



**DOUGLAS**  
SHIRE COUNCIL

DOUGLAS SHIRE COUNCIL

# ORDINARY COUNCIL MEETING

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## MINUTES

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Tuesday 26 September 2023

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

**Rachel Brophy**  
CHIEF EXECUTIVE OFFICER



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Mayor Cr Kerr opened the meeting at 12:00pm by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on 31 January 2023 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 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.

Cr Kerr acknowledged and congratulated the Port Douglas Crocs on another successful AFL Grand Final win.

**DOUGLAS SHIRE COUNCIL  
ORDINARY MEETING  
TUESDAY 26 SEPTEMBER 2023  
10:00AM  
ORDER OF BUSINESS**

<b>1. Attendance &amp; Apologies .....</b>	<b>5</b>
1.1. PRESENT .....	5
1.2. APOLOGIES.....	5
1.3. OFFICERS IN ATTENDANCE .....	5
<b>2. Conflict Of Interest/Material Personal Interest .....</b>	<b>5</b>
<b>3. Deputations.....</b>	<b>5</b>
<b>4. Mayoral Minutes.....</b>	<b>5</b>
<b>5. Confirmation Of Minutes Of Council Meeting .....</b>	<b>13</b>
5.1. CONFIRM MINUTES - ORDINARY MEETING HELD 29 AUGUST 2023 .....	13
<b>6. Officers Reports.....</b>	<b>13</b>
6.1. FINANCIAL REPORT AUGUST 2023.....	13
6.2. CONCEALED LEAK FINANCIAL ASSISTANCE POLICY.....	14
6.3. 2024-004 LANDFILL WASTE DISPOSAL.....	14
6.4. PERMANENT PARTIAL ROAD CLOSURE ADJOINING LOT 36 NR190, 245 MOWBRAY RIVER ROAD MOWBRAY .....	14
6.5. RESIDENTIAL NEEDS ANALYSIS.....	15
6.6. COMBINED APPLICATION FOR 6133 CAPTAIN COOK HIGHWAY FOR MCU LOW IMPACT INDUSTRY AND ROL FOR LEASE AGREEMENT FOR MORE THAN 10 YEARS.....	15

6.7.	WATER SECURITY STRATEGY AND IMPLEMENTATION PLAN.....	16
6.8.	PORT DOUGLAS WASTEWATER TREATMENT PLAN INLET WORKS DETAILED DESIGN .....	17
6.9.	MOSSMAN STATE HIGH SCHOOL 2023 ANNUAL PRESENTATION OF AWARDS - SPONSORSHIP .....	17
6.10.	FREEHOLD LEASE FOR SAFE PLACES UNITS .....	17
<b>7.</b>	<b>Notices Of Motion .....</b>	<b>18</b>
7.1.	NOTICE OF MOTION - PROPOSED COUNCILLOR TRAVEL POLICY .....	18
7.2.	NOTICE OF MOTION - CLAIMED EXPENSES RELATING TO MAYORAL TRAVEL 1 JULY 2022 TO 30 JUNE 2023 .....	18
<b>8.</b>	<b>Urgent Business.....</b>	<b>18</b>
<b>9.</b>	<b>Petitions.....</b>	<b>18</b>
<b>10.</b>	<b>Closed Session.....</b>	<b>18</b>
<b>11.</b>	<b>Meeting Closure .....</b>	<b>18</b>

## **1. ATTENDANCE & APOLOGIES**

### **1.1. PRESENT**

Cr Michael Kerr (Mayor), Cr Lisa Scomazzon (Deputy Mayor), Cr Peter McKeown, Cr Abigail Noli, Cr Roy Zammataro

### **1.2. APOLOGIES**

There were no apologies.

### **1.3. OFFICERS IN ATTENDANCE**

Rachel Brophy (Chief Executive Officer), Sara Roberts (Acting Manager People and Community Services), Tara Killeen (Chief Financial Officer), Maria Evans (Acting Manager Governance), Paul Hoyer (Manager Environment and Planning), Peter White (Acting Manager Water and Wastewater), Scott Hahne (Manager Project Office), Brenda Jang (Executive Assistant), Kelly Dean (Mayoral and Councillor Support Officer), Marcus Wilson (Senior Media and Communications Officer), Tim O'Brien (Acting Technical Officer Resource Management), Helen Coulthard (Property Officer), Jenny Elphinstone (Senior Planning Officer), Wayne Kristalyn (Project Manager), Renee Kerr (Team Leader Community and Economic Development), Alexandra Earl (Community Development Officer), Mark Daly (Senior ICT Officer), Kursty Logan (Senior Rates Officer).

