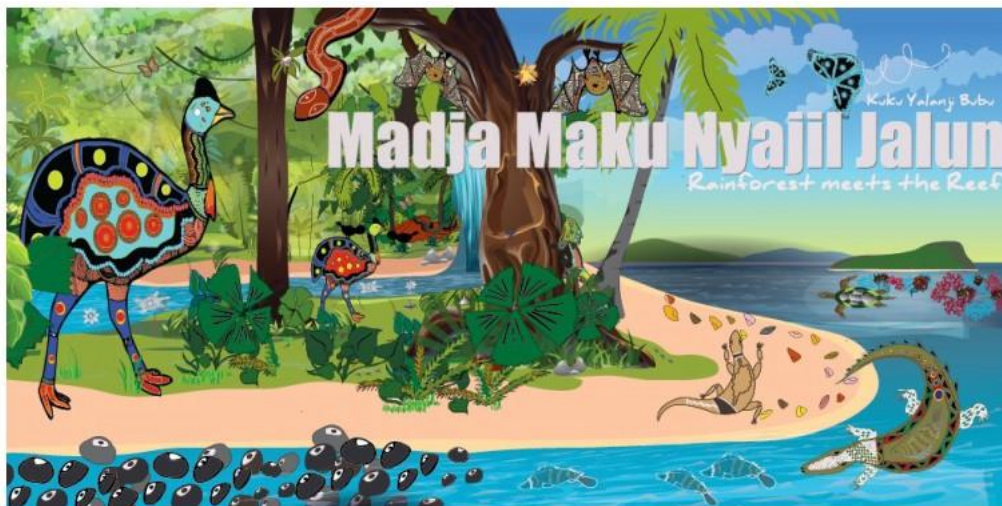
# ORDINARY COUNCIL MEETING

## MINUTES

Tuesday, 28 September 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, 28 SEPTEMBER 2021 COMMENCING AT 10.00AM**

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Mayor Cr Kerr opened the Meeting by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on Tuesday, 28 September 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**

Juanita Warner (Acting Chief Executive Officer), Paul Hoye (Manager Environment and Planning), Peter Tonkes (Manager Water and Wastewater), Scott Hahne (Manager Project Office), Lisa Golding (Manager People and Community Services), Emma Tunnock (Digital Communications Officer), Jenny Elphinstone (Senior Planning Officer), Daniel Lamond (Planning Officer), Robert Latham (Project Manager), Wayne Kristalyn (Project Manager), Nicola Learmond (Resource Management Technical Officer), Melissa Mitchell (Sustainability Officer), Alexandra Earl (Community Development Officer), Mary Martin (Tourism and Economic Development Officer), Robert Donovan (Team Leader Property Services), Paul Smyth (Events Officer), Jacqueline Soltys (Team Leader Human Resources – Culture) and Brenda Jang (Executive Assistant).

Staff Recognition Awards recipients: Fabienne Martin, Jason Wilkie, Jolene Kachel, Susanna Andrews, Gary Aylett, Marie Lawson, Peter Butterss, Natalie Crimmins, Paul Hoye and Robert (Craig) Barton.

**2. CONFLICT OF INTEREST**

**2.1 CONFLICT OF INTEREST – CR KERR**

Cr Kerr informed the meeting that he has a declarable conflict of interest in Item 5.13, Request for Funding – Taste Port Douglas, as a result of being a close associate with the Manager of the Sheraton Mirage who is mentioned in the executive summary. His relationship is that of a friend. Although Cr Kerr has a declarable conflict of interest, he does not believe a reasonable person could have a perception of bias because the application is for funding for an event that will be

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT 10.00AM**

---

open to the community, be a community event and involves multiple local businesses. Whilst Mr Molnar came to the deputation in support of Mrs Patrick, he is not a recipient of the funding request, but representing Sheraton Grande Mirage which is a fellow sponsor of the event. Neither Mr Molnar nor Cr Kerr will have a financial gain from the funding. Therefore, Cr Kerr will choose to remain in the meeting. However, Cr Kerr will respect the decision of the meeting on whether he can remain and participate in the decision.

