



*Minutes of the Development & Environment
Standing Committee of the Council
11 December 2007
commencing at 2:44 pm*

PRESENT

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

Staff – J F Leu (Acting Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), P M Hoye (Acting General Manager Development & Environment), R J Baade (General Manager Engineering), J R Allen (Strategic Planner) and S K Andrews (Corporate Support).

APOLOGY

An apology was received from Cr Pitt for his inability to attend the meeting.

07/1211/26 DECLARATIONS OF INTEREST

The Mayor received and read to the meeting Declarations of Interest tabled as follows:-

Item No	Councillor/Officer	Details of Interest
07/1211/28	M P Berwick	Share in land accessed by Flame Tree Road.

07/1211/27 CONFIRMATION OF MINUTES – 20 NOVEMBER 2007

Moved Cr Cox

Seconded Cr Berwick

“That the minutes of the Development & Environment Standing Committee Meeting held on 20 November 2007 be confirmed.”

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 2:49 pm and re-attended at 2:50 pm.

REPORTS

07/1211/27A ADOPTION OF RECOMMENDATIONS

Moved Cr Berwick

Seconded Cr Egan

"That the Development & Environment Standing Committee of the Council adopts the recommendations of the Council officers for items 07/1211/29 – Delegation Under the Food Act 2006; 07/1211/31 – Open Space Contributions for Rural Settlement Subdivisions; 07/1211/36 – TPC 1106 & SUB 012/04 – Lot 5 RP804926, 20-30 Langley Road, Port Douglas – Request to Extend Currency Period; 07/1211/37 – TPC 1268 – Lot 2 RP741071, Cape Tribulation Road, Cape Tribulation – Material Change of Use for a Wildlife Interpretive Facility; 07/1211/38 – TPC 1116 – Lot 111 PTD2091, 23 Murphy Street, Port Douglas – Application to Change Conditions of Development Approval; 07/1211/47 – Douglas Shire Council Sustainable Building Project; namely:

07/1211/29 DELEGATION UNDER THE FOOD ACT 2006

OFFICER'S RECOMMENDATION

That the Committee:

- 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:
 - Chapter 3 – Part 3, Part 4, Part 5, Part 6; and
 - Chapter 4 - Part 2, Part 3, Part 4, Part 5, of the Food Act 2006.*
- 2. 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 Programme.*

07/1211/31 OPEN SPACE CONTRIBUTIONS FOR RURAL SETTLEMENT SUBDIVISIONS

OFFICER'S RECOMMENDATION

That the Committee:

- 1. supports the introduction of a discounted Open Space Contributions for Rural Settlement Subdivisions for an interim period pending inclusion in the Planning Scheme of infrastructure charges set by the Priority Infrastructure Plan (PIP) and Infrastructure Charges Schedule (ICS);*
- 2. adopts a formula of fifty (50) % of the existing requirement for calculation of Parkland Contributions for Rural Settlement Subdivisions pending introduction of a final charge in the forthcoming PIP and ICS;*

3. *authorises staff to undertake or supervise a consultant to conduct the following tasks on Council's behalf:*
 - a. *prepare an amendment to the planning scheme policy under Section 2.1.19 and 6.1.20 of the Integrated Planning Act 1997 to put in place the above discounted, pre-PIP Open Space Contributions for Rural Settlement Planning Area Subdivision for a rural settlement use;*
 - b. *notify the public of the draft planning scheme policy in accordance with the requirements of Schedule Three (3) of the Integrated Planning Act 1997; and*
 - c. *prepare reports on public submissions for the Council's consideration.*

07/1211/36 TPC 1106 & SUB 012/04 – LOT 5 RP804926, 20-30 LANGLEY ROAD, PORT DOUGLAS – REQUEST TO EXTEND CURRENCY PERIOD

OFFICER'S RECOMMENDATION

That the Committee approves the request to extend the currency period for approved development TPC 1106 for 35 multiple dwellings (tourist), consisting of 12 x 2 bed units, 20 x 3 bed units, 3 x 4 bed units, caretakers residence with attached office, porte cochere, recreation area including café, BBQ, terrace, gym, health spa, pools and ancillary uses; and SUB 012/04 for Reconfiguration of a Lot for the purpose of 36 volumetric lots (including common property) on land described as Lot 5 on RP804926, Parish of Salisbury, and located at 20-30 Langley Road, Port Douglas, for a further twelve (12) months.

07/1211/37 TPC 1268 – LOT 2 RP741071, CAPE TRIBULATION ROAD, CAPE TRIBULATION – MATERIAL CHANGE OF USE FOR A WILDLIFE INTERPRETIVE FACILITY

OFFICER'S RECOMMENDATION

That the Committee approves application TPC 1268 for a Material Change of Use for the purpose of a wildlife interpretive facility, on land described as Lot 2 on RP741071, Parish of Alexandra, and located at Cape Tribulation Road, Cape Tribulation, 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 generally 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 Snake Enclosure for CS Gray Pty Ltd Lot 2 Cape Tribulation Road, Cape Tribulation Mike Hoare Architects</i> <ul style="list-style-type: none"> - <i>Floor Plan</i> - <i>Front and Rear Elevation</i> - <i>Northern and Southern Elevation</i> - <i>Section A and B</i> - <i>Site Plan</i> - <i>Site Plan</i> 	<i>SP01 Issue A SP02 Issue A SP03 Issue A SP04 Issue A SP05 Issue A SP06 Issue A</i>	<i>14/8/2006</i>
<i>Proposed Sign for CS Gray Pty Ltd</i>	<i>Referred to as Figure 9 in Attachment 1</i>	<i>N/A</i>

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

- (a) *External colours of the house are to be in accordance with the colour schedule endorsed by Council. The colour scheme is to be provided within prior to the issuing of an approval for building work.*
- (b) *The approved advertising sign is to be located on the subject site or the boundary of the subject site.*

Currency Period

- 2. *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.*

Landscaping

- 3. *The landscaping plan submitted with the proposed development referenced as:*

<i>Title</i>	<i>Plan No</i>	<i>Date</i>
<i>Proposed Snake Enclosure for CS Gray Pty Ltd Lot 2 Cape Tribulation Road, Cape Tribulation Vic Preston Landscaping Designer</i> <ul style="list-style-type: none"> - <i>Site Plan</i> - <i>Area A</i> - <i>Area B</i> - <i>Area C</i> - <i>Area D</i> 	<i>L02(A) L03(A) L04(A) L05(A) L06(A)</i>	<i>Aug 2007</i>

- Area E	L07(A)	
- Notes and Scheduling	L08(A)	

has been approved, as part of this development, subject to the following amendments:

- a) Incorporate species listed and amendments referred to in Response to Information Request dated 26 February 2007.
- b) A ten (10) m wide area along the front boundary for a length of fifty (50) m extending north from the southern boundary is to be revegetated with screening vegetation comprised of endemic species.
- c) A five (5) m wide area along the southern boundary for a length of fifty (50) m extending east from the western boundary is to be revegetated with screening vegetation comprised of endemic species.