## **2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST**

Cr Kerr informed the meeting that he has a prescribed conflict of interest in Item 6.6 (Combined Application for 6133 Captain Cook Highway for MCU Low Impact Industry and ROL For Lease Agreement for More Than 10 Years). Cr Kerr is President of the Douglas Theatre Arts Group Inc. The business, Port Douglas Windows and Glass, has paid for advertising in the Theatre's show programs when the applicant had been involved in show productions. The husband of the owner of Port Douglas Windows and Glass, who owns Angel Construction, has also completed paid work for the Clink Theatre.

As a result of Cr Kerr's Conflict of interest, Cr Kerr will leave the meeting room while the matter is considered and voted on.

## **3. DEPUTATIONS**

Nil.

## **4. MAYORAL MINUTES**

### **4.1 MAYORAL MINUTE - DAINTREE FERRY URGENT DAVIT REPAIRS**

**Moved** Cr Kerr

*That Council notes the emergency maintenance work for the Daintree Ferry.*

## BACKGROUND

Since the required purchase of the Daintree ferry, Council's priority has been to focus on the urgent needs of the existing Daintree Ferry vessel (ferry) to maintain a continuous transport service. This has absorbed a significant amount of Council resources.

It should be noted that the ferry was purchased with limited additional technical resources being allocated for its ongoing maintenance and operation. With the purchase of the ferry, Council officers have been on a steep learning curve to maintain both the service and the asset in a compliant and efficient manner.

Part of the ongoing maintenance and repair of the ferry requires the urgent replacement of the davits. Numerous issues with these davits have occurred since the ferry's purchase by Council. The latest issue resulting in a 1.75hour unplanned closure of the ferry service which occurred on Tuesday 19 September 2023 at 11.30am.

There is a misconception that the new ramps weight is contributing to the davit issues. However, damage to the davits is largely caused by the davits age, maintenance, the inadequate original davit design and unexpected loadings.

The ferry cannot be in service during the replacement and there are three options to complete the emergency maintenance works being;

1. 6-day full ferry closure with no vehicular transport service, but passenger services;
2. 6-week early night closure with normal day time services being provided;
3. Defer repairs until May 2024.

Option 2 will provide an ongoing service during the day and will cause the least disruption to most ferry passengers.

Significant resources in time, effort and cost have been invested in maintaining the current vessel at an appropriate and safe level. These have included emergency holding repairs and subsequent replacement of north and south ramps, Australian Maritime Safety Authority (AMSA) on water and out of water compliance inspections and currently ferry davit replacement/repairs.

While service impacts have occurred, they have been relatively minimal compared to the possible significant unplanned service disruptions of for example, ramp failures or removal of licences to operate.

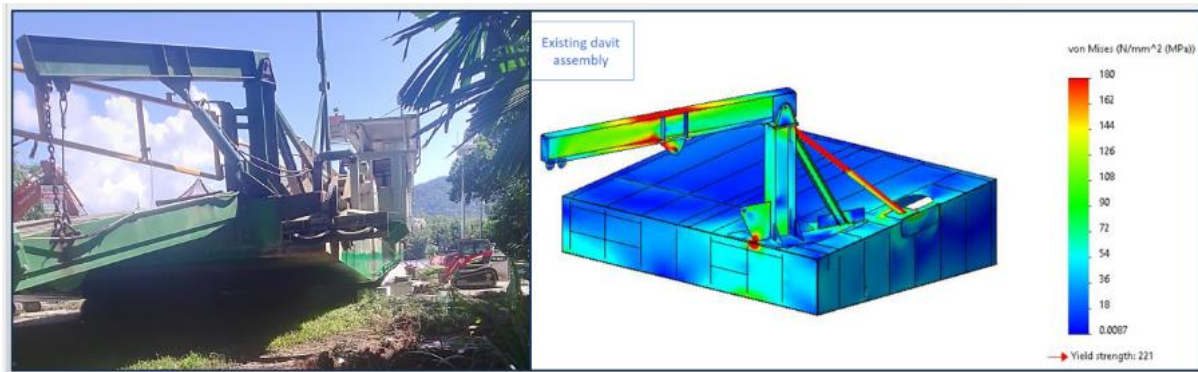
The vessel was built in 2006 and it is estimated that throughout its life to date that each davit has operated under maximum design load more than half a million times. Fatigue of components therefore is now a factor in the davits continued operating functionality. The ferry davits (small cranes) at each end of the ferry vessel operate in pairs to raise and lower the northern and southern vehicle ramps.

