



DOUGLAS SHIRE COUNCIL

ORDINARY COUNCIL MEETING

MINUTES

Tuesday 27 February 2024

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



**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE
COUNCIL HELD ON TUESDAY 27 FEBRUARY 2024 COMMENCING AT 10:00A.M.**

Mayor Cr Kerr opened the meeting at 10:00am by welcoming everyone to the Ordinary Meeting of the Douglas Shire Council being held on 27 February 2024 at the Mossman Council Chambers.

This Ordinary Meeting of Council is being Live Streamed on Council's Website and will also be available for others to watch at a later time.

Cr Kerr acknowledged the Kuku Yalanji people who are the Traditional Custodians of the Land on which this meeting is being held and paid respect to their Elders past, present and emerging, and extended that respect to other Indigenous Australians who may be listening or watching this morning.

**DOUGLAS SHIRE COUNCIL
ORDINARY MEETING
TUESDAY 27 FEBRUARY 2024
10:00AM
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1. ATTENDANCE & APOLOGIES

1.1. PRESENT

Cr Michael Kerr (Mayor), Cr Lisa Scmazzon (Deputy Mayor), Cr Peter McKeown (via Teams), Cr Abigail Noli, Cr Roy Zammataro.

1.2. APOLOGIES

There were no apologies.

1.3. OFFICERS IN ATTENDANCE

Rachel Brophy (Chief Executive Officer), Sara Roberts (Acting Manager People and Community Services), Tara Killeen (Chief Financial Officer), Maria Evans (Manager Governance), Paul Hoyer (Manager Environment and Planning), Helen Coulthard (Property Officer), Neil Beck (Team Leader Planning), Jenny Elphinstone (Senior Planning Officer), Rebecca Taranto (Compliance Officer), Natalie Crimmins (Senior Governance Officer), Brenda Jang (Executive Assistant), Tarren Woodhams (Digital Communications Officer), Daniel Lamond (Planning Officer); Marcus Wilson (Senior Media and Communications Officer)

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Nil

3. DEPUTATIONS

Nil

4. MAYORAL MINUTES

Nil

5. CONFIRMATION OF MINUTES OF COUNCIL MEETING

5.1. CONFIRM MINUTES - ORDINARY MEETING HELD 23 JANUARY 2024

Moved Cr Scmazzon

Seconded Cr Noli

That the Minutes of the Ordinary Meeting held Tuesday 23 January 2024 be confirmed.

Carried Unanimously

5.2. CONFIRM MINUTES - SPECIAL MEETING HELD 30 JANUARY 2024

Moved Cr Noli

Seconded Cr Scomazzon

That the Minutes of the Special Meeting held Tuesday 30 January 2024 be confirmed.

Carried Unanimously

6. OFFICERS REPORTS

6.1. FINANCIAL REPORTS JANUARY 2024

Moved Cr Noli

Seconded Cr Scomazzon

That Council notes the Statement of Comprehensive Income and the Statement of Financial Position for January 2024.

Carried Unanimously

6.2. APPLICATION FOR PERMANENT PARTIAL ROAD CLOSURE ADJOINING 55 PANDANUS ROAD COW BAY

Moved Cr Scomazzon

Seconded Cr Noli

That Council:

1. *Delegates authority to the Chief Executive Officer in accordance with s 257 of the Local Government Act 2009 to:*
 - a. *Advise Department of Resources that Council supports a permanent partial road closure of approximately 55,330m² (subject to a formal survey) currently under the Road Licence formally described as Lot 1 on RP208342 as defined in Attachment 3;*
 - b. *Execute the Part C – Form LA30 “Statement in relation to an application under the Land Act 1994 over State land” for this application;*
 - c. *Endorse the drawing for the partial road closure as shown in Attachment 3; and*
 - d. *Finalise any and all matters associated with the application.*

