



*Minutes of the Ordinary Meeting of Council
3 April 2007
commencing at 1:02 pm*

PRESENT

Councillors – M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellerio, M J Cox, R Davis, D G Pitt and J Sciacca.

Staff – I B Barton (General Manager Finance & Administration), R J Baade (General Manager Engineering), P Trotman (General Manager Development & Environment), J F Leu (Acting General Manager Community & Corporate), A M Rodgers (Manager Corporate Support) and S K Andrews (Corporate Support).

07/0403/01 DEPUTATION

Mr Dean Clapp, representative from the Daintree Village Tourism Association attended at this time and was invited by the Mayor to address to the Council in relation to the Creb Track Walking Trail Proposal. Mr Clapp presented a document to the meeting titled 'Creb Track Walking Trail', (attachment 1), which summarised the issues involved with the walking trail. He also presented letters of support for the project from: Hon Warren Entsch MP, Federal Member for Leichhardt; Hon Jason O'Brien MP, Member for Cook; Hon Fran Bailey MP, Minister for Small Business and Tourism; Hon Margaret Keech MP, Minister for Tourism, Fair Trading and Wine Industry Development; Bamanga Bubu Ngadimunku Inc; Cooktown Chamber of Commerce and Tourism Inc; Daintree Cape Tribulation Tourism Association; and Tourism Tropical North Queensland.

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer attended the meeting at 1:11 pm.

Mr Clapp concluded his deputation at 1:25 pm. The Mayor thanked him for his presentation and he withdrew from the meeting.

The Acting General Manager Community & Corporate, Julia Leu, withdrew from the meeting at 1:26 pm and re-attended the meeting at 1:29 pm.

07/0403/02 CONDOLENCES

There were no deaths recorded in the shire.

07/0403/03 DECLARATIONS OF INTEREST

There were no declarations of interest received by the meeting.

07/0403/03A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Cox

"That standing orders be suspended to allow Council to deal with item 07/0403/20 at this time."

Carried unanimously

07/0403/20 PORT DOUGLAS WATERFRONT – DRAFT PLANNING & ENGAGEMENT REPORT

Moved Cr Berwick

Seconded Cr Davis

"That Council:

- 1. confirms Phase Two (2) of the Port Douglas Waterfront Master Plan process is to proceed, as set-out in the Citisolutions and Elton Consulting report dated 27 March 2007;*
- 2. under Section 486 (3) (b), resolves it is satisfied the services supplied by Citisolutions and Elton Consulting are of such a specialised nature it would be impractical or disadvantageous to Council to invite tenders or quotations for the Phase Two (2) work;*
- 3. notes the Phase Two (2) costs and confirms monies be transferred within the Development and Environment budget, this financial year, to meet those additional costs; and*
- 4. notes that entry into Phase Three (3) of the planning process is contingent upon satisfactory outcomes from Phase Two (2), including identification of funding sources for all subsequent Phases."*

Carried unanimously

07/0403/20A SUSPENSION OF STANDING ORDERS

Moved Cr Davis

Seconded Cr Egan

"That standing orders be suspended to allow Council to deal with item 07/0403/18 at this time."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment, Paul Trotman, withdrew from the meeting at 1:32 pm and re-attended at 1:36 pm.

The Acting Strategic Planner, Paul Gleeson, and the Planning Officer, Louise Stayte, attended the meeting at 1:34 pm.

07/0403/18 MOSSMAN GORGE TRAFFIC MANAGEMENT STUDY

Moved Cr Berwick

Seconded Cr Pitt

"That Council staff meet with the Mossman Gorge community to discuss the Mossman Gorge Traffic Management Investigations Report."

07/0403/18A SUSPENSION OF STANDING ORDERS

Moved Cr Davis

Seconded Cr Egan

"That standing orders be suspended to allow Damian Brittnell, representing the Mossman Gorge Community, to address the Council."

Carried unanimously

Mr Damian Britnell, representing the Mossman Gorge Community, addressed the meeting regarding some issues involved with the Mossman Gorge Traffic Management Investigations Report, and returned to the gallery.

07/0403/18B PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Davis

"That item 07/0403/18 lie on the table until after the briefing session on 4 April 2007."

Carried unanimously

07/0403/04 MINUTES

Moved Cr Berwick

Seconded Cr Sciacca

"That the minutes of the Ordinary Council Meeting held on 13 March 2007 and the Adjourned Ordinary Meeting of Council held on 14 March 2007 be confirmed subject to:

- 1. on page 5 prior to item 07/0313/06, and on page 6 in item 07/0313/09, an amendment be made to show that the conflict of interest declared by the Chief Executive Officer should be a material personal interest; and*
- 2. on page 7 in item 07/0313/10 an amendment be made to show Cr Davis voted in the affirmative, not Cr Sciacca."*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting Strategic Planner and the Planning Officer withdrew from the meeting at 1:40 pm.

COMMUNITY & CORPORATE

07/0403/05 AGED CARE FACILITY EXPRESSIONS OF INTEREST

Moved Cr Davis

Seconded Cr Cox

"That Council authorises the advertising of a "Request for Expressions of Interest" (REOI) document, in accordance with the documentation prepared by Wilson Ryan Grose Lawyers, subject to liaison with representatives of the Mossman & District Nursing Home Committee."

Carried unanimously

07/0403/06 CAMPING IN CORONATION PARK – 2007 MOSSMAN SHOW

Moved Cr Egan

Seconded Cr Sciacca

"That Council grants approval for camping by show traders at Coronation Park during the 2007 Mossman Show for the period 15 to 25 July 2007 with Council to meet costs for the caretaker to clean the facilities."

Carried unanimously

07/0403/07 DETAILS OF THE USE OF THE COUNCIL SEAL

Moved Cr Egan

Seconded Cr Pitt

"That Council receives the report providing details of the use of the council seal and endorse the actions of the Mayor and Chief Executive Officer in executing on its behalf, under seal, the documents detailed therein."

Carried unanimously

07/0403/08 DECISIONS OF COUNCIL STATUS REPORT

Moved Cr Sciacca

Seconded Cr Bellerio

"That Council receives and notes the Decisions of Council Status Report."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting Manager Planning, Ken Todd, attended the meeting at 1:50 pm.

The Acting Strategic Planner re-attended the meeting at 2:02 pm. The Planning Officer re-attended at this time.

DEVELOPMENT & ENVIRONMENT

07/0403/09 MCU 3B 051/04 – LOT 271 RP738997, KAURI CLOSE, COW BAY – REQUEST FOR A NEGOTIATED DECISION NOTICE

Moved Cr Sciacca

Seconded Cr Pitt

"That Council makes no change to Conditions 4.1 and 4.23 and amends Conditions 4.9 and 4.20 as follows of the Development Application MCU 3B 051/04 on land described as Lot 271 RP738997, Parish of Alexandra, and located at Kauri Close, Cow Bay:

4.9 *The applicant is to ensure that the boundary pegs are clearly identifiable and free from any vegetation;*

4.20 *The applicant shall lodge, prior to the issuing of a Development Permit for Building Work, a revegetation plan for the side boundary adjoining Lot 272. The applicant is to ensure only endemic native species are used and the plan will require Council approval prior to any works undertaken on the site.*

and issues a Negotiated Decision Notice pursuant to Section 3.5.17 of the Integrated Planning Act 1997."

Carried unanimously

**07/0403/10 MCU 3B 052/04 – LOT 239 RP740658, WHITE BEECH ROAD, COW BAY –
REQUEST FOR A NEGOTIATED DECISION NOTICE**

Moved Cr Cox

Seconded Cr Egan

“That Council amends Conditions 4.1 and Condition 4.9 of the Decision Notice for Development Approval MCU 3B 052/04 on land described as Lot 239 on RP740658, Parish of Alexandra, and located at White Beech Road, Cow Bay, to the following:

4.1 *The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with:*

- a. The detached bedrooms abutting White Beech Road shall be setback twenty (20) m from the property boundary.*
- b. The detached bedrooms are required to be no more than twenty (20) m from the main living area.*

4.9 *The applicant is to ensure that the boundary pegs are clearly identifiable and free from any vegetation;*

and issues a Negotiated Decision Notice pursuant to section 3.5.17 of the Integrated Planning Act 1997.”

