

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL HELD  
AT THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT STREET, MOSSMAN ON  
TUESDAY, 22 AUGUST 2017, COMMENCING AT 10.00AM**

1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr Michael Kerr, Cr Roy Zammataro, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Nicholas Wellwood (General Manager Operations), Kerrie Hawkes (Executive Officer), Tracey Crouch (Acting Manager Sustainable Communities), John Rehn (Manager Finance & IT), Robert Donovan (Senior Property Officer), Susanna Andrews (Property Officer), Jenny Elphinstone (Senior planning Officer), Neil Beck (Planning Officer), Nicola Learmond (Sustainability Officer) Wendy Levy (Communications and Engagement Officer), Nicole Barton (Mayoral and Councillor Support Officer) and Fionnuala Blayney (Executive Assistant).

ACKNOWLEDGEMENT OF COUNTRY

Cr Leu acknowledged the KukuYalanji people who are the Traditional Custodians of the Land and paid respect to their Elders both past and present and extended that respect to other Indigenous Australians present.

APOLOGIES

Cr Carey

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

NIL

3.1 MAYORAL MINUTE

**Moved** Cr Leu

*“That Council grant leave of absence to Cr Carey for the Ordinary Meeting today.”*

**Carried** Unanimously

3.2 MAYORAL MINUTE

**Moved** Cr Leu

*“That Council congratulates the 14 Council Officers who are to be presented with Recognition Awards at this Council meeting today, acknowledging their outstanding contribution in local Government to their communities over the last 10 to 20 years at Douglas Shire Council.”*

**BACKGROUND**

The Douglas Shire is blessed with not just a spectacular natural environment, but a very dedicated local government team committed to doing its best for our communities.

This morning we will be presenting 14 Council Officers with Recognition Certificates for achieving the milestones of 10 years, 15 years and 20 years of service to Douglas Shire Council and our communities.

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These valued staff members have experienced so much in their careers and endured first amalgamation and then de-amalgamation and their knowledge and expertise has been invaluable.

On behalf of Council, I would like to sincerely thank them for all of their hard work and commitment over many years and express our gratitude for their valued input to all facets of Council activities.

Please join me in giving them a round of applause for their efforts.

**Carried** Unanimously

The Mayor and Councillors, Chief Executive Officer and officers receiving Recognition Certificates departed from the Council Chambers at 10.25 am to convene for a group photo.

The Mayor, Councillors and Chief Executive Officer re-entered the Council Chambers at 10.32 am and the Mayor continued to Chair the meeting.

### 3.3 MAYORAL MINUTE

**Moved** Cr Leu

*That Council:-*

- a) *Reaffirm support for marriage equality in accordance with the resolution of the Ordinary Meeting held on 4 November 2014;*
- b) *Support for changes to the Marriage Act to provide for marriage between consenting adults irrespective of sex, gender identity or sexuality to ensure all couples have the choice to legally marry in celebration of their relationship;*
- c) *Provide the above advice to the Federal Member for Leichhardt, The Hon Warren Entsch MP.*

### **BACKGROUND INFORMATION**

At the Ordinary Meeting held on 4 November 2014, Council unanimously voted to make the following proclamation to support marriage equality:-

- *We believe that marriage between two loving and committed adults, regardless of gender and sexuality, deserves to be celebrated, validated and acknowledged.*
- *We believe that when people's love is not recognised by law, it is the law that needs to be changed.*
- *We believe our elected leaders have a responsibility to protect the rights of all citizens.*
- *We believe that Marriage Equality is about human rights and respect.*
- *We believe in celebrating diversity and inclusion in our society.*
- *We, of Douglas Shire Council proclaim our support for Marriage Equality.*
- *It's time for legislation to support Marriage Equality.*

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The recent announcement that the Australian Bureau of Statistics (ABS) will be conducting a voluntary postal survey in September in relation to marriage equality provides an opportunity to further clarify the Council's position.

