



DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday 12 December 2023

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



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY 12 DECEMBER 2023 COMMENCING AT 10:00A.M.**

Mayor Cr Kerr opened the meeting at 10:00am by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on 12 December 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.

**DOUGLAS SHIRE COUNCIL
ORDINARY MEETING
TUESDAY 12 DECEMBER 2023
10:00AM
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1. ATTENDANCE & APOLOGIES

1.1. PRESENT

Cr Michael Kerr (Mayor), Cr Lisa Scmazzon (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), Lisa Golding (Manager People and Community Services), Tara Killeen (Chief Financial Officer), Maria Evans (Acting Manager Governance)(via Teams), Neil Beck (Acting Manager Environment and Planning), Wayne Kristalyn (Acting Manager Project Office), Casey De Pereira (Acting Manager Infrastructure), Natalie Crimmins (Senior Governance Officer), Kelly Dean (Mayor / Councillor Support Officer), Marcus Wilson (Senior Media and Communications Officer), Tarren Woodhams (Digital Communications Officer).

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr McKeown informed the meeting that he has a Prescribed Conflict of Interest in relation to item 6.5 (*Mossman Golf Club – Renewal of Management Agreement*) as he is an office holder of the Mossman Golf Club; and a Declarable Conflict of Interest in relation to item 6.8 (*Douglas Chamber of Commerce Resource and Performance Agreement*) as a direct family member is on the management committee of the Douglas Chamber of Commerce. As a result of Cr McKeown's conflicts of interest, Cr McKeown will leave the meeting room while both matters are considered and voted on.

Cr Scmazzon informed the meeting that she has a Declarable Conflict of Interest in relation to Item 6.8 (*Douglas Chamber of Commerce Resource and Performance Agreement*). Cr Scmazzon is also ex-officio member of the Douglas Chamber of Commerce with no voting rights. As a result of Cr Scmazzon's conflict of interest, Cr Scmazzon will leave the meeting room while the matter is considered and voted on.

3.1. DEPUTATION - DAINTREE COAST 360 (DC360) - DAINTREE FERRY ADVISORY GROUP

Daintree Coast 360 representative discussed a revised Terms of Reference with Council, including an expansion of members.

Cr Kerr thanked the Daintree Coast 360 representative for the presentation to Council.

4. MAYORAL MINUTES

Nil

5. CONFIRMATION OF MINUTES OF COUNCIL MEETING

5.1. CONFIRM MINUTES - SPECIAL MEETING HELD 21 NOVEMBER 2023

Moved Cr Noli

Seconded Cr McKeown

That the Minutes of the Special Meeting held Tuesday 21 November 2023 be confirmed.

Carried Unanimously

5.2. CONFIRM MINUTES - ORDINARY MEETING HELD 28 NOVEMBER 2023

Moved Cr Scomazzon

Seconded Cr Zammataro

That the Minutes of the Ordinary Meeting held Tuesday 28 November 2023 be confirmed.

Carried Unanimously

6. OFFICERS REPORTS

6.1. FINANCIAL REPORTS NOVEMBER 2023

Moved Cr Scomazzon

Seconded Cr Noli

That Council notes the Statement of Comprehensive Income and the Statement of Financial Position for November 2023.

Carried Unanimously

6.2. 2024 AUSTRALIA DAY AWARDS

Moved Cr Noli

Seconded Cr Scomazzon

That Council:

- 1. Endorses the Australia Day Awards recipients as decided by the Australia Day panel in line with the Douglas Shire Australia Day Award Guidelines; and*
- 2. Delegates authority under s 257 of the Local Government Act 2009 (Qld) to the Chief Executive Officer to finalise any amendments in relation to administering the Australia Day Awards Ceremony for 2024.*

Carried Unanimously

6.3. COMMUNITY GRANTS 2023-2024

Moved Cr McKeown

Seconded Cr Scomazzon

That Council:

- 1. Approves the allocation of \$38,000 from Council's Community Grants Program 2023-2024 to fund four recommended applications listed in the body of the report, and*
- 2. Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise all matters associated with these approvals.*

