



*Minutes of the Ordinary Meeting of Council  
15 May 2007  
commencing at 8:39 am*

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**PRESENT**

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

**Staff** – D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), R J Baade (General Manager Engineering), P J Trotman (General Manager Development & Environment), J F Leu (Manager Community, Cultural & Economic), J R Evans (Manager Building) and S K Andrews (Corporate Support).

**APOLOGY**

An apology was received from Cr J Sciacca of his inability to attend the meeting due to a leave of absence.

**ATTENDANCE/WITHDRAWAL**

The Chief Executive Officer, Terry Melchert, attended the meeting at 8:55 am.

**DEPUTATION**

Mr Noel Weare and Mr Ray Legg, representatives from the Douglas Shire Historical Society attended at this time and were invited by the Mayor to address the Council in relation to the Old Sugar Wharf, Port Douglas.

**ATTENDANCE/WITHDRAWAL**

The Chief Executive Officer withdrew from the meeting at 9:00 am.

The Manager Building, Jeff Evans, withdrew from the meeting at 9:04 am.

Mr Weare and Mr Legg concluded their deputation at 9:05 am. The Mayor thanked them for their presentation and they withdrew from the meeting.

The following motion was forthcoming after discussions that resulted from the presentation by the ~~Port~~ Douglas Shire Historical Society: (Amended 5 June 2007 – 07/0605/03)

07/0515/01A OLD SUGAR WHARF, PORT DOUGLAS

Moved Cr Berwick

Seconded Cr Egan

*"That Council provides a full response to the proposition from the ~~Port~~ Douglas Shire Historical Society regarding the Old Sugar Wharf, Port Douglas."*

**Carried** unanimously

(Amended 5 June 2007 – 07/0605/03)

07/0515/01 CONDOLENCES

Cr Berwick referred to the recent death of Cosmo Petrich MBE. The Council stood and observed one minute's silence.

Moved Cr Berwick

Seconded Cr Egan

*"That Council sends a letter of condolence to the next of kin."*

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Engineering, Bob Baade, withdrew from the meeting at 9:10 am.

07/0515/02 DECLARATIONS OF INTEREST

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

Item No	Councillor/Officer	Details of Interest
07/0515/08	Chief Executive Officer	Other substantial source of income
07/0515/15	Cr R Davis	Perceived conflict of interest
07/0515/18	Cr D P Egan	Personal contact with tenderer
07/0515/18	Cr D G Pitt	Having to vote on the issue
07/0515/27	Cr R Davis	Respondent to complaint
07/0515/27	Cr M B Berwick	Respondent to complaint
07/0515/27	General Manager Community & Corporate	Respondent to complaint

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ATTENDANCE/WITHDRAWAL

The Chief Executive Officer and the General Manager Engineering re-attended the meeting at 9:17 am.

07/0515/03      MINUTES

Moved Cr Berwick

Seconded Cr Cox

*"That the minutes of the Ordinary Council Meeting held on 24 April 2007 be confirmed subject to:*

- 1. on page 20, item 07/0424/29A, Resumption of Standing Orders: the removal of the voting notation 'For/Against' as the item was carried unanimously; and*
- 2. on page 14, item 07/0424/17, Port Douglas Waterfront – Master Plan Engagement Management Mechanisms, 2, i.: 'two (2) Douglas Shire Council councillors' should read 'three (3) Douglas Shire Council councillors'."*

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

The Manager Planning, Paul Gleeson, attended the meeting at 9:28 am.

**COMMUNITY & CORPORATE**

07/0515/04      DRAFT OPERATIONAL PLAN 2007/08

Moved Cr Davis

*"That Council adopts, in principle, the draft Operational Plan 2007/08 submitted to the Council's briefing of 16 May 2007 to facilitate the completion of the draft budget 2007/08, subject to the 2006/07 resolution not embodied in the Operational Plan being reported to the next meeting."*

**Lost** for want of a seconder

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Egan

07/0515/04A

*"That item 07/0515/04, Draft Operational Plan 2007/08, lie on the table until a Special Council Meeting is held on Thursday, 24 May 2007, commencing at 8:30 am."*

**Carried** unanimously

**07/0515/05 USE OF MOSSMAN SHOWGROUND AS A CARAVAN AND CAMPING OVERFLOW FACILITY**

Moved Cr Davis

Seconded Cr Egan

*"That Council:*

- 1. acknowledges that the Department of Natural Resources and Water has refused Council's request to provide Resource Entitlement Consent, as landowner, to a development application for the use of land described as Lot 92 on SR83, Reserve R1269, and located at Mossman Showground (Coronation Park), as a caravan and camping overflow facility;*
- 2. arranges appropriate public notification and signage to the effect that the Mossman Showground is not available to be used as a caravan and camping overflow facility; and*
- 3. that a meeting with the Department of Natural Resources & Water and the Hon Jason O'Brien MP, Member for Cook, be convened in an attempt to resolve the issue."*

**Carried** unanimously

**07/0515/06 DETAILS OF THE USE OF THE COUNCIL SEAL**

Moved Cr Berwick

Seconded Cr Egan

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

**Carried** unanimously

**ATTENDANCE/WITHDRAWAL**

The Manager Planning withdrew from the meeting at 9:39 am.

The General Manager Finance & Administration, Ian Barton, withdrew from the meeting at 9:45 am.

The Manager Planning re-attended the meeting at 9:47 am.

The General Manager Finance & Administration re-attended the meeting at 9:52 am.

**07/0515/07      DECISIONS OF COUNCIL STATUS REPORT**

Moved Cr Cox

Seconded Cr Pitt

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

**Carried** unanimously

**DEVELOPMENT & ENVIRONMENT**

ATTENDANCE/WITHDRAWAL

The Manager Community, Cultural & Economic, Julia Leu, withdrew from the meeting at 9:56 am.

MATERIAL PERSONAL INTEREST

The Chief Executive Officer declared a material personal interest in the following matter and he withdrew from the meeting at 9:56 am.

**07/0515/08      MCU 3B 023/98 – LOT 1 SP105932, 11-17 MACROSSAN STREET, PORT DOUGLAS – MINOR MODIFICATION TO PORT VILLAGE SHOPPING CENTRE**

Moved Cr Berwick

Seconded Cr Cox

*"That Council approves the minor amendment to MCU 3B 023/98 being for:*

- (a) an increase of thirty (30) m<sup>2</sup> gross floor area in shop space for the expanded detached bottle shop;*
- (b) an increase of ten (10) m<sup>2</sup> in bar/restaurant space (Coffee Club);*
- (c) provision of an eighty (80) cart trolley storage bay; and*
- (d) dispensation to retain the existing number of car spaces*

*on land described as Lot 1 on SP105932, Parish of Salisbury, and located at 11-17 Macrossan Street, Port Douglas, subject to the amended plans of development under Attachment One (1)."*

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer re-attended the meeting at 9:58 am.

**07/0515/09      MCU 3B 004/03 – LOT 20 RP738897, NICOLE DRIVE, CAPE TRIBULATION – REQUEST TO EXTEND THE CURRENCY PERIOD AND AMEND THE APPROVED PLAN OF DEVELOPMENT**

Moved Cr Berwick

Seconded Cr Pitt

*"That Council:*

- (a) approves the request to extend the currency period for approved development MCU 3B 004/03 for a dwelling house on land described as Lot 20 on RP738897, Parish of Alexandra, and located at Nicole Drive, Cape Tribulation, for a further year; and*
- (b) approves the amended plans of development."*

**Carried** unanimously

**07/0515/10      MCU 3B 039/04 – LOT 352 RP739002, HICKORY ROAD, COW BAY – REQUEST TO CHANGE THE EXISTING APPROVAL**

Moved Cr Egan

Seconded Cr Berwick

*"That Council approves the request to amend the plans of development for approved development MCU 3B 039/04 for a dwelling house on land described as Lot 352 on RP739002, Parish of Alexandra, and located at Hickory Road, Cow Bay."*

**Carried** unanimously

**ADJOURNMENT**

At 9:59 am the meeting was adjourned for morning tea.

**RESUMPTION**

The meeting resumed at 10:27 am with the Chief Executive Officer not in attendance.



**07/0515/11      MCU 3B 031/05 – LOT 1 RP738430, FOREST CREEK ROAD, FOREST CREEK – MATERIAL CHANGE OF USE FOR A DWELLING HOUSE**

Moved Cr Berwick

Seconded Cr Cox

*“That Council approves the application for a Material Change of Use for a dwelling house and shed on rural (residential) zoned land described as Lot 1 on RP738430, Parish of Alexandra, and located at Forest Creek Road, Forest Creek, 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
Floor Plan	Sheet 1	-
Elevations	Sheet 2	-
Section AA	Sheet 3	-
Site Plan	-	-
Proposed Vegetation Area	-	-

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

***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.*

***Water Supply***

3. *Water storage tank(s) with a minimum capacity not less than 30 000 litres, and 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; and*

- (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.