Carried unanimously

**07/0403/11 MCU 3B 015/06 – LOT 3 RP739106, MILKY PINE ROAD, CAPE
KIMBERLEY – MATERIAL CHANGE OF USE FOR DWELLING
HOUSE, POOL & SHED**

Moved Cr Berwick

Seconded Cr Cox

“That Council approves the application for a Material Change of Use for a dwelling house and shed on land zoned rural (residential) and described as Lot 3 on RP739106, Parish of Alexandra, and located at Milky Pine Road, Cape Kimberley, subject to the following conditions:

Plan of Development

- 1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must be in accordance with the following approved plan/s of development –*

<i>Title</i>	<i>Plan No</i>	<i>Date</i>
<i>Floor Plan</i>	-	<i>December 2006</i>
<i>Footings Plan</i>	-	<i>December 2006</i>
<i>Elevations 1-4</i>	-	<i>December 2006</i>
<i>Section I-I</i>	-	<i>December 2006</i>
<i>Shed Floor Plan</i>	-	-
<i>Shed elevations</i>	-	-

Except where such plans are modified by the terms of this approval.

Currency Period

- This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.*

Water Supply

- Water storage tank(s) with a minimum capacity not less than 30 000 litres, shall be installed prior to occupation of the premises. Details of the water tank(s) shall be shown on plans submitted with the building application. Such water tanks shall be provided with:*
 - Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than one (1) mm aperture mesh of substantial construction and installed in such manner as not to cause or accelerate corrosion; or*
 - Flap valve at every opening of the tank or other receptacle; or*
 - Other approved means for preventing the ingress or egress of mosquitoes; and*
 - Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than forty (40) cm.*

Energy Efficiency

- The dwelling house will be designed to be energy efficient and functional in a humid tropical rainforest environment to the satisfaction of the Manager Building Services.*
- 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. Such power generation devices are to be an environmentally acceptable and energy efficient.*

Amenity

- The proposed colour scheme of Woodland Grey and Natural Timber Stain walls are approved. No variation from the approved colours is permitted without the written authorisation of Council.*

Sewerage

7. Plans of the wastewater treatment system, designed in accordance with the Plumbing and Drainage Act 2002, are required to be submitted to Council's Plumbing Inspector at the time of lodgement of application for building work and are to be approved and constructed prior to the commencement of the use.

Driveway Works

8. The applicant will ensure that the vehicular access is constructed at a slope of less than twenty-five (25) percent without detriment to the suitability of the slope. Where the slope of the proposed driveway exceeds twenty-five (25) percent the driveway will be constructed and sealed with concrete or bitumen to the satisfaction of the Manager Engineering Services.
9. The driveway access is not to exceed four (4) m in width and shall include sediment traps or other similar methods of sediment control to prevent runoff entering drainage lines.

Operational Works

10. Should excavation or filling be required on-site, then the applicant will be required to prepare and submit civil engineering plans for all excavation including a sediment control plan in accordance with the FNQROC Development Manual for the separate Council approval.

Compliance

11. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer security associated with this approval will not be released until all conditions of approval are complied with."

Carried unanimously

07/0403/12 MCUI 002/07 – LOT 213 D3331, 13-15 OSBORNE STREET, DAINTREE VILLAGE – REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME

Moved Cr Cox

Seconded Cr Egan

"That Council approves the request to assess application MCUI 002/07 for an office (tour bookings) on land described as Lot 213 D3331, Parish of Alexandra, and located at 13-15 Osborne Street, Daintree Village, under the Superseded Planning Scheme."

Carried unanimously

07/0403/13 MCUI 006/07 – LOT 423 RP738673, CAPE TRIBULATION ROAD, COW BAY – REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME

Moved Cr Berwick

Seconded Cr Cox

"That Council refuses the request to assess application MCUI 006/07 for a dwelling house on land described as Lot 423 RP738673, Parish of Alexandra, and located at Cape Tribulation Road, Cow Bay, under the Superseded Planning Scheme."

For: Cr Berwick, Cox, Egan, Pitt, Davis

Against: Cr Bellerio, Sciacca

Carried

ATTENDANCE/WITHDRAWAL

Cr Pitt withdrew from the meeting at 2:06 pm.

07/0403/14 MCUI 018/06 – LOT 390 RP739004, MAPLE ROAD, COW BAY – APPLICATION FOR COMPENSATION

Moved Cr Berwick

Seconded Cr Davis

"That Council refuses the application MCUI 018/06 for a dwelling house on land described as Lot 390 RP739004, Parish of Alexandra, and located at Maple Road, Cow Bay on the following grounds:

- (i) The erection of a house on the subject allotment is not compliant with the relevant Performance Criteria for the Settlement Areas North of the Daintree River Locality, for development in the Rainforest Conservation Precinct within the Central Management Area*
- (ii) The erection of a house on the subject allotment is inconsistent with both the intent and the Performance Criteria for the Conservation Planning Area.*
- (iii) No evidence has been provided that the proposal is compliant with the requirements of the following Codes:*
 - Filling and Excavation Code;*
 - Landscaping Code;*
 - Natural Areas and Scenic Amenity Code*
 - Vehicle Parking and Access Code; and*
 - House Code."*

For: Cr Berwick, Davis, Egan, Cox

Against: Cr Bellerio, Sciacca

Carried

ATTENDANCE/WITHDRAWAL

The Planning Officer, Natalie Coss, attended the meeting at 2:08 pm.

Cr Pitt re-attended the meeting at 2:09 pm.

The Planning Officer withdrew from the meeting at 2:13 pm.

07/0403/15 TPC 1264 – LOT 13 RP749381, LOT 13 CAPE TRIBULATION ROAD, DIWAN – MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR FOREST STAY ACCOMMODATION

Moved Cr Egan

Seconded Cr Pitt

“That Council approves the application for a Material Change of Use for an additional four (4) cabins and use of the site for forest stay accommodation on land described as Lot 13 RP749381 Parish of Alexandra, and located at Lot 13 Cape Tribulation Road, Diwan, subject to the following conditions:

Plan of Development

- The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must be in accordance with the details of the application and the following approved plan/s of development.*

<i>Title</i>	<i>Plan No</i>	<i>Date</i>
<i>Proposed Resort for Gilles Germain</i>	<i>9926/1</i>	<i>Additions July 2006, November 2006</i>
<i>Proposed Resort for Gilles Germain</i>	<i>9926/2</i>	<i>May 1999</i>
<i>Proposed Resort for Gilles Germain</i>	<i>9926/5</i>	<i>May 1999</i>
<i>Staff Accommodation</i>	<i>SK-1</i>	<i>November 2006</i>

Except where such details or plans are modified by the terms of this approval.

- The restaurant is to be used only by guests of approved forest stay accommodation.*
- Staff accommodation is not to be self-contained.*

Currency Period

- This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.*

Carparking

15. *A car parking area with a minimum of ten (10) spaces shall be constructed with a suitable surface material, drained and line marked in accordance with the approved plan of development and maintained thereafter.*

Compliance

17. *All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer security, associated with this approval will not be released until all conditions of approval are complied with."*

Carried unanimously

07/0403/16 LOTS 1, 2 & 3 RP851512, WHYANBEEL ROAD, WHYANBEEL – APPLICATION FOR AGREEMENT TO BE CANCELLED

Moved Cr Cox

Seconded Cr Egan

"That Council refuses the application for cancellation of Local Government Agreement No 601479916 over land described as Lots 1, 2 & 3 on RP851512, Parish of Whyanbeel, and located at Whyanbeel Road, Whyanbeel, under Section 5.8 of the Local Government (P&E) Act 1990, and that the lots remain in the same ownership."