Carried Unanimously

6.4. RADF REVIEW AND 2024 PROGRAM

Moved Cr Scomazzon

Seconded Cr Noli

That Council:

- 1. Endorses the 2023-2024 Regional Arts Development Fund application to Arts Queensland for \$30,000, based on Council's contribution of \$25,000;*
- 2. Endorses the allocation of unexpended 2021-2022 RADF funds of \$12,165.35 to the 2023-2024 Program.*
- 3. Endorses the allocation of unexpended 2022-2023 RADF funds of \$55,000 to the 2023-2024 Program.*
- 4. Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise all associated matters, including the development of the application to Arts Queensland, development of local RADF Guidelines and the application form.*

Carried Unanimously

6.5. MOSSMAN GOLF CLUB – RENEWAL OF MANAGEMENT AGREEMENT

MEETING WITHDRAWAL

Cr McKeown had a prescribed conflict of interest in Item 6.5 (*Mossman Golf Club – Renewal of Management Agreement*) as he is an office holder of the Mossman Golf Club and excluded himself from the meeting while the matter was being discussed and voted on. Cr McKeown withdrew from the meeting at 10:21am.

Moved Cr Noli

Seconded Cr Scomazzon

That Council:

- 1. Renews the Management Agreement with Mossman Golf Club Inc for Lot 263 SR540, Lot 20 and 21 SP212664 for a further two years, or until such time as a lease is negotiated;*
- 2. Allows the rent to remain at \$20,000 per annum for the additional two years;*
- 3. Delegates authority to the Chief Executive Officer in accordance with s 257 of the Local Government Act 2009 to determine and finalise all matters associated with the agreement.*

Carried Unanimously

MEETING RE-ATTENDANCE

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

6.6. RADF COUNCIL INITIATED PUBLIC ART: MOSAICS FOR MOSSMAN

Moved Cr Scomazzon

Seconded Cr Zammataro

That Council:

- 1. Endorses the Mossman Planter Boxes Mosaic Project, as a Council initiated public art project through the Regional Arts Development Fund,*
- 2. Endorses the re-allocation of funding of \$15,000 from Council's current Operational budget and \$15,000 from the Regional Arts Development Fund, and*
- 3. Delegates authority to the Chief Executive Officer in accordance with s 257 of the Local Government Act 2009 to finalise all matters associated with this project.*

Carried Unanimously

6.7. NEWELL BEACH PLACEMAKING PROPOSAL

Moved Cr Zammataro

Seconded Cr McKeown

That Council resolves to:

- 1. Allocate \$50,000 from the 2023-2024 Emergent Discretionary Fund to deliver a placemaking project proposed by members of the Newell Beach community, of historical artefacts commemorating the nautical history of the area, and*
- 2. Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise and execute matters in relation to this project.*

Carried Unanimously

6.8. DOUGLAS CHAMBER OF COMMERCE RESOURCE & PERFORMANCE AGREEMENT 2024

MEETING WITHDRAWAL

Cr Scmazzon had a declarable conflict of interest in Item 6.8 (*Douglas Chamber of Commerce Resource and Performance Agreement*) as she is an ex-officio member of the Douglas Chamber of Commerce with no voting rights and excluded herself from the meeting while the matter was being discussed and voted on. Cr Scmazzon withdrew from the meeting at 10:28am.

Cr McKeown had a declarable conflict of interest in Item 6.8 (*Douglas Chamber of Commerce Resource and Performance Agreement*) as a direct family member is on the management committee of the Douglas Chamber of Commerce and excluded himself from the meeting while the matter was being discussed and voted on. Cr McKeown withdrew from the meeting at 10:28am.

(Note: the withdrawal of two members did not impact the meeting quorum for voting).