#### **Energy Efficiency**

4. The dwelling house will be designed to be energy efficient and functional in a humid tropical rainforest environment to the satisfaction of the Manager Building.
5. All power generation devices are to be positioned and housed (including noise attenuation material) so as to mitigate noise nuisance to adjoining and nearby residents. Such power generation devices are to be environmentally acceptable and energy efficient.

#### **Amenity**

6. The proposed colour scheme of Paperbark roofing and Sandbark walls is approved. No variation from the approved colours is permitted without the written authorisation of Council.

#### **Sewerage**

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

#### **Driveway Works**

8. Access to the site will be via Forest Creek Road only. Amended Plans showing the single access are to be submitted to Council prior to the issue of a Building Permit.
9. The driveway access is not to exceed four (4) m in width and shall include sediment traps or other similar methods of sediment control to prevent runoff entering drainage lines.

#### **Operational Works**

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

#### **Building Setback**

11. All buildings/structures are to be sited a minimum of ten (10) m from the shoulder of each high bank of the watercourse. All native vegetation within the setback area is to be retained.



### **Compliance**

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

**Carried unanimously**

**07/0515/12     MCU 3B 011/06 – LOT 23 PTD20925, 2 WHARF STREET, PORT DOUGLAS – MATERIAL CHANGE OF USE FOR A DWELLING HOUSE**

Moved Cr Berwick

Seconded Cr Egan

*"That Council approves MCU 3B 011/06 for a dwelling house on land described as Lot 23 on PTD20925, Parish of Salisbury, and located at 2 Wharf Street, Port Douglas, subject to the following conditions:*

- A. *All tradespersons' vehicles will be parked in Council's car park at the Rex Smeal Park, Port Douglas. No vehicles are permitted to be along Wharf Street or Island Point Road, Port Douglas.*
- B. *The applicant be advised that the maximum height of the dwelling house will be 9.5 m in accordance with the approved plans [P6-c North Elevation, P4-c South Elevation, P5-c East Elevation, P7-c West Elevation, P8-c Long Section A-A, dated 11 April 2006 and P9-c Long Section B-B, P10 Locality Section dated 10 April 2006 prepared by Taylor Architecture and Landscapes].*

### **Plan of Development**

- 4.1 *The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with:*
- (a) *The plans and specifications submitted with the application to Council attached to this approval.*

*Except where such plans and/or specifications are modified by the terms of this approval.*

### **Currency Period**

- 4.2 *This development approval lapses four (4) years after the day that the development approval takes effect, unless the use has substantially commenced or this period is extended under Section 3.5.22 of the Integrated Planning Act 1997.*

### ***Amenity***

4.3 *The conditions of the Development Permit are to be effected prior to the commencement of the specific use as granted by Council.*

4.4 *All building work, maintenance, repair demolition and other activities on site shall be confined to the following hours:*

*6:30 am to 6:30 pm Monday to Saturday inclusive, excepting that no machinery shall be operated in conjunction with building work prior to 7:00 am.*

*NOTE: Building work is not permitted on a Sunday or Public Holiday at any time.*

### ***Headworks***

4.5 *The applicant shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Local Planning Policy: "Determination of Contributions for Water Supply and Sewerage Headworks and External Works" ("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.*

*For information purposes only:*

*The current number of EDCs for the approved use are –*

*Water Supply 1*

*Sewerage 1*

### ***Landscaping & Fencing***

4.6 *The proposed street tree planting along Wharf Street is to be relocated behind the kerbing that is to be installed along Wharf Street as per condition 4.31.*

4.7 *All on-street plantings are to be in accordance with the requirements of the Far North Queensland Regional Organisation of Councils' (FNQROC) Development Manual, Operational Works Design Guideline D9 – Landscaping and S8 – Landscape Specifications.*

4.8 *The use of Hedychium coronarium and Heliconia pistacorum is not approved as both species have been assessed as having the potential to become environmental weeds.*

4.9 *A final landscape plan is to be submitted to Council for approval at Operational Works stage. This plan should indicate the location of the kerbing, the relocated position of any on-street plantings and the name*

and number of the species to replace *Hedychium coronarum* and *Heliconia pisttacorun* and be in accordance with the requirements of the Transitional Planning Scheme and Local Planning Policy No 4 – Landscaping.

- 4.10 The landscaping shown on the approved plan shall be completed before the development is occupied and maintained thereafter.

#### **Advice**

- 4.11 The species selected are determined by a listing defining a thorough vegetation analysis of ecological communities within a close proximity and relative to the same soil type as located at the project site. Council has this information on database and can provide this to the applicant.
- 4.12 Where possible, species of local provenance must be sought and utilised. All effort must be expended to ensure that this integrity is maintained. Where the securing of some species of local provenance is not possible, the responsible persons must liaise with Council's Technical Officer, Parks & Recreation and disclose the difficulties encountered thus ensuring that every avenue of procurement has been exhausted.

#### **Air Conditioning & Service Equipment**

- 4.13 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 Policy - Noise.

#### **Sewerage**

- 4.14 Waste water generated by the proposed development must be discharged to Council's sewer in accordance with the Environmental Protection Act 1994.
- 4.15 No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.
- 4.16 (a) The approved development may be constructed with a minimum setback of 1.2 m from an existing sewer main. All structures located within the zone of influence of the sewer main will need to have foundations pierced and approved by a registered engineer so as not to place a load either horizontally or vertically on the sewer main.
- (b) The applicant/owner shall be fully responsible for any structures located closer than two (2) m from the existing sewer main as part of any on-going maintenance or repairs to the sewer main.

### **Stormwater Drainage**

4.17 All roof water flows will be piped to the underground storm water pipe.

### **External Works**

4.18 Prepare and submit civil engineering plans for all excavation including a sediment control plan in accordance with the FNQROC Development Manual. The plan is to be submitted with an Operational Works application to Council's engineering department for approval.

### **Health Requirements**

4.19 All construction works are to be carried out in compliance with the Environmental Protection Policy (Water) and the Environmental Protection Regulation (No 2) 1999.

4.20 Adequate facilities must be provided during construction to contain all site refuse. Facilities should be designed to prevent loose items of refuse being displaced by wind forces or being washed off site.

4.21 All liquid wastes generated during construction of the premises should be managed so that they are not permitted to enter a roadside gutter, stormwater drain or a waterway.

4.22 Waste solvents, solvent and acrylic based paints and waste water generated during construction must not be introduced to sewer or stormwater systems and should be disposed of using the services of a trade waste contractor or other approved disposal agency.

### **Environmental Management Plan**

4.23 An Environmental Management Plan (EMP) is to be submitted to Council's environmental health section at Operational Works stage. No works are to be carried out on the site until such time as the applicant has received written approval from Council's Manager Environmental Health that the EMP has been approved.

The EMP must detail:-

- performance criteria and objectives in relation to environmental and social impacts;
- prevention, minimisation and mitigation strategies for controlling environmental impacts and preventing nuisance caused from the development of the land and construction works. In particular, this plan **must** address such issues as dust suppression, vegetation clearing and disposal, waste disposal, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances);
- proposed monitoring of the effectiveness of remedial measures against performance criteria;

- details of responsible persons for environmental management;
- reporting requirements for meeting performance criteria; and
- corrective actions to rectify deviations from performance criteria.

If potential acid sulphate soils are identified on the site, an EMP must be submitted to Council's environmental health section. The EMP must detail remediation and treatment works proposed for potential acid sulphate soils and/or actual acid sulphate soils on the site.

The EMP must be implemented **before** any works commence on the site and throughout the duration of works on the site.

#### **Footpath Damage Liability**

- 4.24 All damage occasioned to footpaths and roadways adjacent to the site as a result of or in connection with this development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.

#### **Verandahs**

- 4.25 No covered verandahs, balconies or carports shall be enclosed without the consent of Council.

#### **Driveway**

- 4.26 Driveway Grades

The applicant will ensure that the vehicular access is constructed at a slope of less than twenty-five (25) percent (1:4) without detriment to the suitability of the slope of the lot or surrounding land. Where the slope of the proposed driveway exceeds twenty-five (25) percent (1:4), the driveway will be constructed and sealed with concrete or bitumen to the satisfaction of the General Manager Engineering.

#### **Engineering**

- 4.27 The applicant shall construct the following works external to the site in accordance with Council's adopted standards:
- a. Three (3) m wide stormwater easement along and within the south-western boundary of site adjoining 1 Island Point Road.
  - b. Install a three (3) m wide concrete vehicle crossover on Island Point Road reserve.
  - c. Kerb and channel is to be constructed for the full frontage of the lot on Island Point Road at an alignment of 4.5 m from the boundary line.
  - d. Kerb and channel is to be constructed on Wharf Street so that the street has a seven (7) m bitumen sealed width.



- e. Widen bitumen seal with 32 mm thick asphalt from the existing bitumen to the new kerb and channel on both frontages.