The amended plan is to be submitted to Council prior to obtaining a building works permit.

Water Supply

4. 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:
 - a) Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than on (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;
 - d) Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than forty (40) cm; and
 - e) The water tank(s) shall be fitted with a fifty (50) mm ball valve with a camlock fitting.

Sewerage

5. 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.

Roadworks

6. *The developer is to undertake the following roadworks external to the site in accordance with the requirements of the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual:*
 - (a) *A vehicle crossover in the road reserve is to be constructed to the FNQROC Development Manual standard (Drawing No 1105).*
7. *All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with, this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.*

Access Driveway & Car Parking

8. *The onsite driveway and car parking area with a minimum of eight (8) car spaces and three (3) bus spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.*

Compliance

9. *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.*

Security

10. *To guarantee the satisfactory completion of the landscaping, the developer shall lodge with the Council a cash bond or guarantee to the value of \$5 000. Such guarantee shall be lodged prior to the issue of a Building Work Permit. The Council may call up this guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so prior to issuing a permit for building work.*

07/1211/38 TPC 1116 – LOT 111 PTD2091, 23 MURPHY STREET, PORT DOUGLAS – APPLICATION TO CHANGE CONDITIONS OF DEVELOPMENT APPROVAL

OFFICER'S RECOMMENDATION

That the Committee deletes conditions (first) 1, 3, 4 and 9 and approves the request to amend Conditions 2 and 8 of a Material Change of Use approval (TPC 1116) to permit the development of three (3) multiple dwellings (residential) on

land described as Lot 111 on PTD2091, Parish of Salisbury, and located at 23 Murphy Street, Port Douglas, to read as follows:

Condition 2

The development of the premises must proceed generally in accordance with the following approved Plans created by PCA Architects submitted with the application for a Change of Conditions to Development Permit TPC1116:

TITLE	PLAN NO	DATE
Site Plan	DA01 Issue C	Sept 2007
Foundation Level Plan	DA02 Issue CA	Sept 2007
Lower Level Plan	DA03 Issue A	Sept 2007
Upper Level Plan	DA04 Issue C	Sept 2007
Section	DA05 Issue A	Sept 2007
Elevations	DA06 Issue A	Sept 2007
Elevations	DA07 Issue A	Sept 2007

Condition 8

The landscaping plan number CP-01, CP-02 and CP-03 (Job No 803) dated 1 November 2007, developed by Pawsey & Prowse is approved.

Advice Statement

Approval should be sought from Council's Engineering Services prior to the planting of approved landscaping in the Murphy Street road reserve area in order to ensure any existing or proposed underground infrastructure is not impacted on by the landscaping.

07/1211/47 DOUGLAS SHIRE COUNCIL SUSTAINABLE BUILDING PROJECT

OFFICER'S RECOMMENDATION

That the Committee endorses the proposed Daintree Coast Community Centre as a sustainable multi-purpose building and part of the Douglas Shire Council Sustainable Building Project."

Carried unanimously

CONFLICT OF INTEREST

Having previously declared a conflict of interest in the following matter, the Mayor, Cr Berwick, chose to remain in the meeting and vote, as there was no material personal interest involved with the matter.

07/1211/28 BLUE HOLE MANAGEMENT PLAN

Moved Cr Berwick

Seconded Cr Davis

"That the Committee:

- 1. adopts the draft Blue Hole Management Plan, with the amendment that the term 'Blue Hole' be replaced with the term 'Kaba Gada';*
- 2. implements the plan following the process described in the Blue Hole Reserve Draft Management Plan Consultation Report;*
- 3. that the proposed use of the reserve be for cultural and environmental reasons, rather than for recreational reasons."*

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer, Julia Leu, withdrew from the meeting at 2:58 pm.

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

Against: Cr Sciacca

Carried

07/1211/30 ENVIRONMENTAL PROTECTION (WATER) POLICY

Moved Cr Berwick

Seconded Cr Cox

"That the Committee:

- 1. varies the term of the Memorandum of Understanding (MoU), which expires on 31 December 2007, for a further one (1) year, and the Douglas Shire Council commits to subdelegate the powers delegated to it under the Environmental Protection Act 1994 to Council officers Jeff Evans, John Bruce, Michael Jorgensen, Greg Spencer, Paul Hoye, Enzo Picerni, Grant Philp, Kelly Morris, Gary Aylett, Robert Jago, Louise Stayte, Michelle Henderson and Terry Clark; and*
- 2. appoints the abovementioned officers as authorised officers under the Environmental Protection Act 1994, subject to the limitations provided by the Instrument of Delegation and to be responsible for the areas as outlined below for the purposes of carrying out investigations and enforcement under the Environment Protection (WATER) Policy 1997 (Water EPP):-*

- ***Building work –***

Building Services staff – John Bruce, Michael Jorgensen, Jeff Evans, Greg Spencer

- ***Clearing, driveways, development sites –***

Environmental Officers – Robert Jago, Greg Spencer, Jeff Evans

Planning Officers - Louise Stayte, Michelle Henderson, Greg Spencer, Jeff Evans

Development and Construction Engineer – Terry Clark, Greg Spencer, Jeff Evans

- ***Environmentally Relevant Activities, Incidents involving Dickson Inlet, general complains relating to domestic discharges, other commercial discharges –***

Environmental Health staff – Paul Hoye, Enzo Picerni, Grant Philp, Gary Aylett, Kelly Morris, Greg Spencer, Jeff Evans.”

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration, Ian Barton, withdrew from the meeting at 3:03 pm.

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer and the General Manager Finance & Administration re-attended the meeting at 3:05 pm.