Moved Cr Noli

Seconded Cr Zammataro

That Council:

1. *Resolves to enter into a Resource and Performance agreement with Douglas Chamber of Commerce for \$20,000 over a period of 1 January 2024 to 31 December 2024, and*
2. *Payment of the funding be made on signing of the Resource and Performance Agreement by both parties (50%) with the balance of the payment being subject to an assessment of a mid-term report and achievement of key milestones in the agreement.*
3. *Delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer, to finalise all matters associated with the execution of the Resource and Performance Agreement.*

Carried Unanimously

MEETING RE-ATTENDANCE

Cr Scmazzon re-attended the meeting at 10:31am.

Cr McKeown re-attended the meeting at 10:31am.

6.9. PETANQUE SHADE

Moved Cr Zammataro

Seconded Cr Scmazzon

That Council resolves to:

- 1. Allocate \$26,400 (GST exc) from the 2023-2024 Emergent Discretionary Fund to install shelters to provide shade at the Port Douglas petanque piste in accordance with Council's endorsed Sports Masterplan and requests from user groups, and*
- 2. Delegates authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to finalise and execute matters in relation to this project.*

Carried Unanimously

6.10. MOSSMAN SPLASH PAD FEES AND CHARGES

Moved Cr Scomazzon

Seconded Cr Kerr

That Council maintains the current fee structure for entry to the Mossman Pool facility including the new splash pad, as determined in Council's 2023-2024 Fees and Charges Schedule.

For Cr Kerr

Against Cr Scomazzon, Cr McKeown, Cr Noli, Cr Zammataro

Lost

6.11. MOSSMAN DEPOT OFFICE BUILDING IMPROVEMENT

Moved Cr Scomazzon

Seconded Cr McKeown

That Council:

- 1. Resolves to award Contract 2023-6192 – Mossman Depot Improvement to GJ Building Group Pty Ltd (ABN 45 663 121 426) for \$239,865.73 (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.*

Motion moved to defer consideration of this item.

Moved Cr Zammataro

Seconded Cr Kerr

That Council defer discussion of this item to the next Ordinary Council Meeting.

Carried Unanimously

6.12. WO5836 ALEXANDRA RANGE SAFETY UPGRADES

Moved Cr McKeown

Seconded Cr Kerr

That Council resolves to:

1. Award Contract 2023-5386-5840-6098 Alexandra Range Safety Upgrade to Geo Construct Pty Ltd (ABN 42 640 635 445) for \$963,920.99 (GST exclusive).
2. Delegates authority under s 257(1) b of the Local Government Act 2009 to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated with the contract.

Carried Unanimously

6.13. TRANSPORT DEPOT 37 SPLENDOUR ROAD MOSSMAN

Moved Cr Scomazzon

Seconded Cr Kerr

That Council approves the development application for Material Change of Use for a Transport Depot over land described as Lot 5 on SP297291 (now formally described as Lot 1 on SP337285) subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s) or other similar expressions means:

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
Site Plan	Unauthored Drawing Council Doc: 1190398	Submitted with Application on October 2023
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Rural Allotment Access	Standard Drawing S1105 Issue E	26 November 2014

ASSESSMENT MANAGER CONDITIONS & ADVICES

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.
 Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to commencement of use, except where specified otherwise in these conditions of approval.

Hours of Operation

3. Operating vehicles associated with Transport Depot, loading of trucks and transportation of material to and from the site must not occur:
 - a. before 6.30 am or after 6:00 pm Monday to Friday;
 - b. before 6.30 am or after 1:00 pm Saturdays; or
 - c. on Sundays or Public Holidays.

Unless otherwise authorised by the Chief Executive Officer for specific projects over limited periods.

