



DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday 28 May 2024

ENSURING EXCELLENCE IN GOVERNANCE
ACCOUNTABLE AND TRANSPARENT DECISION-MAKING
INCLUSIVE ENGAGEMENT, PLANNING AND PARTNERSHIPS
CELEBRATING OUR COMMUNITIES

DOUGLAS
SHIRE COUNCIL

Rachel Brophy
CHIEF EXECUTIVE OFFICER



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY 28 MAY 2024 COMMENCING AT 10:00A.M.**

Mayor Cr Scomazzon opened the meeting at 10:00am by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on 28 May 2024 at the Mossman Council Chambers.

Due to technical issues this Council Meeting will be uploaded on the Council's Website and will be available to be watched at a later time.

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.

**DOUGLAS SHIRE COUNCIL
ORDINARY MEETING
TUESDAY 28 MAY 2024
10:00 AM
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1. ATTENDANCE & APOLOGIES

1.1. PRESENT

Cr Lisa Scomazzon (Mayor), Cr Roy Zammataro (Deputy Mayor), Cr Damian Meadows, Cr Abigail Noli, Cr Michael Rees

1.2. APOLOGIES

There were no apologies.

1.3. OFFICERS IN ATTENDANCE

Rachel Brophy (Chief Executive Officer), Susie Glasson (Acting General Manager Corporate and Community), Sara Roberts (Acting Manager People and Community Services), Tara Killeen (Chief Financial Officer), Paul Hoye (Manager Environment and Planning), Pieter Kleinhans (Manager Infrastructure), Melissa Mitchell (Sustainability Officer), Joanne Nicholson (Team Leader Financial Accounting), Colin Chalmers (Team Leader Asset Management), Liza Dowling (Technical Support Officer Plumbing and Planning), Helen Coulthard (Property Officer), Craig Batchelor (Property Officer), Jessa Lloyd (Arts and Culture Officer), Natalie Crimmins (Senior Governance Officer), Brenda Jang (Executive Assistant), Marcus Wilson (Senior Media and Communications Officer).

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil

3. DEPUTATIONS

3.1. DEPUTATION - REEF GUARDIAN COUNCIL PROGRAM

Representatives from The Great Barrier Reef Marine Park Authority (Reef Authority) presented Councillors with information about the Reef Guardian Council Program

Cr Scomazzon thanked the representatives for their very informative presentation.

4. MAYORAL MINUTES

Nil

5. CONFIRMATION OF MINUTES OF COUNCIL MEETING

5.1. CONFIRM MINUTES - ORDINARY MEETING HELD 30 APRIL 2024

Moved Cr Rees

Seconded Cr Noli

That the Minutes of the Ordinary Meeting held Tuesday 30 April 2024 be confirmed.

Carried Unanimously

5.2. CONFIRM MINUTES - SPECIAL MEETING HELD 14 MAY 2024

Moved Cr Meadows

Seconded Cr Rees

That the Minutes of the Special Meeting held Tuesday 14 May 2024 be confirmed.

Carried Unanimously

6. OFFICERS REPORTS

6.1. MAYOR'S DIARY FOR MAY 2024

Moved Cr Rees

Seconded Cr Meadows

That Council notes the Mayor's external calendar appointments for May 2024.

Carried Unanimously

6.2. CHIEF EXECUTIVE OFFICER'S DIARY FOR MAY 2024

Moved Cr Meadows

Seconded Cr Rees

That Council notes the Chief Executive Officer's external calendar appointments for May 2024.

Carried Unanimously

6.3. QUESTIONS ON NOTICE FROM 30 APRIL 2024 ORDINARY COUNCIL MEETING

Moved Cr Rees

Seconded Cr Noli

That Council notes the responses to the Questions on Notice received at the Ordinary Council Meeting held 30 April 2024.

Carried Unanimously

6.4. REEF GUARDIAN COUNCIL PROGRAM

Moved Cr Meadows

Seconded Cr Rees

That Council resolves to:

1. *Continue to participate in the Reef Guardian Council Program for the period 2024-2028.*
2. *Nominate two (2) representatives as core members of the Executive Committee (Councillor and/or Senior Management) over the four-year term.*
3. *Delegate Authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise all matters in relation to the Reef Guardian Council Program.*

Cr Zammataro nominated Cr Noli as a core member of the Executive Committee.
Cr Noli accepted the nomination.