07/1211/32 SUBMISSION ON FAR NORTH QUEENSLAND 2025 REGIONAL PLANNING

Moved Cr Berwick

Seconded Cr Cox

“That the Committee adopts the following submission to the Deputy Premier, Hon Paul Lucas MP, Minister for Infrastructure and Planning, on the yet-to-be-released Far North Queensland Regional Plan (FNQ2025):

- a. The Douglas Shire Council notes that the draft Far North Queensland Regional Plan (FNQ2025) is scheduled for release for comment in April 2008, after the Council merger, and submits the following comments.*
- b. During the preparation of the current Douglas Shire Planning Scheme in 2006, the then Minister for Planning, Hon Desley Boyle MP, required deletion of the Council’s proposal to designate land at Rocky Point (land described as Lot 7 on SP188709, Parish of Whyanbeel, and located at Mossman-Daintree Road, Rocky Point) as Rural Settlement, rather than the current Rural Planning Area designation.*
- c. Minister Boyle advised Council that the matter could be re-examined as part of a Rural Land Use Study that Council was to conduct.*
- d. However, in the meantime the Government’s FNQ2025 regional plan process has intervened and could, potentially, override this and other planning policy matters Council had resolved to address.*
- e. The correspondence and Council resolutions relating to the Rocky Point land have been drawn to the attention of Department staff preparing the draft FNQ2025 plan.”*

ATTENDANCE/WITHDRAWAL

The General Manager Community & Corporate, David Carey, withdrew from the meeting at 3:06 pm and re-attended at 3:24 pm.

The General Manager Community & Corporate withdrew from the meeting at 3:30 pm.

An amendment to the motion was moved:

Moved Cr Davis

Seconded Cr Egan

07/1211/32

“That the Committee adopts the following submission to the Deputy Premier, Hon Paul Lucas MP, Minister for Infrastructure and Planning, on the yet-to-be-released Far North Queensland Regional Plan (FNQ2025):

- a. The Douglas Shire Council notes that the draft Far North Queensland Regional Plan (FNQ2025) is scheduled for release for comment in April 2008, after the Council merger, and submits the following comments.*
- b. During the preparation of the current Douglas Shire Planning Scheme in 2006, the then Minister for Planning, Hon Desley Boyle MP, required deletion of the Council’s proposal to designate land at Rocky Point (land described as Lot 7 on SP188709, Parish of Whyanbeel, and located at Mossman-Daintree Road, Rocky Point) as Rural Settlement, rather than the current Rural Planning Area designation.*
- c. Minister Boyle advised Council that the matter could be re-examined as part of a Rural Land Use Study that Council was to conduct.*
- d. However, in the meantime the Government’s FNQ2025 regional plan process has intervened and could, potentially, override this and other planning policy matters Council had resolved to address.*
- e. Council requests your consideration of the inclusion of the ‘Six Centres of Environmental Excellence’ in an appropriate statutory regional plan designation given Council’s earlier resolution to pursue a Planning Scheme Rural Settlement designation.*
- f. The correspondence and Council resolutions relating to the Rocky Point land have been drawn to the attention of Department staff preparing the draft FNQ2025 plan.”*

For: Cr Davis, Egan

Against: Cr Berwick, Cox, Bellerio, Sciacca

Lost

Moved Cr Davis

Seconded Cr Egan

07/1211/32(i)

“That the Committee adopts the following submission to the Deputy Premier, Hon Paul Lucas MP, Minister for Infrastructure and Planning, on the yet-to-be-released Far North Queensland Regional Plan (FNQ2025):

- a. The Douglas Shire Council notes that the draft Far North Queensland Regional Plan (FNQ2025) is scheduled for release for comment in April 2008, after the Council merger, and submits the following comments.*
- b. During the preparation of the current Douglas Shire Planning Scheme in 2006, the then Minister for Planning, Hon Desley Boyle MP, required deletion of the Council’s proposal to designate land at Rocky Point (land described as Lot 7 on SP188709, Parish of Whyanbeel, and located at Mossman-Daintree Road, Rocky Point) as Rural Settlement, rather than the current Rural Planning Area designation.*
- c. Minister Boyle advised Council that the matter could be re-examined as part of a Rural Land Use Study that Council was to conduct.*
- d. However, in the meantime the Government’s FNQ2025 regional plan process has intervened and could, potentially, override this and other planning policy matters Council had resolved to address.*
- e. Council requests your consideration of the inclusion of the Rocky Point land and the ‘Six Centres of Environmental Excellence’ in an appropriate statutory regional plan designation, given Council’s earlier resolution to pursue a Planning Scheme Rural Settlement designation.*
- f. The correspondence and Council resolutions relating to the Rocky Point land have been drawn to the attention of Department staff preparing the draft FNQ2025 plan.”*

ATTENDANCE/WITHDRAWAL

The Acting Manager Planning, Louise Stayte, attended the meeting at 3:44 pm.

For: Cr Davis, Egan, Bellerio, Sciacca

Against: Cr Berwick, Cox

Carried

ATTENDANCE/WITHDRAWAL

The Strategic Planner, Jim Allen, withdrew from the meeting at 3:46 pm.

The General Manager Engineering, Bob Baade, withdrew from the meeting at 3:48 pm.

07/1211/33 MCUI 002/06 – LOT 3 SP183025, CAPTAIN COOK HIGHWAY, KILLALOE – REQUEST TO AMEND DECISION NOTICE

Moved Cr Sciacca

Seconded Cr Berwick

“That the Committee approves the request to delete conditions 17 and 19; approves the request to amend condition 14 and approves a new condition 17 for application MCUI 002/06 for a dredge spoil disposal facility on land described as Lot 3 on SP183025, Parish of Salisbury, and located at Captain Cook Highway, Killaloe, as follows:

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 or facilities on the premises associated with the development must generally be in accordance with the details of the application and the following approved Plans of Development:*

TITLE	PLAN NO	DATE
<i>General Notes, Drawing Index and Locality Plan</i>	<i>BNN004.003-C-DWG-001</i>	<i>11/07/06</i>
<i>General Arrangement</i>	<i>BNN004.003-C-DWG-002</i>	<i>11/07/06</i>
<i>Setout Plan</i>	<i>BNN004.003-C-DWG-003</i>	<i>11/07/06</i>
<i>Typical Sections</i>	<i>BNN004.003-C-DWG-004</i>	<i>11/07/06</i>
<i>Drainage Plan</i>	<i>BNN004.003-C-DWG-005</i>	<i>11/07/06</i>
<i>Perimeter Drain Longitudinal Sections</i>	<i>BNN004.003-C-DWG-006</i>	<i>11/07/06</i>
<i>Outlet to Existing Channel Plan, Section & Details</i>	<i>BNN004.003-C-DWG-007</i>	<i>11/07/06</i>
<i>Outlet to Existing Channel Reinforcement Details</i>	<i>BNN004.003-C-DWG-008</i>	<i>11/07/06</i>
<i>Handrail and Ladder Details</i>	<i>BNN004.003-C-DWG-009</i>	<i>11/07/06</i>
<i>Fence Details</i>	<i>BNN004.003-C-DWG-010</i>	<i>11/07/06</i>

