

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE DOUGLAS SHIRE COUNCIL  
HELD AT THE DOUGLAS SHIRE COUNCIL CHAMBERS, 64-66 FRONT STREET, MOSSMAN  
ON TUESDAY, 12th DECEMBER, 2017 COMMENCING AT 9.07AM**

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1. PRESENT

Cr Julia Leu (Mayor), Cr Abigail Noli (Deputy Mayor), Cr David Carey, Cr Michael Kerr, Cr Roy Zammataro, Linda Cardew (Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Nicholas Wellwood (General Manager Operations), Joanne Jacobson (Manager Governance), Michael Kriedemann (Manager Infrastructure) and Brenda Jang (Executive Assistant).

**Part Meeting:** Paul Hoyer (Manager Sustainable Communities), Jenny Elphinstone, (Senior Planning Officer), Nicola Learmond (Sustainability Officer), Lisa Golding (Community & Economic Development Officer), Brendan Leishman (Senior Community & Economic Development Officer), Scott Hahne (Principal Project Officer), John Rehn (Manager Finance); Fionnuala Blayney (Community & Economic Development Officer); Graham Busby (Property Officer).

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Nil

2. CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST

Cr David Carey declared a Conflict of Interest in regards to Closed Item 9.2 due to having a relationship with a person nominated for an Award, and proposed to exclude himself from the meeting during the discussion of this item.

3. MAYORAL MINUTE

Nil

4. CONFIRMATION OF MINUTES OF COUNCIL MEETING HELD 21  
NOVEMBER, 2017

**Moved** Cr Noli

**Seconded** Cr Carey

*“That the Minutes of the Ordinary Meeting held on Tuesday 21 November, 2017 be confirmed.”*

**Carried** Unanimously

5. AGENDA ITEMS

- 5.1. 2017-2018 FEES AND CHARGES DEVELOPMENT ASSESSMENT -  
SUSTAINABLE COMMUNITIES  
Simon Clarke, Planning Coordinator

**Moved** Cr Carey

**Seconded** Cr Noli

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*“That Council:*

1. *adopts the new Schedule of Fees and Charges for the 2017/18 financial year for Development Assessment – Sustainable Communities;*
2. *commences the new Schedule of Fees and Charges for Development Assessment – Sustainable Communities on 2 January 2018 to align with the commencement of the Douglas Shire Planning Scheme 2018; and*
3. *delegates authority to the Chief Executive Officer in accordance with Section 257 of the Local Government Act 2009 to negotiate fees and charges where circumstances warrant and to make minor administrative amendments to the Schedule.”*

**Carried** Unanimously

- 5.2. NEGOTIATED DECISION REQUEST L47 CAPTAIN COOK HWY  
MOWBRAY, MULCH FACILITY  
Jenny Elphinstone, Senior Planning Officer

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“That Council approves in part the applicant’s request for a negotiated decision for the material change of use for an Industry (Mulch Facility) over land described as Lot 47 on RP749351, located at Lot 47 on Captain Cook Highway, Mowbray, whereby:*

1. *The approved plans are amended as follows.*

<i>Drawing or Document</i>	<i>Reference</i>	<i>Date</i>
<i>Designated Development Area</i>	<i>Projex Partners drawing 637-001-SK2 Revision A dated 7 July 2015 and as varied by the Amended Extent of Site Plan received by Council on 23 January 2017 (Council electronic document D#802482)</i>	<i><del>7 July 2015</del> 23 January 2017</i>
<i>Generalised Activity Area</i>	<i>Projex Partners drawing 637-001-SK1 Revision A and as varied by the Amended by the Extent of Site Plan received by Council on 23 January 2017 (Council electronic document D#802482).</i>	<i><del>7 July 2015</del> 23 January 2017</i>
<i><u>Landscape Plan</u></i>	<i>As received by Council on 23 January 2017 (Council electronic document D#802482).</i>	<i>23 January 2017</i>
<i><u>Internal Road Plan</u></i>	<i>As received by Council on 23 January 2017 (Council electronic document D#802482).</i>	<i>23 January 2017</i>
<i><u>Stormwater Drainage Plan</u></i>	<i>As received by Council on 23 January 2017 (Council electronic document D#802482).</i>	<i>23 January 2017</i>

2. Condition 3 is amended as follows:

*Noise Emissions*

3. Noise emissions from machinery and equipment operated at the approved facility must be within the following parameters.

Monday to Saturday: 7:00 am to 6.00pm, noise from machinery and equipment allowed; and

6:00 pm to 7:00 am, no audible noise permitted; and

Sundays and Public Holidays: 8:00 am to 6pm, noise from machinery and equipment allowed; and

6:00 pm to 8:00 am, no audible noise permitted.