Carried unanimously

07/0403/17 DELEGATION OF AUTHORITY – OFFERS OF COMPENSATION UNDER INTEGRATED PLANNING ACT 1997

Moved Cr Berwick

Seconded Cr Egan

"That Council delegates to the Chief Executive Officer the ability to decide a claim for compensation in accordance with section 5.4.7 of the Integrated Planning Act 1997, where:

- (i) the amount of the claim is not less than the equivalent compensation offer previously approved by Council on refusal of the relevant application for Material Change of Use; and*
- (ii) not more than the subsequent valuation undertaken by the State Government's Valuers after the decision of Council to refuse the application has been made."*

Carried unanimously

07/0403/18 MOSSMAN GORGE TRAFFIC MANAGEMENT STUDY

This item was dealt with at the beginning of the meeting after item 07/0403/20, and it was further considered at the beginning of the Adjourned Ordinary Meeting of Council on 4 April 2007 before item 07/0403/26.

07/0403/19 DELEGATION OF AUTHORITY – UNDER FOOD ACT 2006

Moved Cr Berwick

Seconded Cr Pitt

“That Council:

- 1. approves the delegation of Council’s powers to the Chief Executive Officer pursuant to Section 472 of the Local Government Act 1993 (“the Act”) so far as to:
 - (i) Chapter 3 – Part 3, Part 4, Part 5 and Part 6; and*
 - (ii) Chapter 4 - Part 2, Part 3, Part 4 and Part 5*of the Food Act 2006; and*
- 2. Council notes the powers of Council delegated to the Chief Executive Office, identified in recommendation above, are to be delegated by the Chief Executive Officer to the Manager Environmental Health.”*

Carried unanimously

07/0403/20 PORT DOUGLAS WATERFRONT – DRAFT PLANNING & ENGAGEMENT REPORT

This item was dealt with after item 07/0403/03.

ATTENDANCE/WITHDRAWAL

The Acting Manager Planning withdrew from the meeting at 2:20 pm. The Sustainability Officer, Maree Grenfell, attended the meeting at this time.

The General Manager Development & Environment, withdrew from the meeting at 2:24 pm.

**07/0403/21 OPTIONS FOR STATE ENGAGEMENT AND PROVISION OF POWER
NORTH OF DAINTREE RIVER**

Moved Cr Davis

Seconded Cr Pitt

"That Council agrees to initiate engagement on the provision of power north of the Daintree River by sending the attached correspondence (attachment 2) to:

- 1. The Premier of Queensland;*
- 2. The Member for Cook – Jason O'Brien;*
- 3. The Far North Queensland Statutory Regional Plan; and*
- 4. Energy Solutions – Ergon Energy."*

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Davis

07/0403/21

"That Council agrees to initiate engagement on the provision of improved electricity supply north of the Daintree River by sending the attached correspondence (attachment 2) to:

- 1. The Premier of Queensland;*
- 2. The Member for Cook – Jason O'Brien;*
- 3. The Far North Queensland Statutory Regional Plan; and*
- 4. Energy Solutions – Ergon Energy."*

For: Cr Berwick, Davis, Cox

Against: Cr Egan, Pitt, Sciacca, Bellerio

Lost

A further amendment was moved:

Moved Cr Pitt

Seconded Cr Sciacca

07/0403/21(i)

"That Council agrees to initiate engagement on the provision of power north of the Daintree River by sending the attached correspondence (attachment 2) to:

- 1. The Premier of Queensland;*
- 2. The Member for Cook – Jason O'Brien;*
- 3. The Far North Queensland Statutory Regional Plan; and*
- 4. Energy Solutions – Ergon Energy;*

and that Council does not support any impediments to this process."

For: Cr Pitt, Sciacca, Davis, Bellerio, Egan

Against: Cr Berwick, Cox

Carried

The amendment became the motion and was put:

For: Cr Pitt, Sciacca, Davis, Bellerio, Egan

Against: Cr Berwick, Cox

Carried

ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 2:44 pm and re-attended at 2:46 pm.

The General Manager Finance & Administration and the General Manager Engineering withdrew from the meeting at 2:50 pm.

07/0403/22 FAR NORTH QUEENSLAND (FNQ) STATUTORY REGIONAL PLAN

Moved Cr Davis

Seconded Cr Egan

"That Council provides comment to the State on the draft terms of reference for the preparation of a Far North Queensland (FNQ) Statutory Regional Plan, as set out below:

Draft Terms of Reference ~ FNQ 2025

General

1. Council supports the preparation of an FNQ Statutory Regional Plan.
2. For ease of comment, it would have been useful to have each paragraph numbered.

Introduction

1. **Section 1.3, generally:** The paragraph talks about "... testing the regional vision in the existing FNQ Regional Plan 2010 ..." and about "... building on the existing significant base of regional planning work ...", within a "... new statutory regional plan ...". What this suggests, as does the draft timetable and issues sections (see below for further comment), is that the plan is primarily about validating existing council planning schemes and setting these within a statutory context – that is the "new" element. If this is the outcome, then the FNQ planning process is missing an opportunity to debate and resolve critical issues. The terms of reference should be clearer on this.
2. **Section 1.3, first paragraph – "... delivery of infrastructure will be a key mechanism in implementing the new plan ...":** provision of power north of the Daintree River is the third point of a three point plan designed to protect the Daintree forest. Council is looking to the statutory regional planning process to deliver a resolution of this issue. (See copy of a letter to the Premier, attached and below for further detail).
3. **Section 1.3, first paragraph – "... to an agreed regional policy ...":** clarification required as to how agreement is reached. Council would expect local government to be involved.

4. **Section 1.3., third dot point from end:** Regional plans must, of course, "... deal with regional issues ...". This, however, seems contrary to the stated role of "... definition of an urban footprint ...", which will most likely involve detailed discussion with Councils as to the precise cadastral locations of the urban growth boundary. The terms of reference should be clear on the detail expected in defining an urban footprint.
5. **Section 1.4, whole of:** the "... key issues ... have been identified ... A preliminary list ... is included in Attachment one (1)." Council is appreciative that this list of issues was "... identified through preliminary consultation with local governments ...". Attachment one (1) lists these preliminary issues under six headings and includes fifty-seven major points with another twenty-five sub-issues. It is difficult to understand how these eighty-two issues can all be attended to and resolved in a plan that is to be on public display by "... December 2007 ..." and for which terms of reference are not yet agreed.

Rather than a "... preliminary list ..." the terms of reference should clearly identify the key issues which the draft plan will address. In addition, Council seeks the inclusion of the following issues as part of the plan preparation process –

- (a) The likely impact of climate change: there is much research already undertaken for Far North Queensland and this needs to be exposed to public discussion. In fact the State government is in the process of preparing a climate change adaptation strategy – the Queensland Climate Change Action Plan and Queensland Climate Smart Adaptation Action Plan. These documents compliment the Queensland Greenhouse Strategy (QGS) (feeds into the National Greenhouse Strategy) and build on the directions identified in the Queensland Greenhouse Policy Framework: A Climate of Change and other significant initiatives that will reduce greenhouse gas emissions. The FNQ regional plan provides a good opportunity to address climate change.
- (b) The outcome of this examination could have substantial impacts on the location of long term urban growth (or infrastructure mitigation/adaptation measures) and in turn means that the existing regional plan may need more than a statutory context.
- (c) The Daintree is a world and national icon and is a fundamental part of the tourism product that FNQ delivers. Protection of this World Heritage asset is delivered through the shire's newly adopted planning scheme and, inter alia, through the State's Daintree Buyback scheme. In arriving at this point of protection the shire

moved forward on the basis of a 1999 three point plan, which was presented to Government. The third point in this plan is that once development can be controlled (through the new planning scheme), the State government would address the issue of power north of the Daintree River. Given that part of the FNQ Regional Plan is about infrastructure, Council requests that this issue of power be included in the terms of reference.

(d) The Federal Government has received a nomination under the National Heritage Listing Provisions of the EPBC Act for the inclusion of the Daintree Lowlands on the National Heritage list. It is understood that the Australian Heritage Council are now considering whether or not to include this in their FY 2007/08 work program. The outcomes of any such investigation may have an impact on the Daintree Lowlands which is inconsistent with the intent of the FNQ Statutory Regional Plan. Council considers that any review of the Daintree Lowlands by the Australian Heritage Council should be integrated in the FNQ regional plan preparation process.

(e) The role and importance of the sugar cane industry in FNQ and how changes in the economics of this industry might impact on land use and landscape.

