



DOUGLAS SHIRE COUNCIL

# SPECIAL COUNCIL MEETING

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# MINUTES

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Tuesday 30 January 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 SPECIAL MEETING OF THE DOUGLAS SHIRE COUNCIL HELD ON  
TUESDAY 30 JANUARY 2024 COMMENCING AT 10:00A.M.**

Mayor Cr Kerr opened the meeting at 10:00am by welcoming everyone to the Special Meeting of the Douglas Shire Council being held on 30 January 2024 at the Mossman Council Chambers.

This Special 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  
SPECIAL MEETING  
TUESDAY 30 JANUARY 2024  
10:00 AM  
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## **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), Maria Evans (Acting Manager Governance), Neil Beck (Team Leader Planning), Daniel Lamond (Planning Officer), Natalie Crimmins (Senior Governance Officer), Tarren Woodhams (Digital Communications Officer).

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

Nil

## **3. OFFICERS REPORTS**

### **3.1. DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (1 INTO 4) AT 291 MOWBRAY RIVER ROAD**

**Moved** Cr Noli

**Seconded** Cr Zammataro

*That Council refuses the development application for Reconfiguring a Lot (One lot into four lots) over land described as Lot 34 on SP331786, on the following grounds:*

- 1. The development creates lots which are not of an appropriate size and configuration to retain and sustain the utility and productive capacity of the land for rural purposes. The proposed development will fragment rural land, in particular good quality agricultural land that is identified as Class A Agricultural Land Classification. The development is incapable of being conditioned to achieve compliance with the required codes;*
- 2. The development is inconsistent with the 2018 Douglas Shire Planning Scheme version 1.0 with regard to the Rural Zone Code and the Reconfiguring A Lot Code. The development is incapable of being conditioned to achieve compliance with the required codes;*
- 3. The fragmentation of agricultural land and the size and configuration of the proposed lots is development that is inconsistent with the Far North Queensland Regional Plan 2009-2031, the State Planning Policy 2017 and the Planning Scheme. There is no identified need for the smaller lots in the rural area in order to achieve the outcomes of: the State Planning Policy 2017, the Far North Queensland Regional Plan 2009-2031 or the 2018 Douglas Shire Planning Scheme version 1.0;*

*Findings on material questions of fact:*

1. *The application was properly lodged to the Douglas Shire Council on 5 September 2023 under s 51 of the Planning Act 2016 and included a planning report.*

*Evidence or other material on which findings were based:*

1. *Council undertook an investigation of assessment of the development, against the State Development Requirements and the 2018 Douglas Shire Planning Scheme in making its assessment manager decision; and*
2. *Council undertook an assessment in accordance with the provisions of section 60 of the Planning Act 2016.*

**Carried** Unanimously

**4. MEETING CLOSURE**

The meeting closed at 10:04am.

**CONFIRMED THIS 27<sup>TH</sup> DAY OF FEBRUARY 2024.**



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MAYOR/CHAIR