Carried Unanimously

6.3. EXTENSION APPLICATION MATERIAL CHANGE OF USE AT 71-85 PORT DOUGLAS ROAD PORT DOUGLAS, CHIDO CORPORATION PTY LTD

Moved Cr Noli

Seconded Cr Scomazzon

- A. That Council refuses the application to Extend the Relevant Period over land described as Lot 1 on SP150468 for the 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, Cafe, Bar, Function Centre, Meeting Rooms and Administration Facilities, on the following reasons for decision.
1. Since the issue of the Development Permit the 1996 Douglas Shire Planning Scheme has been superseded by new planning controls. The assessment and determination of the original approval was dependant on particular provisions of a superseded Scheme. These considerations no longer apply;
 2. The existing approval and the conditions therein are outdated having regard to current planning considerations;
 3. The development approval under the Development Permit is inconsistent with the current planning considerations and the 2018 Planning Scheme;
 4. The extension to the Development Permit is contrary to community expectation that development should meet the current Planning Scheme and planning considerations;
 5. Based on the information provided in the Applicant's request to extend the Relevant Period of the Development Permit, it is not considered that the request has sufficient merit, having regard to section 87(1) of the Planning Act 2016, to support an extension to the relevant period. Having regard to the Planning Act 2016 and the Council's 2018 Planning Scheme, the request is unable to be supported.
 6. The conditions of the material change of use approval nominate that where the adjoining land is utilised as a point of stormwater discharge, a consent agreement must be achieved by that landowner. Council would normally now require this consent to be part of a properly made application for a new development. No consent of use of the neighbouring land was provided in the extension application. It is questionable whether the extension application is properly made having regard to this issue; and
- B. In respect to the development of a resort development and / or short-term accommodation with other uses on the land Council advise the Applicant that there remains opportunity to lodge an application for a Material Change of use under the current Scheme as the use is not prohibited development under the Planning Act 2016.
- C. The applicant be advised that as there is no current Local Law approval for the site buildings and wire fence on the adjacent road reserve, these buildings and structures need to be immediately removed.

Carried Unanimously

6.4. DAINTREE MICRO GRID 174 BUCHANAN CREEK ROAD COW BAY

Moved Cr Scmazzon

Seconded Cr Kerr

That Council approves the Combined development application for a Material Change of Use for a Renewable Energy Facility, Battery Storage Facility and Utility Installation, and

Reconfiguring a Lot - creating two lots by lease agreement for a period of more than ten (10) years, and Operational Work - Excavation and Fill over 25m³ over land described as Lot 5 on BK157130, and Operational Work within an unconstructed local government road 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
Location of Solar Farm (generation site)	Queensland Globe, Council Doc id; 1188772	Submitted with Amended Application on 9 October 2023
Regulated Vegetation and Buffer Setbacks	Queensland Globe, Council Doc id; 1188772	Submitted with Amended Application on 9 October 2023
Site Drainage	Unauthored Drawing, Council Doc id; 1188772	Submitted with Amended Application on 9 October 2023
Survey Plan SP340614, Plan of Leases B & C in Lot 5 on BK157130	Sheets 1 to 3 of 3.	22 February 2023
CGF General Layout, (exc Solar Farm)	Unauthored Drawing, Council Doc id; 1188772	Submitted with Amended Application on 9 October 2023
Central Generation Facility Site Plan	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-ELE-GAR-1001, Sheet 1 of 1 Rev. A	10 May 2023
Central Generation Facility, Contour and Drainage Plan	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-ELE-GAR-1002, Sheet 1 of 1 Rev. B2	10 May 2023
Central Generation Facility Fence Plan	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-ELE-GAR-1003, Sheet 1 of 1 Rev. B2	10 May 2023
Central Generation Facility Road Plan	RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-ELE-GAR-1004, Sheet 1 of 1 Rev. B2	10 May 2023
Central Generation Facility	RPS AAP Consultants Pty Ltd,	10 May 2023

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Water Tank Details</i>	<i>Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1002, Sheet 1 of 1 Rev. B</i>	
<i>Central Generation Facility Gas Tank Details</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1007, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility, Hydrogen Gas Fuel Tank Details</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1008, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility Battery Energy Storage System (BESS) Unit Module Details</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1009, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility Solar Inverter Skid Unit General Arrangement</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1010, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility Transformer/ Ring Main Unit Module Details</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1011, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility, Electrolyser and Skid Module Details</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1012, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility, Compressor Module Details</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1013, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility, 22kV Switch Gear Platform General Arrangement</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1014, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility, Dual Fuel Engine, General Arrangement</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1015, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility, Fence Details</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1016, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility, Switch Room/Control Room</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1017, Sheet 1</i>	<i>10 May 2023</i>