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

- (a) *Infrastructure shown on land adjoining Lot 3 on SP183025 is to be relocated within the premises; or*
- (b) *Infrastructure shown on land adjoining Lot 3 on SP183025 is not approved as part of this development and will require approval through additional development applications.*

Currency Period

- 2. *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.*

Road Works

- 3. *All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.*
- 4. *Vehicle access paths must be stabilised with course gravel, aggregate or other suitable material that will not wash, or travel onto adjoining roads, drainage systems or watercourses. It is laid at least 200 mm thick and underlain by needle punched geotextile.*

Revegetation and Landscaping

- 5. *The selection of species to be used in conjunction with the Revegetation Plan no BNN004-003-G-REP-003 (REV 0) May 2007 is to be approved by Council's Environmental Officer prior to implementation of the Plan.*
- 6. *Revegetation is to be completed in accordance with the submitted Plan and established to the satisfaction of Council's Environmental Officer prior to the release of the security bond.*

Advice

- 7. *Species for use in revegetation may be selected from the species list included in Douglas Shire Council Planning Scheme Policy No 7 – Landscaping.*

Site Management

- 8. *All site works are to be in accordance with the Environmental Management Plan (ref: BNN004-003-G-REP-002, July 2006) and Job Specification (ref: BNN004-003-G-SPE-001, July 2006) prepared by the applicant.*
- 9. *At all times, the applicant is to ensure dust suppression measures are undertaken for the site and adjoining areas, to ensure that all materials are*

appropriately stored and any unsealed areas do not create a dust nuisance to surrounding areas in accordance with the Far North Queensland Regional Organisation of Councils Development Manual.

10. *An Erosion and Sediment Control Plan shall be prepared and signed off by an appropriately qualified person(s) and submitted to the Douglas Shire Council Environmental Health Department for approval prior to work commencing. The Plan will include but is not limited to:*

- a. Details of control measures to be implemented, construction details, dimensions, materials used and expected outcomes;*
- b. Details of the planned stages of erosion and sediment control measures in relation to the Operational Works;*

Stockpiles of topsoil, sand, soil or other material must be stored clear of any drainage line or easement, natural watercourse, or road surface and must have measures in place to prevent the movement of such materials onto the areas mentioned.

Vehicular access must be controlled to prevent tracking of sediment onto adjoining roadways. Where any sediment is deposited on adjoining roadways, it must be removed by means other than washing.

11. *Erosion and Sediment Control devices shall be put in place by the applicant prior to construction commencing on the site and maintained in good working order for the duration of construction.*
12. *Work involving the use of machinery of any description (including trucks/vehicles transporting materials on or off site) shall only be carried out during the hours of 7:00 am and 6:00 pm Monday to Friday and 7:00 am to 1:00 pm Saturdays, with no work to occur on Sundays or public holidays. Loads are to be carefully covered so as to minimise the escape of dust. It should be noted that Council may approve work outside these hours provided sufficient notice and a written application is received.*
13. *Seven (7) days notice of commencement of construction shall be given to Council.*

Acid Sulphate Soils

- 14.

~~*Treatment of Dredge Spoils must be conducted in accordance with Chapter 8 of the Soils Management Guidelines. The proponent is required to engineer proper treatment pads in accordance with the Queensland Acid Sulphate Soil technical manual—Soil Management Guidelines (refer Figure 4 on page 24) which can be found at:*~~

http://www.nrw.qld.gov.au/land/ass/pdfs/soil_mgmt_guidelines_v3_8.pdf

Treatment of Dredge Spoil must be conducted in accordance with the soil management guidelines. Prior to dredge spoil being placed in the disposal facility the proponent will apply a guard layer of agricultural lime to the base of the spoil ponds in accordance with the Queensland Acid Sulphate Soil Technical Manual.

15. In addition to incremental field testing during the construction phase, the applicant must use laboratory analysis to support field testing results. Validations are to be conducted at an intensity of at least one (1) sample every 1 000 m³ or one (1) sample for each new soil type encountered (whichever is greater). Any soils exceeding the action criteria must be treated in accordance with the Queensland Acid Sulphate Soil Technical Manual – Soil Management Guidelines.
16. During construction of the dredge spoil containment facility, any standing waters within the site must be monitored daily for the following parameters:

Thresholds

- a) pH (Hand Held Probe) 6.5 → 8.5
- b) Dissolved Oxygen (Hand Held Probe) >2mg/L
- c) Dissolved Ferrous Iron (litmus test) <3mg/L
- d) Visual signs of oxidisation such as rust “iron floc”, aqua blue or ultra clear water, any sign of oxidisation/acidification yellow jarosite mineral forming on soil surfaces (photo record to be established)

Records of all inspections and results must be kept by the site manager and remain available for inspection at all times. Should there be any non-conformance with thresholds, the site manager is responsible for engaging the services of a suitably qualified person to inspect and if necessary perform treatment to rectify the acid problem. No discharges of water are permitted unless the above thresholds can be met.

17.

~~At least three (3) shallow groundwater bores must be installed down gradient from the treatment pad site. At least two (2) background readings are to be taken from each bore prior to installation of the treatment pad. Shallow groundwaters must be monitored monthly by a suitably qualified person for the following parameters. Clearly presented (graphed) results from groundwater monitoring must be presented to Douglas Shire Council or the relevant local government authority every six months.~~

- ~~(a) pH (lab analysis)~~
- ~~(b) Dissolved Ferrous Iron (lab analysis)~~
- ~~(c) Dissolved Aluminium (lab analysis)~~
- ~~(d) Chloride and Sulphate (lab analysis)~~

Sediment testing is to be undertaken with the Queensland Acid Sulphate Soil Technical Manual and the results and any necessary Acid Sulphate Soil Management Plan are to be submitted to the Department of Natural Resources and Water with the application for ERA-19 and prior to commencement of the use.