There are four davits in total on the vessel. They are hydraulically driven via rams attached to each davit that then raises/lowers the respective ramp with chains. Each ramp weighs approximately 11 tonnes. The davits therefore support the ramps from falling well below the vessel hull bottom.

There is no redundancy in the current davit arrangement, meaning that should one davit fail, then the entire ramp load would be transferred to the other davit resulting in its failure. Unsupported, the ramp would then fall to ground/riverbed.



Image 1.



This would be disastrous should the ferry be moving across the river at the time of a davit failure. A submerged ramp in a crocodile environment, requiring a suitably sized crane on another marine vessel to recover the ferry would be costly and take significant time to implement. The vehicle transport service would likely be closed for days to weeks as a result.

Worn components such as hydraulic rams, pins and sleeves have already been replaced. But other worn structural components still remain to be repaired, as they required significant time and effort to replace/repair.

Council has also added additional cleats in attempts to stiffen the davits and improve functionality. These repairs have assisted but operational issues still arise. The davits currently also exhibit structural distress in the form of warped beam flanges, sheared bolts and cracked welds within the structural components of the davits and confirmed by independent structural engineers. This distress has been further exacerbated by rusting of materials over the vessel's life.

Cranes are a highly regulated, high risk plant item. Component failure should not occur and poses a significant risk to the safety and operation of the ferry. The original davits appear structurally inadequate for the loads applied and seem to have caused issues for most of the vessel's life. This has also been confirmed by a specialist crane structural engineering consultant.

A full replacement of the davits is now required. To undertake this work during the AMSA inspection in March 2023 would have resulted in the ferry being closed for a longer period of time, which would not have been acceptable to the community.

A specialist crane structural engineering consultant was engaged to produce a design for a replacement davit assembly to be installed on the Daintree Ferry. The designs were received in **late August 2023** with the anticipation of future repairs.

Internal and external planning, and consultation with Councillors and emergency services has commenced to arrange for the davit replacements. This has included meetings with emergency services departments, consideration of tourism high season demands, school and public holiday dates, safety requirements for construction and the wet season commencement.

Councillors have been regularly informed on the various works required in a variety of workshops and ordinary council meetings since early 2023, as follows:

- Councillor AMSA workshop 10 February 2023
- Councillor Capex submission workshop 28 March 2023
- Councillor Capex final draft workshop 18 April 2023
- Ordinary Council Meeting to adopt budget 11 July 2023
- Councillor Davit Repair workshop 29 August 2023

Three repair options were provided to Councillors for feedback. They consisted of:

1. 6-day full ferry closure with no vehicular transport service, but passenger services;
2. 6-week early night closure with normal day time services being provided;
3. Defer repairs until May 2024.

All options come with risks and impacts to the variety of users.

Feedback from emergency services is that Option 1 is preferred as it is a shorter disruption timeframe, whilst feedback from the Tourism body is Option 2 for the lower impacts to businesses and reputational damage.

Option 2, the 6-week early night closure option was indicated as the preferred approach from initial discussions with Councillors and arrangements to commence the implementation of Option 2 are currently underway with works scheduled to commence on Sunday 15 October 2023 at 8pm, with a consequential disruption of ferry transport services from this time.

Whilst impacts to tourism and business operators is relatively minor due to the work being conducted at night, there are higher risks/impacts to emergency services and construction activities and the option could potentially cause inconvenience for local residents.

The impact to services would be:

1. Sunday 15 October to Thursday 23 November 2023 inclusive.
2. Early closure Sunday to Thursday nights at 8pm rather than midnight. Friday and Saturday services will close at midnight as usual.
3. Potential reopening at 5am each morning cannot be guaranteed, nor advised prior due to the nature of the construction activities.
4. No transport option across the Daintree River is to be provided by Council, e.g passenger vessel, emergency services transport.
5. Some restrictions to one lane during daytime operations due to the storage of plant and equipment on the vessel.