~~not make an audible noise between 6:00 pm and 7:00 am Monday to Saturday, and 6:00 pm and 8:00 am on Sundays and Public Holidays.~~

3. Condition 4 is amended as follows:

*Environmental Management Plan*

4. The operation of the use must at all times abide by the following An Environmental Management Plan for the site must be prepared by a suitably qualified person with respect to the potential environmental impacts of the development and compliance with the Environmental Protection Act and subordinate legislation, Council's Local Law No 3 (Community and Environmental Management) 2011, the Biosecurity Act 2014, the Biosecurity Regulation 2016 and other relevant legislation. All workers attending the land are to be instructed on the plan. The plan is to include, but not be limited to the following:

- a. *Fire Management Plan.*

~~The stockpiling of mulch meets the Local Law No 3 (Community and Environmental Management) 2011 definition of a fire hazard. A "fire hazard" means anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire. The plan must include details of how the risk of spontaneous combustion of mulch stockpiles will be managed including the provision of a suitable water storage / supply that includes a 50 mm ball valve with a camlock fitting.~~

Under this Fire Management Plan:

- i. Stockpiles of accumulated vegetation are limited to a maximum horizontal dimension of 30m and a maximum height of 3m;
- ii. Stockpiles of mulch and blended materials are limited to a maximum horizontal dimension of 20m and a maximum height of 3m;
- iii. The minimum separation distance between stockpiles is 5m;
- iv. Stockpiles are not mechanically compacted. Stockpiles are to be broken-up, turned and sufficiently watered to prevent self-combustion;

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- v. Mulch piles are kept a minimum of 20m away from living vegetation, other than grass;
- vi. A fire break, minimum 5m wide, continuous around the stockpile area shall be maintained by mowing such that grass is a maximum of 10cm high;
- vi. Flammable liquids shall not be stored within 20m of any stockpile; and
- viii. A water storage/supply must be available and be fitted with a 50mm ball valve with a camlock fitting.

b. *Dust Mitigation Plan.*

*The operation of the approved development has potential to create a dust nuisance from vehicle movements and maintaining stockpiles of mulch and other materials (eg potting mixtures). ~~The plan must include details of how the generation of dust and other airborne materials will be minimized.~~*

*Under this Dust Mitigation Plan:*

- i. *Access tracks are periodically watered in times of dry weather such that no observable dust can be seen moving across nearby properties and/or transported onto the adjacent Trezise Road; and*
- ii. *Working of materials in times of dry weather shall be monitored for dust generation and if necessary dampened to minimise airborne material.*

c. *Stormwater Management Plan*

*Potential water contaminants contained on the site must be prevented from release to stormwater drainage and watercourses. Examples of water contaminants prescribed in the Environmental Protection Regulation include plant matter, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products. ~~The plan must include details of how potential contamination of stormwater runoff is prevented.~~*

*Under this Stormwater Management Plan:*

*The plan below will be installed and maintained where storm water run off from mulch piles will pass through 20m of grassed area and then run down gullies to soak pits. The design will be complimented with geotextile sediment fencing adjacent to the soak pits. The geotextile fencing is to be inspected regularly and cleared of debris when needed. The soak pits are to be inspected and cleared as is necessary to ensure sediment flows from the land are minimised.*



d. *Pest Control Plan*

*Materials stored at the approved facility may provide an environment suitable for breeding and harbourage of vermin, and mosquitoes which are vectors for Dengue and other mosquito-borne diseases. ~~The plan must include details of how the harbourage and breeding of designated pest species will be prevented.~~*

*Under this Pest Control Plan:*

- i. The site is monitored at least weekly for signs of vermin or greater than expected mosquito activity. In the event that nuisance causing or above expected activity is observed remediation actions are to be implemented; and*
- ii. The activity area is to be self-draining and no ponding created.*

e. *Electric Ant Management Plan*

*Electric Ant infestations have occurred in the area and a number of movement control areas are located in Port Douglas and Craiglie. Electric Ants are able to be spread via the movement of plant material. The plan ~~must include details of~~ requires measures to be put in place to: ensure the facility does not accept material sourced from movement control areas (~~see attached document movement control flow chart~~), and ~~what measures be put in place~~ to monitor the facility and respond to any identified presence of electric ants.*

*Under this Electric Ant Management Plan:*

- i. Signs must be erected at the entrance to the site PROHIBITING the bringing onto the land material that is sourced from land declared under the Plant Protection Act 1989 (Electric Ants) – including on that sign a diagram of the declared areas within the Shire;*