Noise Emissions

4. *Noise from the approved transport depot must not cause environmental nuisance to any sensitive receptor. In accordance with the Environmental Protection Act 1994, any emission of noise from activities on site must ensure that the emissions are consistent with the Environmental Protection (Noise) Policy 2019.*

Off-Site Impacts

5. *Dust emissions or other air pollutants, including odours, must not extend beyond the site and cause an environmental nuisance. In accordance with the Environmental Protection Act 1994, any emission of dust from activities on site must ensure that the emissions are consistent with the Environmental Protection (Air) Policy 2008.*

Work Internal to the Site

6. *The development must undertake the following at no cost to Council:*
 - a. *Construct a hard stand area for the LV Parking as per the approved drawing (Council doc id; 1190398). The hardstand area must provide for parking and maneuvering for six (6) rigid vehicles. The hardstand area must be constructed in accordance with FNQROC Development Manual;*
 - b. *Construct an access crossover and a sealed driveway access from the hardstand area to meet with Syndicate Road. The driveway and access crossover must be constructed in accordance with FNQROC Development Manual;*
 - c. *Construct concrete bunded raw material storage bays as per the approved plans (Council doc id; 1190398). The storage bays must be provided with an impervious base; and*
 - d. *Ensure sediment and other potential contaminants are contained onsite at all times and not discharged to areas external to the property in accordance with the requirements of the Environmental Protection Act 1994 and the FNQROC Development Manual.*

The works must be completed within 30 business days of the approval taking effect.

Approved Use Area

7. *The use of the site as a Transport Depot is restricted to the area identified in the approved plan.*

Shed Layout

8. *Submit a Shed Layout Plan for both sheds for endorsement by the Chief Executive Officer within 5 business days of the approval taking effect. The plan must detail the area of the sheds associated with parking and activities ancillary to the proposed use.*

Please note that the area of the sheds identified for use will result in a variation to the infrastructure charges payable.

Fire Management

9. *Mulch kept at the premises must be;*
 - a. *Limited to one (1) storage bay with a maximum of 80m³ of mulch stored within the bay;*
 - b. *Must be broken-up, turned and sufficiently watered to prevent self-combustion. Mulch must not be mechanically compacted;*
 - d. *Provided with a 5m wide fire break continuous around the storage bay area. The firebreak must be maintained by mowing such that grass is a maximum of 10cm high;*
 - e. *Separated from flammable liquids by a distance of 20m; and*
 - f. *Provided with a 10,000 litre onsite water storage/supply. The water storage must be fitted with a 50mm ball valve with a camlock fitting.*

Fuel Storage

10. *All fuel storage must be secured and banded and comply with AS1940:2017 Storage and Handling of Flammable and Combustible Materials.
Fuel storage in excess of 10,000 litres is not permitted on the site.*

Landscaping

11. *Provide a Landscape Plan that details:*
 - a. *Landscaping that can provide adequate screening from viewpoints external to the site within five (5) years from the commencement of use.*
 - b. *Species to be used in plantings that have regard to Council's Planning Scheme Policy SC6.7 Landscaping.*
 - c. *Detailed ground preparation and landscape maintenance schedule. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth; and*
Prior to the undertaking of landscaping works a landscape plan must be submitted to the satisfaction of the Chief Executive Officer. The approved landscaping must be implemented as detailed in the approved landscape plan within 30 business days.

The landscaping must be maintained to the satisfaction of the Chief Executive Officer at all times.

Site Maintenance

12. *The area surrounding the development site, as depicted in the approved plans, must be kept free of stockpiled rubbish, metal and machinery and be kept in a presentable condition to the satisfaction of the Chief Executive Officer.*

Storage of Raw Materials

13. *All bulk materials held on the site must be contained within the bunded concreted bin areas to the satisfaction of the Chief Executive Officer.*

Contaminants

14. *All reasonable and practicable measures must be taken to prevent pollution to the existing open drains, waterways or drainage lines, as a result of silt and sediment run-off from the storage of raw materials, oil and grease spills from any machinery. Wastewater for cleaning equipment must not be discharged or indirectly released to any watercourses or stormwater systems.*

Sales to Public and signage

15. *This approval does not permit sale of landscape supplies to the general public or the erection of signage.*

Disposal of Garden Waste and Other Waste

16. *The incineration of garden waste and other waste is not permitted at the development site. All waste must be disposed of in a lawful manner.*

ADVICE

1. *This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the Planning Act 2016.*
2. *All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.*
3. *This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.*
4. *For information relating to the Planning Act 2016 log on to www.dsdmip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.*