Details and specifications for the above works shall be shown on the plans for operational work/building work. The execution of works external to the site and associated with stormwater drainage shall be supervised by a registered engineer and all work detailed on a Certificate of Supervision for the development.

### **Security**

- 4.28. 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 \$20 000. 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.

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

### **07/0515/13 TPC 1162 – LOT 2 RP743942 & LOT 31 NR222, KINGSTON ROAD, WHYANBEEL – REQUEST FOR A NEGOTIATED DECISION NOTICE**

*“That Council:*

- i. Amends Conditions 7(b) and 8 of TPC 1162 on land described as Lot 2 on RP743942 & Lot 31 on NR222, Parish of Whyanbeel, and located at Kingston Road, Whyanbeel, to the following:
  7. The applicant must undertake the following works:
    - a) Internal
      - i. Provide a suitable all-weather access from the boundary of the proposed allotment to the car parking area to be constructed in accordance with condition 6.



b) External

Provision is to be made for the following works external to the subject site in accordance with the Far North Queensland Regional Organisation of Councils' (FNQROC) Development Manual.

- i. Construction of Kingston Road and Davidson Road to a Rural Collector Road standard **from the intersection of the Miallo-Bamboo Creek Road/Kingston Road north to Davidson Road and thence west to the Kahana Road/Kingston Road intersection, and to a Local Access Rural Road standard for the remaining full length of Kingston Road to the property boundary, in accordance with Table D1.27 of the FNQROC Development Manual.**
  - ii. Upgrading of the intersection of Kingston Road and Miallo-Bamboo Creek Road **and the intersection of Kingston Road / Kahana Road and Davidson Road** in accordance with AUSTROADS guide to Traffic Engineering Practice – Part 5 – Intersections at Grade.
8. The applicant is required to provide permanent ablution **buildings** in accordance with the requirements of the Building Code of Australia. **The ablution building is to be consistent with the use of a 9B building** and based on the maximum occupancy rate of 400 persons, as stated in the applicant's report. The location of the proposed ablution block is to be shown on the detailed plan required by condition 2.

In addition an ERA licence for waste water treatment is required from the Environmental Protection Agency prior to the intended use commencing.

II. **Add the following advice statement:**

**Please note the all-weather surface required at Condition 6 and Condition 7(a) can be crushed rock gravel.**

**The motion was withdrawn** following a request from Jenny Elphinstone Pty Ltd, Town & Regional Planning and Project Management, acting for the applicant.

**07/0515/14      TPC 1189 – LOT 1 RP836122, CAPE TRIBULATION ROAD, CAPE TRIBULATION – REQUEST FOR MINOR CHANGE TO DEVELOPMENT APPROVAL**

Moved Cr Egan

Seconded Cr Berwick

*“That Council approves the request for a minor change to TPC 1189 to expand the restaurant within the existing building, utilising the upstairs area as a private cinema for the use of restaurant patrons only, on land described as Lot 1 RP836122, Parish of Alexandra, and located at Cape Tribulation Road, Cape Tribulation, subject to the conditions contained in the existing approval and the following additional condition:*

*(a) disabled access must be provided to the first floor of the restaurant prior to the commencement of the use in accordance with the Building Codes of Australia.”*

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

Against:              Cr Davis

**Carried**

**ATTENDANCE/WITHDRAWAL**

The Manager Rates & Finance Support, Darryl Crees, attended the meeting at 10:30 am.

The Chief Executive Officer re-attended the meeting at 10:40 am.

**CONFLICT OF INTEREST**

Cr Davis declared a conflict of interest in the following matter [and he chose not to leave the meeting.](#) (*Amended 5 June 2007 – 07/0605/03*)

**07/0515/15      CA 69 – PART LOT 83 SR724, BEOR STREET, CRAIGLIE – RECONFIGURATION OF A LOT**

Moved Cr Cox

Seconded Cr Pitt

*“That Council approves the application for a Material Change of Use for the construction of an intensive animal husbandry (kennel/cattery) and caretaker’s residence; a development permit for a Reconfiguration of a Lot (1 Lot into 19 Lots); and a preliminary approval for a Material Change of Use to establish uses consistent with the industry (service industry) planning area, on land described as Lot 83 on SR724, Parish of Salisbury, and located at Beor Street, Craiglie, subject to the conditions outlined in Attachment C.”*

An amendment to the motion was moved:

Moved Cr Berwick

*"That Council approves the application for a Material Change of Use for the construction of an intensive animal husbandry (kennel/cattery) and caretaker's residence; a development permit for a Reconfiguration of a Lot (1 Lot into 19 Lots); and a preliminary approval for a Material Change of Use to establish uses consistent with the industry (service industry) planning area, on land described as Lot 83 on SR724, Parish of Salisbury, and located at Beor Street, Craiglie, subject to the conditions outlined in Attachment C and that an additional parkland contribution be used for playground equipment and landscaping."*

**Lapsed** for want of a seconder

#### PROCEDURAL MOTION

Moved Cr Bellerio

Seconded Cr Pitt

07/0515/15A

*"That item 07/0515/15, Part Lot 83 SR724, Beor Street, Craiglie – Reconfiguration of a Lot, lie on the table pending further clarification of planning details."*

**Carried** unanimously

07/0515/16

#### PROPOSED AMENDMENTS TO THE DOUGLAS SHIRE PLANNING SCHEME

#### PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Cox

07/0515/16A

*"That item 07/0515/16, Proposed Amendments to the Douglas Shire Council Planning Scheme, lie on the table until after the briefing session on Wednesday, 16 May 2007."*

**Carried** unanimously

**07/0515/17      PROPOSED AMENDMENT TO THE INTEGRATED RESORT  
DEVELOPMENT ACT SCHEME – MIRAGE, PORT DOUGLAS**

**PROCEDURAL MOTION**

Moved Cr Davis

Seconded Cr Cox

**07/0515/17A**      *"That item 07/0515/17, Proposed Amendment to the Integrated Resort Development Act Scheme – Mirage, Port Douglas, lie on the table pending further information from the developer and the assessment authorities."*

**Carried** unanimously

**ATTENDANCE/WITHDRAWAL**

The Manager Planning withdrew from the meeting at 10:57 am.

The Environmental Health Technical Assistant, Kelly Morris, attended the meeting at 10:59 am.

**07/0515/18      AWARDING OF COMMERCIAL RECREATION PERMIT 39-06/07 –  
HIRE OF BEACH EQUIPMENT/SUN PROTECTION PRODUCTS –  
FOUR MILE BEACH, PORT DOUGLAS**

Moved Cr Bellerio

Seconded Cr Davis

*"That the tender for Commercial Recreation Permit 39-06/07 – Hire of Beach Equipment/Sun Protection Products, Four Mile Beach, Port Douglas, be put out again."*

**ATTENDANCE/WITHDRAWAL**

Crs Bellerio and Egan withdrew from the meeting before voting on the amendment below took place. (*Amended 5 June 2007- 07/0605/03*)

### PROCEDURAL MOTION

An amendment to the motion was moved: (*Amended 5 June 2007 – 07/0605/03*)

Moved Cr Berwick

Seconded Cr Davis

07/0515/18A

*"That item 07/0515/18, Awarding of Commercial Recreation Permit 39-06/07 – Hire of Beach Equipment/Sun Protection Products – Four Mile Beach, Port Douglas, lie on the table pending the attendance of the Manager Environmental Health, Paul Hoye."*

**Carried** unanimously (*Amended 5 June 2007 – 07/0605/03*)

The amendment became the motion and was put:

**Carried** unanimously (*Amended 5 June 2007 – 07/0605/03*)

07/0515/18B

### SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Cox

*"That standing orders be suspended to allow Council to bring forward consideration of item 07/0515/27 – Investigations of Workplace Health & Safety Complaints and to conduct a teleconference with Mr Mark Peters, Solicitor, MacDonnells Law."*

**Carried** unanimously

### CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Davis

07/0515/18C

*"That pursuant to Section 463(1)(b) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of workplace health and safety matters."*

**Carried** unanimously

### ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public all staff, with the exception of the Chief Executive Officer, withdrew from the meeting. Mr Mark Peters was invited to participate in the meeting by teleconference.

CONFLICT OF INTEREST

The Mayor, Cr Berwick; Cr Davis and the General Manager Community & Corporate, David Carey, declared conflicts of interest in this matter and withdrew from the meeting at 11:00 am.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Egan

Seconded Cr Cox

07/0515/18D     *"That the meeting be re-opened to the public."*

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

The meeting re-opened with the General Manager Finance & Administration in attendance.

PROCEDURAL MOTION

Moved Cr Cox

Seconded Cr Pitt

07/0515/18E     *"That item 07/0515/27, Investigations of Workplace Health & Safety Complaints, lie on the table until the attendance of Cr Sciacca at the meeting of Friday, 18 May 2007 at 8:30 am."*

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

The Mayor, Cr Davis and the General Manager Community & Corporate re-attended the meeting at 11:30 am.