A budget amount of \$648,000 was included in the adopted 11 July 2023 budget for FY 2023-2024. \$7,194 has been expended to date, with a further \$84,470 committed.

A final cost estimate is yet to be finalised, but at this time the budget amount is expected to be sufficient.

As explained in the above sections there is significant risk associated with a davit failure and hence a need to undertake remedial repairs before this occurs.

There will be impacts to users of the ferry and this would be tempered somewhat by undertaking the work at night, however unplanned reopening delays are possible and emergency service impacts are still to be confirmed.



Council has a media and communication plan to enact to inform all relevant ferry users which will be implemented on Tuesday 26 September 2023.

**Carried** Unanimously

## **4.2 MAYORAL MINUTE – OUT OF ORDER MOTIONS AND VOTE OF NO CONFIDENCE MOTION BY COUNCILLORS**

**Moved** Cr Kerr

*That Council notes the Mayor's response to recent out of order motions and the vote of no confidence motion by Councillors*

### **BACKGROUND**

As Mayor, under the Local Government Act Cr Kerr carries the extra responsibilities over and above those of a Councillor in leading and managing meetings of the local government as Chairperson, that role also includes the managing of the conduct of the participants at those meetings. Cr Kerr also has the role of leading, managing and providing strategic direction to the Chief Executive Officer (CEO) as well as directing the CEO under section 170 of the Act. Other functions Cr Kerr is also charged with is conducting the CEO's performance appraisal, ensuring that the organisation provides the relevant information to the Minister on time, being a member on any other standing committee and that he represents the local government at ceremonial or civic functions.

The Local Government Act is also very clear how Councillors should behave and what the responsibilities of Councillors are. This is described clearly in the Code of Conduct. This Code of Conduct provides a set of values that describe the types of conduct Councillors should demonstrate to ensure their compliance with the local government principles.

As part of this conduct a Councillor for example must represent the current and future interests of the residents of the local government area. They will exercise good governance, commit to the development of open and transparent processes and procedures and making decisions in accordance with law and policy, committing to exercising proper diligence, care and attention and councillors will respect and comply with all policies, procedures and resolutions of Council.

Importantly though they will meet the community's expectations for high level leadership and commit to the highest ethical standards whilst upholding the system of local government and relevant laws applicable.

The Local Government Act 2009 is also very clear in its purpose statement. Section 3 of the Act states that the purpose of the Local Government Act is to provide for the way in which a local government is constituted and the nature and extent of its responsibilities and powers; and a system of local government in Queensland that is accountable, effective, efficient, and sustainable.

Parliament, through this legislation requires anyone who is performing a responsibility under the Act to do so in accordance with the local government principles; and any action that is taken under this Act to be taken in a way that it is consistent with the local government principles; and provides results that are consistent with the local government principles.

These principles include transparent and effective processes, and decision-making that is in the public interest, sustainable development and management of assets and infrastructure,

and delivery of effective services, democratic representation, social inclusion and meaningful community engagement, and good governance of, and by, local government; with ethical and legal behaviour of Councillors, local government employees and Councillor advisors.

It is part of a Councillor's role to attend and participate meaningfully in all Council meetings, committee meetings, informal meetings, briefings, relevant workshops and training opportunities to assist them in fulfilling their roles and at all times strive to maintain and strengthen the public's trust and confidence in the integrity of Council and avoid any action which may diminish its standing, authority or dignity.

In February 2007 the then Local Government Minister Andrew Fraser, met with the previous Douglas Shire Council in this very chamber. The Minister issued the Mayor and Councillors at the time a show cause notice, after closely studying reports into the Douglas Shire Council prepared by an independent advisor. The course of action taken was to amalgamate this council as the most appropriate way to deal with the long-running issues confronting the council.

As part of the show cause announcement, he stated that, "This is a council that has in place a planning scheme that won national recognition and it also maintains a very sound financial base." However, "On the other hand, the ability of its elected representatives to work together is so compromised by hostility that the Council's continuing effectiveness had been placed at risk."

"It is a Council that has been revealed to be frequently incapable of working in a cohesive and cooperative environment and it's a council whose elected representatives frequently descend into dysfunction – even childish behaviour – in their meetings, both public and private. That division within the council run so deep that they have reached down and infected the proper functioning of the Council staff and the interaction between Council as a whole and its Chief Executive Officer is one of great concern."