Cr Kerr handed the Chair over to the Deputy Mayor Cr Scomazzon to hold the vote for his declarable conflict of interest.

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That it is in the public interest Cr Kerr participates and votes on Item 5.13 Request for Funding – Taste Port Douglas, because of the reasons stated, and therefore a reasonable person would trust that the final decision is made in the public interest.*

**Carried** Unanimously

## **2.2 CONFLICT OF INTEREST – CR ZAMMATARO**

Cr Zammataro informed the meeting that he may have a declarable conflict of interest in Item 5.10 RV Park Mossman Business Case, due to the fact that when this item first came to the Councillor Workshop 1 June 2021, Cr Zammataro had declared a conflict of interest as his sister manages a caravan park in Port Douglas. However, now that the business case only relates to Mossman and that the matter relates to an RV Park, not a caravan park, Cr Zammataro does not believe that he has declarable conflict of interest.

**Moved** Cr Kerr

**Seconded** Cr McKeown

*That it is in the public interest Cr Zammataro participates and votes on Item 5.10 RV Park Mossman Business Case because of the reasons stated, and therefore a reasonable person would trust that the final decision is made in the public interest.*

**Carried** Unanimously

## **3. MAYORAL MINUTE**

### **3.1 EMPLOYEE RECOGNITION AWARDS 2021**

**Moved** Cr Kerr

*That Council congratulates the 20 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 - 40 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 20 Council Officers with Recognition Certificates for achieving the milestones of 10, 15, 20, 25, 30 and an amazing 40 years of service to Douglas Shire Council and our communities – totalling 340 years of experience.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT 10.00AM**

---

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 of 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 TUESDAY, 31 AUGUST 2021**

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That the Minutes of the Ordinary Meeting held on Tuesday, 31 August 2021 be confirmed.*

**Carried** Unanimously

**5. AGENDA ITEMS**

**5.1. PRELODGE MENT PLANNING SCHEME VARIATION AND ROL (1 INTO 8 LOTS) 22 MOUNTAIN VIEW DRIVE SHANNONVALE**

Jenny Elphinstone, Senior Planning Officer

**Moved** Cr Noli

**Seconded** Cr Zammataro

1. *That with respect to the prelodgement enquiry lodged in relation to the redevelopment of 22 Mountain View Drive Shannonvale, being Lot 4 on SP134229, the proponent be advised that:*
  - a. *Council in principle is not supportive of development that is outside the framework and desired pattern of development of the 2018 Douglas Shire Planning Scheme;*
  - b. *Council is not supportive of development that fragments and results in a loss of rural land;*
  - c. *Council considers the development to be inconsistent with the State Planning Policy and the Regional Plan; and*
  - d. *Council is not of the opinion that there is a demonstrated need for the development that is of such benefit to the community to support a decision that is inconsistent with the Planning Scheme, Regional Plan and State Planning Policy.*
2. *That the above information is offered in the context of providing open and frank without prejudice comment from Council in relation to the proposed uses. The determination of any future application is a matter for Council following detailed assessment of the application, including consideration of any properly made submissions (where applicable).*

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

**Against:** Cr Scomazzon

**Carried**

**5.2. MATERIAL CHANGE OF USE FOR RESORT COMPLEX AT 71-85 PORT DOUGLAS RD PORT DOUGLAS**

Daniel Lamond, Planning Officer

**Moved** Cr Noli

**Seconded** Cr Scmazzon

*That Council refuses the development application for a Material Change of Use (Resort Complex) over land described as Lot 1 on SP150468, located at 71-85 Port Douglas Road, Port Douglas, on the following planning grounds:*