**Carried** Unanimously

4. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

**ORDINARY MEETING HELD ON 01 AUGUST 2017**

**Moved** Cr Noli

**Seconded** Cr Kerr

*"That the Minutes of the Ordinary Meeting held on Tuesday, 01 August 2017, be confirmed*

**Carried** Unanimously

5. AGENDA ITEMS

5.1. MATERIAL CHANGE OF USE - REFURBISHMENT OF TAVERN  
Neil Beck, Planning Officer

**Moved** Cr Noli

**Seconded** Cr Leu

*"That Council approves the development application for the Refurbishment of Tavern and Ancillary and Associated Facilities over part of the Macrossan Street Road Reserve and land described as Lot 10 on SP262348, Easements A & B in Lot 11 on SP262348 located at 7-9 Macrossan Street & 6 Warner Street Port Douglas, 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>
<i>Site Plan</i>	<i>A.00.2.2</i>	<i>19/5/2017</i>
<i>Ground Floor Plan</i>	<i>A.00.4.1</i>	<i>9/12/2006</i>
<i>First Floor Plan</i>	<i>A.00.4.2</i>	<i>9/12/2016</i>
<i>Roof Plan</i>	<i>A.00.4.3</i>	<i>9/12/2016</i>
<i>Elevations</i>	<i>A.00.4.4</i>	<i>9/12/2016</i>
<i>Elevations</i>	<i>A.00.4.5</i>	<i>9/12/2016</i>

**ASSESSMENT MANAGER CONDITIONS**

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; and*
  - 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.*

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*Water Supply and Sewerage Works Internal*

3. *Undertake the following water supply and sewerage works internal to the subject land:*
  - a. *The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;*
  - b. *Replace the existing sewer main from the manhole adjacent to the southern boundary to the manhole adjacent to the northern boundary with uPVC pipe class SN8;*
  - c. *Provide further detail demonstrating how practical access is being maintained to the sewer manhole adjacent the northern boundary. Detail is to also demonstrate adequate separation and no loading of the sewer from proposed building works.*

*The above works constitute Operational Works. All works must be designed and constructed in accordance with the FNQROC Development Manual.*

*Development Permit for Operational Works must be obtained prior to the issue of a Development Permit for Building Works. All works must be constructed in accordance with the approved plans prior to the Commencement of Use.*

*Damage to Infrastructure*

4. *In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council prior to the Commencement of Use.*

*Vehicle Parking*

5. *The amount of vehicle parking must be as specified in Drawing No. A.00.2.2 dated 19 May 2017 being a total of 11 spaces with 2 of those spaces being in tandem. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – Off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.*

*During the operating hours of the Tavern, the car park must remain freely available and accessible for use by patrons and employees of the Tavern. A sign advising of the location of the off-street visitor parking area must be erected and maintained on the Warner Street frontage of 7-9 Macrossan Street to the satisfaction of the Chief Executive Officer.*

*Lighting*

6. *All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.*

*Lawful Point of Discharge*

7. *All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.*

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*Sediment and Erosion Control*

8. *Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).*

*Advertising Signage*

9. *All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.*

*Construction Signage*

10. *Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including respective phone contact numbers:*
  - a. *Developer;*
  - b. *Project Coordinator;*
  - c. *Architect;*
  - d. *Builder*

*Construction Access & Building Work*

11. *Vehicular access to the site for construction and demolition purposes must be provided from Warner Street only, unless authorised by the Chief Executive Officer.*

*Audible noise associated with building work is permitted between the hours of 6:30am – 6:30pm Monday to Saturday and not at all on Sundays or Public Holidays unless authorised by the Chief Executive Officer.*

*Works on Council Controlled Roads*

12. *Approval must be obtained under the applicable Local Law for any scaffolding, hoardings or construction fencing to be placed on Macrossan Street and / or Warner Street road reserve throughout the duration of the construction works.*

*Health*

13. *Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the Food Act 2006 and the Food Standards Code.*
14. *Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council's Environmental Health Unit.*
15. *An application for the construction or alteration of any food premises must be accompanied by two copies of plans drawn to a scale not smaller than 1:100. Such*

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plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the construction or alteration. All works must be **Carried** out in accordance with the requirements of the Food Act 2006, Food Safety Standards and AS 4674 – 2004 – Design, construction and fit-out of food premises.