- ii. A sign must indicate that the land is private property and access is prohibited other than to authorised persons;
- iii. The operator must advise all persons authorised to bring material to the site, that bringing on to the land material that is sourced from land declared under the Plant Protection Act 1989 (Electric Ants) is prohibited; and
- iv. The operator must monitor the activity area for the presence of Electric Ants at least weekly and report the presence of Electric Ants to Biosecurity Queensland and Council forthwith if found and take such actions as required by Biosecurity Queensland.

f. *Weed Management Plan*

~~There are infestations of locally and State declared plants in the area which can be spread via the movement of propagating material such as seeds, tubers, cuttings etc. Examples of locally declared species are Hiptage beghalensis and Brillantasia lamium. Examples of State declared weed species in the area include Miconia spp, Siam weed, Thunbergia spp and African Tulip tree. The plan must include details of what measures will be put in place to ensure that the facility does not contribute to the distribution of declared plant propagation material.~~

Under this Pest Control Plan:

- i. Source material is delivered directly to stockpiles and not spread across other parts of the site;
- ii. Source material is to be piled into confined stockpiles at least weekly;
- iii. The activity area including the fire break is to be monitored for weed species monthly and the balance of the cleared part of the land monitored annually after the wet season; and
- iv. State and locally declared weed species are destroyed and/or appropriately disposed.

~~Two (2) copies of the Environmental Management Plan must be submitted and approved by the Chief Executive Officer prior to the Commencement of Use. The Environmental Management Plan must be implemented during the operation of the approved development, and copies of the Plan must be kept on site during hours of operation.~~

4. Condition 5 is amended as follows:

*Limitation on Number of Deliveries*

- 5. ~~The number of daily deliveries will be limited to a maximum of five (5) deliveries per day of green waste to the site and a maximum of five (5) delivered per day of processed material from the site utilising an up to eight (8) m<sup>3</sup> capacity truck. All vehicle trips to and from the land are to be conducted in daylight hours. The retailing or wholesaling of any material directly from the site is not permitted. All vehicle movements are limited to the entrance/exit off Trezise Road. The entry point to the Captain Cook Highway must be closed immediately on the effect of the Development Permit.~~

5. Condition 7 is amended as follows:

*External Works*

7. Undertake the following works external to the land at no cost to Council:

- a. Provision of a concrete crossover(s) and apron(s) in accordance with FNQROC Development Manual Standard Drawing S1105 *Typical Alternative Floodway Type Access* (there being no table drain at the entrance location) modified to approximately 6m long being the distance between the edge of the seal and the boundary.

Such work must be constructed in accordance with part a. above to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

6. Condition 10 is amended as follows:

*Air Emissions*

10. The operator must take all practical and feasible measures to prevent dust emissions or other air pollutants, including odours, ~~must not~~ extending beyond the boundary of the site and causing a nuisance to surrounding properties.

7. Condition 12 is amended as follows:

*Landscaping Plan*

12. Within six months of the Commencement of Use from the issue of this approval ~~The site must be landscaped whereby in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:~~

- a. Deep planting of a 6m wide setback areas adjacent to where the activity occurs on the land and generally to the road frontages to apply to both Captain Cook Highway and Trezise Road to generally screen the activities from the roads;
- b. Species to have regard to Council's Planning Scheme Policy No 7 Landscaping with an aim for a height of at least five (5) m height within five (5) years of the Commencement of Use. Landscaping is to provide for middle and upper canopy to screen the mulch piles;
- c. ~~Inclusion of any other relevant conditions included in this Development Permit.~~

~~Two (2) A1 copies and one (1) A3 copy of the landscape plan must be approved by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the approved plan prior to the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.~~

8. Condition 16 is amended as follows:

16. This Development Permit provides for the collection and storage of green waste, the tub grinding of the collected green waste, the storage of mulch and resultant soil/compost.

The Development permit also provides for the ancillary mixing of other soil and sand to mix with the mulch and soil/compost generated on the land provided any storage and mixing is setback behind the mulch piles. The extent of ancillary use is the manufacture of less than 200t of compost/soil conditioner in a year.

The production of 200t or more of compost and/or soil conditioner per year is considered a material change of use and requires a development approval.