- (1) *The proposal conflicts with Strategic Intent 3.2.2.2 Reinforcing Douglas Shire's Sense of Place and Identity as the Development represents an over-scaled and over development of the site that has little local context or character.*
- (2) *The proposal conflicts with Theme 4- Strong Communities and Identity from the Strategic Framework, in particular the proposal does not maintain the distinctive character and unique sense of place that represents Port Douglas.*
- (3) *The proposal conflicts with the Overall Outcomes of the Tourist Accommodation Zone Code;*
  - a. *The proposal is not of an appropriate scale; and*
  - b. *Does not achieve an attractive built form which incorporates the character of the site and surrounding area.*
- (4) *The proposal Conflicts with Performance Criteria P01 (Height) of the Tourist Accommodation Zone;*
  - a. *The height of the building and structures is not in keeping with the residential character of the area.*
- (5) *The proposal conflicts with the Performance Criteria P01 (Setbacks) of the Tourist Accommodation Zone;*
  - a. *The setbacks of the proposal do not maintain the character and amenity of the area;*
- (6) *The proposal conflicts with the Performance Criteria P02 (Site Coverage) of the Tourist Accommodation Zone;*
  - a. *The proportions and scale of the development are not in character with the area and local streetscape.*
- (7) *The proposal conflicts with the Performance Criteria P03 (Building proportions and scale) of the Tourist Accommodation Zone;*
  - a. *The proportions and scale of the development are not in character with the area and local streetscape.*
- (8) *The proposal conflicts with the Performance Criteria P07 of the Tourist accommodation Zone;*
  - a. *The proposal adversely affects the tropical, tourist and residential character and amenity of the area in terms of traffic.*
- (9) *The proposal conflicts with the Performance Criteria P09 of the Tourist accommodation Zone;*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT 10.00AM**

---

- a. *The tourist development does not include adequate ancillary services and facilities for the enjoyment of guests in terms of on-site car parking provision.*
- (10) *The proposal conflicts with the overall outcomes of the Landscape Values Overlay Code;*
  - a. *The development is not consistent with the prevailing landscape character of its setting as it is visually dominant and visually intrusive.*
- (11) *The proposal conflicts with the Performance Criteria P03 of the Landscape Values Overlay Code;*
  - a. *The proposal within a scenic route buffer and view corridor area does not minimise visual impacts on the setting and views in terms of the scale, height and setback of buildings.*
- (12) *The proposal conflicts with the overall outcomes of the Access, Parking and Service Code;*
  - a. *The proposal provides insufficient car parking onsite.*
  - b. *The proposal conflicts with the preferred ultimate streetscape character and local character of the area.*
- (13) *The proposal conflicts with Performance Criteria PO1 of the Vehicle Parking and Access Code;*
  - a. *The proposal provides insufficient car parking onsite.*
- (14) *The proposal conflicts with PO4 of the Transport Network Overlay Code;*
  - a. *The application does not demonstrate that the development does not compromise the intended role and function or safety and efficiency of major transport corridors.*
- (15) *The proposal conflicts with the Performance Criteria P03 of the Multiple Dwelling, Short Term Accommodation and Retirement Facility Code;*
  - a. *The proposal is not in keeping with the intended form and character of the local area and immediate streetscape and does not contribute to the modulation of built form.*
- (16) *The proposal conflicts with the Performance Criteria P014 of the Multiple Dwelling, Short Term Accommodation and Retirement Facility Code;*
  - a. *The retaining wall does not facilitate casual surveillance to the street and public space enabling use of private open space and does not provide a positive interface to the streetscape.*
- (17) *The proposal conflicts with the overall outcomes of the Multiple Dwelling, Short Term Accommodation and Retirement Facility Code;*
  - a. *The development is not compatible with and complementary to surrounding development, with regard to scale, bulk and streetscape patterns.*
- (18) *The development cannot be appropriately conditioned to overcome the non-compliance with the Strategic Framework or assessment benchmarks of the applicable codes.*

**Carried** Unanimously



**5.3. CONTRACT FOR DOMESTIC VIOLENCE / COMMUNITY HOUSING UNIT DEVELOPMENT MOSSMAN**

Robert Latham, Project Manager

**Moved** Cr Noli

**Seconded** Cr Scmazzon

*That Council:*

1. *resolves to award Contract Number WO5436 – Community Housing Unit Development Mossman to MAC Constructions (ABN 86 628 996 850) for \$547,850.36 (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