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Details</i>	<i>of 1 Rev. B</i>	
<i>Central Generation Facility, 2.5 MVA 22kV to 0.4kV TX Module Unit Details</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1018, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility, Typical CCTV Pole, General Arrangement</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1019, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility, Battery Energy Storage System (BESS) Unit Inverter Module General Arrangement</i>	<i>RPS AAP Consultants Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1020, Sheet 1 of 1 Rev. B</i>	<i>10 May 2023</i>
<i>Central Generation Facility, Drainage Details</i>	<i>Volt Advisory Group Pty Ltd, Project No. ZW2022.11, Drawing No. DRE-CIV-GAR-1021, Sheet 1 of 1 Rev. A</i>	<i>10 May 2023</i>
<i>Daintree Renewable Energy, Indicative Cable Trench Route Design, Central Generation Facility Cow Bay</i>	<i>Volt Advisory Group Pty Ltd, Drawing No. DRE-ELE-GAR-1010_C, Sheet 1 Rev. 2</i>	<i>19 June 2023</i>
<i>Proposed 1000V Four Pole (200mm Wooden Round) Array</i>	<i>Volt Advisory Group, Drawing DRE-LAY-PV-0001</i>	<i>Submitted with Amended Application on 9 October 2023</i>
<i>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</i>		
<i>Rural Allotment Access</i>	<i>Standard Drawing S1105 Issue F</i>	<i>27 August 2020</i>

ASSESSMENT MANAGER CONDITIONS & ADVICES

CONDITIONS

- A. Conditions applicable to operational work – (over 25m³ of earthworks) and operational work - work within a local government road)
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; and
 - c. Technical reports submitted as part of supporting information.

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.*

Earthworks

3. *All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual.*

All work must be carried out in accordance with the requirements and recommendations of Section 5-Geotechnical Assessment of the Geotechnical Report prepared by WSP, Reference PP141911-WSP-CNS-GEO-PRP-00001(Rev A), dated March 2023, prepared by Nathan Price.

Such works must be completed to the satisfaction of the Chief Executive Officer prior to the commencement of use.

Construction Methodology Plan

4. *A Construction Methodology Plan (CMP) must be submitted to Council for endorsement by the Chief Executive Officer prior to the commencement of Operational Work. The Plan must detail;*
 - a. *Protection/rehabilitation of exposed soil caused by grading or stripping activities in and around the Central Generation Facility (Lease B on SP340614);*
 - b. *Local Drainage considerations and how stormwater is managed; and*
 - c. *A Traffic Management Plan (TMP) must be prepared by the contractor. The TMP is to address, but is not limited to;*
 - i. *Traffic management for Silkwood Road;*
 - ii. *Management of pedestrians traversing Silkwood Road;*
 - iii. *Sequencing of the development;*
 - iv. *Transportation of workers to and from the development site; and*
 - v. *Transportation of materials south of the Daintree River to the development site.*

The CMP must be endorsed by the Chief Executive Officer prior to the commencement of works on the site.

Road Condition Survey

5. *Prior to any works occurring on the site, the applicant is to prepare a road condition report from the intersection of Buchanan Creek Road and Silkwood Road to the development site to identify relevant existing defects or problems with the roadway. On completion of the works, the haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.*

Construction Signage

6. *Prior to the commencement of any Operational Work 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 telephone contacts:*

- a. *Developer;*
- b. *Project Coordinator;*
- c. *Architect / Building Designer;*
- d. *Builder;*
- e. *Civil Engineer;*
- f. *Civil Contractor;*
- g. *Landscape Architect*

Hours of Work

- 7. *Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:*
 - a. *7.00am to 6.00pm, Monday to Friday;*
 - b. *7.00am to 1.00pm Saturdays;*
 - c. *No work is permitted on Sundays or Public Holidays.*

Any variations to the above working hours must be authorised by the Chief Executive Officer, prior to the commencement of such works.

Stockpiling and Transportation of Fill Material

- 8. *Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or Silkwood Road for any longer than one (1) month from the commencement of works.*

Earthworks and Retaining Structures

- 9. *The height of cut and /or fill, whether retained or not, does not exceed 2m in height. All retaining walls greater than 1200mm in height must be structurally certified by an RPEQ.*

Lawful Point of Discharge

- 10. *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.*

Access Crossover

- 11. *Prior to the commencement of use, a vehicle crossover and driveway must be constructed in accordance with the FNQROC Standard Drawing S1105 Issue E for rural properties.*

Such works must be completed to the satisfaction of the Chief Executive Officer prior to the commencement of use.