6. **Section 2.1, first paragraph** – The Council notes that the plan is to be prepared “... in partnership with government ...” This should be clarified to specifically include local government.

7. **Section 2.1 (2), dot point three** – This says that DLGPSR’s responsibilities include “... ensuring the planning instruments of Local Governments comply with the plan”. Council does understand that there is a requirement to comply with a statutory plan but the phrase implies a heavy-handed approach.

Councils are already facing difficulty in recruiting staff to run the planning system and the results of the statutory regional plan may impose further requirements in the form of scheme amendments. The dot point should be re-written as follows: “assisting local governments to ensure the planning instruments of local governments comply with the plan, including negotiating programs and budgets accordingly.”

8. **Section 2.1, paragraph four** – “... PIFU ... will play a key role in providing regional data and information, including demographic projections ...”: Council recognises the role of PIFU and appreciates its expertise. However, there appears to be a missed opportunity here. Douglas Shire Council is commencing an exercise to prepare its Priority Infrastructure Plan, the first part of which involves projecting population, housing and

employment figures forward for twenty (20) years. This exercise will occur at the same time as, but separate to, the FNQ projections.

Although Council will be availing itself of PIFU's offer to carry out the population and housing projections, there remains room for conflicting results to emerge. PIFU have advised they are not able to carry out any employment projections, but the Department still requires these complicated projections be done by local government. Council believes that the principal of "... goodwill and cooperation ..."¹ can be put into effect by the Department undertaking the relevant projections at a level suitable for use in Council Priority Infrastructure Planning. Council appreciates this may impact on PIP and FNQ regional plan timelines.

9. **Section 2.3, whole section:** see comments on the FNQ RPAC below.
10. **Section 2.3, paragraph three** – "The RPAC will meet quarterly ... and recommend the draft to FNQ ROC for endorsement.": Presumably "draft" refers to the first draft plan which is to be on public display by December 2007 - clarify. On this basis the RPAC would meet twice, or at best thrice, before the draft plan is put on display. Council is not sure this is sufficient, but in the absence of any detailed work plan (see below) cannot form a judgment.
11. **Section 2.3, paragraph four** – "A FNQ Regional Plan Technical Working Group (TWG) will be created ...": Although Council supports this, they are concerned that it will place a further burden on already stretched resources, especially given the very tight time frame envisaged (see below for comment).
12. **Section 2.5, paragraph one** - Although Council supports the possible use of "... sub-regional working groups ...", they are concerned that it will place a further burden on already stretched resources, especially give the very tight time frame envisaged (see below for comment).
13. **Section 2.5, paragraph two** – "... it is likely DLGPSR will become more actively involved in providing advice on major development applications of regional significance being considered by Local Governments.": This proposition needs greater clarity – what is "major", what does "more actively involved" mean and what are the mechanisms? Council would be concerned that its ability to determine development applications is being impacted upon.
14. **Section 2.6, whole section** – Council has noted that the State is choosing a path of 'consultation' rather than 'engagement' with its stakeholders. This reinforces the notion that the FNQ Statutory Regional Plan is simply designed to put a statutory context around the exiting non-statutory plan. The opportunity to engage with citizens to determine their future is being

¹ See box one at page seven.

lost – see Perth’s Dialogue with the city for an example of how such plans could be prepared.

15. **Section 2.6, paragraph four** – Council note that “... a variety of other engagement methods would also be used ...”. The paragraph should be strengthened to clearly say what these are and do so within a clear time frame.
16. **Section 3, all of** : The section details a number of matters that will be considered as part of the work programme but, apart from dates stated at paragraph one, does not offer any work plan (Gantt chart) or evidence to justify this can be completed in time. Furthermore, it seems almost self-serving to allocate a year for the public review stages but only a few months to prepare the draft plan itself. Council is concerned that this timetable will place an already stretched planning department under even more pressure.
17. **Section 4, dot point five** – “... the FNQ Regional Plan ... is exempted from compensation ...”: Douglas Shire Council has direct, recent and relevant experience in matters related to compensation. The Council wishes to make it very clear that any compensation issues that arise as result of the FNQ Regional Plan are matters entirely for the State to deal with. Council objects in principle to this provision.
18. **Attachment 2**: This largely repeats what is in section two and would be better worked into the discussion to avoid any contradictions. The diagram would be better in the text.

Draft particulars for the proposed FNQ Regional Planning Advisory Committee

1. **Membership, generally**: the proposed composition gives four places (36%) of the seats to local government Mayors (excluding Indigenous local government), with the balance going to State and federal representatives. Council requests the clause be re-written as follows, “The number of Mayors represented on the FNQ RPAC will be no less than four and equal to the number of State and federal representatives in aggregate.”
2. **Membership, dot point two**: What constitutes the “North Coast”?
3. **Role of FNQ RPAC, generally**: supported.
4. **Changing the Committee, all**: This is too top-down in approach. Council seeks a replaced clause to read - “The FNQ RPAC may recommend changes to any aspect of the Committee including (but not limited to) such matters as its name, membership, area and terms of reference by majority vote. The recommendation is then to be sent to the Minister for Local Government, Planning and Sport for endorsement.”

5. **Alternate member, all:** amend the second sentence to read: "For local government members, a proxy shall be in the first instance another Mayor from the sub-region and in the second instance a councillor from the sub region".
6. **Term of office, all:** the existing RPAC arrangements and representation should remain in place after the FNQ 2025 regional plan is finalised rather than be dismissed and a new RPAC formed. The proposed new wording would be: "FNQ RPAC members, and alternate members term of appointment will be reviewed after each election, state representatives after each State election, and Local Government representatives after each Local Government election."

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Davis

07/0403/22

"That Council provides comment to the State on the draft terms of reference for the preparation of a Far North Queensland Statutory Regional Plan, as set out in the report with the inclusion of the following under item 5, Section 1.4, whole of:

- (e) consider how landscape stewardship payments can benefit both rural economy and the landscape; and*
- (f) a detailed analysis and response to housing affordability."*

For: Cr Berwick, Cox, Davis

Against: Cr Bellerio, Sciacca, Pitt, Egan

Lost

A further amendment was moved:

Moved Cr Sciacca

Seconded Cr Pitt

07/0403/22(i)

"That Council provides comment to the State on the draft terms of reference for the preparation of a Far North Queensland Statutory Regional Plan, as set out in the report, but that item 5 (c) relating to National Heritage Listing Provisions be removed."

For: Sciacca, Pitt, Bellerio, Egan, Davis

Against: Berwick, Cox

Carried

The amendment became the motion and was put:

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration and the General Manager Engineering re-attended the meeting at 2:56 pm.

The Acting Strategic Planner withdrew from the meeting at 2:58 pm and re-attended at 3:00 pm.

The General Manager Development & Environment re-attended the meeting at 3:00 pm.

Cr Bellero withdrew from the meeting at 3:00 pm and re-attended at 3:02 pm.

The Environmental Officer, Bob Jago, attended the meeting at 3:02 pm.

07/0403/23 CHANGES TO QUEENSLAND DEVELOPMENT CODE (QDC)
PART 25 – WATER SAVING TARGETS

Moved Cr Cox

Seconded Cr Sciacca

"That Council applies for a three (3) year exemption from changes to Part 25 of the Queensland Development Code – Water Saving Targets from the State Government based on the following conditions:

- 1. External verification of water supply/demand figures; and*
- 2. Review water supply policy of commercial water consumption and agree to form a working group to:*
 - (i) identify water consumers in excess of twenty (20) mega litres per year and write policy to the effect of water efficiency measures for these users stipulating a twenty (20)% reduction in water consumption (will need to consider variables such as size of land and population);*
 - (ii) review the introduction of logging water meters for commercial developments to meter litre per second usage rates (and subsequent charges at over forty (40) litres per second flow rate);*
 - (iii) review the price of water charges for commercial developers based on water per second and price per kL; and*
 - (iv) review the irrigation policy for commercial customers including moisture sensors and timers."*

An amendment was moved:

Moved Cr Berwick

Seconded Cr Cox

07/0403/23

"That Council applies for a three (3) year exemption from changes to Part 25 of the Queensland Development Code – Water Saving Targets from the State Government based on the following conditions:

- 1. External verification of water supply/demand figures; and*
- 2. Review water supply policy of commercial water consumption and agree to form a working group to:*
 - i. identify water consumers in excess of twenty (20) mega litres per year and write policy to the effect of water efficiency measures for these users stipulating a twenty (20)% reduction in water consumption (will need to consider variables such as size of land and population);*
 - ii. review the introduction of logging water meters for commercial developments to meter litre per second usage rates (and subsequent charges at over forty (40) litres per second flow rate);*
 - iii. review the price of water charges for commercial developers based on water per second and price per kL;*
 - iv. review the irrigation policy for commercial customers including moisture sensors and timers; and*
 - v. consider the increased application of reuse water for irrigation."*

Carried unanimously

A further amendment was moved:

Moved Cr Egan

Seconded Cr Bellero

07/0403/23(i)

"That Council applies for a five (5) year exemption from changes to Part 25 of the Queensland Development Code – Water Saving Targets from the State Government based on the following conditions:

- 1. External verification of water supply/demand figures; and*
- 2. Review water supply policy of commercial water consumption and agree to form a working group to:*
 - i. identify water consumers in excess of twenty (20) mega litres per year and write policy to the effect of water efficiency measures for these users stipulating a twenty (20)% reduction in water consumption (will need to consider variables such as size of land and population);*

- ii. *review the introduction of logging water meters for commercial developments to meter litre per second usage rates (and subsequent charges at over forty (40) litres per second flow rate);*
- iii. *review the price of water charges for commercial developers based on water per second and price per kL;*
- iv. *review the irrigation policy for commercial customers including moisture sensors and timers; and*
- v. *consider the increased application of reuse water for irrigation."*

For: Cr Bellerio, Pitt
Against: Cr Berwick, Egan, Sciacca, Davis, Cox
Lost

The first amendment became the motion and was put:

For: Cr Berwick, Cox, Sciacca, Bellerio, Egan
Against: Cr Davis, Pitt
Carried

ATTENDANCE/WITHDRAWAL

The Mayor, Cr Berwick, withdrew from the meeting at 3:19 pm and Cr Egan assumed the Chair.

The General Manager Development & Environment withdrew from the meeting at 3:29 pm.

The Chief Executive Officer withdrew from the meeting at 3:30 pm and re-attended at 3:32 pm.

The Sustainability Officer withdrew from the meeting at 3:32 pm.

The General Manager Engineering withdrew from the meeting at 3:33 pm.

07/0403/24 DRAFT BLUE HOLE RESERVE MANAGEMENT PLAN

Moved Cr Pitt

Seconded Cr Sciacca

"That Council:

- 1. endorses the draft Blue Hole Reserve Management Plan as suitable for public consultation;*
- 2. engages a consultant, other than James Cook University, to carry out public consultation and finalisation of the Blue Hole Reserve Management Plan, at an estimated cost of \$15 000;*
- 3. advises James Cook University that it has accepted the draft plan for consultation purposes and requests that James Cook University provide Council with a final invoice for the amount of \$8 563.65 exclusive of GST as agreed in the original proposal;*
- 4. makes no decision regarding any joint trusteeship of the proposed reserve until after the public consultation period; and*
- 5. requests that the finalised management plan is to contain a budget that covers the proposed two (2)-year life of the plan. This budget is to contain provision for capital expenses and maintenance."*

For: Cr Pitt, Sciacca, Egan, Cox, Bellerio

Against: Cr Davis

Carried

ADJOURNMENT

At 3:34 pm the meeting adjourned for afternoon tea.

RESUMPTION

At 3:40 pm the meeting resumed with the Acting General Manager Community & Corporate not in attendance.

ENGINEERING

07/0403/25 PERMANENT ROAD CLOSURE – PART OF CAPE TRIBULATION ROAD INTERSECTING LOT 20 ON NPW695, CAPE TRIBULATION

Moved Cr Davis

Seconded Cr Cox

"That Council objects to the proposed permanent road closure over that part of Cape Tribulation Road intersecting Lot 20 on NPW695, Parish of Noah, and located at Cape Tribulation and advises the Department of Natural Resources and Water that the road is required to remain open as it is the only gazetted access road to the Cape Tribulation Beach."

Carried unanimously

07/0403/26 MOSSMAN SEWAGE PLANT UPGRADE

PROCEDURAL MOTION

Moved Cr Davis

Seconded Cr Pitt

07/0403/26A *"That item 07/0403/26 lie on the table until after the briefing session on 4 April 2007."*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Manager Budget & Accounting, Brett Exelby, attended the meeting at 3:48 pm. The Environmental Officer withdrew from the meeting at this time.

FINANCE & ADMINISTRATION

07/0403/27 TENDERS FOR INDUSTRIAL CLOTHING AND FOOTWEAR

Moved Cr Cox

Seconded Cr Pitt

"That Council, in accordance with advice provided in the report by the Manager Budget & Accounting, awards the tenders as follows:

- 1. Tender No 27-06/07 for industrial clothing to Yakka;*
- 2. Tender No 28-06/07 for industrial footwear to Corporate Express."*

For: Cr Cox, Pitt, Davis, Sciacca, Bellerio

Against: Cr Egan

Carried

ATTENDANCE/WITHDRAWAL

The General Manager Engineering and the Acting General Manager Community & Corporate re-attended the meeting at 3:50 pm. The Manager Budget & Accounting withdrew from the meeting at the same time.

NOTICES OF MOTION

OFFICER COMMENT PROVIDED

07/0403/28 JS0107M – REPLACEMENT OF PLAYGROUND EQUIPMENT IN ALL DIVISIONS

Moved Cr Davis

"That Council gives consideration to the provision of \$30 000 in the 2007/08 budget for the replacement of children's playground equipment and park furnishings."

Lapsed for want of a seconder

Moved Cr Sciacca

Seconded Cr Bellerio

07/0403/28 *"That Council provides \$30 000 for each division in the 2007/08 budget to replace/provide children's playground equipment and park furnishings."*

Carried unanimously

07/0403/29 JS0207M - REPAIR BUCHANAN CREEK ROAD AND ALEXANDRA BAY SCHOOL BICYCLE LANE AND FOOTPATH

"That the path be temporarily improved and that the path be upgraded for the 2007/08 budget."

The motion was withdrawn

07/0403/30 JS0307M – PRESSURE CLEAN BICYCLE LANE AND FOOTPATH, BUCHANAN CREEK ROAD, COW BAY

Moved Cr Sciacca

Seconded Cr Pitt

"That Council staff pressure cleans the path on a regular basis being a minimum of three times a year."

PROCEDURAL MOTION

Moved Cr Sciacca

Seconded Cr Bellerio

07/0403/30A

"That item 07/0403/30 lie on the table pending receipt of information on the costing to clean the path."

Carried unanimously

07/0403/31 JS0407M – ROADS TO BE SEALED – DIVISION THREE

Moved Cr Sciacca

Seconded Cr Bellerio

"That Council includes the roads listed in the 2007/08 budget:

- 1. completion of Buchanan Creek Road, Cow Bay;*
- 2. 500 m of Camelot Close, Cape Tribulation;*
- 3. 1 km of Forest Creek Road;*
- 4. 1 km of Kingston Road; and*
- 5. 1 km from Daintree township to Stewarts Creek Road."*

PROCEDURAL MOTION

Moved Cr Davis

Seconded Cr Sciacca

07/0403/31A

"That item 07/0403/31 lie on the table until after the briefing session on 4 April 2007."

Carried unanimously

07/0403/32 JS0607M – DAINTREE FERRY PRECINCT MANAGEMENT PLAN STEERING COMMITTEE

Moved Cr Sciacca

Seconded Cr Davis

"That I, Cr Sciacca, should be part of the Daintree Ferry Precinct Steering Committee."

Carried unanimously

07/0403/33 DE0307M – ERGON ENERGY – UNDERGROUND POWER IN JOHNSTON ROAD, MOSSMAN

Moved Cr Egan

Seconded Cr Pitt

"That Council approaches Ergon Energy to see what it would cost to underground the 300 m of cable in Johnston Road, Mossman, and invites Ergon Energy to the next briefing session to see what the cost is and another example of how Douglas Shire Council can work together."