Infrastructure Charges Notice

5. *A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.
The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution.
Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.*

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

REASONS FOR DECISION

The reasons for this decision are:

- 1. The reasons for this decision are:*
 - a. Sections 60, 62 and 63 of the Planning Act 2016:*
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
 - c. to ensure compliance with the Planning Act 2016.*
- 2. Findings on material questions of fact:*
 - a. the development application was properly lodged to the Douglas Shire Council 11 April 2023 under s51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.*
- 3. Evidence or other material on which findings were based:*
 - a. the development triggered assessable development under the Assessment Table associated with the Rural Zone Code;*
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and*
 - c. the applicant's reasons have been considered and the following findings are made:*
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.*

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 Acid sulphate soils overlay code Bushfire hazard overlay Flood and storm tide hazard overlay code Landscape values overlay code Natural areas overlay code Transport network overlay code Access, parking and servicing code Environmental performance code Filling and excavation code</i>	<i>Douglas Shire Planning Scheme 2018 (V1.0) in effect 2 January 2018</i>

Infrastructure works code	
Landscaping code	

Carried Unanimously

6.14. GROWING REGIONS GRANT EXPRESSION OF INTEREST SUCCESS

Moved Cr Scomazzon

Seconded Cr Kerr

That Council resolves to commit \$750,000.00 (GST-exclusive) in the 2024-2025 Capital Works Program as Council's co-contribution to the Growing Regions Program – Round 2 (Adventure Playground application).

For Cr Kerr

Against Cr Scomazzon, Cr McKeown, Cr Noli, Cr Zammataro

Lost

6.15. QUESTIONS ON NOTICE FROM NOVEMBER COUNCIL MEETINGS

Moved Cr Noli

Seconded Cr Zammataro

That Council notes the responses to the Questions on Notice received at the Special Council Meeting held 21 November 2023 and Ordinary Council Meeting held 28 November 2023.

Carried Unanimously

7. NOTICES OF MOTION

7.1. NOTICE OF MOTION - RESCIND MINUTE AMENDMENT

Moved Cr Kerr

Seconded

Cr Kerr gave notice of his intention to move the following motion at the Council Meeting scheduled for Tuesday 12 December 2023.

“That:

1. *Council rescinds the following sections of the amendment made to item 5.1 Confirm Minutes – Ordinary Meeting held 27 June 2023.*
 - a. *That the Minutes of the Ordinary Meeting held Tuesday 27 June 2023 be amended by removing the extra details in Item 6.3 (Port Douglas Aquatic Precinct – Report on Engagement Findings),*

- b. That the Minutes of the Ordinary Meeting held Tuesday 27 June 2023 be amended by removing the extra details in Item 7.1 (Notice of Motion – Daintree Ferry)*
2. *Council removes the following statement “Legal advice obtained states that the Chair cannot make this ruling.” from the minutes on items 7.1 Notice of Motion – Daintree Ferry and 7.2 Notice of Motion – Media Relations Policy.”*

As the motion was not seconded, there was no further discussion.

8. URGENT BUSINESS

Nil

9. PETITIONS

Nil

10. CLOSED SESSION

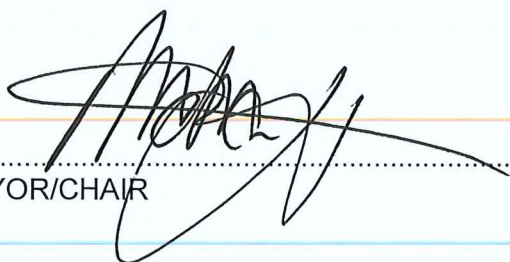
Nil

11. MEETING CLOSURE

The meeting closed at 11:01am.

CONFIRMED THIS 23RD DAY OF JANUARY 2024.

.....
MAYOR/CHAIR

A handwritten signature in black ink, appearing to be 'A. May', is written over a horizontal dotted line. The signature is stylized and extends to the right of the line.