Storage of Machinery and Plant

- 12. *The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.*

Dust Emissions

- 13. *Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.*

Wildlife

14. *Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.*

B. Conditions applicable to reconfiguring a lot – creating two lots (lease area b and lease area c) by lease agreement for a period of more than ten 10 years

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 endorsement of the Survey Plan, except where specified otherwise in these conditions of approval.*

Limited Approval

3. *The Development hereby approved lapses at the expiry of agreement to lease the land from the landowner or entity from which a lease may be attained. Prior to the lapse of the life of the approval the Daintree Micro Grid and all associated infrastructure, buildings, structures and fencing must be decommissioned and removed, and the site reinstated to its original condition to the satisfaction of the Chief Executive Officer. All costs associated with the decommissioning and final removal shall be borne by the Applicant or entity that operates the Daintree Micro Grid at the time of removal, or the registered owner of the land.*

Decommissioning Plan

4. *Within 6 months of the end of the lease agreement, or the end of the operational life of the facility, the site must be decommissioned in accordance with the endorsed Decommissioning Plan to the satisfaction of the Chief Executive Officer.*

C. Conditions applicable to material change of use (utility instillation, renewable energy facility and battery storage facility)

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.*

Environmental Management Plan.

3. *Throughout all stages of the development, the Applicant must ensure all of the requirements and recommendations identified in the Environmental Management Plan (EMP) prepared by Environment Pacific, dated 2023, prepared by Andrew Small, have been implemented. In particular all the requirements and recommendations in the EMP are to be carried out under the direction and supervision of Environment Pacific, or a delegate authorised by Environment Pacific.*

Setback of Solar Arrays

4. *The solar arrays must be setback 20m from the boundary with Silkwood Road.
An amended plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.*

Landscaping

5. *Submit a Landscape Plan prepared by a suitably qualified person/s that provides a landscape buffer along the full frontage of the site to Silkwood Road to screen the development overtime. Landscaping may extend onto the road reserve, and must incorporate existing mature vegetation and include the introduction of shrubs. The Landscaping Plan must include:*
 - a. *A minimum five (5) metre wide landscaping buffer that incorporates canopy and midstory vegetation;*
 - b. *The species of plants selected for landscaping should provide screening qualities and consist of endemic species. Species chosen should have regard to Council's Planning SC6.7 Landscaping;*
 - c. *Planting densities and pot sizes;*
 - d. *Detail ground preparation and removal of any unsuitable material. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth;*
 - e. *Landscaping must meet with the entry gates such that there is no break between the landscaping and entry gates;*
 - f. *A Landscape Maintenance Plan detailing weeding, watering, replacement planting and pest management; and*
 - g. *Location of security fencing and entry gates.*

The Landscape Plan and Landscape Maintenance Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. All landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use and maintained at all times to the satisfaction of the Chief Executive Officer.

Design of Entry Gates

6. *The design of the entry gates must be constructed of materials and/or finished in colours that blend with the surrounding natural environment. The entry gates must not provide views internal to the site from Silkwood Road. The design of the gates must be submitted to Council for endorsement prior to the issue of a Development Permit for Building Works.*

The gates must be installed to the satisfaction of the Chief Executive Officer prior to the commencement of use.

Fencing

- 7. All security mesh fencing for the perimeter of the site must be of a dark colour with a maximum height of 2 metres. Within the perimeter fencing, provide lockable gated access at either end of the unopened local government road. The facility is to be provided with appropriate hazard and warning signs.*

Building Height and Solar Panel Height

- 8. The maximum height of any solar panel must not exceed 2.6 m above natural ground level. The maximum height of any building or structure must not exceed 8.5m above natural ground level, excluding antennae.*

Colour/s of Buildings and Structures

- 9. The exterior finishes and colours of buildings and structures must be non-reflective and must blend with the natural colours of the surrounding environment. Roofs and structures (including Water Tanks) must be of moderately dark to darker shades of green, grey, blue and brown.*

Pale Eucalypt Green is not approved for use.

The colours of buildings and structures must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Water Storage Tank

- 10. The water storage tank must be provided with:*
 - a. 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*
 - b. Flap valve at every opening of the tank or other receptacle; or*
 - c. Other approved means for preventing the ingress or egress of mosquitoes; and*
 - d. Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40 cm; and*
 - e. The water tank(s) shall be fitted with a 50 mm ball valve with a camlock fitting.*

Slashing of Grass

- 11. Slashing or mowing of grass and general maintenance of the site shall only be carried out on site during the following times:*
 - a. 7.00am to 6.00pm, Monday to Friday;*
 - b. 7.00am to 1.00pm Saturdays;*
 - c. No work is permitted on Sundays or Public Holidays.*

Noise

- 12. Noise from the Central Generation Facility must not cause environmental nuisance to any sensitive receptor. In accordance with the Environmental Protection Act 1994, any emission of noise from activities on site must ensure that the emissions are consistent with the Environmental Protection (Noise) Policy 2008.*

Lighting

13. All lighting installed upon the premises must be designed and operated in accordance with the National Light Pollution Guidelines for Wildlife and Australian Standard AS4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

Maintenance and Upgrades to the Facility

14. Throughout the life of the facility, the solar arrays, fencing, access crossover and internal roads, drainage infrastructure and Central Generation Facility must be submitted to the satisfaction of the Chief Executive Officer. Should upgrades of the solar panels or ancillary infrastructure be required, the Applicant must provide revised plans to Council for endorsement by the Chief Executive Officer.