Yet unfortunately Council is in 2023 after a successful de-amalgamation with what Cr Kerr believes to be behaviour in a very similar vein, Council has a deep seeded hostility between certain Councillors as well as the operation creating an environment that is not cohesive nor co-operative. Council has recently seen dysfunction again in chamber and Councillors insisting on interfering with operational policies, with those motions being delivered to the CEO at times only hours before the agenda is closed to intentionally mitigate any chance of dialogue or advice.

These have been operational policies and motions which Councillors have not brought forward prior for discussion with all Councillors, staff or the CEO to ensure clarity, professionalism, correctness and legality. This Cr Kerr believes is not only an extremely dangerous road for this council but selfish in action and thwart with regret for the betterment of this community.

It is normal practice for motions, and especially policies, to be thoroughly workshopped to ensure that what is being put forward is well-rounded, effective, and reflective of the needs and aspirations of the community it will serve. By workshopping a policy, all the relevant stakeholders can come together to collaborate, share ideas, and provide valuable input. This approach promotes transparency, inclusivity, and democratic decision-making.

Workshopping also allows for a thorough examination of potential impacts, both positive and negative, on different aspects of the community, council, and councillors. It enables the exploration of alternative approaches, creative solutions, and innovative ideas that might not otherwise be considered. By involving a range of perspectives, the item being discussed can be refined to address any potential gaps or unintended consequences it could potentially create.

Moreover, workshopping encourages engagement and participation from those who are directly affected. It can empower individuals to share their concerns, suggestions, and expertise. This collaborative process is intended to build trust between the council and the community, as it demonstrates a genuine commitment to gaining the best outcomes for our community.

As council meetings operate under the strict guidance of the standing orders of debate, the comprehensive process required for a successful result in these motions or policies could not be achieved as it would be in a workshop environment.

Over the past months Council has seen the results of these ill-informed motions being presented without consideration or advice. This has only ended in creating costly legal bills to gain appropriate advice that otherwise could have been avoided if the principles of the Local Government Act had been followed and these motions examined and discussed appropriately before being brought forward to chamber for debate.

Our community deserves to be confident in knowing that a motion being brought forward to a council meeting has at least been vetted to know that it is legally standing, can be enacted and is for the greater benefit for this council area. This can only occur when motions that drive operational matters are disseminated and suggestions and advice given by the various department managers that they involve.

The Best Practice Standing Orders For Local Government and Standing Committee Meetings confirms that the Mayor will preside at a meeting of the local government, that the Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received and that the Chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary if any motion is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary.

Whilst the Douglas Shire Council has an adopted Standing Orders Policy the Best Practice Standing orders hold priority as section 150G (2a) clearly states that the procedures must not be inconsistent with the model procedures and (2b) if there is an inconsistency, the local government is taken to have adopted the model procedures to the extent of the inconsistency.

Five previous motions by Councillors have now been ruled out of order.

1. 30<sup>th</sup> May - Councillor Zammataro – Notice of Motion – Daintree Ferry. The motion moved was a rescinding motion which the procedure is defined in the Act. The rescinding procedure must at a minimum be given to all parties at least five full days prior to the meeting day. This did not occur meaning the CEO would not have been able to enact the motion if it had been voted on.
2. 27<sup>th</sup> June - Councillor Zammataro – Notice of Motion – Daintree Ferry. The motion was out of order as it attempted to temporarily suspend a resolution. The Local Government legislation only gives an ability to rescind or amend a resolution. The CEO would have been unable to enact the approved resolution as it would have conflicted with a previous resolution in place.
3. 27<sup>th</sup> June - Councillor Noli – Motion without Notice – Media Relations Policy. The motion was out of order as the attached policy did not meet the essential requirements such as clarity and/or certainty, proposed a course of action that was beyond the Council's power or proposed a course of action that contravened the Act.

4. 25<sup>th</sup> July - Councillor Noli – Notice of Motion – Media Relations Policy. The motion was out of order as the attached policy did not meet the essential requirements such as clarity and/or certainty, proposed a course of action that was beyond the Council's power or proposed a course of action that was illegal and in two other areas had courses of action that contravene the Act.
5. 29<sup>th</sup> August - Councillor Scomazzon – Motion without Notice – Mayor's Travel details. As the motion was not given in the appropriate time frame it was in breach of section 4.2 of Council's Standing Orders. The motion made was considered to have wording which was broad, vague and uncertain. As such it was not prudent to allow an operational motion to be considered in this way and as such was deemed out of order.