Carried unanimously

07/0403/34 DE0407M – SUSTAINABLE BUILDING

Moved Cr Egan

Seconded Cr Davis

"That Council amends the minutes of 1 November 2005 and subsequent reference in the Status Report to refer to a 'Sustainable Building' and not 'Sustainable House', and that a similar amendment be made to the Operational Plan."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer withdrew from the meeting at 4:05 pm.

The Manager Building Services, Jeff Evans, attended the meeting at 4:09 pm.

The Chief Executive Officer re-attended the meeting at 4:11 pm.

07/0403/35 DE0507M – BILLY JOHNSON PAVILION AT MOSSMAN SHOWGROUNDS

Moved Cr Egan

Seconded Cr Davis

"That Council supports increasing the height of the floor of the Billy Johnson Pavilion at Mossman Showgrounds to prevent water entering the building every time it rains, for consideration in the 2007/08 budget."

For: Cr Egan, Davis, Cox, Bellerio, Pitt

Against: Cr Bellerio

Carried

ATTENDANCE/WITHDRAWAL

The Manager Building Services, withdrew from the meeting at 4:17 pm.

The Environmental Officer re-attended the meeting at 4:18 pm.

The Acting General Manager Community & Corporate withdrew from the meeting at 4:25 pm.

07/0403/36 BB0707M – NATIONAL HERITAGE LISTING OF DAINTREE LOWLANDS

Moved Cr Bellerio

Seconded Cr Pitt

“That Council writes a letter to the Hon Malcolm Turnbull MP, Minister for the Environment and Water Resources, reflecting that it does not support heritage listing of the Daintree Lowlands freehold land and that Council also asks the Minister to consider removing any management plan for national heritage purposes in place for that area under consideration.”

For: Cr Bellerio, Pitt, Sciacca

Against: Cr Egan, Cox, Davis

Lost on the casting vote of the Chair

The Chair requested it be recorded that he voted against item 07/0403/36 because he had ‘issues’ with the second part of the motion.

ATTENDANCE/WITHDRAWAL

The Acting General Manager Community & Corporate re-attended the meeting at 4:31 pm.

07/0403/37 BB0807M – EARLY ISSUE OF COUNCIL AGENDA

Moved Cr Bellerio

Seconded Cr Sciacca

“That Council issues the agenda for its Ordinary Meetings on Thursday afternoons.”

PROCEDURAL MOTION

Moved Cr Egan

Seconded Cr Cox

07/0403/37A

"That item 07/0403/37 lie on the table pending further discussions with the Chief Executive Officer, General Managers and Council."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Environmental Officer withdrew from the meeting at 4:43 pm.

Cr Sciacca withdrew from the meeting at 4:46 pm. The Mayor re-attended the meeting at this time and assumed the Chair.

Cr Bellero withdrew from the meeting at 4:48 pm.

Cr Sciacca re-attended the meeting at 4:49 pm.

Cr Bellero re-attended the meeting at 4:50 pm.

07/0403/38

MC0507M – REX SMEAL PARK, PORT DOUGLAS - FUNCTIONS

Moved Cr Cox

Seconded Cr Davis

"That Council adds to its policy that a maximum of two functions per month may, upon application, be permitted an extension of hours for use."

PROCEDURAL MOTION

Moved Cr Cox

Seconded Cr Davis

07/0403/38A

"That item 07/0403/38 lie on the table until later in the meeting."

Carried unanimously

07/0403/39

MC0607M – POWER NORTH OF THE DAINTREE RIVER

"That Council makes representation to the State to lift the ban regarding power north of the Daintree River."

The motion was withdrawn

07/0403/40 RD2007M - MOWBRAY CINEMA

Moved Cr Davis

"That Council alters its Development Control Plan to afford the development of a cinema, with appropriate parking, amenity, aesthetic and bulking parameters, to make the development of a cinema multiplex viable, towards the eventual sale and relocation of the Council depot onto the sports field, and the development of the depot site by the private sector."

Lapsed for want of a seconder

07/0403/41 RD2107M – REGISTER YOUR SWIMMING POOL

Moved Cr Davis

"That Council consults the Chamber of Commerce, the Port Douglas Daintree Tourism Ltd and the Accommodation Managers' Association before further implementation of the \$150 fee to register your pool is enforced."

Lapsed for want of a seconder

07/0403/42 RD2307M – NORTHERN FIG TREE IN FRONT STREET, MOSSMAN

"That Council makes a greater effort to preserve the northern fig tree in Front Street, Mossman, for the benefit of these who have enjoyed its shade for years."

The motion was withdrawn

07/0403/43 RD2507M – COUNCILLOR MOTIONS EARLY IN AGENDA

Moved Cr Davis

Seconded Cr Sciacca

"That Council deals with councillor motions near the commencement, not the end, of the agenda."

For: Cr Davis

Against: Cr Berwick, Egan, Pitt, Sciacca, Bellerio, Cox

Lost

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment withdrew from the meeting at 5:04 pm and re-attended the meeting at 5:05 pm.

07/0403/44 RD2607M – ABORIGINAL ELDERS IN STREET NAMES

Moved Cr Davis

Seconded Cr Berwick

"That Council uses Aboriginal elder traditional tribal names, not just Aboriginal words, in future street names."

Carried unanimously

07/0403/45 RD2707M – COMMUNICATION STRATEGY WITH ALL
COMPLIANCE DRIVES

Moved Cr Davis

"That Council embodies a communications strategy to include advertising, education, consultation and public relations components, with all current and future compliance drives."

Lapsed for want of a seconder

07/0403/46 RD2907M – SMOKING BANS IN PUBLIC PLACES

Moved Cr Davis

"That Council reviews whether smoking bans in public spaces should involve additional public spaces controlled by Council."

Lapsed for want of a seconder

07/0403/47 RD3007M – PLANNING OUTCOMES – A DEBATE OF PROCESS V
OUTCOMES

Moved Cr Davis

"That Council debates the pros and cons of process v outcomes in a briefing session aimed at reducing its backlog of planning issues."

Lapsed for want of a seconder

OFFICER COMMENT PENDING

07/0403/48 MC0707M – DIWAN SES AND COMMUNITY CENTRE

Moved Cr Cox

“That Council obtains quotes for the purpose of budget consideration to insulate the ceiling of the Diwan SES/Community Centre.”

Lapsed for want of a seconder

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer withdrew from the meeting at 5:09 pm and re-attended the meeting at 5:11 pm.

07/0403/49 RD2207M – CODE OF CONDUCT REVIEW AND CASH FINES

Moved Cr Davis

Seconded Cr Cox

“That Council first conducts its Code of Conduct and Ethics Committee legal review before introducing fines in excess of \$3 000 via our local laws, for Code of Conduct breaches by either the public and/or the councillors, prior to the planned new agreement about, and adjudication method for, Code breaches.”

For: Cr Davis,

Against: Cr Berwick, Egan, Bellerio, Sciacca, Pitt, Cox

Lost

07/0403/50 RD2407M – SMS AND EMAIL IN COUNCIL CHAMBER COMMUNICATIONS

Moved Cr Davis

“That Council not proceed with its plan to prevent the press, audience, council staff or councillors communicating in council meetings via SMS or email.”

Lapsed for want of a seconder

07/0403/51 RD2807M – SELL THE SCHOOL OF ARTS BLOCK FOR ART'S SALES

Moved Cr Davis

"That Council, forthwith, advises the State that it has strong public support for the sale of the shire's school of arts block(s), for the purpose of improving, and/or building, art and cultural facilities in the shire, and proceed to sell the land and use the money for art and cultural development."

Lapsed for want of a seconder

07/0403/52 RD3207M – AWARD SYSTEM CHOICE

Moved Cr Davis

Seconded Cr Egan

"That Council's employees have the final say on whether they would prefer to stay under the State awards system or not, and by so doing, the Douglas Shire Council rescinds its 17 October 2007 resolution determining its status as a trading corporation."