The Chief Executive Officer withdrew from the meeting at 11:30 am and re-attended the meeting at 11:34 am during discussion of the following procedural motion:

07/0515/18F     SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Cox

*"That standing orders be suspended to allow Council to receive the report from the Performance Management Panel."*

For:                Cr Berwick, Davis, Cox

Against:        Cr Egan, Bellerio, Pitt

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



CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Cox

07/0515/18G

*"That pursuant to Section 463(1)(a) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of item 07/0515/28, the Performance Management Panel Report."*

**Carried** unanimously

ADJOURNMENT

At 1:15 pm the meeting adjourned for lunch.

RESUMPTION

The meeting resumed at 2:16 pm in open session, with the attendance of the Chief Executive Officer; the General Manager Community & Corporate; the General Manager Development & Environment, Paul Trotman; the Manager Environmental Health and the Manager Rates & Finance Support.

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment withdrew from the meeting at 2:17 pm and re-attended at 2:20 pm.

The Manager Planning attended the meeting at 2:24 pm and withdrew from the meeting at 2:25 pm.

CONFLICT OF INTEREST

Crs Pitt and Egan declared conflicts of interest in the following matter and withdrew from the meeting at 2:30 pm.

**07/0515/18      AWARDING OF COMMERCIAL RECREATION PERMIT 39-06/07 HIRE  
OF BEACH EQUIPMENT/SUN PROTECTION PRODUCTS – FOUR  
MILE BEACH, PORT DOUGLAS**

Moved Cr Cox

Seconded Cr Egan

*"That Council:*

- 1. awards Commercial Recreation Permit No 39-06/07 to Kelvin Brown for the period 01/07/07 – 30/06/12 as per the General Conditions of Permit; and*
- 2. awards the permit subject to approval by the Manager Environmental Health of equipment to be used in the operation of the business."*

For:                Cr Cox, Berwick, Davis,

Against:        Cr Bellerio

**Carried**

**ATTENDANCE/WITHDRAWAL**

The Manager Environmental Health withdrew from the meeting at 2:39 pm.

Crs Pitt and Egan re-attended the meeting at 2:39 pm.

**ENGINEERING**

No reports were presented to the meeting.

**ATTENDANCE/WITHDRAWAL**

The Manager Planning re-attended the meeting at 2:46 am.

The Chief Executive Officer withdrew from the meeting at 2:49 am.

## **FINANCE & ADMINISTRATION**

### **07/0515/19      PROPOSED FEES & CHARGES FOR THE 2007/08 FINANCIAL YEAR**

Moved Cr Berwick

Seconded Cr Cox

*"That Council adopts the schedule of proposed fees and charges for the 2007/08 financial year."*

An amendment to the motion was put:

Moved Cr Davis

*"That Council adopts the schedule of proposed fees and charges for the 2007/08 financial year, reducing by twenty (20) per cent the fees for Non-Commercial User Categories A, B and C."*

**Lost** for want of a seconder

The original motion was put:

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

### **07/0515/20      LOTS 62 & 64 PTD20910, 4-8 MOWBRAY STREET, PORT DOUGLAS – EXTENSION TO THE PORT DOUGLAS NEIGHBOURHOOD CENTRE**

Moved Cr Berwick

Seconded Cr Egan

*"That Council:*

- 1. gives permission to Port Douglas Community Services Network to extend the Port Douglas Neighbourhood Centre subject to the necessary approval being granted from the Department of Families; and*
- 2. considers guaranteeing the loan, to a maximum of \$50 000, for the alterations subject to the ANZ Bank completing an assessment of the loan application and supplying Council with an 'in principle' approval that is acceptable to Council."*

**Carried** unanimously

## **NOTICES OF MOTION**

### **OFFICER COMMENT NOT REQUIRED**

#### **07/0515/21 MC1107M – TRAFFIC AREA CONSULTATIVE COMMITTEE (TACC) – RECOGNITION AS A COMMITTEE OF DOUGLAS SHIRE COUNCIL**

Moved Cr Cox

Seconded Cr Berwick

*"That Council formally recognises the Traffic Area Consultative Committee (TACC) as a committee of Council with the following representatives:*

- *Queensland Transport;*
- *Department of Main Roads;*
- *Mossman Police;*
- *Port Douglas Police;*
- *Councillors Pitt, Cox, Sciacca and the Mayor, Cr Berwick (if required); and the*
- *Engineering Department.*

*Further, that Council endorses the recommendations of the attached minutes of the committee meeting held 30 March 2007." (Attachment Two (2) )*

An amendment to the motion was moved:

Moved Cr Bellero

Seconded Cr Davis

*"That Council formally recognises the Traffic Area Consultative Committee (TACC) as a committee of Council with the following representatives:*

- *Queensland Transport;*
- *Department of Main Roads;*
- *Mossman Police;*
- *Port Douglas Police;*
- *Crs Pitt, Cox, Sciacca and the Mayor, Cr Berwick (if required); and the*
- *Engineering Department.*

*Further, that Council endorses the recommendations of the attached minutes of the committee meeting held 30 March 2007, (Attachment Two (2) ), with the exception of the recommendation concerning reducing the speed limit in the vicinity of Wangetti College to 60 km per hour for north and south bound lanes and the Captain Cook Highway between Yule Point."*

For: Cr Bellero, Egan, Pitt, Davis

Against: Cr Berwick, Cox

**Carried**

The amendment became the motion and was put:

**Carried** unanimously

**OFFICER COMMENT PROVIDED**

**07/0515/22 RD4507M – ROADWORKS, NAUTILUS STREET, PORT DOUGLAS**

Moved Cr Davis

Seconded Cr Cox

*"That Council engineers report on budget options to improve Nautilus Street's roadworks and median strip landscape upgrade."*

**Carried** unanimously

**ATTENDANCE/WITHDRAWAL**

The Chief Executive Officer re-attended the meeting at 3:09 am.

Cr Egan withdrew from the meeting at 3:10 pm and re-attended at 3:12 pm.

The General Manager Community & Corporate withdrew from the meeting at 3:11 pm and re-attended at 3:13 pm.

**OFFICER COMMENT PENDING**

**07/0515/23 RD4607M – OVERPASS NOT UNDERPASS – ST CRISPIN'S AVENUE, PORT DOUGLAS**

Moved Cr Davis

Seconded Cr Berwick

*"That the road-registered buggies use a road crossing at grade, not an underpass, in the 'Bale'/St Crispin's development proposal."*

An amendment to the motion was moved:

Moved Cr Berwick

*"That the road-registered buggies be permitted to cross St Crispins Avenue at approved locations at grade subject to:*

- 1. a revised roadworks and landscaping plan being provided to Council for approval;*
- 2. all works in accordance with the approved plan being completed prior to the buggies being permitted to cross St Crispins Avenue."*

**Lapsed** for want of a seconder

The original motion was withdrawn.

07/0515/23A    SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Egan

*"That standing orders be suspended to allow Council to receive further clarification of planning matters associated with item 07/0515/23 above and to deal with item 07/0515/15, CA 69 – Part Lot 83 SR724, Beor Street, Craiglie, Reconfiguration of a Lot, at this time."*

**Carried** unanimously

CONFLICT OF INTEREST

Cr Davis declared a conflict of interest in the following matter ~~and he withdrew from the meeting at 3:30 pm.~~ and he chose not to leave the meeting, but did not vote on the matter. *(Amended 5 June 2007 – 07/0605/03)*

07/0515/15    CA 69 – PART LOT 83 SR724, BEOR STREET, CRAIGLIE – RECONFIGURATION OF A LOT

The original motion as follows was given further consideration:

Moved Cr Cox

Seconded Cr Pitt

*"That Council approves the application for a Material Change of Use for the construction of an intensive animal husbandry (kennel/cattery) and caretaker's residence; a development permit for a Reconfiguration of a Lot (1 Lot into 19 Lots); and a preliminary approval for a Material Change of Use to establish uses consistent with the industry (service industry) planning area, on land described as Lot 83 on SR724, Parish of Salisbury, and located at Beor Street, Craiglie, subject to the conditions outlined in Attachment C."*

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Bellerio

07/0515/15

*"That Council approves the application for a Material Change of Use for the construction of an intensive animal husbandry (kennel/cattery) and caretaker's residence; a development permit for a Reconfiguration of a Lot (1 Lot into 19 Lots); and a preliminary approval for a Material Change of Use to establish uses consistent with the industry (service industry) planning area, on land described as Lot 83 on SR724, Parish of Salisbury, and located at Beor Street, Craiglie, subject to the conditions outlined in Attachment C; and the following condition:*



*The applicant is to enter into an agreement with Douglas Shire Council requiring full payment of an Open Space Contribution in accordance with Planning Scheme Policy No 9.*