Compliance

18. *All conditions shall be complied with prior to the commencement of 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.*

Security

- ~~19. *To guarantee the satisfactory completion of the revegetation the developer shall lodge with the Council a Cash Bond or Guarantee to the value of \$75 000. Such guarantee shall be lodged prior to the commencement of the approved use. The Council may call up this Guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so prior to the commencement of the approved use.*~~

Carried unanimously

07/1211/34 MCUI 014/07 – LOT 1 RP720006 & LOTS 304-306 C2251, OLD PORT ROAD, CRAIGLIE – MATERIAL CHANGE OF USE FOR TWELVE (12) MULTI-UNIT HOUSING

Moved Cr Sciacca

Seconded Cr Bellerio

“That the Committee approves application MCUI 014/07 for a Material Change of Use for twelve (12) multi-unit housing in the form of six (6) duplexes, on land described as Lot 1 on RP720006 & Lots 304-306 on C2251, Parish of Salisbury, and located at Old Port Road, Craiglie, 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 generally be in accordance with the details of the application and the following approved Plan/s of Development:*

Title	Plan No	Date
Proposed site layouts for lots 1, 6, 7, 12, 13 & 17	D01 Rev B	April 2007
Detail Design Layout – House Type A (lots 1, 6, 12 & 13)	D05 Rev A	April 2007

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

2. *The following amendment/s are to be made to Plan No D02 Rev A – Detail Design Layout – House Type B (Lots 7 & 17):*
 - (a) *the pool for the unit to the front of the lot is to be moved backwards towards the boundary of Lot 18;*
 - (b) *a visitor car parking space is to be created where the current pool is located; and*
 - (c) *the visitor parking space provided at the rear of the property is to be utilised as a manoeuvring area only and signed as per condition 10.*

Currency Period

3. *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.*

Landscaping

4. *The following amendments are to be made to the landscaping plan (LP 01 of 7 – Master Concept Plan) submitted with the proposed development:*
 - a) *a revised species list showing the ratio of native species to exotic species as 60:40; and*
 - b) *all garden beds adjoining the property boundaries are to be 1.5 m in width.*

The amended plan is to be in accordance with the Landscaping Code and Planning Policy No 7 – Landscaping and submitted to Council prior to obtaining a building permit/operational works permit.

Roadworks

5. *All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.*

Stormwater

6. All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as the unnamed road. The approved use must not:
- interfere with the natural flow of stormwater; or
 - cause ponding of stormwater on adjoining properties.

Air Conditioning and Service Equipment

7. All service equipment, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Act 1994.

Contributions

8. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions (The Policy). The contribution shall be calculated at the rate per Equivalent Domestic Connection (EDC) applicable at the time of payment in accordance with The Policy.

The current number of EDC's for the approved use are:

Water Supply	4.8
Sewerage	4.8

Car parking

9. A carparking area with a minimum of __ spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard and the approved plan of development and maintained thereafter.

Manoeuvring Areas

10. On-site driveways, manoeuvring areas and vehicle parking areas are designed, constructed and maintained such that they:
- are at gradients suitable for intended vehicle use;
 - are drained and surfaced in accordance with the Australian Standard; and
 - are available at all times they are required.

11. *In accordance with the plan at Appendix B, the applicant is to provide one (1) dedicated visitor parking space on lots 1, 6, 12 and 13 and a clearly marked manoeuvring area. The manoeuvring area is to be clear at all times and a sign displaying no parking is to be erected.*

Refuse

12. *There is to be provided within the development an area for the storage and washing of all refuse containers in accordance with the Environmental Protection (Interim Waste) Regulation 1996 and Council's Waste Management Policy. Such area is to be:*
- a) sufficient in size to be able to house all mobile garbage (wheelie) bins including recycling bins;*
 - b) situated so as not to cause an odour nuisance to any adjacent properties;*
 - c) imperviously paved and drained to a suitable silt trap;*
 - d) discharged to sewer to the satisfaction of the General Manager Engineering Services;*
 - e) provided with a suitable hose cock with backflow prevention device and hose; and*
 - f) roofed or provided with a suitable automatic diversion valve (or other approved method) designed to prevent the ingress of stormwater to sewer.*

Compliance

13. *The applicant cannot commence the intended use of the site until the Plan of Survey has been sealed by the Department of Natural Resources and Water and the titles for the proposed lots have been issued.*
14. *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.*

Security

15. *To guarantee the satisfactory completion of the landscaping and to ensure payment of headworks contributions, the developer shall lodge with the Council a cash bond or guarantee to the value of \$10 730. Such guarantee shall be lodged prior to the issue of a Building Work Permit. The Council may call up this guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so prior to issuing a permit for building work."*

ATTENDANCE/WITHDRAWAL

The General Manager Engineering re-attended the meeting at 3:51 pm.

07/1211/34A SUSPENSION OF STANDING ORDERS

Moved Cr Davis

Seconded Cr Egan

"That standing orders be suspended to allow Danika Kuhn, Town Planner and Project Coordinator, Our Stuff Pty Ltd, to address the Committee in relation to item 07/1211/34 – MCUI 014/07 – Lot 1 RP720006 & Lots 304-306 C2251, Old Port Road, Craigie – Material Change of Use for Twelve (12) Multi-Unit Housing." (3:51 pm)

Carried unanimously

Ms Danika Kuhn was invited to address the Committee on matters relating to item 07/1211/34 – MCUI 014/07 – Lot 1 RP720006 & Lots 304-306 C2251, Old Port Road, Craigie – Material Change of Use for Twelve (12) Multi-Unit Housing. The Chair thanked Ms Kuhn for the information provided, and she returned to the gallery.

07/1211/34B RESUMPTION OF STANDING ORDERS

Moved Cr Davis

Seconded Cr Egan

"That standing orders be resumed." (3:59 pm)

Carried unanimously

Voting on item 07/1211/34 – MCUI 014/07 – Lot 1 RP720006 & Lots 304-306 C2251, Old Port Road, Craigie – Material Change of Use for Twelve (12) Multi-Unit Housing, then took place:

Carried unanimously

07/1211/35 TPC 1045 – LOT 3 RP729037, PORT DOUGLAS ROAD, PORT DOUGLAS – REQUEST TO EXTEND CURRENCY PERIOD

Moved Cr Berwick

Seconded Cr Egan

“That the Committee refuses the request to extend the currency period for approved development TPC 1045 for a Material Change of Use for a caretaker’s residence and accommodation premises (48 motel units) on land described as Lot 3 on RP729037, Parish of Salisbury, and located at Port Douglas Road, Port Douglas, on the grounds that the applicant has had six (6) years in which to commence the development and has failed to do so.”