~~does not approve the manufacturing of product or creation of soil conditioners as contemplated by the Development Application. Such an expansion may be considered as a Permissible Change under the Sustainable Planning Act dependant upon the nature and scale of such proposed operations. A determination as to whether such an expansion can be considered as a Permissible Change or whether a new Material Change of Use application will be required is a matter for Council to decide once details of such an expansion and the method of distribution and sale of the product is made known."~~

**Carried** Unanimously

- 5.3. CLIMATE CHANGE (COUNCIL OPERATIONS) GENERAL POLICY  
Nicola Learmond, Sustainability Officer

**Moved** Cr Leu

**Seconded** Cr Carey

*"That Council adopts the Climate Change (Council Operations) General Policy."*

**Carried** Unanimously

- 5.4. DOMESTIC AND FAMILY VIOLENCE REFUGE SIX MONTH UPDATE  
Lisa Golding, Community & Economic Development Officer

**Moved** Cr Leu

**Seconded** Cr Noli

*"That Council:*

- 1. notes the status report on advocacy to secure funding for a Domestic and Family Violence Refuge located in the Douglas Shire; and*
- 2. resolves to continue to advocate to State and Federal governments for a facility as described in the functional brief adopted by Council."*

**Carried** Unanimously

- 5.5. ADVANCE QUEENSLAND SCREEN INDUSTRY - FORMAL SUBMISSION  
Brendan Leishman, Senior Community & Economic Development Officer

**Moved** Cr Kerr

**Seconded** Cr Zammataro

*"That Council endorses the formal submission to the Advance Queensland 10-Year Roadmap for the Screen Industry."*

**Carried** Unanimously



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5.6. PORT DOUGLAS RESERVOIR PROJECT  
Scott Hahne, Principal Project Officer

**Moved** Cr Carey

**Seconded** Cr Noli

*“That Council receives and notes the progress of the Port Douglas Reservoir project.”*

**Carried** Unanimously

5.7. DISASTER MANAGEMENT REPORT 2017  
Paul Hoye, Manager Sustainable Communities

**Moved** Cr Noli

**Seconded** Cr Zammataro

*“That Council resolves:*

1. *in accordance with section 80 (1)(b) of the Disaster Management Act 2003, to approve the Local Disaster Management Plan October 2017;*
2. *in accordance with sections 33, 34 and 35 of the Disaster Management Act 2003 to appoint the following positions as members of the Local Disaster Management Group for the Douglas Shire Council area:*

<b>Position</b>	<b>Organisation</b>
<b>Chairperson - Mayor</b>	<b>Douglas Shire Council</b>
<b>Deputy Chairperson - Deputy Mayor</b>	<b>Douglas Shire Council</b>
<b>Local Disaster Coordinator - Manager Sustainable Communities</b>	<b>Douglas Shire Council</b>
<b>Chief Executive Officer</b>	<b>Douglas Shire Council</b>
<b>Deputy Local Disaster Coordinator- General Manager Corporate Services</b>	<b>Douglas Shire Council</b>
<b>Local Disaster Recovery Coordinator - To be appointed</b>	
<b>Community Support Officer - Community and Economic Development Officer</b>	<b>Douglas Shire Council</b>
<b>Media Advisor – Communications and Engagement Officer</b>	<b>Douglas Shire Council</b>
<b>Core Member - Manager Infrastructure</b>	<b>Douglas Shire Council</b>
<b>Core Member- General Manager Operations</b>	<b>Douglas Shire Council</b>
<b>Core Member – Team Leader Environmental Health</b>	<b>Douglas Shire Council</b>
<b>Core Member - OIC Port Douglas Station</b>	<b>Queensland Police Service</b>
<b>Core Member - Inspector, Far North Region</b>	<b>Queensland Fire &amp; Emergency Services</b>
<b>Core Member - Director of Nursing</b>	<b>Mossman Hospital</b>
<b>Core Member - Local Controller</b>	<b>State Emergency Service</b>
<b>Core Member - Regional Emergency Management Coordinator</b>	<b>Queensland Fire &amp; Emergency Services</b>
<b>Core Member - Business Development Executive</b>	<b>Tourism Port Douglas &amp; Daintree</b>
<b>Core Member - Officer In Charge, Mossman</b>	<b>Queensland Ambulance Service</b>

3. *to note the measures that have been undertaken to ensure that Council has a disaster response capability.*"

**Carried** Unanimously

- 5.8. FINANCIAL REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2017  
John Rehn, Manager Finance and IT

**Moved** Cr Leu

**Seconded** Cr Noli

*"That Council notes the Financial Report for the period ended 30 November 2017."*

**Carried** Unanimously

- 5.9 BUDGET REVIEW  
John Rehn, Manager Finance and IT

**Moved** Cr Noli

**Seconded** Cr Leu

*"That Council adopts the 2017/18 Revised Budget."*

**Carried** Unanimously

- 5.10. ORGANISATIONAL REPORT CARD SEPTEMBER 2017 - NOVEMBER  
2017  
Linda Cardew, Chief Executive Officer

**Moved** Cr Noli

**Seconded** Cr Kerr

*"That Council receives and notes the Organisational Report Card for the period September 2017 – November 2017."*

**Carried** Unanimously

- 5.11. GO DOUGLAS! 2017  
Contributions from all Douglas Shire Council teams  
Linda Cardew, Chief Executive Officer

**Moved** Cr Noli

**Seconded** Cr Kerr

*"That Council receives and notes the report and the 2017 Go Douglas! e-book."*

**Carried** Unanimously

6. NOTICES OF MOTION

Nil.

