



*Minutes of the Development & Environment  
Standing Committee of the Council  
27 August 2007  
commencing at 10:49 am*

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**PRESENT**

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

**Staff** – J F Leu (Acting Chief Executive Officer), P J Trotman (General Manager Development & Environment), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), L Stayte (Acting Manager Planning), P J Cymbala (Acting General Manager Engineering), J R Evans (Manager Building), A M Rodgers (Manager Corporate Support), R L Jago (Environmental Officer), M R Henderson (Assistant Planning Officer) and S K Andrews (Corporate Support).

**APOLOGY**

An apology was received from Cr J Sciacca of his inability to attend the meeting due to his attendance at the Institute of Public Works Engineering Australia Conference.

**07/0827/10      DECLARATIONS OF INTEREST**

There were no declarations of interest presented to the meeting.

**07/0827/11      MINUTES**

Moved Cr Berwick

Seconded Cr Cox

*“That the minutes of the Development & Environment Standing Committee Meeting held on 7 August 2007 be confirmed subject to an amendment being made to the conflict of interest notation regarding item 07/0807/18 – CA61 & CA69 – Lot 83 SR724, Beor Street, Craiglie – Request for a Negotiated Decision Notice: that Cr Davis declared a perceived conflict of interest.”*

**Carried** unanimously



## **REPORTS**

### **07/0827/11A PROCEDURAL MOTION – ADOPTION OF RECOMMENDATIONS**

Moved Cr Cox

Seconded Cr Berwick

*“That the Development & Environment Standing Committee of the Council adopts the recommendations of the Council officers for items 07/0827/15 – TPC1167 – Lot 4 RP738564, 1-7 Craven Close, Port Douglas – Request to Extend Currency Period; 07/0827/16 – Rates Incentives for Conservation Purposes Policy 2007; 07/0827/17 – ROL 002/07 – Lot 3 RP720296, Junction Road, Mossman – Request for Part Refund of Application Fee For Development Approval; and 07/0827/20 – Awarding of Tender No 77-06/07 – Sale of Food and Drink (Mobile Service), Northern End, Four Mile Beach, Port Douglas; namely:*

### **07/0827/15 TPC1167 – LOT 4 RP738564, 1-7 CRAVEN CLOSE, PORT DOUGLAS – REQUEST TO EXTEND CURRENCY PERIOD**

#### **OFFICER’S RECOMMENDATION**

*That Council approves the request to extend the currency period for approved development TPC 1167 for a caretaker’s residence on land described as Lot 4 on RP738564, Parish of Salisbury, and located at 1-7 Craven Close, Port Douglas, for a further twelve (12) months.*

### **07/0827/16 RATES INCENTIVES FOR CONSERVATION PURPOSES POLICY 2007**

#### **OFFICER’S RECOMMENDATION**

*That Council adopts the ‘Rates Incentives for Conservation Purposes Policy 2007’ as outlined in the Environmental Officer’s report.*

### **07/0827/17 ROL 002/07 – LOT 3 RP720296, JUNCTION ROAD, MOSSMAN – REQUEST FOR PART REFUND OF APPLICATION FEE FOR DEVELOPMENT APPROVAL**

#### **OFFICER’S RECOMMENDATION**

*That Council approves the request for a refund of \$4 348, being part of the application fee for development approval ROL 002/07 for Reconfiguration of a Lot (29 Lot Residential Subdivision and Open Space) on land described as Lot 3 on RP720296, Parish of Victory, and located at Junction Road, Mossman.*



07/0827/20      AWARDING OF TENDER NO 77-06/07 – SALE OF FOOD AND DRINK (MOBILE SERVICE), NORTHERN END, FOUR MILE BEACH, PORT DOUGLAS