**5.4. CONTRACT FOR SEWERAGE PUMP STATION SWITCHBOARD RENEWAL PROJECT**

Wayne Kristalyn, Project Manager

**Moved** Cr Scmazzon

**Seconded** Cr Kerr

*That Council:*

1. *resolves to award Contract WO5324-001 – SPS Switchboard Upgrades to Closedane Pty Ltd trading as JM Switchboards (ABN 45 011 004 514) for \$261,300.00 (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

**5.5. CONTRACT 2021-065 - LANDFILL WASTE CARTAGE & DISPOSAL**

Nicole Learmond, Resource Management Technical Officer

**Moved** Cr Scmazzon

**Seconded** Cr McKeown

*That Council:*

1. *resolves to award Contract 2021-065 – Landfill Waste Cartage & Disposal to FGF Developments No.1 Pty Ltd & Remondis Australia Pty Ltd [trading as Springmount Waste Management Facility] (ABN 60 323 019 152) up to \$900,000 over two years (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



MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT 10.00AM

---

**5.6. FORESHORE MANAGEMENT PLANS**

Melissa Mitchell, Sustainability Officer

**Moved** Cr Noli

**Seconded** Cr Zammataro

*That Council adopts the Foreshore Management Plans for Wonga Beach, Newell Beach, Cooya Beach, 4 Mile Beach and Oak Beach.*

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

*That Item 5.6 Foreshore Management Plans be deferred so that matter can be re-workshopped for further discussion with Councillors.*

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

**Against:** Cr Noli, Cr Zammataro

**Carried**

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

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

*That Item 5.6 Foreshore Management Plans be deferred so that matter can be re-workshopped for further discussion with Councillors.*

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

**Against:** Cr Noli, Cr Zammataro

**Carried**

**5.7. FNQROC STRATEGIC REGIONAL WMMR ADVISORY GROUP -  
APPOINTMENT OF ELECTED MEMBER REPRESENTATIVE**

Paul Hoye, Manager Environment and Planning

**Moved** Cr Kerr

**Seconded** Cr McKeown

*That Council:*

- 1. appoint the Deputy Mayor, Councillor Lisa Scomazzon, as Council's elected member representative on the FNQROC Regional Waste Management Group; and*
- 2. note the information in the attachments relating to the first meeting of the FNQROC Regional Waste Management Group.*

**Carried** Unanimously

**5.8. DOUGLAS CHAMBER OF COMMERCE RESOURCE & PERFORMANCE  
AGREEMENT 2021-2024**

People and Community Services

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*That Council:*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT 10.00AM**

---

1. *resolves to contract the Douglas Chamber of Commerce as a specialised service provider under S235(b) of the Local Government Regulation 2012 for specialist business support under terms set out in a Resource and Performance Agreement, for the following years and amounts:*
  - i. *\$20,000 (Ex GST) year 1 October 2021 to 30 June 2022;*
  - ii. *\$10,000 (Ex GST) year 1 July 2022 to 30 June 2023, and*
  - iii. *\$10,000 (Ex GST) year 1 July 2023 to 30 June 2024; and*
2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer, to finalise any minor amendments and execute the Resource and Performance Agreement.*

**Moved** Cr Noli

**Seconded** Cr Scomazzon

*That the following clause be included in the original motion as clause #2 of the amended motion:*

2. *Future KPIs be developed, and that Councillors be included in the process of developing the KPIs.*

**Carried** Unanimously

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

**Moved** Cr Noli

**Seconded** Scomazzon

*That Council:*

1. *resolves to contract the Douglas Chamber of Commerce as a specialised service provider under S235(b) of the Local Government Regulation 2012 for specialist business support under terms set out in a Resource and Performance Agreement, for the following years and amounts:*
  - i. *\$20,000 (Ex GST) year 1 October 2021 to 30 June 2022;*
  - ii. *\$10,000 (Ex GST) year 1 July 2022 to 30 June 2023, and*
  - iii. *\$10,000 (Ex GST) year 1 July 2023 to 30 June 2024.*
2. *Future KPIs be developed and that Councillors be included in the process of developing the KPIs; and*
3. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer, to finalise any minor amendments and execute the Resource and Performance Agreement.*