16. Prior to operation of the food business, the operator must hold a current Food Licence issued by Council's Public Health Unit under the Food Act 2006. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council's Environmental Health Unit for further information.
17. Noise from air conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1998.
18. All power generation devices are to be positioned and housed (including noise attenuation material) so as to mitigate noise nuisance to adjoining and nearby residents.

**REFERRAL AGENCY CONDITIONS & REQUIREMENTS**

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)	SDA-0617-039757	20/07/2017	#822142

Refer to Attachment 2: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

**ADVICE**

1. This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the Sustainable Planning Act 2009.
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 cyclone watch 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 all other relevant Local Laws and other statutory requirements.

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4. For information relating to the Sustainable Planning Act 2009 log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).”

**Carried** Unanimously

5.2. MATERIAL CHANGE OF USE - EXTENSION TO EXISTING INDUSTRIAL  
USE

Neil Beck, Planning Officer

**Moved** Cr Kerr

**Seconded** Cr Zammataro

“That Council approves the development application for Material Change of Use for an extension to an existing Industry Use over land described as Lot 12 on RP857607, located at 2-6 Beor Street Craiglie, 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:

Drawing or Document	Reference	Date
Site Plan	103-17 Rev A – Sheet 1 of 3	17/05/2017
Floor Plan	103-17 Rev A – Sheet 2 of 3	17/05/2017
Elevations	103-17 Rev A – Sheet 3 of 3	17/05/2017

ASSESSMENT MANAGER CONDITION

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; and
  - 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.

External Works

3. Undertake the following works external to the land at no cost to Council:
  - a. Provision of an industrial concrete crossover and apron on the Downing Street frontage and Beor Street frontage in accordance with FNQROC Development Manual Standard Drawing S1015. The concrete crossover and apron on Downing Street must be constructed to drain stormwater to the stormwater inlet pit in Beor Street;
  - b. Reinstate the kerb and channel at the redundant exit point and remove the concrete apron at the Beor Street frontage and undertake necessary works to the footpath to ensure connectivity.

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*Such work must be constructed prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.*

*Council Infrastructure*

4. *In the event that any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Douglas Shire Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owner's/builder's cost, prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.*

*Lawful Point of Discharge*

5. *All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.*

*Landscaping Plan*

6. *The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:-*
  - a. *Deep planting of the 2 metre setback area adjacent to the Beor Street frontage to soften the appearance of the development overtime;*
  - b. *Retention of the existing vegetation within the Beor Street road reserve;*
  - c. *No additional plantings to take place within the Beor Street road reserve;*
  - d. *Species to have regard to Council's Planning Scheme Policy No.7 Landscaping;*
  - e. *Replace the fence palings along the Beor Street frontage to create an effective screen fence and remove the gates along the Beor Street frontage.*

*The Landscape Plan does not need to be professionally prepared by a Landscape Architect. However must be of sufficient detail to establish plant species, planting density and bag size of plants to achieve the intent of the condition. The landscape plan must be endorsed by the Chief Executive Officer with the completion of landscaping works being undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs.*

*Vehicle Parking*

7. *The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of fourteen (14) spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and Australian Standard AS2890.6 and be constructed in accordance with Austroads and good engineering design.*

*In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked. The parking area must be provided prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.*

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*Sediment and Erosion Control*

8. *Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).*
9. *Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.*

*Advertising Signage*

10. *Due to the reduced setback and the requirement to screen and soften the development when viewed from Beor Street and the Captain Cook Highway, advertising signage on the wall fronting Beor Street is not permitted.*

**REFERRAL AGENCY CONDITIONS & REQUIREMENTS**

<i>Referral Agency</i>	<i>Referral Agency Reference</i>	<i>Date</i>	<i>Council Electronic Reference</i>
<i>State Assessment &amp; Referral Agency (Department of Infrastructure, Local Government &amp; Planning)</i>	<i>SDA-0617-040165</i>	<i>19/07/2017</i>	<i>#822021</i>