**OFFICER'S RECOMMENDATION**

*That Council awards Tender No 77-06/07 for the Sale of Food and Drink (Mobile Service), Northern End, Four Mile Beach, Port Douglas, to Sharon Beechey and Roderick Woods, trading as Beaches Café, for the period 1 September 2007 – 31 August 2012, subject to approval by the Manager Environmental Health of equipment used, and food and drink sold, in the operation of the business."*

**Carried** unanimously

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Cox

Seconded Cr Pitt

07/0827/20A      *"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 item 07/0827/12 – MCUI 003/07 – Lot 237 RP740952, Stonewood Road, Diwan – Application for Compensation." (10:54 am)*

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

The Manager Corporate Support, Ann-Marie Rodgers, withdrew from the meeting at 11:00 am and re-attended at 11:01 am.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Egan

Seconded Cr Bellerio

07/0827/20B      *"That the meeting be re-opened to the public." (11:09 am)*

**Carried** unanimously

07/0827/12      MCUI 003/07 – LOT 237 RP740952, STONEWOOD ROAD, DIWAN – APPLICATION FOR COMPENSATION

Moved Cr Egan

Seconded Cr Berwick

*"That Council:*

- 1. refuses the applicant's claim for compensation in the amount of \$85 000 for land described as Lot 237 RP740952, Parish of Alexandra, and located at Stonewood Road, Diwan, and makes an offer of compensation to the*



applicant in the amount of \$70 000 in accordance with the findings of the report prepared by Herron Todd White Valuers;

2. advises the Environmental Protection Agency to remit appropriate compensation to the applicant in accordance with the draft Memorandum of Understanding;
3. updates the Conservation Precinct Register to record that the landowner's development status is changed to 'compensated'; and
4. reviews the rates on properties without development rights."

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

Against: Cr Bellerio

Carried

07/0827/13 MCUI 004/07 – LOT 2 SR886, 'SURF CLUB PARK', CNR THE ESPLANADE AND MOWBRAY STREETS, PORT DOUGLAS – MATERIAL CHANGE OF USE FOR PUBLIC UTILITIES AND FACILITIES

Moved Cr Pitt

Seconded Cr Cox

"That Council:

1. approves the application for a Material Change of Use for the construction of public utilities and facilities (bunkhouse and ancillary restaurant) on land described as Lot 2 on SR886, Parish of Salisbury, and located at Cnr the Esplanade and Mowbray Street, Port Douglas, subject to the conditions in the Planning Officer's report; and
2. includes a condition that the part of the esplanade in front of the clubhouse be landscaped and maintained by the applicant."

ATTENDANCE/WITHDRAWAL

The Manager Environmental Health, Paul Hoye, attended the meeting at 11:15 am.

ADDRESSING OF THE COUNCIL BY A MEMBER OF THE GALLERY

With the agreement of the meeting, Mr Jason Fasano, representing the Port Douglas Surf Life Saving Club, was invited to address the Council regarding some issues involved with item 07/0827/13 – MCUI 004/07 - Lot 2 SR886, 'Surf Club Park', Cnr the Esplanade and Mowbray Streets, Port Douglas – Material Change of Use for Public Utilities and Facilities. Mr Fasano was



thanked by the Chair for his attendance at the meeting and he returned to the gallery.

ATTENDANCE/WITHDRAWAL

The Manager Building, Jeff Evans, withdrew from the meeting at 11:32 am and re-attended at 11:37 am.

Voting on item 07/0827/13 then took place:

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

07/0827/14 REQUEST TO ASSESS EIGHTEEN (18) MATERIAL CHANGE OF USE APPLICATIONS SUBMITTED BY THE AUSTRALIAN RAINFOREST FOUNDATION UNDER THE SUPERSEDED PLANNING SCHEME

Moved Cr Davis

Seconded Cr Berwick

*“That Council refuses the request to assess the following eighteen (18) applications, submitted by the Australian Rainforest Foundation, under the Douglas Shire Superseded Planning Scheme:*