*Council acknowledges that with Stage One (1) of the proposal the applicant intends to provide a land component of 5 810 m<sup>2</sup> and this contribution equates to 43.25 % of the total open space and recreation required for Stage One (1) and Stage Two (2) of the development. Therefore the balance of the contribution is intended in monetary form in accordance with the requirements of Planning Scheme Policy No 9.*

*The applicant has made a contribution of \$200 000 in works in lieu of the balance 55.75% of the open space and recreation contribution required. Therefore the formula to determine the parkland contribution associated with the Stage Two (2) reconfiguration is:*

*Park Contribution = (Valuation of all allotments contained in Stage One (1) and Stage Two (2) X 0.1 [10%]) X 0.5575 [55.75%] – \$200 000.*

*This agreement is to be signed by both parties prior to sealing the Plan of Survey and payment of the relevant contribution is to be made within three (3) months of the registration of the title on the approved allotments.*

*As security for the payment of a monetary contribution, the applicant must, prior to the Council signing and sealing the plan of survey, provide to the Council a security deposit. The amount of the security deposit is to be a sum equal to ten (10) per cent of the Council's estimate of the total selling price of the allotments, in accordance with Planning Scheme Policy No 9. The security deposit for this application is \$280 000.*

For: Cr Berwick, Bellerio, Egan, Pitt

Against: Cr Cox

**Carried**

The amendment became the motion and was put:

**Carried** unanimously

## **REPORTS – CHIEF EXECUTIVE OFFICER**

No reports were presented to the meeting.

### ATTENDANCE/WITHDRAWAL

Cr Pitt withdrew from the meeting at 3:52 pm and re-attended at 3:55 pm.

### 07/0515/23B NATIONAL LOCAL GOVERNMENT CONFERENCE 2007

Moved Cr Berwick

Seconded Cr Bellerio

*"That Council approves the attendance of Crs Bellerio, Davis and Cox at the National Local Government Conference 2007 in ~~Canberra~~ Darwin."* (Amended 5 June 2007- 07/0605/03)

**Carried** unanimously

### PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Pitt

07/0515/23C *"That item 07/0515/23, Overpass Not Underpass – St Crispins Avenue, lie on the table until the meeting of 18 May 2007."*

**Carried** unanimously

## **REPORTS – CONFIDENTIAL MATTERS**

### CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Davis

07/0515/23D *"That pursuant to Section 463(1)(h) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of items 07/0515/24: MCUI 006/06 – Lot 265 RP738997, Silver Ash Road, Cow Bay – Application for Compensation; 07/0515/25: MCUI 007/06 – Lot 199 RP739767, Cedar Road, Cow Bay – Application for Compensation; and 07/0515/26: MCUI 018/06 – Lot 390 RP739004, Maple Road, Cow Bay – Application for Compensation."*

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public all staff, with the exception of the Chief Executive Officer and the Corporate Support Officer, Susanna Andrews, withdrew from the meeting.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Pitt

07/0515/23E

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

**Carried** unanimously

Debate on the following recommendations continued.

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer withdrew from the meeting at 3:59 pm and re-attended the meeting at 4:00 pm.

The Mayor, Cr Berwick, withdrew from the meeting at 3:59 pm and re-attended the meeting at 4:01 pm.

The General Manager Finance & Administration attended the meeting at 4:19 pm.

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

07/0515/24     MCUI 006/06 – LOT 265 RP738997, SILVER ASH ROAD, COW BAY – APPLICATION FOR COMPENSATION

Moved Cr Berwick

Seconded Cr Cox

*"That Council:*

- 1. makes an offer of compensation to the applicant for land described as Lot 265 on RP738997, Parish of Alexandra, and located at Silver Ash Road, Cow Bay, 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. reinstates rates for 2007/08."*

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

Against: Cr Bellerio

**Carried**

**07/0515/25      MCUI 007/06 – LOT 199 RP739767, CEDAR ROAD,  
COW BAY – APPLICATION FOR COMPENSATION**

Moved Cr Berwick

Seconded Cr Cox

*"That Council:*

- 1. refuses the applicant's claim for compensation for land described as Lot 199 on RP739767, Parish of Alexandra, and located at Cedar Road, Cow Bay, of between \$150 000 and \$220 000 and makes an offer of compensation to the applicant in the amount of \$50 000 in accordance with the findings of the report prepared by Herron Todd White Valuers dated 19 February 2007;*
- 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. reinstates rates for 2007/08."*

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

Against: Cr Bellerio

**Carried**

**07/0515/26      MCUI 018/06 – LOT 390 RP739004, MAPLE ROAD, COW BAY –  
APPLICATION FOR COMPENSATION**

Moved Cr Berwick

Seconded Cr Cox

*"That Council:*

- 1. makes an offer of compensation to the applicant for land described as Lot 390 on RP739004, Parish of Alexandra, and located at Maple Road, Cow Bay, 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. reinstates rates for 2007/08."*

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

Against: Cr Bellerio

**Carried**

**ADJOURNMENT**

At 5:00 pm the meeting was adjourned until 8:30 am on Friday, 18 May 2007.

Presented to and confirmed by Council on the *fifth* day of *June* 2007.

**M P Berwick**  
**Chair**

Confirmed

Attachment 1

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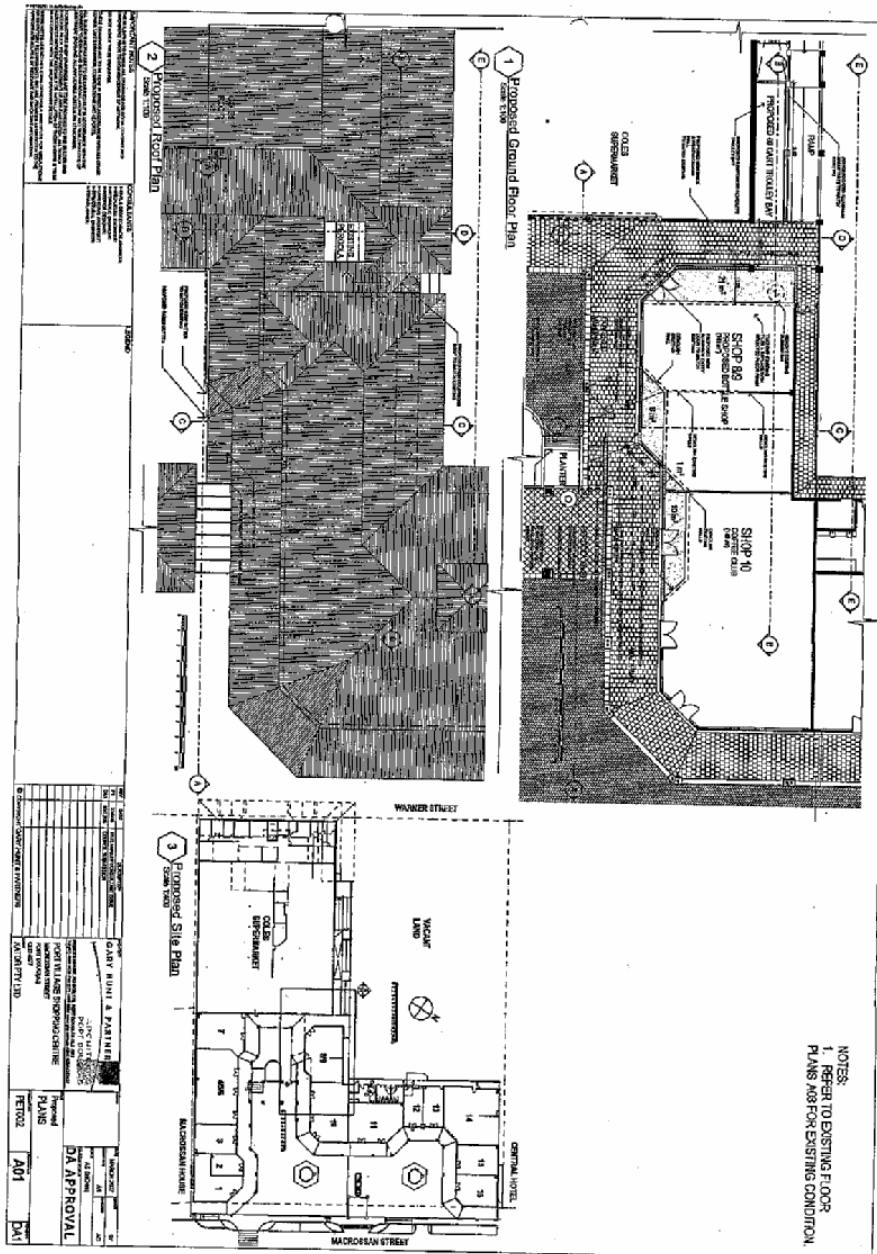
Ordinary Council Meeting