Carried unanimously

07/1211/36 TPC 1106 & SUB 012/04 – LOT 5 RP804926, 20-30 LANGLEY ROAD, PORT DOUGLAS – REQUEST TO EXTEND CURRENCY PERIOD

Moved Cr Berwick

Seconded Cr Sciacca

“That the Committee approves the request to extend the currency period for approved development TPC 1106 for 35 multiple dwellings (tourist), consisting of 12 x 2 bed units, 20 x 3 bed units, 3 x 4 bed units, caretaker’s residence with attached office, porte cochere, recreation area including café, BBQ, terrace, gym, health spa, pools and ancillary uses; and SUB 012/04 for Reconfiguration of a Lot for the purpose of 36 volumetric lots (including common property) on land described as Lot 5 on RP804926, Parish of Salisbury, and located at 20-30 Langley Road, Port Douglas, for a further twelve (12) months.”

Carried unanimously

07/1211/37 TPC 1268 – LOT 2 RP741071, CAPE TRIBULATION ROAD, CAPE TRIBULATION – MATERIAL CHANGE OF USE FOR A WILDLIFE INTERPRETIVE FACILITY

Moved Cr Sciacca

Seconded Cr Bellero

“That the Committee approves application TPC 1268 for a Material Change of Use for the purpose of a wildlife interpretive facility, on land described as Lot 2 on RP741071, Parish of Alexandra, and located at Cape Tribulation Road, Cape Tribulation, 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 generally 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 Snake Enclosure for CS Gray Pty Ltd Lot 2 Cape Tribulation Road, Cape Tribulation Mike Hoare Architects</i> <ul style="list-style-type: none"> <i>- Floor Plan</i> <i>- Front and Rear Elevation</i> <i>- Northern and Southern Elevation</i> <i>- Section A and B</i> <i>- Site Plan</i> <i>- Site Plan</i> 	<i>SP01 Issue A SP02 Issue A SP03 Issue A SP04 Issue A SP05 Issue A SP06 Issue A</i>	<i>14/8/2006</i>
<i>Proposed Sign for CS Gray Pty Ltd</i>	<i>Referred to as Figure 9 in Attachment 1</i>	<i>N/A</i>

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

(c) *External colours of the house are to be in accordance with the colour schedule endorsed by Council. The colour scheme is to be provided within prior to the issuing of an approval for building work.*

(d) *The approved advertising sign is to be located on the subject site or the boundary of the subject site.*

Currency Period

2. *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.*

Landscaping

3. *The landscaping plan submitted with the proposed development referenced as:*

<i>Title</i>	<i>Plan No</i>	<i>Date</i>
<i>Proposed Snake Enclosure for CS Gray Pty Ltd Lot 2 Cape Tribulation Road, Cape Tribulation Vic Preston Landscaping Designer</i>		
<i>- Site Plan</i>	<i>L02(A)</i>	<i>Aug 2007</i>
<i>- Area A</i>	<i>L03(A)</i>	
<i>- Area B</i>	<i>L04(A)</i>	
<i>- Area C</i>	<i>L05(A)</i>	
<i>- Area D</i>	<i>L06(A)</i>	
<i>- Area E</i>	<i>L07(A)</i>	
<i>- Notes and Scheduling</i>	<i>L08(A)</i>	

has been approved, as part of this development, subject to the following amendments:

- a) Incorporate species listed and amendments referred to in Response to Information Request dated 26 February 2007.*
- b) A ten (10) m wide area along the front boundary for a length of fifty (50) m extending north from the southern boundary is to be revegetated with screening vegetation comprised of endemic species.*
- c) A five (5) m wide area along the southern boundary for a length of fifty (50) m extending east from the western boundary is to be revegetated with screening vegetation comprised of endemic species.*

The amended plan is to be submitted to Council prior to obtaining a building works permit.

Water Supply

4. *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:*
 - 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;*
 - d) *Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than forty (40) cm; and*
 - e) *The water tank(s) shall be fitted with a fifty (50) mm ball valve with a camlock fitting.*

Sewerage

5. *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.*

Roadworks

6. *The developer is to undertake the following roadworks external to the site in accordance with the requirements of the Far North Queensland Regional Organisation of Councils (FNQROC) Development Manual:*
 - (a) *A vehicle crossover in the road reserve is to be constructed to the FNQROC Development Manual standard (Drawing No 1105).*
7. *All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with, this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.*

Access Driveway & Car Parking

8. *The onsite driveway and car parking area with a minimum of eight (8) car spaces and three (3) bus spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.*

Compliance

9. *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.*

Security

10. *To guarantee the satisfactory completion of the landscaping, the developer shall lodge with the Council a cash bond or guarantee to the value of \$5 000. Such guarantee shall be lodged prior to the issue of a Building Work Permit. The Council may call up this guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so prior to issuing a permit for building work.*

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer withdrew from the meeting at 4:04 pm.

Carried unanimously

07/1211/38 TPC 1116 – LOT 111 PTD2091, 23 MURPHY STREET, PORT DOUGLAS
– APPLICATION TO CHANGE CONDITIONS OF DEVELOPMENT
APPROVAL

Moved Cr Berwick

Seconded Cr Egan

“That the Committee deletes conditions (first) 1, 3, 4 and 9 and approves the request to amend Conditions 2 and 8 of a Material Change of Use approval (TPC 1116) to permit the development of three (3) Multiple Dwellings (Residential) on land described as Lot 111 on PTD2091, Parish of Salisbury, and located at 23 Murphy Street, Port Douglas to read as follows:

Condition 2

The development of the premises must proceed generally in accordance with the following approved Plans created by PCA Architects submitted with the application for a Change of Conditions to Development Permit TPC1116:

TITLE	PLAN NO	DATE
Site Plan	DA01 Issue C	Sept 2007
Foundation Level Plan	DA02 Issue CA	Sept 2007
Lower Level Plan	DA03 Issue A	Sept 2007
Upper Level Plan	DA04 Issue C	Sept 2007
Section	DA05 Issue A	Sept 2007
Elevations	DA06 Issue A	Sept 2007
Elevations	DA07 Issue A	Sept 2007

Condition 8

The landscaping plan number CP-01, CP-02 and CP-03 (Job No 803) dated 1 November 2007, developed by Pawsey & Prowse is approved.

Advice Statement

Approval should be sought from Council's Engineering Services prior to the planting of approved landscaping in the Murphy Street road reserve area in order to ensure any existing or proposed underground infrastructure is not impacted on by the landscaping."