*Refer to Attachment 2: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).*

**ADVICE**

1. *This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the Sustainable Planning Act 2009.*
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 cyclone watch 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 all other relevant Local Laws and other statutory requirements.*
4. *For information relating to the Sustainable Planning Act 2009 log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies, log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au)."*

**Carried** Unanimously

- 5.3. TAVERN CHANGE OF HOURS 53 MACROSSAN STREET  
PORT DOUGLAS  
Jenny Elphinstone, Senior Planning Officer

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**Moved** Cr Leu

**Seconded** Cr Kerr

*“That Council approves the application to change the development approval for a Material Change of Use for a Tavern over land described as Lot 1 on SP150461, located at Shops 12-13, 53-61 Macrossan Street, Port Douglas, whereby:*

A. *Condition 7 of the approval is amended as follows:*

7. *Hours of Use*

*Hours of use open for trading for food and liquor service are 11:00 am to ~~12:00 midnight~~ 1:00am the following morning, seven days of the week. All customers must vacate the premises within thirty (30) minutes after the venue closes liquor and food service. The operator must seek to ensure patrons leave in an orderly manner.*

B. *All other parts of the Decision Notice issued dated 14 December 2016 remain unchanged.”*

**Carried** Unanimously

5.4. CHANGE AND EXTEND TOURIST DEVELOPMENT 71-85 PT DOUGLAS ROAD

Jenny Elphinstone, Senior Planning Officer

**Moved** Cr Leu

**Seconded** Cr Noli

“A. *That Council approves the application for a minor change to conditions of the approval for the Development Permit for a Material Change of Use for 79 Multiple Dwellings (Tourist). Of which, 47 were able to be used as Multiple Dwelling (Tourist) and Accommodation Premises (Motel) in a dual key arrangement and 3 are able to be temporarily used as a Display Home (Multiple Dwelling), 127 Accommodation Premises (Motel) and ancillary uses including Gym, Spa, Relaxation Lounge, Retail, Restaurant, Café, Bar, Function Centre, Meeting Rooms and Administration Facilities over land described as Lot 1 on SP150468, located at 71-85 Port Douglas whereby:*

1. *the following condition is included in the Amended Negotiated Decision Notice, Assessment Manager Conditions:*

39. *Minimum Fill and Floor Levels For Climate Change*

*All habitable floor levels must be located above 3.87m AHD as identified in the BMT-WBM Cairns Region Storm Tide Inundation Study, Final Report and Mapping January 2013 which identified the 1% AEP storm tide event as 3.87m AHD having regard to a 0.8m sea level rise and intensity of cyclonic action;*

AND

2. *all other requirements of the Decision Notice dated 30 January 2008 remain unchanged;*

AND

3. *the Notice of Decision include the matters as described under Minor Change Considerations in the agenda report.*

B. *That Council approves the request for an extension approval to the Development Permit for a Material Change of use for 79 Multiple Dwellings (Tourist) of which 47*

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*were able to be used as Multiple Dwelling (Tourist) and Accommodation Premises (Motel) in a dual key arrangement and 3 are able to be temporarily used as Display Home (Multiple Dwelling), 127 Accommodation Premises (Motel) and ancillary uses including Gym, Spa, Relaxation Lounge, Retail, Restaurant, Café, Bar, Function Centre, Meeting Rooms and Administration Facilities over land described as Lot 1 on SP150468, located at 71-85 Port Douglas for a further four years up to and including 30 January 2022.”*

**Carried** Unanimously

5.5. NEGOTIATED DECISION REQUEST TELECOMMUNICATIONS FACILITY 3 ESCAPE STREET  
Jenny Elphinstone, Senior Planning Officer

**Moved** Cr Noli

**Seconded** Cr Kerr

*“That Council does not support the request to negotiate conditions to the Decision Notice issued 11 July 2017 for a material change of use for a Telecommunications Facility on land described as Lot 48 on RP747344, located at 3 Escape Street, Port Douglas.”*

**Carried** Unanimously

5.6. MOTIONS FOR THE 2017 LGAQ ANNUAL CONFERENCE  
Joanne Jacobson, Manager Governance

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council resolves to make a submission for consideration as a Motion at the 2017 LGAQ Conference as detailed in Attachment 1.”*