**Carried** Unanimously

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT 10.00AM

---

**5.9. MOSSMAN STATE HIGH SCHOOL SPONSORSHIP**

Alexandra Earl, Community Development Officer

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That Council:*

1. *provides Mossman State High School with \$500 (GST Exc) sponsorship as Gold Sponsor of the Awards Presentation on 17 November 2021; 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

**5.10. RV PARK MOSSMAN BUSINESS CASE**

Mary Martin, Tourism and Economic Development Officer

**There was no Mover/Seconder for the following Officer's Recommendation:**

*That Council delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to explore options and undertake activities toward:*

1. *operating an RV Park on Council-owned, bought or leased land; or*
2. *leasing appropriate Council-owned land to an RV Park Operator; or*
3. *facilitating discussions between private owners of appropriate land and an RV Park Operator;*

*to pursue the development of an RV Park on an optimal site in Mossman, to assist local businesses access an untapped tourism market.*

**Moved** Cr Kerr

**Seconded** Cr McKeown

*That Council:*

1. *notes the RV Park Mossman Business Case.*
2. *brings a report back to Council with options for the development of an RV Park by facilitating discussion between private owners of land that would be appropriate for an RV Park operator or by leasing land owned by Council that would be appropriate for an RV Park operator; and*
3. *advise Council of any suitable land parcels that Council could obtain to facilitate the above if none exist in the council's asset register.*

**The motion was WITHDRAWN by the Mover Cr Kerr.**

**Moved** Cr Scomazzon

**Seconded** Cr Noli

*That Item 5.10 RV Park Mossman Business Case be deferred to the next Council Meeting.*

**Carried** Unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT 10.00AM**

---

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

**Moved** Cr Scomazzon

**Seconded** Cr Noli

*That Item 5.10 RV Park Mossman Business Case be deferred to the next Council Meeting.*

**Carried** Unanimously

**5.11. WONGA BEACH CARAVAN PARK CARETAKER'S MANAGEMENT AGREEMENT**

Robert Donovan, Team Leader Property Services

**Moved** Cr Zammataro

**Seconded** Cr McKeown

*That Council resolves to:*

- 1. approve the appointment of Steve Mattson and Jackie Thomas as Caretakers/Managers of Wonga Beach Caravan Park for an initial period of 1 year effective from 29 September 2021 with 3 x 1-year options at remuneration as stated in the financial section of the report; and*
- 2. delegate authority in accordance with section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalize all matters associated with this matter.*

**Carried** Unanimously

**5.12. PORT SHORTS FILM FESTIVAL - AMENDMENT TO RESOURCE AND PERFORMANCE AGREEMENT**

Paul Smyth, Events Officer

**Moved** Cr Kerr

**Seconded** Cr McKeown

*That Council resolves to:*

- 1. approve the request to amend the Port Shorts Film Festival's current Resource and Performance Agreement to extend the expiry date by one (1) year from October 2021 to October 2022; 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

**5.13. REQUEST FOR FUNDING - TASTE PORT DOUGLAS**

Community and Economic Development

**Moved** Cr Noli

**Seconded** Cr Kerr

*That Council:*

- 1. supports Taste Port Douglas by way of sponsoring the 2021 event with \$10,000 (Ex GST) cash and In-kind use of Market Park Port Douglas, for the purpose of holding the event; and*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT 10.00AM**

---

2. *delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to administer matters associated with the above.*

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

**Against:** Cr Scmazzon

**Carried**

**5.14. COVID RELIEF FEE REDUCTION FOR PORT DOUGLAS MARKET STALLHOLDERS**

Lisa Golding, Manager People and Community Services

**There was no Mover/Seconder for the following Officer's Recommendation:**

*That Council offers relief to stallholders at the Port Douglas Markets to recognise the impact of COVID-19 travel restrictions on small businesses by:*