Carried unanimously

07/1211/39 SUB 028/04 – LOTS 304-306 C2251 & LOT 1 RP720006, OLD PORT ROAD, CRAIGLIE – REQUEST TO CHANGE CONDITIONS OF DEVELOPMENT APPROVAL

Moved Cr Berwick

Seconded Cr Egan

"That the Committee approves the request to delete conditions 4.30 and 4.31 of development permit SUB 028/04 for a Reconfiguration of a Lot for eighteen (18) lots, on land described as Lots 304-306 on C2251 & Lot 1 on RP720006, Parish of Salisbury, and located at Old Port Road, Craiglie."

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

Against: Cr Cox

Carried

07/1211/40 BICYCLE/PEDESTRIAN FOOTPATH NETWORK IN PORT DOUGLAS – ADDITIONAL INFORMATION

Council decided at its meeting of the Development & Environment Standing Committee of the Council on 20 November 2007, in item 07/1120/27(i), to request additional information about the entire footpath network in the area of Old Port Road, Craiglie. This item is the presentation of that information and there were no recommendations made in the Council officer's report. As a consequence no decisions were made by the Committee.

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer re-attended the meeting at 4:17 pm.

The Acting Manager Planning withdrew from the meeting at 4:19 pm.

With the agreement of the meeting, items 07/1211/41, 07/1211/42, 07/1211/43 and 07/1211/44 were dealt with in one motion as follows:

07/1211/40A ADOPTION OF RECOMMENDATIONS

Moved Cr Davis

Seconded Cr Berwick

“That the Development & Environment Standing Committee of the Council adopts the recommendations of the Council officers for items 07/1211/41 – MCUI 039/07 – Lot 110 RP738161, Quandong Road, Cow Bay – Material Change of Use for a House; 07/1211/42 – Lot 411 RP739003, Maple Road, Cow Bay – Material Change of Use for a House; 07/1211/43 – MCUI 042/07 – Lot 456 RP738178, Cape Tribulation Road, Cape Tribulation – Material Change of Use for a House; and 07/1211/44 – MCUI 043/07 – Lot 455 RP738183, Cape Tribulation Road, Cow Bay – Material Change of Use for a House; namely:

07/1211/41 MCUI 039/07 – LOT 110 RP738161, QUANDONG ROAD, COW BAY – MATERIAL CHANGE OF USE FOR A HOUSE

OFFICER RECOMMENDATION

That the Committee refuses application MCUI 039/07 for a Material Change of Use for a house on land described as Lot 110 on RP738161, Parish of Alexandra, and located at Quandong 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 Code 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 of the Conservation Planning Area; and*
- (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; and*
 - *Vehicle Parking and Access Code.*

07/1211/42 MCUI 040/07 – LOT 411 RP739003, MAPLE ROAD, COW BAY – MATERIAL CHANGE OF USE FOR A HOUSE

OFFICER RECOMMENDATION

That the Committee refuses application MCUI 040/07 for a Material Change of Use for a house on land described as Lot 411 on RP739003, 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 Code 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 of the Conservation Planning Area; and*
- (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; and*
 - *Vehicle Parking and Access Code.*

07/1211/43 MCUI 042/07 – LOT 456 RP738178, CAPE TRIBULATION ROAD, CAPE TRIBULATION – MATERIAL CHANGE OF USE FOR A HOUSE

OFFICER RECOMMENDATION

That the Committee refuses application MCUI 042/07 for a Material Change of Use for a house on land described as Lot 456 on RP738178, Parish of Alexandra, and located at Cape Tribulation Road, Cape Tribulation, 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 Code 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 of the Conservation Planning Area; and*
- (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; and*
 - *Vehicle Parking and Access Code.*

07/1211/44 MCUI 043/07 – LOT 455 RP738178, CAPE TRIBULATION ROAD, COW BAY – MATERIAL CHANGE OF USE FOR A HOUSE

OFFICER RECOMMENDATION

That the Committee refuses application MCUI 043/07 for a Material Change of Use for a house on land described as Lot 455 on RP738178, Parish of Alexandra, and located at Cape Tribulation 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 Code 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 of the Conservation Planning Area; and*
- (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; and*
 - *Vehicle Parking and Access Code."*

For: Cr Davis, Berwick, Cox, Egan

Against: Cr Bellerio, Sciacca

Carried

07/1211/45 **ASSIGNMENT OF WASTE CONTRACTS**

Moved Cr Egan

Seconded Cr Berwick

“That the Committee:

1. *grants consent to Transpacific Industries Group Ltd to assign contracts 40-04/05 (Domestic, Commercial and Council Waste), 7-05/06 (Cow Bay/Daintree Transfer Station Waste Transport) and 9-05/06 (Sheraton Mirage Waste Collection), to Transpacific Cleanaway Ltd; and*
2. *that the assignment consent be conditional upon Transpacific Industries Group Ltd providing Council with the required financial security and insurances as required by each contract and to the satisfaction of Council’s Acting General Manager Development and Environment.”*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer withdrew from the meeting at 4:21 pm.

07/1211/46 **DOUGLAS SHIRE WATER SECURITY**

Moved Cr Egan

Seconded Cr Sciacca

“That the Committee:

- (i) *notes the technical findings provided to the Far North Queensland Draft Regional Water Supply Strategy regarding Douglas Shire Water security; and*
- (ii) *agrees to commence a study into:*
 - a. *yield reliability from run-of-river urban water supply sources including:*
 - i. *environmental flow requirements,*
 - ii. *stream flow characteristics,*
 - iii. *stream reliability to meet current and forecast demand, and*
 - iv. *future alternative water supply options;*

with objectives to apply for water entitlement extraction from Rex Creek, Little Falls Creek and Intake Creek.

- b. *achieving at least ten (10) percent reduction in Shire water consumption via water demand management strategies.”*

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer re-attended the meeting at 4:24 pm and withdrew at 4:26 pm.

Voting on 07/1211/46 – Douglas Shire Water Security:

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

Against: Cr Davis

Carried

NOTICES OF MOTION

07/1211/48 GP0707M – LOT 8 RP747567, WHITELY ROAD, MIALLO – PARKLAND CONTRIBUTION

Moved Cr Sciacca

Seconded Cr Egan

“That the Committee charges a \$3 000 parkland contribution for land described as Lot 8 on RP747567, Parish of Whyanbeel, and located at Whitely Road, Miallo, as the block is only broken in two.”

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration withdrew from the meeting at 4:27 pm.

The Sustainability Officer, Maree Grenfell, attended the meeting at 4:28 pm and withdrew from the meeting at 4:30 pm.

The General Manager Finance & Administration re-attended the meeting at 4:31 pm.

The Acting Chief Executive Officer re-attended the meeting at 4:32 pm.