15 May 2007

MCU 3B – 023/98 – Require for Minor Modification

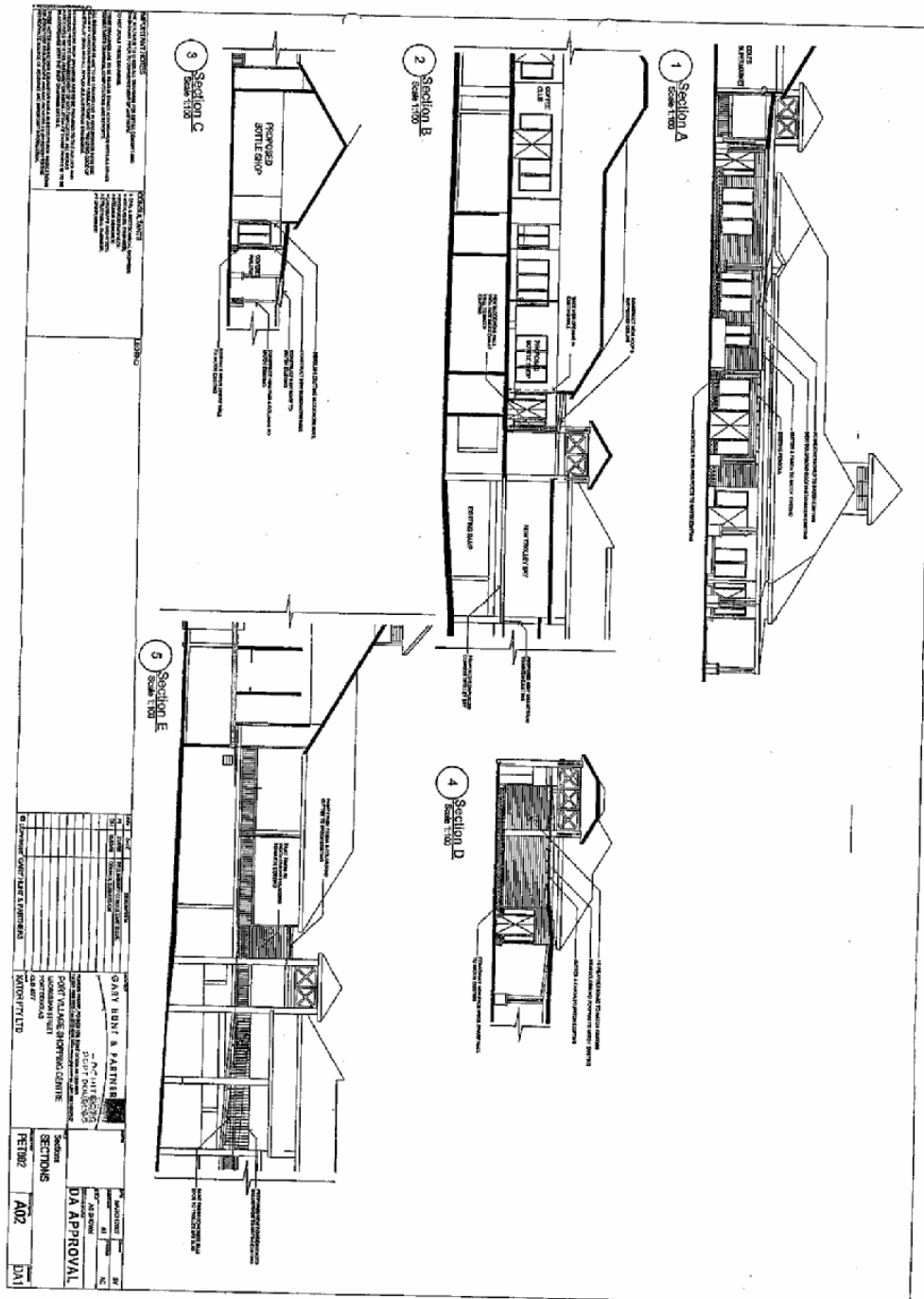
Attachment 1

Amended Plans of Development





MCU 3B – 023/98 – Require for Minor Modification



Attachment C

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Ordinary Council Meeting

15 May 2007

CA 69 – Development Permit for Code Assessment for Reconfiguration of a Lot

**Attachment C: draft decision notice**

Natalie Clark – Planning Officer  
Planning Services Section - ☎ (07) 4099 9456  
planning@dsc.qld.gov.au

CA 69

Flanagan Consulting Group  
PO Box 5820  
CAIRNS QLD 4870

May 2007

**INTEGRATED PLANNING ACT  
DECISION NOTICE**

**DEVELOPMENT APPLICATION**

**Applicant's Name** : Waks Pty Ltd  
**Owner's Name** : Waks Pty Ltd  
**Proposal** : A. Reconfiguration of a Lot to create 19 Lots  
B. Preliminary Approval for a Material Change of Use to permit uses consistent with Industry (Service Industry)  
C. Development Permit for a Material Change of Use for the purpose of Intensive Animal Husbandry (Kennel/Cattery) and Caretaker's Residence  
**Application Number** : CA 69  
**Site Address** : Beor Street, Craiglie  
**Property Description** : Lot 83 on SR724, Parish of Salisbury, County of Solander  
**1. Decision:** **Decision Date:** 15 May 2007

*CA 69 – Development Permit for Code Assessment for Reconfiguration of a Lot*

Approved subject to Conditions

**2. Type of Development Approval:**

Material Change of Use  
Reconfiguration of a Lot  
Material Change of Use

Development Permit  
Development Permit  
Preliminary Approval

**3. Referral Agency:**

Department of Main Roads  
Peninsula District  
PO Box 6185  
CAIRNS QLD 4870

**4. Conditions**

**MATERIAL CHANGE OF USE (Intensive Animal Husbandry & Caretaker's Residence)**

**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
Overall Site Plan	SD 01	Sept 06
Proposed Layout Plan	SD 02	Sept 06
Proposed Layout – Elevations, Sections, Images	SD 03	Sept 06

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

Ordinary Council Meeting

15 May 2007

CA 69 – Development Permit for Code Assessment for Reconfiguration of a Lot

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:

Title	Plan No.	Date
Landscape Plan	SD 01	-

Has been approved, as part of this development, except where otherwise stated as a condition of this approval.

4. The owner/developer shall be responsible for all maintenance work for a period of twenty-four (24) months. Council will not accept the landscaping off maintenance until it meets the requirements of Council's Engineering Services.
5. Irrigation for external landscaping shall be transferred to Council's reticulated water system prior to landscaping being accepted as off maintenance.

Sewerage

6. No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.
7. Animal faeces are to be collected on site and disposed of in the general refuse.
8. No animal faeces are to be placed into the sewer.

Electricity and Telephone Services

9. All electrical lines along the full frontages of the subject site (unnamed proposed cul-de-sac) are to be placed underground. These works are to be undertaken by Ergon Energy at the developers/owners expense and are to be completed prior to commencement of the approved use.

*CA 69 – Development Permit for Code Assessment for Reconfiguration of a Lot*

**Stormwater**

10. 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 unnamed road. The approved use must not:
  - a) Interfere with the natural flow of stormwater;
  - b) Cause ponding of stormwater on adjoining properties.

**Carparking**

11. A carparking area with a minimum of sixteen (16) 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.

**Refuse**

12. A waste storage area is to be available on site in a location approved by the Manager Environmental Health Services. The storage area is to be of sufficient size to house all mobile garbage (wheelie) bins including recycling bins. The storage area is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection.

**Compliance**

13. 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.

**Construction Requirements**

14. All construction works are to be carried out in compliance with the Environmental Protection (Water) Policy 1997 and the Environmental Protection Regulation 1998.

*CA 69 – Development Permit for Code Assessment for Reconfiguration of a Lot*

15. Adequate facilities must be provided during construction to contain all site refuse. Facilities should be designed to prevent loose items of refuse being displaced by wind forces or being washed off site.
16. All liquid wastes generated during construction of the premises should be managed so that they are not permitted to enter a roadside gutter, stormwater drain or a water tank.
17. Waste solvents, solvent and acrylic based paints and waste water generated during construction must not be introduced to sewer or stormwater systems and should be disposed of using the services of a trade waste contractor or other approved disposal agency.
18. All sites are to be provided with sediment control measures to prevent any run-off of mud, silt or sand to stormwater. (Further advice on sediment control can be obtained by contacting Council's Environmental Health Services Section for a free booklet).
19. The applicant is to provide an Acoustic Report prepared by an Acoustic Engineer that demonstrates that measures proposed to be installed on the kernel site will be adequate to mitigate potential noise nuisance as defined by the Environmental Protection Regulation 1998.

**RECONFIGURING A LOT**

**Plan of Development**

20. The approved plan of reconfiguration and carrying out of any works on the premises associated with this development must be in accordance with the following approved plan/s of reconfiguration.

Title	Plan No.	Date
Proposal Plan (Stage 2)	8294-10	21/9/06

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



*CA 69 – Development Permit for Code Assessment for Reconfiguration of a Lot*

**Water Supply**

21. The plans and specifications of the internal water supply must be submitted to Council at Operational Works application stage for this reconfiguration for review.