As legal advice was sought on all occasions, Cr Kerr believes that the moving of a motion of no confidence was either unnecessary and came about through ill-informed advice or enacted in malice and in either consideration in contradiction of the code of ethics and principles of the Local Government Act.

Today Council again has two operational based motions presented by Councillors, that were sent through to the CEO only days prior to the agenda being closed with no preceding discussion.

The first by Cr Scomazzon wanting to enact a Travel Policy. As the staff response states there are already legislated processes in place for this very purpose and this Council has in place strict protocols on how rate payer money is spent on travel and in this case the Mayor's travel has been approved by the executive office, booked by the executive office, and paid for by the executive office as per the current policy in place. This requested motion not only conflicts with multiple resolutions already in place, but contains requests which are ambiguous, not necessary and some that are in conflict with the legislation in the Local Government Act. The Councillor was advised of this prior to the agenda being confirmed, but Cr Scomazzon insisted that the motion go on the agenda. This motion is out of order and cannot be debated in chamber as it cannot be enacted by the operation.

To appease Cr Scomazzon's concerns, the travel that Cr Kerr engages in is for him as Mayor to fulfil his role as the Civic representative and when required further knowledge building for his role as Mayor. Like tonight, the Premier requests his presence at an event as the civic leader of this region, Cr Kerr goes and represents this community as its expected, when the Premier invites Cr Kerr to a breakfast like tomorrow morning as the civic leader Cr Kerr goes as its expected.

When the opportunity arises for the Mayor to sit with the Deputy Premier – the Minister for Local Government and Infrastructure to discuss one on one the issues around the ferry, the domestic violence shelter, our housing shortage issues, local road funding issues, as the civic leader, Cr Kerr goes as its expected. When the Australian Local Government Association or the Queensland Local Government Association holds forums with relevant Ministers and Department Director Generals attending, as the civic leader and a dedicated Mayor of this region, Cr Kerr goes as our community would expect to ensure that Cr Kerr is up to date with what is happening, how it's happening and who is involved to ensure we have the best step forward for this community when fulfilling his role in managing and providing strategic direction to the Chief Executive Officer .

When the opportunity arises through invitation to attend meetings as Chair of the Far North Queensland Regional Organisation of Councils representing 12 Mayors of Far North Queensland, as a civic leader, Cr Kerr goes to ensure that the region gains benefit from this engagement.

Whilst a majority of these occasions are either local or in Cairns, Cr Kerr makes no apologies for travelling to Brisbane or Canberra when required to ensure that this region is present, represented and heard. It is part of his role as Mayor and the Civic Leader.

The second Notice of Motion is by Cr Zammataro. As the Councillor was informed by the CEO there is a legally defined process under the Local Government legislation on how information can be requested and the conditions in which it can be facilitated.

Bringing an information request to a council meeting does not change the State legislated requirements of how an elected member can seek information, Council has a defined right to information process in place and available to all Councillors who are required to follow this process.

Cr Kerr also added that as part of the annual report all expenses by Councillors are publicly disclosed in the annual report. As such Cr Zammataro's motion is in conflict with a current resolution of Council and contains a request that does not meet the legislative requirements. Therefore, it will also be out of order and cannot be debated in this chamber.

It is imperative for the ongoing success of this Council, to gain confidence from its community and to be able to meet the residents' expectations for high level leadership and commitment to the highest ethical standards that this practice of bringing operational motions to council meetings, without the due process of working with the operation to ensure that the motions are valid and legal ceases to occur.

<b><u>For</u></b>	Cr Kerr
<b><u>Against</u></b>	Cr Scmazzon, Cr Zammataro, Cr McKeown.
	Cr Noli abstained from voting.