- MCUI 018/07 - Lot 462 on RP742053 (Black Bean Road, Cow Bay)
- MCUI 026/07 - Lot 467 on RP742053 (Black Bean Road, Cow Bay)
- MCUI 019/07 - Lot 468 on RP742051 (Black Bean Road, Cow Bay)
- MCUI 028/07 - Lot 161 on RP738596 (Candlenut Road, Diwan)
- MCUI 034/07 - Lot 162 on RP738596 (Candlenut Road, Diwan)
- MCUI 030/07 - Lot 166 on RP738596 (Candlenut Road, Diwan)
- MCUI 029/07 - Lot 247 on RP738596 (Candlenut Road, Diwan)
- MCUI 033/07 - Lot 170 on RP740657 (Cape Tribulation Road, Diwan)
- MCUI 017/07 - Lot 445 on RP738994 (Cape Tribulation Road, Diwan)
- MCUI 032/07 - Lot 452 on RP738994 (Cape Tribulation Road, Diwan)
- MCUI 024/07 - Lot 245 on RP738592 (Carbeen Road, Diwan)
- MCUI 031/07 - Lot 187 on RP740951 (Stonewood Road, Diwan)
- MCUI 016/07 - Lot 213 on RP740953 (Turpentine Road, Diwan)
- MCUI 036/07 - Lot 214 on RP740953 (Turpentine Road, Diwan)
- MCUI 020/07 - Lot 223 on RP740953 (Turpentine Road, Diwan)
- MCUI 035/07 - Lot 225 on RP740953 (Turpentine Road, Diwan)
- MCUI 023/07 - Lot 232 on RP740953 (Turpentine Road, Diwan)
- MCUI 025/07 - Lot 233 on RP740953 (Turpentine Road, Diwan).”





ATTENDANCE/WITHDRAWAL

The Acting Manager Planning, Louise Stayte, withdrew from the meeting at 11:49 am and re-attended at 11:51 am.

**Carried** unanimously

PURCHASE AND COMPENSATION – DAINTREE/CAPE  
TRIBULATION COAST

Moved Cr Berwick

Seconded Cr Davis

07/0827/14A

*“That Council requests the federal and state governments meet urgently to negotiate an agreed way forward on the question of purchase and compensation on the Daintree/Cape Tribulation Coast.”*

PROCEDURAL MOTION

Moved Cr Egan

Seconded Cr Berwick

07/0827/14B

*“That item 07/0827/14A lies on the table to facilitate a briefing of the Council on the proposal to bottle and market water as a joint venture between Douglas Shire Council and Kristevfourspace Ussy Pty Ltd, by Gordon Edwards, Managing Director, Kristevfourspace Ussy Pty Ltd.”*

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

Against: Cr Davis

**Carried**

ADJOURNMENT OF THE MEETING

The meeting adjourned at 11:59 am to facilitate the briefing of the Council by Gordon Edwards, Managing Director, Kristevfourspace Ussy Pty Ltd, on the proposal to bottle and market water as a joint venture between Douglas Shire Council and Kristevfourspace Ussy Pty Ltd.

RESUMPTION OF THE MEETING

The meeting resumed at 12:33 pm without the attendance of the Acting Manager Planning and the Manager Environmental Health.

Voting on item 07/0827/14A – Purchase and Compensation – Daintree/Cape Tribulation Coast, then took place:

For: Cr Berwick, Davis, Cox, Pitt,

Against: Cr Bellerio, ~~Pitt~~, Egan (Amended 18/09/07 – item 07/0918/17)

**Carried**



AUSTRALIAN RAINFOREST FOUNDATION INCOME AND EXPENDITURE

Moved Cr Berwick

Seconded Cr Davis

07/0827/14C

*"That Council requests a full account of the Australian Rainforest Foundation public income and expenditure be made public."*

ATTENDANCE/WITHDRAWAL

The Environmental Officer re-attended the meeting at 12:42 pm.

The Manager Building withdrew from the meeting at 12:45 pm.