This system must make provision for services to the boundaries of all lots, including main works, enveloper pipes at cross street services and valve and hydrant markers and be designed in accordance with the requirements of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual".

22. The developer must provide a new water supply connection for proposed Lots 24 - 42. The design and specifications for the new connection must be submitted to Council for its approval prior to the lodgement of the Survey Plan for endorsement.
23. The developer is responsible for the external works to connect the site with Council's water supply at Beor Street.
24. The developer shall be required to provide a 20mm diameter water service to the boundary of each lot to be created, together with the lodgment with Council of an amount equivalent to the cost of completing each service with a water meter. The service connection to the Council water main will remain closed until such time as the respective lot purchaser makes application to have the service operative. At this time, Council will install the water meter and turn the flow of water on through the service at no cost to the said lot purchaser.

The amount lodged by the applicant shall be placed in Council's Trust Fund and is to be utilised when applications are received from the allotment purchasers for a water service connection

**Sewerage**

25. The plans and specifications of the internal sewerage works must be submitted to Council at Operational Works application stage for approval.
26. The developer must provide a new sewerage connection for proposed Lots 24 - 42. The design and specifications for the new connection must be submitted to Council for its approval prior to the lodgement of the Survey Plan for endorsement.

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CA 69 – Development Permit for Code Assessment for Reconfiguration of a Lot

**Electrical & Telephone Services**

27. Prior to the approval of the Plan of Survey, the Developer must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:
- (a) an underground electrical supply to each lot; and
  - (b) street lighting in accordance with Council's adopted standards.
  - (c) locating of all above ground transformer cubicles clear of footpath and parkland areas.
28. Prior to the approval of the Plan of Survey, the Developer must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:
- (a) an underground telephone service to each lot; and
  - (b) locating of all above ground switching station cubicles clear of footpath and parkland areas.

**Stormwater Drainage**

29. The Developers are required to place pollution control devices in stormwater drains in accordance with the requirements of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual". The design and location of these devices must be submitted at Operational Works application stage.

**Operational Works Development Permit**

30. The developer must submit as part of an application for a Development Permit for Operational Works information and plans in accordance with Section AP1 "Application Procedures" of Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual".

*CA 69 – Development Permit for Code Assessment for Reconfiguration of a Lot*

**Currency Period**

31. The development authorised by this Development Permit must cease at the expiration of four (4) years from the day that this Development Permit takes effect under the *Integrated Planning Act 1997* unless a detailed plan of survey has been lodged with Council for endorsement and all conditions of this approval complied with.

**Compliance with Conditions**

32. The Plan of Survey with associated documents shall not be endorsed by Council until Conditions 22 to ... have been complied with.

**Road Works**

33. The developer must undertake the following works:
- (a) Internal  
Provision is to be made for the following works in accordance with Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual" for Industrial Access Roads.
    - i. Unnamed Roads
      - Kerb and channelling along the full length of the frontage;
      - Full width bitumen surface;
      - Footpaths;
      - Underground Drainage.
  - (b) External  
Provision is to be made for the following works external to the site in accordance with Planning Policy No.6 "Planning Scheme Policy No.6 "FNQROC Development Manual" for Industrial Collector Roads.
    - i. Beor Street
      - Kerb and channelling along the full length of the frontage;
      - Construction of road shoulders, to full width;
      - Footpaths;

CA 69 – Development Permit for Code Assessment for Reconfiguration of a Lot

- Underground Drainage

The plans and specifications of the internal and external road works must be submitted to Council at Operational Works application stage for review.

34. 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.

**Environmental Management Plan**

35. The Developer is to submit with the application for approval of Operational Works, an Environmental Management Plan (EMP) in accordance with the requirements of Planning Scheme Policy No.10 *"Reports and Information the Council may Request"*. This EMP must detail the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works.

**Water supply & Sewerage Headworks**

36. 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	69
Sewerage	69

**Street Tree Planting**

37. The applicant is to undertake street tree planting in accordance with the requirements of the FNQ Development Manual.

*CA 69 – Development Permit for Code Assessment for Reconfiguration of a Lot*

**ENVIRONMENTALLY RELEVANT ACTIVITY CONDITIONS**

**SCHEDULE A – GENERAL CONDITIONS**

- A1. The environmentally relevant activity must be constructed, operated and maintained in accordance with the plans, specifications and information submitted by the applicant which are approved by the Administering Authority as set out in the attached schedule to this development approval except that, in the event of an inconsistency arising between the application and the conditions of this development approval, the conditions of the development approval must apply.
- A2. The holder of the development approval must not change the method of disposal or increase the amount of disposed waste under this development approval if the change is likely to increase.
- A3. Contaminant must not be released to the environment other than in accordance with the development approval.
- A4. The holder of the development approval must install and operate all works and control equipment, and take all measures, perform all acts and do all things necessary to ensure compliance with the conditions of the development approval.
- A5. A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.
- A6. The holder of the development approval must ensure that those persons responsible for day-to-day operations at the approved place are familiar with the conditions of this development approval.
- A7. Any record required to be kept as a condition of the development approval must be kept at the approved place and be available for examination by an authorised person.
- A8. Copies of any record required to be kept by a condition of the development approval must be provided to any authorised person or the administering authority on request.



*CA 69 – Development Permit for Code Assessment for Reconfiguration of a Lot*

**SCHEDULE B – AIR DISCHARGE**

- B1. Notwithstanding any other condition of the development approval, no odour determined by an authorised person to be noxious or offensive is to be released beyond the boundaries of the approved place.
- B2. No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols is to cause or likely to cause an environmental nuisance beyond the boundaries of the approved place.
- B3. No incineration or open burning is to be carried out on the approved place

**SCHEDULE C – WATER DISCHARGE**

- C1. Except as otherwise provided by the conditions of the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means, which may be necessary to prevent or minimise the release of contaminants to waters.
- C2. Contaminants must not be directly or indirectly released from the approved place to any waters or the bed and banks of any waters (except as permitted under another schedule of this development approval)

**SCHEDULE D – STORMWATER MANAGEMENT**

- D1. Except as provided by the conditions of the stormwater management schedule and the water schedule of this development approval, the environmentally relevant activity must be carried out by such practical means which may be necessary to prevent or minimise the contact of incident rainfall and stormwater runoff with wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.
- D2. Any stormwater leaving the approved place shall contain no visible floating oil, grease, scum, litter or other matter.
- D3. Any spillage of wastes, contaminants or other material must be cleaned up as quickly as practical. Such spillage must not be cleaned up by hosing, sweeping or



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otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or water.

- D4. All wastewater produced as a result of the environmentally relevant activity, including water produced from the washing of animals and animal accommodation is to be discharged to the sewer via an approved silt trap.

**SCHEDULE E – LAND APPLICATION**

- E1. The environmentally relevant activity must be carried out by such practical means that may be necessary to prevent or minimise the release of contaminants to the land.

**SCHEDULE F – NOISE CONTROL**

- F1. Except as otherwise provided by the condition of the Noise schedule of this development approval, the environmentally relevant activity must be carried out by such means that may be necessary to prevent or minimise the emission or noise.
- F2. The emission of noise from the approved place must not result in offensive noise levels being emitted beyond the boundaries of the approved place, as determined by an authorised person.

**SCHEDULE G – WASTE MANAGEMENT**

- G1. Waste must not be released to the environment or disposed contrary to the condition of this development approval.
- G2. Waste must not be burnt or allowed to burn at the approved place or removed and burnt elsewhere.
- G3. Where a recycling service is available, recyclable waste must not be deposited in the general waste stream.

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**SCHEDULE H – SELF MONITORING**

- H1. All complaints received by the holder of this development approval of this environmentally relevant activity relating to operations at the approved place must be recorded in a logbook with the following details:
- Time and date of complaint;
  - Contact details of the complainant;
  - Response and investigation undertaken as a result of the complainant;
  - Name of person responsible for investigating complaint; and
  - Action taken as a result of the investigation of the complaint.
- H2. The complaints recorded required by condition H1 shall be maintained for a period of not less than 3 years.
- H3. As soon as practical after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the condition of this development approval, the holder of this development approval, to their operator on site must notify the administering authority of the release by telephone or facsimile.
- H4. The notification of emergencies or incidents as required by condition H3 must include but not limited to the following:
- The name of the holder of this development approval
  - The location of the emergency of the incident
  - The name and telephone number of the designated contact person
  - The time of release
  - The time the holder of the development approval became aware of the release
  - The suspected cause of the release
  - The environmental harm and or the environmental nuisance caused, threatened or suspected to be caused by the release
  - Actions taken to prevent any further release and mitigate any environmental harm or environmental nuisance caused by the release

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**SCHEDULE I – DEFINITIONS**

- I1. For the purpose of this development approval any term not otherwise defined in legislation or in the definitions schedule of this development approval has the meaning conferred to that term in its common usage.
- I2. In the event of any inconsistency arising between the meaning of any term provided in the definitions schedule of this development approval and any common usage of that term, the meaning conferred in the definitions schedule of this development approval must apply.
- I3. For the purpose of this development approval the following definitions apply:

“Act” means the Environmental Protection Act 1994

“Administering Authority” means the Douglas Shire Council or its successor

**Advice**

Water connection and electricity transformer cubicles are located on alternate lot boundaries to ensure safety when requiring maintenance.