That Council resolves to:

1. *Continue to participate in the Reef Guardian Council Program for the period 2024-2028.*
2. *Nominate two (2) representatives as core members of the Executive Committee (Councillor Abigail Noli and a Staff member) over the four-year term.*
3. *Delegate Authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise all matters in relation to the Reef Guardian Council Program.*

Carried Unanimously

6.5. FINANCIAL REPORTS APRIL 2024

Moved Cr Rees

Seconded Cr Meadows

That Council notes the Statement of Comprehensive Income and the Statement of Financial Position for April 2024.

Carried Unanimously

6.6. CYCLONE JASPER EXPENDITURE TO APRIL 2024

Moved Cr Rees

Seconded Cr Meadows

That Council

1. *In accordance with s235(c) Local Government Regulation 2012, retrospectively approve \$18,519,184.91 expenditure incurred to date, in relation to the Cyclone Jasper Disaster Event.*
2. *Council to note the funding advance received to date from Queensland Reconstruction Authority.*

Carried Unanimously

6.7. RATES AND CHARGES FINANCIAL HARDSHIP POLICY

Moved Cr Rees

Seconded Cr Noli

That Council adopts the revised Rates and Charges Financial Hardship Policy.

Carried Unanimously

6.8. REVENUE GENERAL POLICY 2024-2025

Moved Cr Rees

Seconded Cr Meadows

That Council adopts the Revenue General Policy 2024-2025.

Carried Unanimously

6.9. 2024-2025 SCHEDULE OF FEES AND CHARGES

Moved Cr Rees

Seconded Cr Meadows

That Council:

- 1. Adopts the Schedule of Fees and Charges for the 2024-2025 financial year; and*
- 2. Delegates authority under s 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

6.10. PORT DOUGLAS SPLASH PARK CONCEPT

Moved Cr Meadows

Seconded Cr Rees

That Council resolves to proceed to detailed design and construction of Option B – larger concept design for the Port Douglas Aquatic Precinct splash park.

Carried Unanimously

6.11. FNQROC REGIONAL DEVELOPMENT MANUAL PLANNING SCHEME POLICY – REVIEW OF SUBMISSIONS AND ADOPTION OF AMENDMENTS FOR VERSION 05/23 (ISSUE 9)

Moved Cr Noli

Seconded Cr Rees

That Council resolves to adopt the proposed amendments for Version 05.23 (Issue 9) to the FNQROC Development Manual Planning Scheme Policy, as modified, having regard to the

submissions received in accordance with the requirements for a Qualified State Interest Amendments in the Minister's Guidelines and Rules under the Planning Act 2016.

Carried Unanimously

6.12. APPLICATION FOR PERMANENT PARTIAL ROAD CLOSURE ADJOINING 49-51 NAUTILUS STREET PORT DOUGLAS

Moved Cr Rees

Seconded Cr Noli

That Council:

1. *Delegates authority to the Chief Executive Officer in accordance with s 257 of the Local Government Act 2009 to:*
 - a. *Advise the landowners and Department of Resources that Council does not support a permanent partial road closure of approximately 238m² adjoining 49-51 Nautilus Street Port Douglas formally described as Lot 5 on RP744198 due to the presence of Council infrastructure; and*
 - b. *Finalise any and all matters associated with the unsupported proposal.*

Carried Unanimously

6.13. TENURE FOR MARINE RESCUE SERVICES LOT 51 SP288958 WHARF ST PORT DOUGLAS

Moved Cr Meadows

Seconded Cr Rees

That Council:

1. *Offers a Trustee Permit to The State of Queensland represented by the Queensland Police Service (QPS) over Lot 51 on SP288958, Wharf Street Port Douglas, to provide marine rescue services from Ellis Beach to the Hope Islands, and store flares and associated flammable materials:*
 - i) *For a term of 12 months commencing 30 April 2024 and expiring 29 April 2025, or until a trustee lease is in place;*
 - ii) *Utilising the terms and conditions of the Standard Terms Document registered under dealing number 720830775 and Schedule 3 of Land Regulation 2020;*
 - iii) *Rent for the term of the Trustee Permit to be waived; and*
2. *Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to determine and finalise all matters in relation to the Trustee Permit.*

Carried Unanimously

6.14. RADF ADVISORY COMMITTEE NOMINATIONS

Moved Cr Rees

Seconded Cr Meadows

That Council:

- 1. Endorse the appointment of new Committee members Reuben Dwyer, Anastasia Klose, Tilly Melchert, Helen Ramoutsaki and Saisha Burchill Schonenberger to the Regional Arts Development Fund (RADF) Advisory Committee, to serve a term of four years, with an option to step down after two years;*
- 2. Endorse the appointment of Mayor Lisa Scomazzon and Councillor Abigail Noli to the Regional Arts Development Fund (RADF) Advisory Committee, to serve a term of four years, with an option to step down after two years;*
- 3. Delegate authority to the Mayor and Chief Executive Officer in accordance with Local Government Act 2009 to finalise any minor amendments in relation to Council's Regional Arts Development Program committee.*

Carried Unanimously

7. NOTICES OF MOTION

Nil

8. URGENT BUSINESS

Nil

9. PETITIONS

9.1. PETITION - VOLLEYBALL COURT, COOYA BEACH

Moved Cr Rees

Seconded Cr Noli

The petition regarding a request for a volleyball court at Lou Prince Park, Cooya Beach, be received and referred to a responsible officer for consideration and a report to Council.

Carried Unanimously

10. CLOSED SESSION

Moved Cr Rees

Seconded Cr Meadows

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

- 10.1 Confidential 254J(3)(g) Local Government Regulation 2012 – Road Encroachment – Lot 1 RP808141, 436 Bamboo Creek Road Bamboo*

*10.2 Confidential 254J(3)(f) Local Government Regulation 2012 – Safe Places
Emergency Accommodation – Freehold Lease Warringu Aboriginal & Torres Strait
Islanders Corporation*

Carried Unanimously

(Meeting moved into Closed Session at 11:06am)

OUT OF CLOSED SESSION

Moved Cr Rees

Seconded Cr Meadows

That Council resolves to move out of Closed Session.

Carried Unanimously

(Meeting moved out of Closed Session at 11:26am)

**10.1. CONFIDENTIAL 254J(3)(G) LOCAL GOVERNMENT REGULATION 2012
- ROAD ENCROACHMENT - LOT 1 RP808141, 436 BAMBOO CREEK
ROAD BAMBOO**

This report is CONFIDENTIAL in accordance with s 254J(3)(g) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter relating to negotiations relating to a commercial matter involving the Council for which a public discussion would be likely to prejudice the interests of the Council.

Moved Cr Rees

Seconded Cr Meadows

That Council:

1. *Acquires approximately 200m² of land (subject to a formal survey) being part of 436 Bamboo Creek Road Bamboo, more formally described as Lot 1 on RP808141, subject to but not limited to:*
 - a. *The purchase price being market value determined by a registered valuer or as negotiated by the Chief Executive Officer, and*
 - b. *Council being responsible for all costs associated with the matter including but not limited to surveying, valuing, conveyancing, and registration fees and transfer duty.*
2. *Delegates authority to the Chief Executive Officer in accordance with s 257 of the Local Government Act 2009, to finalise any and all matters associated with the above matter.*

Carried Unanimously

**10.2. CONFIDENTIAL 254J(3)(F) LOCAL GOVERNMENT REGULATION 2012
- SAFE PLACES EMERGENCY ACCOMMODATION - FREEHOLD LEASE
WARRINGU ABORIGINAL & TORRES STRAIT ISLANDERS
CORPORATION**

This report is CONFIDENTIAL in accordance with the s 254J(3)(f) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss matters that may directly affect the health and safety of an individual or group of individuals.

Moved Cr Noli

Seconded Cr Meadows

That Council:

1. Offer a freehold Lease to Warringu Aboriginal and Torres Strait Islanders Corporation over the property (location withheld for security reasons) where the building was funded by the Australian Government's Safe Places Emergency Accommodation Grant for the purpose of domestic violence emergency accommodation subject to:
 - a. A term of four (4) years, three (3) months and twenty-six (26) days from 6 May 2024 until 31 August 2028;
 - b. Rental normally payable to Lessor (Council) being waived during the term of the Lease;
 - c. The Lessor (Council) being responsible for all reasonable costs associated with the preparation of the Lease;
 - d. The Lessor (Council) being responsible for maintenance and operational expenses as defined in the Lease;
 - e. Council's Standard Terms Document for a Lease over Freehold Land registered under Dealing Number 717940168.

2. Delegates authority to the Chief Executive Officer in accordance with s257 of the Local Government Act 2009 to determine and finalise all matters associated with the Lease.

Carried Unanimously

11. MEETING CLOSURE

The meeting closed at 11:32am.

CONFIRMED THIS 25TH DAY OF JUNE 2024.


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MAYOR/CHAIR