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Egan

07/0403/52A *"That item 07/0403/52 lie on the table until after the briefing session on 4 April 2007."*

Carried unanimously

REPORTS – COUNCILLORS

07/0403/53 NOTICE TO REPEAL A MOTION FROM THE ADJOURNED ORDINARY MEETING OF COUNCIL ON 21 FEBRUARY 2007

Moved Cr Berwick

Seconded Cr Cox

“That Council repeals the following motion from its Adjourned Ordinary Meeting of Council on 21 February 2007:

‘07/0220/17(i) That Council:

- 1. removes the northern fig tree and immediately replaces it with a suitable tree in Front Street, Mossman, during the reconstruction of the street; and*
- 2. immediately, or as soon as possible, begins the development of a landscaping plan for Front Street, Mossman, and that the remaining fig trees not be removed until the plan is in place.’ “*

For: Cr Berwick, Cox, Davis, Bellerio, Sciacca, Pitt

Against: Cr Egan

Carried

LEAVE OF ABSENCE

Cr Sciacca requested that it be noted he sought leave of absence from the ordinary council meetings of 24 April 2007 and 15 May 2007.

REPORTS – CHIEF EXECUTIVE OFFICER

Nil.

REPORTS – PROJECT MANAGER

Nil.

REPORTS – CONFIDENTIAL MATTERS

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Sciacca

Seconded Cr Pitt

07/0403/53A

"That pursuant to Section 463(1)(h) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of items 07/0403/54 and 07/0403/55 of the agenda."

Carried unanimously

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public all staff, with the exception of the Chief Executive Officer, withdrew from the meeting.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Egan

Seconded Cr Pitt

07/0403/53B

"That the meeting be re-opened to the public."

Carried unanimously

07/0403/54 JS0507M – WONGA BEACH AQUACULTURE RESORT PTY LTD

No decision on this item was forthcoming from discussions held while the meeting was closed to the public.

The following recommendation was forthcoming from discussions held while the meeting was closed to the public:

07/0403/55 22-POINT PLAN – ENGAGEMENT OF LAWYERS

Moved Cr Berwick

Seconded Cr Cox

07/0403/55 *“That Council appoints lawyers Wilson Ryan Grose to carry out legal advice required in Council’s 22-Point Plan.”*

For: Cr Berwick, Cox

Against: Cr Egan, Pitt, Davis, Bellerio, Sciacca

Lost

Moved Cr Sciacca

Seconded Cr Pitt

07/0403/55(i) *“That Council adopts the recommendation of the Chief Executive Officer and appoints lawyers King & Company in accordance with its proposal estimate to carry out legal advice required in Council’s 22-Point Plan.”*

For: Cr Sciacca, Pitt, Egan, Davis, Bellerio

Against: Cr Berwick, Cox

Carried

ADJOURNMENT

At 6:00 pm the meeting was adjourned until 1:00 pm on Wednesday, 4 April 2007.

Presented to and confirmed by Council on the *twenty-fourth* day of April 2007.

M P Berwick
Chair

Attachment 1

Tabled Ordinary Meeting
03-04-07
DEPUTATION.

CREB Track Walking Trail

Douglas Shire Council Deputation 3/04/07 Issues Document

Existing Issues	Current Negative Issues	Future Positive Outcomes
Environmental	<ul style="list-style-type: none">• Unmanaged environmental impacts• Road run off into the Daintree and rainforest• Introduction of Exotic pests and weeds• Human Impacts	<ul style="list-style-type: none">• Low impact activity• Managed access regime• Positive environmental outcomes
Public Liability	<ul style="list-style-type: none">• Existing usage of a high risk nature• Unmanaged usage of Track in its current form• Some level of liability must fall with Council	<ul style="list-style-type: none">• Lower risk activity• Risk can be managed• Reduce Council's risk profile
Immediate Landholder/Indigenous Impact	<ul style="list-style-type: none">• Trespass• Vandalism• Noise• Littering• Illegal Traffic	<ul style="list-style-type: none">• Reduces impact on immediate landholders• Impacts can be managed
Financial	<ul style="list-style-type: none">• Significant annual cost to Council to upkeep Track for public access	<ul style="list-style-type: none">• Walking Trail when marketed correctly could become a significant contributor to consolidated revenue• Short payback period on capital items• External Funding available
Public Support	<ul style="list-style-type: none">• Perceived lack of local support to modification of Track's usage	<ul style="list-style-type: none">• Written commercial support for project• Walking Track may be structured in such a way as to allow mixed usage

Specific Issues	Future Negative Outcomes	Future Positive Outcome
Tourism	<ul style="list-style-type: none"> Attraction is likely to reach maximum capacity within 5 years Will not operate all year – subject to conditions 	<ul style="list-style-type: none"> Gives the Shire a world class attraction Attracts new niche markets Allows for development of new product Promotes sustainability to the region Serves to limit market volatility Supports all elements of Shire branding Limited capacity means longer spread of market Resolve the issue council is facing regarding future usage of the track Brand Daintree has world recognition – easily sold
Indigenous Issues		<ul style="list-style-type: none"> Manage impacts on culturally sensitive sites Development of indigenous tourism businesses and related enterprises Positive economic and social outcomes
World Heritage Listing		<ul style="list-style-type: none"> Helps council to meet its obligations to “present and preserve” Reduces impacts on other existing high usage public access sites
Walking Track Infrastructure	<ul style="list-style-type: none"> High Annual Maintenance High initial cost to establish 	<ul style="list-style-type: none"> Funding available Similar Tracks become significant revenue contributors Short Payback period Self funding maintenance Infrastructure will have long user life Dovetails into State Gov.

Specific Issues	Future Negative Outcomes	walking track strategy
		Future Positive Outcome
Public Opinion	<ul style="list-style-type: none">Negative opinion regarding change of usage from 4x4's, motorcyclists, locals	<ul style="list-style-type: none">Feasibility Study may determine multiple usage possible – satisfy all parties
Shire Economic Benefit		<ul style="list-style-type: none">Direct injection into shire's economyPositive social impactSimilar attractions indicate a 1.8 economic multiplier

Attachment 2

Mr Terry Melchert
Corporate Services – ☎ (07) 4099 9409

TCM:

The Hon Peter Beattie
The Premier of Queensland
PO Box 1585
City East
Queensland 4002

Dear Premier,

RE: State engagement and provision of power north of the Daintree River

I write in reference to correspondence received from the Hon Geoff Wilson MP on the 23 October 2006. This correspondence was in reply to a request for information regarding the provision of reticulated power for the area north of the Daintree River. I trust you have received a copy of this letter and I would like to bring to your attention some additional information.

The Daintree is a world and national icon and is a fundamental part of the tourism product that FNQ delivers. Protection of this World Heritage asset is delivered through the Shire's newly adopted planing scheme and inter alia through the State's Daintree Buyback Scheme.

In arriving at this point of protection the Shire moved forward on the basis of a 1999 three point plan, which was presented to Government. The third point in this plan is that once development can be controlled (through the new planning scheme), the State Government would address the issue of power north of the Daintree River.

Given that part of the FNQ Statutory regional Plan is about infrastructure, Council request that this issue of power north of the Daintree River be included in the terms of reference.

Please find attached the three point plan (Appendix A) and issues which DSC has identified as pertinent in discussions surrounding this issue (Appendix B).

Should you require any further information in relation to this matter, please do not hesitate to contact me on telephone (07) 4099 9409.