1. *reducing stallholder fees to Wet Season levels during interstate border closures with New South Wales and/or Victoria, or*
2. *reducing stallholder fees to Wet Season levels during lockdowns in the Cairns local government area, or*
3. *waiving the 44 weeks per annum attendance requirement for permanent stallholders, and*
4. *delegating authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise all matters relating to the administration and timeline for the cessation of the Covid relief matters above.*

**Moved** Cr Kerr

**Seconded** Cr Scmazzon

*That Council offers relief to stallholders at the Port Douglas Markets to recognise the current impact of COVID-19 travel restrictions on small businesses by:*

1. *bringing forward the low shoulder fee level as per the table below between the 1<sup>st</sup> of October and the 1<sup>st</sup> of January when the low shoulder price normally commences.*

***Table Of Fees***

- *Market Stall size "A" (Card table only) - \$23.00 (1 Jan - 31 March - \$17.50)*
  - *Market Stall size "B" (Large umbrella or 2.4m Frontage) - \$34 (1 Jan - 31 March - \$25.50)*
  - *Market Stall size "C" (3m Frontage) - \$45.50 (1 Jan - 31 March - \$34.50)*
  - *Market Stall size "D" (4.5m Frontage) - \$58.00 (1 Jan - 31 March - \$43.50)*
  - *Market Stall size "E" (6m Frontage) - \$67 (1 Jan - 31 March - \$50.00) and*
2. *waiving the 44 weeks per annum attendance requirement for permanent stallholders, and*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT 10.00AM**

---

3. *delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise all matters relating to the administration of the Covid relief matter above and the ability to withdraw the relief if interstate borders open prior to the 1<sup>st</sup> of January.*

**Carried** Unanimously

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

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That Council offers relief to stallholders at the Port Douglas Markets to recognise the current impact of COVID-19 travel restrictions on small businesses by:*

1. *bringing forward the low shoulder fee level as per the table below between the 1<sup>st</sup> of October and the 1<sup>st</sup> of January when the low shoulder price normally commences.*

**Table Of Fees**

- *Market Stall size "A" (Card table only) - \$23.00 (1 Jan - 31 March - \$17.50)*
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  - *Market Stall size "C" (3m Frontage) - \$45.50 (1 Jan - 31 March - \$34.50)*
  - *Market Stall size "D" (4.5m Frontage) - \$58.00 (1 Jan - 31 March - \$43.50)*
  - *Market Stall size "E" (6m Frontage) - \$67 (1 Jan - 31 March - \$50.00) and*
2. *waiving the 44 weeks per annum attendance requirement for permanent stallholders, and*
  3. *delegates authority under Section 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise all matters relating to the administration of the Covid relief matter above and the ability to withdraw the relief if interstate borders open prior to the 1<sup>st</sup> of January.*

**Carried** Unanimously

**5.15. FINANCIAL REPORT AUGUST 2021**

Tara Killeen, Chief Financial Officer

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That Council notes the Financial Report for August 2021.*

**Carried** Unanimously

**5.16. DAINTREE FERRY ADVISORY COMMITTEE**

Juanita Warner, Acting Chief Executive Officer

**Moved** Cr Kerr

**Seconded** Cr Scomazzon

*That Council:*

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT 10.00AM**

---

1. *approve the establishment of a Daintree Ferry Advisory Committee;*
2. *prepare a Terms of Reference to provide ongoing governance over Committee management and operations; 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 establishment of the Daintree Ferry Advisory Group.*

**Moved** Cr Zammataro

**Seconded** Cr Scomazzon

*That Council:*

1. *approve the establishment of a Daintree Ferry Advisory Committee;*
2. *prepare a Terms of Reference to provide ongoing governance over Committee management and operations; and that the Terms of Reference be listed on the agenda of a future Council Meeting for approval; 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 establishment of the Daintree Ferry Advisory Group.*