For: Cr Sciacca, Egan, Davis, Bellerio

Against: Cr Berwick, Cox

Carried

07/1211/49 MB0907M – OPTIONS FOR INCREASING LANDSCAPING ON ROAD RESERVE – COCONUT GROVE DEVELOPMENT, PORT DOUGLAS

Moved Cr Berwick

Seconded Cr Cox

“That the Committee requests a landscaping plan maximising screening be brought back to Council for the Coconut Grove Development at Port Douglas.”

Carried unanimously

07/1211/50 MB1207M – ‘ICON LEGISLATION’

Moved Cr Berwick

Seconded Cr Davis

“That the Committee:

- formally engages with the government and community about the makeup of the proposed ‘Icon Legislation’;*
- instructs staff to run a community engagement process about both the legislation and the iconic values for the purpose of informing the state about the views of this community; and*
- asks the state to provide sufficient time for the community to be properly consulted and is provided with design and timeframes of the engagement process.”*

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration withdrew from the meeting at 4:37 pm.

PROCEDURAL MOTION

Moved Cr Davis

Seconded Cr Berwick

07/1211/50A *“That item 07/1211/50 – MB1207M – ‘Icon Legislation’ lies on the table until clarification is provided regarding whether the proposed motion contradicts the resolution of the Council made at its Ordinary Meeting on 18 September 2007 – in item 07/0918/34 – Notice to Repeal a Motion from the Special Meeting of Council on 5 September 2007.”*

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Sciacca withdrew from the meeting at 4:42 pm. The Acting Manager Planning re-attended the meeting at this time.

The Strategic Planner re-attended the meeting at 4:45 pm.

The General Manager Finance & Administration re-attended the meeting at 4:47 pm.

07/1211/51 MC1907M – LATE NIGHT/EARLY MORNING DISTURBANCES –
MACROSSAN STREET, PORT DOUGLAS

Moved Cr Cox

Seconded Cr Egan

“That the Committee investigates the provision of three (3) closed-circuit TV systems in separate locations in the central business districts of Mossman and Port Douglas.”

For: Cr Cox, Egan, Davis, Bellerio

Against: Cr Berwick

Carried

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration and the Manager Planning withdrew from the meeting at 4:50 pm.

07/1211/52 RD7407M – PORT DOUGLAS POLICE STATION

Moved Cr Davis

Seconded Cr Berwick

“That the Committee opposes any State placement of the enlarged Port Douglas Police Station within the waterfront precinct, prior to the completion of the consultation and master planning of the waterfront area.”

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration re-attended the meeting at 4:56 pm.

The Acting Chief Executive Officer withdrew from the meeting at 4:57 pm.

Voting on item 07/1211/52 – RD7407M – Port Douglas Police Station:

For: Cr Davis, Berwick, Cox, Egan

Against: Cr Bellerio

Carried

07/1211/53 RD7507M – ‘ICON LEGISLATION’

“That the Committee resolves that the final call on any future changes to the Douglas town plan, if impacted by’ icon legislation’, should remain with the people of Douglas, and not a State bureaucracy in Brisbane.”

PROCEDURAL MOTION

Moved Cr Davis

Seconded Cr Berwick

07/1211/53A

“That item 07/1211/53 – RD7507M – ‘Icon Legislation’ lies on the table until clarification is provided regarding whether the proposed motion contradicts the resolution of the Council made at its Ordinary Meeting on 18 September 2007 – in item 07/0918/34 – Notice to Repeal a Motion from the Special Meeting of Council on 5 September 2007.”

Carried unanimously

ADJOURNMENT OF THE MEETING

The meeting was adjourned at 5:00 pm.

RESUMPTION OF THE MEETING

The meeting resumed at 5:18 pm with the re-attendance of Cr Sciacca and the Acting Chief Executive Officer, but without the attendance of the Acting Manager Planning.

The additional information requested by the Committee in relation to the following items was produced by the Acting Chief Executive Officer. Resolution 07/0918/34 – Notice to Repeal a Motion from the Special Meeting of Council on 5 September 2007, from the Ordinary Meeting of the Council on 18 September 2007, was read to the meeting. This facilitated the continued consideration of the following motions:

07/1211/50 MB1207M – ‘ICON LEGISLATION’

Moved Cr Berwick

Seconded Cr Davis

“That the Committee:

- formally engages with the government and community about the makeup of the proposed ‘Icon Legislation’;*
- instructs staff to run a community engagement process about both the legislation and the iconic values for the purpose of informing the state about the views of this community; and*
- asks the state to provide sufficient time for the community to be properly consulted and is provided with design and timeframes of the engagement process.”*

ATTENDANCE/WITHDRAWAL

The General Manager Engineering and the General Manager Finance & Administration withdrew from the meeting at 5:20 pm.

The General Manager Finance & Administration re-attended the meeting at 5:22 pm.

The Strategic Planner withdrew from the meeting at 5:23 pm.

EXTENSION OF THE MEETING

Moved Cr Berwick

Seconded Cr Davis

07/1211/50A *“That the Committee extends the meeting for ten (10) minutes.”*

The motion was withdrawn

Items 07/1211/50 – MB1207M – ‘Icon Legislation’ and item 07/1211/53 – RD7507M – ‘Icon Legislation’, were then resolved:

07/1211/50 MB1207M – ‘ICON LEGISLATION’

Moved Cr Berwick

Seconded Cr Davis

“That the Committee:

- formally engages with the government and community about the makeup of the proposed ‘Icon Legislation’;*
- instructs staff to run a community engagement process about both the legislation and the iconic values for the purpose of informing the state about the views of this community; and*

- *asks the state to provide sufficient time for the community to be properly consulted and is provided with design and timeframes of the engagement process."*

For: Cr Berwick, Davis, Cox
Against: Cr Egan, Bellerio, Sciacca
Carried on the casting vote of the Chair

07/1211/53 RD7507M – 'ICON LEGISLATION'

Moved Cr Davis

Seconded Cr Berwick

"That the Committee resolves that the final call on any future changes to the Douglas town plan, if impacted by 'icon legislation', should remain with the people of Douglas, and not a State bureaucracy in Brisbane."

For: Cr Davis, Berwick, Cox
Against: Cr Egan, Bellerio, Sciacca
Carried on the casting vote of the Chair

TERMINATION OF THE MEETING

The meeting was closed at 5:39 pm.

Presented to and confirmed by the Development & Environment Standing Committee of the Council on the *twenty-second* day of *January* 2008.

**D P Egan
Chair**