**Carried** Unanimously

5.7. OPERATIONAL PLAN PROGRESS REPORT APRIL - JUNE 2017  
Fionnuala Blayney, Acting Executive Assistant

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“That Council notes the final report detailing the progress of the Operational Plan for 2016 – 2017.”*

**Carried** Unanimously

5.8. REEF GUARDIAN ACTION PLAN  
Nicola Learmond, Sustainability Officer

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council resolves to endorse the Reef Guardian Council Action Plan 2017-18.”*

**Moved** Cr Leu

**Seconded** Cr Noli

*That the motion be amended to: “That Council resolves to endorse the Reef Guardian Council Action Plan 2017-18 to include the reference to steam weeding under the Land Management category”*

**Carried** Unanimously

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The amended motion became the substantive Motion and was put to the vote.

**Carried** Unanimously

5.9. FINANCIAL REPORT FOR THE PERIOD ENDED 31 JULY 2017  
John Rehn, Manager Finance and IT

**Moved** Cr Noli

**Seconded** Cr Kerr

*“That Council notes the Financial Report for the period ended 31 July 2017.”*

**Carried** Unanimously

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

Nil.

9. CLOSED SESSION

**Moved** Cr Noli

**Seconded** Cr Kerr

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

9.1. FOUR MILE BEACH COMMERCIAL ACTIVITIES EXPRESSIONS OF INTEREST

9.2. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT REGULATION 2012 -  
LAND ACQUISITION FOR ROAD PURPOSES - LOT 38 CROWN PLAN NR217 -  
CONNOLLY ROAD, MOWBRAY

**Carried** Unanimously

OUT OF CLOSED SESSION

**Moved** Cr Leu

**Seconded** Cr Kerr

*“That Council resolves to move out of Closed Session.”*

**Carried** Unanimously

9.1. FOUR MILE BEACH COMMERCIAL ACTIVITIES EXPRESSIONS OF  
INTEREST  
Louise Stayte, Team Leader Environmental Health

**Moved** Cr Zammataro

**Seconded** Cr Kerr

*“That Council*

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1. *Awards a Prescribed Activity (operating a commercial activity on a local government controlled area or road) to Kelvin Brown (T/A Port Douglas Water Sports) for the activity of "Hire of Beach Recreation Equipment (Non-motorised)" subject to conditions.*
2. *Awards a Prescribed Activity (operating a commercial activity on a local government controlled area or road) to Kelvin Brown (T/A Port Douglas Water Sports) for the activity of "Hire of Beach Recreation Equipment and Sun Protection" subject to conditions.*

**Carried** Unanimously

9.2. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT  
REGULATION 2012 - LAND ACQUISITION FOR ROAD PURPOSES -  
LOT 38 CROWN PLAN NR217 - CONNOLLY ROAD, MOWBRAY  
**Susuna Andrews, Property Officer**

**Moved** Cr Kerr

**Seconded** Cr Zammatro

*"That Council:*

1. *negotiates with the registered owner to acquire part of Lot 38 on Crown Plan NR217, located at Connolly Road, Mowbray, for the purpose of formalising the existing road reserve alignment by incorporating it into the dedicated road corridor in accordance with the Acquisition of Land Act 1967;*
2. *reserves the right to commence compulsory acquisition, in accordance with the Acquisition of Land Act 1967, of part of Lot 38 on Crown Plan NR217, should a voluntary agreement not be reached within six (6) months of the date of commencement of negotiations; and*
3. *delegates authority to the Chief Executive Officer, in accordance with section 257 of the Local Government Act 2009, to finalise all matters associated with the acquisition of part of Lot 38 on Crown Plan NR217 to formalise the existing road reserve alignment."*

**For:** Cr Leu, Cr Kerr and Cr Zammataro

**Against:** Cr Noli

**Carried**

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CLOSURE OF MEETING

The meeting closed at

CONFIRMED THIS 19th DAY OF SEPTEMBER 2017

  
MAYOR/CHAIR