**Lost**

## **5. CONFIRMATION OF MINUTES OF COUNCIL MEETING**

### **5.1. CONFIRM MINUTES - ORDINARY MEETING HELD 29 AUGUST 2023**

<b><u>Moved</u></b> Cr McKeown	<b><u>Seconded</u></b> Cr Zammataro
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*That the Minutes of the Ordinary Meeting held Tuesday 29 August 2023 be confirmed.*

**Carried** Unanimously

## **6. OFFICERS REPORTS**

### **6.1. FINANCIAL REPORT AUGUST 2023**

<b><u>Moved</u></b> Cr Noli	<b><u>Seconded</u></b> Cr Scmazzon
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*That Council notes the Statement of Comprehensive Income for August 2023.*

**Carried** Unanimously

## **6.2. CONCEALED LEAK FINANCIAL ASSISTANCE POLICY**

**Moved** Cr Scomazzon

**Seconded** Cr McKeown

*That Council adopts the Concealed Leak Financial Assistance Policy.*

**Carried** Unanimously

## **6.3. 2024-004 LANDFILL WASTE DISPOSAL**

**Moved** Cr Noli

**Seconded** Cr Zammataro

*That Council:*

1. *Resolves to award Contract 2024-004 – Landfill Waste Disposal to REMONDIS AUSTRALIA PTY LTD & FGF DEVELOPMENTS NO1 PTY LTD [trading as Springmount Waste Management Facility] (ABN 60 323 019 152) for a term of 12 months with two (2) 12-month options for extension; and*
2. *Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute all matters in relation to this contract.*

**Carried** Unanimously

## **6.4. PERMANENT PARTIAL ROAD CLOSURE ADJOINING LOT 36 NR190, 245 MOWBRAY RIVER ROAD MOWBRAY**

**Moved** Cr McKeown

**Seconded** Cr Scomazzon

*That Council:*

1. *Delegates authority to the Chief Executive Officer in accordance with s 257 of the Local Government Act 2009 to:*
  - a. *Execute Part C – Form LA30 Statement in relation to an application under the Land Act 1994 over State land as Road Manager adjoining 245 Mowbray River Road Mowbray, formally described as Lot 36 NR190;*
  - b. *Advise the Department of Resources that Council supports a permanent partial road closure of approximately 3,955m<sup>2</sup> (subject to a formal survey to ensure a minimum road verge of 5.5 metres) for the full frontage of Lot 36 on NR190, indicated in the hatched area of Drawing Number M2169-SK-01 Issue D;*
  - c. *Endorse the drawing for road closure of Mowbray River Road as shown in Milford Planning Drawing Number M2169-SK-01 Issue D; and*
  - d. *Finalise any and all matters associated with the application.*

**Carried** Unanimously



## **6.5. RESIDENTIAL NEEDS ANALYSIS**

**Moved** Cr Noli

**Seconded** Cr Zammataro

*That Council notes the Douglas Shire Residential Needs Assessment Report dated 12 June 2023 prepared by Bull & Bear Economics.*

**Carried** Unanimously

## **MEETING WITHDRAWAL**

Mayor, Cr Kerr had declared a prescribed conflict of interest in Item 6.6 (Combined Application for 6133 Captain Cook Highway for MCU Low Impact Industry and ROL For Lease Agreement for More Than 10 Years) and excluded himself from the meeting whilst the matter was being discussed and voted on and withdrew from the meeting at 11.05am

**Deputy Mayor Cr Scomazzon took the Chair during the absence of the Mayor.**

## **6.6. COMBINED APPLICATION FOR 6133 CAPTAIN COOK HIGHWAY FOR MCU LOW IMPACT INDUSTRY AND ROL FOR LEASE AGREEMENT FOR MORE THAN 10 YEARS**

**Moved** Cr Zammataro

**Seconded** Cr McKeown

*That Council refuses the development application for Combined Application over land described as Lot 3 on RP743352 for:*

- A. *Material Change of Use for Low Impact Industry for the manufacture of residential and commercial window and door fabrication in addition to the continuing use of the dwelling house and secondary dwelling; and*
- B. *Reconfiguring of a Lot of part of the lot by lease agreement for a period of more than ten (10 years); and*
- C. *Reconfiguring of a Lot creating an access easement to a road,*

*Be refused on the following grounds.*

- 1. *The development conflicts with the Strategic Framework under 3.4.2 Element – Urban settlement, as the industrial development does not occur in an identified area and there are no supporting planning considerations to justify the conflict. The nature of the proposed industry serves residential development in the urban area and this should be contained to the urban area.*
- 2. *The development conflict with the Strategic Framework under 3.4.4 Element – Industry areas and activities as proposal seeks to expand industrial development outside both Mossman and Port Douglas and there are no supporting planning considerations to justify the conflict. The development should occur in an industrial zone in Mossman or Port Douglas / Craiglie. Sufficient land and infrastructure are already supplied in Industry areas such as Craiglie and Mossman South to accommodate new and expanding enterprises.*
- 3. *The development conflicts with the Overall Outcomes of the Rural Zone Code:*