7. URGENT BUSINESS

Nil.

8. PETITIONS

NIL

***The meeting adjourned at 10.30am and resumed at 10.37am.***

9. CLOSED SESSION

**Moved** Cr Noli

**Seconded** Cr Kerr

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

- 9.1 Prejudicial matter S275(1)(H) Local Government Regulation 2012 – Council Grants Programs;*
- 9.2 Prejudicial matter S275(1)(H) Local Government Regulation 2012 – Australia Day Awards 2018; and*
- 9.3 Prejudicial matter S275(1)(H) Local Government Regulation 2012 – Acquisition of Land Situated Behind the Mossman Sewerage Treatment Plant.”*

**Carried** Unanimously

**MEETING WITHDRAWAL**

Cr Carey Declared a Conflict of Interest in regards to Item 9.2 due to having a relationship with a person nominated for an Award and withdrew from the Closed Session at 11.10am.

**MEETING RE-ATTENDANCE**

Cr Carey re-attended the Closed Session at 11.15am.

OUT OF CLOSED SESSION

**Moved** Cr Carey

**Seconded** Cr Zammataro

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

**Carried** Unanimously

- 9.1. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT  
REGULATION 2012 - COUNCIL GRANTS PROGRAMS  
Brendan Leishman, Senior Community & Economic Development Officer

**Moved** Cr Carey

**Seconded** Cr Kerr

*“That Council:*

- 1. does not approve one grant totalling \$3,190 (GST Exc) in the 2017 - 2018 Community Support Program;*
- 2. approves one grant totalling \$3,018 (GST Exc) in the 2017 - 2018 Event Funding Program;*

3. *delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to finalise any and all matters associated with the above approvals.”*

**Carried** Unanimously

9.2. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT  
REGULATION 2012 - AUSTRALIA DAY AWARDS 2018  
Fionnuala Blayney, Community & Economic Development Officer

Councillors determined that there were insufficient nominations for the Australia Day Awards and Civic Recognition Awards and decided to extend the closing date for award nominations.

**Moved** Cr Carey

**Seconded** Cr Noli

*“That Council defer the determination of the Australia Day Awards and Civic Recognition Awards for 2018 to a Special Council meeting to be held Wednesday 20 December 2017.”*

**Carried** Unanimously

9.3. PREJUDICIAL MATTER S275 (1) (H) LOCAL GOVERNMENT  
REGULATION 2012 - ACQUISITION OF LAND SITUATED BEHIND THE  
MOSSMAN SEWERAGE TREATMENT PLANT  
Graham Busby, Property Officer

**Moved** Cr Leu

**Seconded** Cr Noli

*“That Council:*

1. *acquires either by deed of agreement to acquisition or by agreement under section 15 of the Acquisition of Land Act 1967 approximately 1.5479 hectares of land being lots 165-167 on N157119, Junction Road Mossman, subject but not limited to:*
  - *the purchase price to be determined by way of market value as determined by a registered Valuer or as negotiated by the Chief Executive Officer, noting the contents of this report; and*
  - *Council being responsible for all costs associated with the matter including, but not limited to valuation, preparation of deed, stamp duty and transfer registration fees.*
2. *If need be, commence compulsory acquisition in accordance with the Acquisition of Land Act 1967 in order to acquire approximately 1.5479 hectares of land being lots 165-167 on N157119, Junction Road Mossman, for sewerage purposes, should agreement to acquisition of the lots not be finalised or nearing completion within twelve (12) months of the date of this resolution; and*
3. *delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to:*
  - a. *determine and finalise at Council's cost any and all matters associated with the acquisition and to execute any agreements, deeds and plans; and*

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- b. *Sign and serve the necessary Notice of Intention to Resume on Council's behalf and the power to conduct any objection hearing convened pursuant to sections 7 and 8 of the Acquisition of Land Act 1967 and finalise any and all subsequent actions to complete the resumption, should that be required."*

Carried Unanimously

CLOSURE OF MEETING

The meeting closed at 11.40am.

CONFIRMED THIS 30<sup>TH</sup> DAY OF JANUARY 2018.

  
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MAYOR/CHAIR