



DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday 25 June 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 25 JUNE 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 25 June 2024 at the Mossman Council Chambers.

This Ordinary Meeting of Council is being Live Streamed on Council's Website and will also be available for others to watch 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 25 JUNE 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 TC Jasper Corporate and Community), Claudia Brassard (Acting General Manager TC Jasper Infrastructure and Recovery), Sara Roberts (Manager Community Services), Elle Brooker (Acting Manager Governance), Shane Brumby (Acting Manager Environment and Planning), Bill Collie (Acting Manager Water and Wastewater), Wayne Kristalyn (Acting Manager Project Office), Colin Chalmers (Team Leader Asset Management), Joanne Nicholson (Team Leader Financial Accounting), Craig Batchelor (Property Officer), Natalie Crimmins (Senior Governance Officer), Kelly Dean (Mayor / Councillor Support Officer), Helen Reilly (Acting Executive Assistant), Tarren Woodhams (Digital Communications Officer).

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr Rees informed the meeting that he has a declarable conflict of interest in Item 10.2 (*Confidential 254J(3)(e) Local Government Regulation 2012 – Hunt vs DSC Planning and Environment Court Appeal*) as the applicant is a close associate.

As a result of Cr Rees' conflict of interest, Cr Rees will leave the meeting room whilst the matter is considered and voted on.

3. DEPUTATIONS

Nil

4. MAYORAL MINUTES

Nil

5. CONFIRMATION OF MINUTES OF COUNCIL MEETING

5.1. CONFIRM MINUTES - ORDINARY MEETING HELD 28 MAY 2024

Moved Cr Rees

Seconded Cr Meadows

That the Minutes of the Ordinary Meeting held Tuesday 28 May 2024 be confirmed.

Carried Unanimously

6. OFFICERS REPORTS

6.1. MAYOR'S DIARY FOR JUNE 2024

Moved Cr Rees

Seconded Cr Meadows

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

Carried Unanimously

6.2. CHIEF EXECUTIVE OFFICER'S DIARY FOR JUNE 2024

Moved Cr Rees

Seconded Cr Noli

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

Carried Unanimously

6.3. OPERATIONAL PLAN 2024-2025

Moved Cr Rees

Seconded Cr Noli

That Council adopts the Operational Plan 2024-2025.

Carried Unanimously

6.4. CYCLONE JASPER EXPENDITURE TO MAY 2024

Moved Cr Noli

Seconded Cr Rees

That Council:

- 1. In accordance with s235(c) Local Government Regulation 2012, retrospectively approve \$21,634,309.53 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

6.5. TERMS OF GRANT - RELEASE OF UNALLOCATED WATER FROM STRATEGIC RESERVE & WATER SECURITY PROGRAM

Moved Cr Rees

Seconded Cr Meadows

That Council:

- 1. Endorses the application for strategic unallocated water for State purposes as prescribed under the Water Plan (Wet Tropics) 2013 (Wet Tropics Water Plan);*
- 2. Delegates authority to the Chief Executive Officer under Section 257 of the Local Government Act 2009 to administer all matters in relation to the above, to seek the water licence in accordance with the Terms of Grant and declare the information and attachments contained in the application to be true and correct as required in Schedule 2 of the draft Terms of Grant.*

Carried Unanimously

6.6. STANDING ORDERS FOR COUNCIL MEETINGS INCORPORATING MANDATORY MODEL MEETING PROCEDURES AND INFORMAL BRIEFING SESSIONS

Moved Cr Rees

Seconded Cr Noli

That Council adopt the:

- revised statutory Standing Orders for Council Meetings General Policy to reflect the Best Practice Standing Orders for Local Government Meetings issued by the Department of State Development, Infrastructure, Local Government and Planning in November 2022, and*
- Informal Briefing Sessions for Councillors Policy.*

Carried Unanimously

6.7. SPORTS MASTER PLAN - RE-ALLOCATION OF 2023-2024 BUDGET FUNDS

Moved Cr Rees

Seconded Cr Meadows

That Council approves the re-allocation of unspent 2023-2024 budget funds for the Victor Creees Pavilion design, and Port Douglas Rugby Union lighting upgrade, to alternative Sports Master Plan projects.