Yours faithfully

T C Melchert
Chief Executive Officer

cc: **Jason O'Brien MP** Ground Floor, Andrejic's Arcade, 62-66 Grafton Street, Cairns 4870
Manager Energy Solutions Ergon Energy 109 Lake Street, Cairns 4870
FNQ Statutory Regional Plan FNQ2025 C/- DLGPSR, PO BOX 5194, Cairns 4870

Appendix A

The three point plan was presented to the Queensland Government in 1999

1. *The State and Federal Governments provide funding, as promised previously, for the buy back of unoccupied rural residential and selected other unoccupied blocks north of the Daintree River:*
2. *The State and Federal Governments facilitate the consolidation of development, both residential and commercial north of the Daintree River both through buyback and through the funding of a review of the Douglas Shire Council town planning scheme to reflect the consolidation into development nodes in the scheme.*
3. *Grid Mains power be provided to the consolidated area in an environmentally sensitive manner.*

Appendix B

Please consider the following points in regards to the provision of power north of the Daintree River:

- DSC understands and appreciates the Statement of Policy 2000 was implemented as a measure to control development in the Daintree region. We are aware this policy does preclude the establishment of any new supply networks north of the Daintree River. This includes supply, extending existing mains electricity network by Ergon and/or any localised supply networks (renewable or generator power) from private commercial entities in the future. We hereby request that the Premier looks at rescinding the above-mentioned policy.
- The three-point plan was presented to the State Government in 1999 reflecting Council's position on the provision of power north of the Daintree River. Please note that the first two points have been addressed and the third point is now outstanding.
- The Douglas Shire's new town planning scheme came into force on 4 September 2006, which identifies land suitable for development, land with high conservation values and land suitable for buy back in the Daintree region. The scheme ensures future development is sensitive to the surrounding World Heritage listed rainforest and limits future population growth/development in the area. The Planning Scheme in fact duplicates the objectives of the Statement of Policy.
- DSC wishes to instigate constructive engagement with the State Government to identify realistic and potential options for the provision of power north of the Daintree River. This could mean looking beyond the scope of the FNQEB EIAS in that options for power are more numerous than the extension of the existing supply network.
- The local community has expressed their frustration at DSC for not providing power north of the Daintree River. An ongoing issue is that the local community blames DSC. DSC wishes to facilitate discussions between the local community and the State to accurately express their concerns.
- Regardless of type of electricity supply, one of the aims of the provision of power north of the Daintree River should be to provide an equitable electricity supply on par with the rest of Queensland.
- The rebate scheme available for stand alone Remote Area Power Systems (RAPS) is the federally funded PVRP rebate. This is capped at \$4000 and has no provision for ongoing maintenance of systems. If RAPS systems are the only available power supply we ask that, the State looks into a specific rebate scheme to realistically reflect a larger percentage of the capital investment required to install and maintain such a system.
- DSC would like to see the State Government facilitate a working group representing the key stakeholders involved in this issue. This could include (and should not be restricted to) Ergon Energy, Energy Solutions (renewable energy division of Ergon Energy), independent energy consultants, representatives of Department of Mines and Energy, representative of DSC and a representative from Baileys Creek Community League.

Attachment 3

11.0 Conclusion & Recommendations

11.1 Preferred STP Augmentation Approach

A total of six (6) augmentation options were assessed which included the following:

- **Option 1** - Maintain the existing oxidation ditch as a treatment process. Provide a new oxidation ditch and two clarifiers to boost treatment capacity. A new compartmentalised aerobic digester would be provided to stabilise WAS.
- **Option 2** - Construction of a single oxidation ditch and two clarifiers to handle all flow. The existing oxidation ditch and clarifier would be converted into an aerobic digester.
- **Option 3** - Construction of 2 compartmentalised 4 Stage Bardenpho bioreactors with diffused aeration and 2 clarifiers. The existing oxidation ditch and clarifier would be converted into an aerobic digester.
- **Option 4** - Construction of 2 Sequence Batch Reactors (SBR) of similar design to the Port Douglas plant. Existing oxidation ditch and clarifier would be converted into an aerobic digester.
- **Option 5 A** - Construction of a MBR process using the Zenon membrane technology with two compartmentalised 4 Stage Bardenpho bioreactors with diffused aeration. Two MBR trains would be provided each housing 4 Zenon Membrane Cassettes.
- **Option 5 B** - Construction of a MBR process using the Kubota membrane technology with two compartmentalised 4 Stage Bardenpho bioreactors with diffused aeration. Two MBR trains would be provided, each housing 9 EK400 double-decker, flat-plate membranes.

The MBR Option 5B was identified as the lowest whole of life cost option closely followed by MBR Option 5A. The capital cost estimates for Options 5A and 5B were \$11.7M and \$12.6M respectively. The lowest capital cost conventional approach was Option 4 (SBR process) at \$14.5M. Option 4 also had the lowest ongoing operations and maintenance cost for all options considered.

Option 4 was ranked the highest based on a consideration of non financial factors with the MBR options (5A and B) scoring slightly lower.

Given the significant capital cost difference between options 5A/B and the conventional gravity clarification approaches, it is recommended that an MBR approach be adopted for Mossman STP. At this high level investigation it is not possible to clearly identify a preferred MBR supplier and it is recommended that this be determined later after more in-depth conceptual design studies have been undertaken or on a competitive basis.

In recommending MBR technology as the preferred approach it is important to realise the O&M cost for the MBR options are higher than conventional gravity clarification approaches (i.e. Options 1-4). It is recommended that a close watching brief of tendered MBR capital costs be undertaken through the future phases of the Mossman STP upgrade. If it is identified that MBR capital cost are higher than the estimates outlined in this document then revision of the preferred upgrade approach to Option 4 (SBR) may be required.

For the purpose of preparing a budget estimate for the upgrade, this report recommends the cost of Option 4 be carried. This will provide for the uncertainty associated with the actual costs of MBR processes, given that this technology has not yet matured in the Australian marketplace. Therefore, it is recommended that Council carry a capital estimate of \$14.5M for the upgrade of the Mossman STP.

For either of the augmentation options adopted (Option 5A/B or 4) it is recommended the following common facilities be established:

- Size the infrastructure for a Stage 1 planning horizon of 15 years (2024) but make allowance in the design to facilitate a simple upgrade for a further 15 years beyond 2024 (Stage 2). For Options 5A/B this would involve an aeration upgrade and the retrofit of further membrane cassettes/modules within the existing membrane trains.
- Size the inlet works for the Stage 2 hydraulic capacity. Include 3 mm aperture automatic fine screens followed by grit removal of flows up to PWWF.
- There is uncertainty regarding the sewage characteristics of the combined stream which will flow to the Mossman STP after the upgrade. Supplemental carbon dosing may be required. This needs to be closely reviewed during subsequent design stages.
- Due to the potential limited carbon available in the raw sewage it is recommended that phosphorus removal be achieved by chemical means.
- Provide a medium pressure UV system to disinfect the permeate for discharge and reuse.
- Retain the existing chlorine dosing system and contact tank. Chlorine dosing of recycled water transported to reuse customers may be required to guarantee water quality. The contact tank may be required to provide adequate contact time for future dual reticulation effluent reuse approaches.
- To reduce capital cost, re-configure the existing oxidation ditch process to an aerobic digester. Operate the digester at a low solids concentration of 0.75% w/w to ensure effective aeration with the existing aeration system.
- Retain the existing sludge lagoons as emergency sludge storage or for effluent re-use storage.
- Utilise the existing Humbolt centrifuge to develop a dewatering facility within a building structure. Provide a process to thicken WAS to greater than 1.5% w/w to enable dewatering by centrifuge.
- Provide a rapid load out style biosolids storage silo to enable management of dewatered cake.

11.1.1 Further Studies and Investigation Recommended

It is recommended that further monitoring of the raw sewage quality be undertaken as outlined in Appendix C. A better understanding of the sewage characteristics is important to avoid an overly conservative and costly design due to uncertainties associated with the sewage quality.

11.2 Effluent Reuse Opportunities

An extensive review of effluent reuse opportunities in the Mossman area was undertaken. From this assessment two preferred reuse opportunities were identified which included the Mossman Golf Course and potentially the Newell Esplanade. These sources had a larger demand for water and no real impediments to use. It is recommended that Council keep a watching brief on other reuse opportunities including dual reticulation and agricultural reuse on sugar cane.

The capital cost to achieve reuse at the Golf Course and Newell Esplanade was identified to be \$2.11 M and \$1.49M respectively. The volumetric cost to Council including both capital and O&M costs was identified as \$0.69/kL and \$1.42/kL for the Golf Course and the Newell Esplanade respectively, provided a 50% subsidy is available.

11.3 Beach Community Reticulation

Previous studies undertaken for DSC have determined that a pressure system is the preferred reticulation system for the outlying communities. The connection of the communities to a reticulation system will enable the existing septic systems to be decommissioned thereby reducing the possible public health risks associated with the septic systems. Construction and commissioning of the beach community reticulation systems should be undertaken to coincide with the commissioning of the upgraded Mossman STP.