For: Cr Berwick, Davis, Cox

Against: Cr Egan, Bellerio, Pitt

**Carried** on the casting vote of the Chair

AUSTRALIAN RAINFOREST FOUNDATION – REVOLVING FUND

Moved Cr Berwick

Seconded Cr Davis

07/0827/14D

*"That Council supports the concept of a revolving fund as proposed by the Australian Rainforest Foundation in the areas designated for development but not in the conservation areas."*

ATTENDANCE/WITHDRAWAL

The Manager Building re-attended the meeting at 12:50 pm.

The General Manager Finance & Administration, withdrew from the meeting at 1:00 pm.

For: Cr Berwick, Davis, Cox

Against: Cr Egan, Bellerio, Pitt

**Carried** on the casting vote of the Chair

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer, Julia Leu, withdrew from the meeting at 1:05 pm.

AUSTRALIAN RAINFOREST FOUNDATION – OPPOSITION TO USE  
OF STATE’S ALLOCATED RESERVE FOR COMPENSATION

Moved Cr Berwick

Seconded Cr Davis

07/0827/14E

*“While Council recognises the legal right of the Australian Rainforest Foundation to claim compensation in principle, it opposes the morality of the money coming from the state’s allocated reserve for purchase and compensation.”*

For: Cr Berwick, Davis, Cox

Against: Cr Egan, Bellerio, Pitt

**Carried** on the casting vote of the Chair

ATTENDANCE/WITHDRAWAL

The Mayor, Cr Berwick, withdrew from the meeting at 1:10 pm. The General Manager Finance & Administration re-attended the meeting at this time.

07/0827/18

TPC 1102 – LOT 1 RP850453, ‘COCONUT GROVE’, 56-64 MACROSSAN  
STREET, PORT DOUGLAS – LOCATION OF CONSTRUCTION  
HOARDING

Moved Cr Egan

Seconded Cr Pitt

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer and the Acting Manager Planning re-attended the meeting at 1:11 pm.

*“That Council agrees to the location of construction hoarding on land described as Lot 1 RP850453, Parish of Salisbury, and located at 56-64 Macrossan Street, Port Douglas, as illustrated in the Manager Building’s report and subject to the following conditions:*

- 1. that Matrix Builders maintain public liability insurance over the area, naming Douglas Shire Council as an insured party;*
- 2. that Matrix Builders maintain the pedestrian pathway to ensure safety at all times; and*
- 3. that no advertising signage be permitted in the road reserve.”*

For: Cr Egan, Pitt, Cox, Bellerio

Against: Cr Davis

**Carried**





BUILDERS' RENTAL OF FOOTPATH AND ROAD RESERVES

Moved Cr Davis

07/0827/18A *"That Council develops a policy for builders' rental of footpath and road reserves."*

**Lapsed** for want of a seconder

07/0827/19 COMMERCIAL RECREATION PERMIT – HORSE-DRAWN CARRIAGE BUSINESS, PORT DOUGLAS

Moved Cr Egan

Seconded Cr Bellerio

*"That Council awards a commercial recreation permit to Andalusian Horse and Carriage Company to conduct a horse-drawn carriage business in Port Douglas for an initial trial period of six (6) months."*

ATTENDANCE/WITHDRAWAL

The Acting Manager Planning and the Manager Building withdrew from the meeting at 1:19 pm.

The Acting Manager Planning and the Manager Environmental Health re-attended the meeting at 1:20 pm.

The Mayor re-attended the meeting at 1:21 pm.

For: Cr Egan, Bellerio, Cox, Berwick,

Against: Cr Davis, Pitt

**Carried**

**NOTICES OF MOTION**

There were no notices of motion presented to the meeting.

TERMINATION OF THE MEETING

The meeting was closed at 1.28 pm.

Presented to and confirmed by the Development & Environment Standing Committee of the Council on the *eighteenth* day of *September* 2007.

**M J Cox**  
**Chair**