Carried Unanimously

7. NOTICES OF MOTION

Nil

8. URGENT BUSINESS

Nil

9. PETITIONS

Nil

10. CLOSED SESSION

Moved Cr Zammataro

Seconded Cr Rees

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

10.1 Confidential 254J(3)(g) Local Government Regulation 2012 - Acquisition of part of L94 SP199692 50-72 Johnston Road Mossman Gorge (Cycle Path)

10.2 Confidential 254J(3)(e) Local Government Regulation 2012 - Hunt Vs DSC Planning and Environment Court Appeal

10.3 Confidential 254J(3)(g) Local Government Regulation 2012 – Port Douglas Wastewater Treatment Plant UV Replacement

Carried Unanimously

(Meeting moved into Closed Session at 10:13am)

MEETING WITHDRAWAL

Cr Rees informed the meeting that he has a declarable conflict of interest in Item 10.2 (*Confidential 254J(3)(e) Local Government Regulation 2012 – Hunt vs DSC Planning and Environment Court Appeal*) as the applicant is a close associate and excluded himself from the meeting room while the matter was being discussed. Cr Rees withdrew from the meeting at 10:23am.

MEETING RE-ATTENDANCE

Cr Rees re-attended the meeting at 10:25am.

OUT OF CLOSED SESSION

Moved Cr Noli

Seconded Cr Rees

That Council resolves to move out of Closed Session

Carried Unanimously

(Meeting moved out of Closed Session at 10:26am)

10.1. CONFIDENTIAL 254J(3)(G) LOCAL GOVERNMENT REGULATION 2012 - ACQUISITION OF PART OF L94 SP199692 50-72 JOHNSTON ROAD MOSSMAN GORGE (CYCLE PATH)

This report is CONFIDENTIAL in accordance with the 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 Meadows

Seconded Cr Rees

That Council:

1. *Acquires approximately 945m² of land (subject to a formal survey) being part of 50-72 Johnston Road, Mossman Gorge, more formally described as Lot 94 on SP199692, 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 s257 of the Local Government Act 2009, to finalise any and all matters associated with the above matter.*

Carried Unanimously

MEETING WITHDRAWAL

Cr Rees informed the meeting that he has a declarable conflict of interest in Item 10.2 (*Confidential 254J(3)(e) Local Government Regulation 2012 – Hunt vs DSC Planning and Environment Court Appeal*) as the applicant is a close associate and excluded himself from the meeting room while the matter was voted on. Cr Rees withdrew from the meeting at 10:28am.

10.2. CONFIDENTIAL 254J(3)(E) LOCAL GOVERNMENT REGULATION 2012 - HUNT VS DSC PLANNING AND ENVIRONMENT COURT APPEAL

This report is CONFIDENTIAL in accordance with the s 254J(3)(e) of the *Local Government Regulation 2012* which permits the meeting to be closed to the public to discuss a matter relating to legal advice obtained by Council or legal proceedings involving Council including for example, legal proceedings that may be taken by or against Council.

Moved Cr Zammataro

Seconded Cr Noli

That Council resolves to defend Appeal No. 14 of 2024 in the Planning and Environment Court for the reconfiguration of land at 291 Mowbray River Road, Mowbray.

Carried Unanimously

MEETING RE-ATTENDANCE

Cr Rees re-attended the meeting at 10:30am.

10.3. CONFIDENTIAL 254J(3)(G) LOCAL GOVERNMENT REGULATION 2012 - PORT DOUGLAS WASTEWATER TREATMENT PLANT UV REPLACEMENT

This report is CONFIDENTIAL in accordance with the 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 Meadows

Seconded Cr Rees

That Council:

1. Resolves to award Contract WO6368 – PDWWTP UV System Replacement to Aquatec Maxcon Pty Ltd (ABN – 45 002 250 482) for \$321,655.00 plus GST.
2. Delegates authority under s257 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

11. MEETING CLOSURE

The meeting closed at 10:31am.

CONFIRMED THIS 30TH DAY OF JULY 2024.

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MAYOR/CHAIR