- a. *The development further fragments rural land and compromise the long-term use of the land for rural purposes; and*
- b. *The development does not provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities*
- 4. *The development conflicts with Performance Criteria PO4 of the Rural Zone:*
  - a. *The development is an intrusion of an inconsistent use in the rural Zone.*
- 5. *The development cannot be appropriately conditioned to overcome the non-compliance with the Strategic Framework or assessment benchmarks of the applicable codes.*

#### **Assessment Benchmarks**

*The following are the benchmarks applying to the development.*

<i>Benchmarks applying for the development</i>	<i>Benchmark reference</i>
<i>Strategic Framework Rural zone code Reconfiguring a lot code Acid sulphate soils overlay code Bushfire hazard Flood and storm tide hazard overlay code Landscape values overlay code Natural areas overlay code Transport network overlay code Industry activities code Access, parking and servicing code Environmental performance code Infrastructure works code Landscaping code</i>	<i>Douglas Shire Planning Scheme 2018 (V1.0) in effect 2 January 2018</i>

**Carried** Unanimously

## **MEETING RE-ATTENDANCE**

Cr Kerr re-attended the meeting at 11.07 am and resumed the Chair.

## **6.7. WATER SECURITY STRATEGY AND IMPLEMENTATION PLAN**

**Moved** Cr Scomazzon

**Seconded** Cr Noli

*That Council adopts the Water Security Strategy and Implementation Plan as presented.*

**Carried** Unanimously

## **6.8. PORT DOUGLAS WASTEWATER TREATMENT PLAN INLET WORKS DETAILED DESIGN**

**Moved** Cr Noli

**Seconded** Cr McKeown

*That Council:*

- 1. Resolves to award Contract WO6103-001 – Port Douglas Wastewater Treatment Plant Inlet Works Upgrade Design to Arup Australia Pty Ltd (ABN 76 625 912 665) for \$208,656.00 (GST exclusive).*
- 2. Delegates authority under s 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

## **6.9. MOSSMAN STATE HIGH SCHOOL 2023 ANNUAL PRESENTATION OF AWARDS - SPONSORSHIP**

**Moved** Cr Scomazzon

**Seconded** Cr Kerr

*That Council:*

- 1. Provides Mossman State High School with \$500 (GST Exc) sponsorship as Gold Sponsor of the Annual Presentation of Awards on 19 October 2023; and*
- 2. Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise all matters associated with the above.*

**Carried** Unanimously

## **6.10. FREEHOLD LEASE FOR SAFE PLACES UNITS**

**Moved** Cr Noli

**Seconded** Cr Scomazzon

*That Council:*

- 1. Resolves to provide in-principle support for a Freehold Lease, to an organisation determined by a State government led tender process, to deliver services related to Douglas Safe Places, and*
- 2. Commits to maintaining the Douglas Safe Places facility, including carrying out responsive and planned maintenance for the duration of a lease period.*

**Carried** Unanimously

## **7. NOTICES OF MOTION**

### **7.1. NOTICE OF MOTION - PROPOSED COUNCILLOR TRAVEL POLICY**

*Refer to Mayoral Minute 4.2 - Out of Order Motions and Vote of No confidence Motion by Councillors*

*Councillor Travel Policy to be listed on a Councillor Workshop agenda for discussion.*

### **7.2. NOTICE OF MOTION - CLAIMED EXPENSES RELATING TO MAYORAL TRAVEL 1 JULY 2022 TO 30 JUNE 2023**

*Refer to Mayoral Minutes 4.2 - Out of Order Motions and Vote of No confidence Motion by Councillors*

*Clamed Expenses Relating to Mayoral Travel 1 July 2022 to 30 June 2023 to be listed on a Councillor Workshop agenda for discussion.*

## **8. URGENT BUSINESS**

Nil.

## **9. PETITIONS**

Nil.

## **10. CLOSED SESSION**

Nil.

## **11. MEETING CLOSURE**

The meeting closed at 11.21am.

**CONFIRMED THIS 28<sup>TH</sup> DAY OF NOVEMBER 2023.**

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MAYOR/CHAIR