Decommissioning Plan

15. A Decommissioning Plan for the end of the lease agreement, or operational life of the facility must be submitted to the Chief executive Officer. The Decommissioning Plan must address the following:
 - a. Transportation and disposal of hazardous or potentially hazardous chemicals and materials;
 - b. Demolition, removal, transportation and disposal of plant and equipment; and
 - c. Site Rehabilitation.

The Decommissioning Plan must be endorsed by the Chief Executive Officer prior to the issued of a Development Permit for Building Work.

ADVICES

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the Planning Act 2016.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
3. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
4. For information relating to the Planning Act 2016, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.
5. The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance. Further information on the EPBC Act can be obtained from the Department of the Agriculture, Water and the Environment, website at <https://www.awe.gov.au/environment/epbc> .

Prescribed Activity Permit

6. The Applicant will be responsible for obtaining a Prescribed Activity Permit from Council for carrying out Operational Work (trenching and cabling) within Council road reserve. Please log on to www.douglas.qld.gov.au . To access a Prescribed Activity Application form.

Cultural Heritage

7. *The Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003 (the Cultural Heritage Acts) require anyone who carries out a land-use activity to exercise a duty of care.*

This 'duty of care' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database.

Consultation with the Aboriginal or Torres Strait Islander party for an area may be necessary if there is a high risk that the activity may harm Aboriginal or Torres Strait Islander cultural heritage. Guidelines have been produced to enable assessment of sites under the Act. These are available from the Queensland Government website and can be downloaded from the following website.

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

The Application did not trigger referral.

REASONS FOR DECISION

The reasons for this decision are:

1. *Sections 60, 62 and 63 of the Planning Act 2016:*
 - a. *to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and*
 - b. *to ensure compliance with the Planning Act 2016.*
2. *Findings on material questions of fact:*
 - a. *the development application was properly lodged to the Douglas Shire Council on 9 October 2023 under section 51 of the Planning Act 2016 and Part 1 of the Development Assessment Rules;*
 - b. *the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.*
3. *Evidence or other material on which findings were based:*
 - a. *the development triggered assessable development under the Assessment Table associated with the Conservation Zone Code;*
 - b. *Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the Planning Act 2016; and*
 - c. *the applicant's reasons have been considered and the following findings are made:*
 - i. *Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.*

For Cr Kerr, Cr Scomazzon, Cr Noli, Cr McKeown
Against Cr Zammataro

Carried

6.5. UPDATE ON CYLONE JASPER AND FOLLOWING RAIN EVENT FEBRUARY 2024

Moved Cr Noli

Seconded Cr Scomazzon

That Council note the information about disaster response and community recovery following Cyclone Jasper in December 2023.

Carried Unanimously

7. NOTICES OF MOTION

7.1. MOTION WITHOUT NOTICE – RESPECTFULLY REQUEST THAT NIKKI BOYD MP SEND URGENT ASSISTANCE TO REPAIR AND REOPEN THE ROAD BETWEEN DAINTREE FERRY AND CAPE TRIBULATION

Moved Cr Noli

Seconded Cr Scomazzon

Cr Noli gave notice of her intention to move the following Motion at the Council meeting scheduled for Tuesday 27 February 2024.

"Douglas Shire Councillors respectfully request that Minister for Fire and Disaster Recovery and Minister for Corrective Services, Nikki Boyd MP, send urgent assistance to repair and reopen as soon as possible the road between the Daintree ferry and Cape Tribulation paying particular attention to the section in Noah's range."

Carried Unanimously

8. URGENT BUSINESS

Cr Zammataro raised an urgent business item regarding the Whyanbeel reservoir water supply.

Due to the item being an operational matter it did not proceed.

MEETING WITHDRAWAL

Cr McKeown's Teams connection was lost at 10:37am.
Cr McKeown did not re-attend the meeting.

9. PETITIONS

Nil

10. CLOSED SESSION

Nil

11. MEETING CLOSURE

The meeting closed at 10:41am

CONFIRMED THIS DAY OF 2024.

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MAYOR/CHAIR