**Carried** Unanimously

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

**Moved** Cr Kerr

**Seconded**: Cr Scomazzon

*That Council:*

1. *approve the establishment of a Daintree Ferry Advisory Committee;*
2. *prepare a Terms of Reference to provide ongoing governance over Committee management and operations; and that the Terms of Reference be listed on the agenda of a future Council Meeting for approval; 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 establishment of the Daintree Ferry Advisory Group.*

**Carried** Unanimously

#### **5.17. BUILDING DOUGLAS STANDING COMMITTEE**

Juanita Warner, Acting Chief Executive Officer

***Item 5.17 Building Douglas Standing Committee was WITHDRAWN by the Acting Chief Executive Officer.***

#### **5.18. LEGAL EXPENSES FORMER CEO**

Juanita Warner, Acting Chief Executive Officer

***Item 5.18 Legal Expenses Former CEO was WITHDRAWN by the Acting Chief Executive Officer.***



## **6. NOTICES OF MOTION**

### **6.1 OPTIONS FOR COUNCIL TO DEVELOP RETIREMENT STYLE LIVING HOUSES**

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

*That the CEO provide a report to Council with options for Council to itself develop retirement style living houses at both the properties in Mossman - land parcel SP295098 and in Craiglie - land parcels SP323468, C2251 & C2251*

#### **BACKGROUND**

In 2016, Council approved The Salvation Army's application to build a 42-bed aged care facility at 49 Johnstone Road Mossman. Construction commenced in May 2019 and the Kubirri Aged Care Centre opened in August 2020.

At the same time, Council issued a Preliminary Approval for a retirement village on the lot next door at 47 Johnstone Road, Mossman. This 2.849-hectare lot is owned by Council as is the 1.87 hectare block in Craiglie.

The Preliminary Approval remains in place and can be amended as part of any new development application. A development approval for the blocks in Craiglie can be sort during this process.

In March 2020, Expressions of Interest [EOI] were invited from interested parties to develop 47 Johnstone Road. The EOI process produced little interest, and recent discussions with other possible developers continues to be fruitless.

The residents of the Shire have expressed many times that it not only wants but requires suitable accommodation for retirees before another 5 years pass.

This Council is determined to deliver that request and if external parties are unable to achieve this goal due to the financial constraints of profit margins that are required, Council should be stepping up to facilitate this required development with a proposal of properties that can be built for sale and built for rent.

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

1. *That the CEO provide a report to Council with options for Council to itself develop retirement style living houses at both the properties in Mossman - land parcel SP295098 and in Craiglie - land parcels SP323468, C2251 & C2251; and*
2. *That the report must include referencing to but not limited to the following:*
  - *Asset Management Framework,*
  - *Corporate Plan,*
  - *Long Term Financial Plan,*
  - *Asset and Service Management General Policy,*
  - *Corporate Sustainability General Policy;*
  - *Council's role in Regional Economic and Development General Policy; and*
  - *Strategic Freehold Land Policy*

**Carried** Unanimously

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT 10.00AM**

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

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

1. *That the Chief Executive Officer provide a report to Council with options for Council to itself develop retirement style living houses at both the properties in Mossman - land parcel SP295098 and in Craiglie - land parcels SP323468, C2251 & C2251; and*
2. *That the report must include referencing to but not limited to the following:*
  - *Asset Management Framework*
  - *Corporate Plan*
  - *Long Term Financial Plan*
  - *Asset and Service Management General Policy*
  - *Corporate Sustainability General Policy*
  - *Council's role in Regional Economic and Development General Policy; and*
  - *Strategic Freehold Land Policy*

**Carried** Unanimously

**7. URGENT BUSINESS**

Nil

**8. PETITIONS**

Nil

**CLOSURE OF MEETING**

The meeting closed at 11.49am.

**CONFIRMED THIS 19TH DAY OF OCTOBER 2021**

  
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MAYOR/CHAIR