In accordance with the Queensland State regulations for pool fencing there shall be no climbable vegetation within 1.2 metres of the pool fence.

No Advertising Device has been approved with this application. Any Advertising Device proposed will require an operational works application in accordance with the 2006 Douglas Shire Planning Scheme.

**5. Further Development Approvals Required:**

Operational Work	Development Permit
Building Permit	Development Permit

Paul Trotman

General Manager – Development & Environment

Appendix A – Concurrence Agency Conditions

Attachment 2

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Ordinary Council Meeting

15 May 2007

*Councillor Notice of Motion*

**EXTRACT FROM DEPUTATION held 7<sup>th</sup> April 2007**

Traffic Consultative Meeting

ATTENDANCE

Mr Michael Ringer – Senior Traffic Operations, Department of Main Roads attended the meeting to discuss issues from the Traffic Consultative Meeting held last year.

The following issues were raised:-

- Problems with speed from south of Craiglie to Port Douglas Road – particularly from turnoff into Port Douglas.
- Mr Ringer referred to a committee being organised by Cairns City Council, Traffic Operation Committee where safety, speed issues etc were discussed.
- Mr Ringer indicated Meetings are held on a needs basis, and dealt with items of an operational nature e.g. what's happening on the road; speeds, etc and reports back on items a couple of months later. He further indicated items relating to planning matters are not discussed at these meetings but should be referred to a planning meeting.

Council confirmed that it would form a committee, comprising the Department of Main Roads, an Engineering Department representative, Crs Pitt, Cox, Sciacca & the Mayor, if required, and the Committee meet four (4) times a year.

A date was set for first meeting of the Committee and it was agreed it be held on Monday 9<sup>th</sup> May 2005 at Council Chambers commencing at 9.00 am. The Council will provide the Agenda and a copy forwarded to Mr Ringer, one (1) week prior to the meeting.

Questions were raised regarding embankments in Port Douglas on low speed roadways and the 60 kph. on roadways which could tolerate, higher speeds.

Mr Ringer indicated a letter would be received by Council shortly advising there will be a 70 kms speed limit through Craiglie.

On being questioned in regard to roundabouts, particularly at the entrance to Port Douglas and public transport, Mr Ringer indicated these questions should be referred to Bruce Ollason, as they are separate concerns, which should be addressed at a Planning Meeting.

Mr Ringer was requested to direct Council to an appropriate contact so they may refer any planning issues onto the appropriate person on the Planning Committee. Mr Ringer suggested Council participate in Planning Meetings and these could be held 3-4 times per year.

Ordinary Council Meeting

15 May 2007

*Councillor Notice of Motion*

It was agreed Council write a letter to Queensland Transport to organize a Planning Meeting twice per year to discuss planning needs in the area.

It was further agreed the following items be listed on the agenda for the Traffic Operational Meeting planned for Monday 9<sup>th</sup> May 05:-

- Speed Limit ~~to~~ through Craiglie (*amended Mtg 19/4/05 Pg1*)
- Management of Lay-off Lanes between Cairns & Port Douglas
- Roundabout at the entrance to Port Douglas
- Embankment requirements
- European Drivers – left hand drive
- Speed Limit on Port Douglas Road
- Issue at ~~Cooya Beach~~ the intersection of Bonnie Doon Road and Captain Cook Highway with extra traffic build-up (*amended Mtg 19/4/05 Pg1*)
- Intersection of Daintree and Miallo Roads, and
- Pedestrian Crossing near Exchange Hotel in Front Street, Mossman.

WITHDRAWAL

Mr Ringer withdrew from the meeting at 12.00 pm.

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*Minutes of the Traffic Area Consultative Committee  
30 March 2007  
commencing at 3.00 pm*

PRESENT

Councillors – M J Cox (Chair)

Department of Main Roads – Michael Ringer

Queensland Transport – Brian Hughes

Mossman Police – Craig Roberts

Port Douglas Police – Damien Meadows

Staff – Melissa Green (Corporate Support)

Invited Guests – Jeff Madsen, Department of Main Roads

Col Cameron, Port Douglas Chamber of Commerce

Victoria Hunt, President Port Douglas State School P & C

Alex Preuss – Douglas Bicycle User Group

Ordinary Council Meeting

15 May 2007

Councillor Notice of Motion

07/0330/01      **SPEED LIMITS**

07/0330/01(a) CAPTAIN COOK HIGHWAY (WANGETTI COLLEGE)

**Moved: Michael Ringer      Seconded: Col Cameron**

*That the committee recommend reducing the speed limit in the vicinity of Wangetti College to 60kms for north and south bound lanes.*

*Carried Unanimously*

07/0330/01(b) CAPTAIN COOK HIGHWAY (OAK BEACH/YULE POINT SECTION)

**Moved: Michael Ringer      Seconded: Damien Meadows**

*That the committee recommend reducing the speed limit for the Oak Beach/Yule Point section of the Captain Cook Highway to 80kms.*

*Carried Unanimously*

07/0330/01(c) CRAIGLIE THROUGH TO CREES' CREEK

**Moved: Cr Cox      Seconded: Brian Hughes**

*That the committee do not recommend making any changes to the speed limits at this time however will review the speed limits in conjunction with the Department of Main Road's review of works carried out at the Port Douglas intersection in approximately twelve months time.*

*Carried Unanimously*

**ATTENDANCE/WITHDRAWAL**

Damien Meadows withdrew from the meeting at 4.00pm to attend another commitment.

07/0330/02      **AGINCOURT STREET/ULYSSES AVENUE ROUNDABOUT**

Victoria Hunt outlined the concerns raised by the Port Douglas State School P & C in relation to safety issues for students crossing the road near the roundabout situated between Agincourt Street, Ulysses Avenue and Port Douglas Road. Col Cameron advised these concerns were also shared by the Port Douglas Chamber of Commerce as the area is becoming a pedestrian thoroughfare for both locals and tourists. Department of Main Roads has advised that some work has been done in this area with signage for pedestrians to be erected shortly. Department of Main Roads will arrange for an on-site analysis/inspection of the site and will provide feedback to Cr Cox by the end of April 2007.



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Ordinary Council Meeting

15 May 2007

Councillor Notice of Motion

**ATTENDANCE/WITHDRAWAL**

Victoria Hunt and Col Cameron withdrew from the meeting and thanked the committee for their time.

**07/0330/03 CYCLIST SAFETY**

Alex Preuss, on behalf of the Douglas Bicycle User Group thanked the committee for their time and raised the "Bikeway Strategy" commissioned by Douglas Shire Council in August 1999. The Douglas Bicycle User Group are keen to progress the strategy (**appendix 1**).

**Moved: Cr Cox**

**Seconded: Michael Ringer**

*That the committee recommend Council's Bikeway Strategy be reviewed and incorporated into Council's Corporate and Operational plans.*

***Carried Unanimously***

**07/0330/01 SPEED LIMITS (Continued)**

**07/0330/01(d) MOSSMAN-DAINTREE ROAD (PORT DOUGLAS VIEWS ESTATE)**

**Moved: Michael Ringer**

**Seconded: Cr Cox**

*That the committee recommend the current speed limit remain for the section of Mossman-Daintree Road in front of Port Douglas Views Estate.*

***Carried Unanimously***

**07/0330/01(e) MOSSMAN-DAINTREE ROAD (LAVERS ROAD TURN OFF NORTH TO BUS STOP)**

**Moved: Jeff Madsen**

**Seconded: Cr Cox**

*That the committee recommend the Department of Main Roads investigate the option of widening the road to act as a pull off area for large vehicles and report back to the committee at the next meeting to review this section of Mossman-Daintree Road in association with reviewing the speed limit.*

***Carried Unanimously***

**07/0330/01(f) FRONT STREET/ALCHERA DRIVE**

*It was agreed this matter will be held over until the next meeting.*

**07/0330/04 COMMITTEE MEETING DATE**

*It was recommended the next committee meeting be held on Friday, 29 June 2007 commencing at 1.00pm.*

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Ordinary Council Meeting

15 May 2007

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*Councillor Notice of Motion*

*Carried Unanimously*

**TERMINATION**

The meeting closed at 4.35 pm.

The Chair will present these minutes on 15<sup>th</sup> May 2007 to Council requesting endorsement of the Committee's recommendations.

Presented to and confirmed by the Committee on twenty-ninth day of June 2007.

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