



*Minutes of the Development & Environment  
Standing Committee of the Council  
20 November 2007  
commencing at 12:07 am*

---

**PRESENT**

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

**Staff** – J F Leu (Acting Chief Executive Officer), D G Carey (General Manager Community & Corporate), D V Crees (Acting General Manager Finance & Administration), P M Hoyer (Acting General Manager Development & Environment), P J Cymbala (Acting General Manager Engineering), J R Allen (Strategic Planner), M Grenfell (Sustainability Officer) and S K Andrews (Corporate Support).

**07/1120/18      DECLARATIONS OF INTEREST**

There were no declarations of interest presented to the meeting.

**07/1120/19      CONFIRMATION OF MINUTES - 30 OCTOBER 2007**

Moved Cr Sciacca

Seconded Cr Pitt

*“That the minutes of the Development & Environment Standing Committee Meeting held on 30 October 2007 be confirmed.”*

**Carried** unanimously

**REPORTS**

**07/1120/19A      ADOPTION OF RECOMMENDATIONS**

Moved Cr Berwick

Seconded Cr Sciacca

*“That the Development & Environment Standing Committee of the Council adopts the recommendations of the Council officers for items 07/1120/20 – Pre-Cyclone Clean Up; and item 07/1120/23 – Port Douglas Waterfront Project – Proposed Planning Coordinator; and item 07/1120/26 – MCU 3B 001/06 – Lot 32 RP740682, Cape Tribulation Road, Cape Kimberley – Material Change of Use for a Dwelling House and Shed; namely:*



**07/1120/20 PRE-CYCLONE CLEAN UP**

**OFFICER'S RECOMMENDATION**

*That the Committee approves the allocation of \$50 000 from Cleansing Reserves for the purpose of carrying out a pre-cyclone cleanup for residential properties throughout the Shire in December 2007 – January 2008.*

**07/1120/23 PORT DOUGLAS WATERFRONT PROJECT – PROPOSED PLANNING COORDINATOR**

**OFFICER'S RECOMMENDATION**

*That the Committee:*

- 1. confirms the appointment of GHD Pty Ltd (GHD) for the role of Planning Coordinator for the Port Douglas Waterfront Project, subject to negotiation of a fee equivalent to or less than the amount specified in the GHD tender; and*
- 2. authorises the Acting General Manager Development and Environment to negotiate the final contract price with GHD.*

**07/1120/26 MCU 3B 001/06 – LOT 32 RP740682, CAPE TRIBULATION ROAD, CAPE KIMBERLEY – MATERIAL CHANGE OF USE FOR A DWELLING HOUSE AND SHED**

**OFFICER'S RECOMMENDATION**

*That the Committee approves application MCU 3B 001/06 for a Material Change of Use for a dwelling house and shed on rural (residential) zoned land described as Lot 3 on RP739106, Parish of Alexandra, and located at Cape Tribulation Road, Cape Kimberley, 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 be in accordance with the following approved plan/s of development:*

<b>TITLE</b>	<b>PLAN NO</b>	<b>DATE</b>
<i>Elevations</i>	-	-
<i>Floor Plan</i>	-	-
<i>On-site Sewerage Assessment – Indicative Disposal Areas</i>	CO7-225	10/09/07

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

### ***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 Services.*
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 colour scheme of the roof is to be in accordance with Council's approved list of colours. The proposed wall colour of Natural Timber Stains is approved. No variation from the approved colours is permitted without the written authorisation of Council.*



### *Sewerage*

7. *The wastewater treatment system is to be designed in accordance with the Plumbing and Drainage Act 2002 and the On-site Sewerage Assessment Report prepared by Engineering Testing Services and submitted to Council prior to the commencement of the use.*

### *Operational Works*

8. *Should excavation or filling be required on-site, the applicant will be required to prepare and submit civil engineering plans for all excavation, including a sediment control plan in accordance with the FNQROC Development Manual for Council approval.*

### *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.*

### *Advice*

*All native vegetation on the site is identified as protected vegetation under Council's Local Law No 56 Amendment One (1) of 2006 – Vegetation Management. No vegetation is permitted to be removed from the site without the approval of Council under this Local Law."*

**Carried unanimously**

## 07/1120/21 RURAL LAND USE STUDY

Moved Cr Cox

Seconded Cr Berwick

*"That the Committee:*

1. *notes that there is limited potential for it to make further amendments to the Planning Scheme that may arise from a Rural Land Use Study, given the concurrent Far North Queensland 2025 (FNQ2025) statutory regional plan process and close proximity of the Council merger;*
2. *adopts the terms of reference recommended in the officer's report to guide the drafting of comments on the draft FNQ2025 due to be released in early 2008; and*
3. *requests staff to report back to Council at its next meeting including a draft response to the pending FNQ2025 regional plan."*



ATTENDANCE/WITHDRAWAL

Cr Pitt withdrew from the meeting at 12:13 am and re-attended at 12:14 am.

The Acting Chief Executive Officer, Julia Leu, withdrew from the meeting at 12:26 am and re-attended at 12:29 am.

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

Against: Cr Bellerio

**Carried**

ADJOURNMENT OF THE MEETING

At 12:36 pm the meeting was adjourned for luncheon, to resume at 1:15 pm.

RESUMPTION OF THE MEETING

The meeting resumed at 1:18 pm without the attendance of the Mayor, Cr Berwick, the General Manager Community & Corporate, David Carey and the Strategic Planner, Jim Allen.

07/1120/22 UPDATE ON CITIES FOR CLIMATE PROTECTION (CCP PLUS) PROGRAM

Moved Cr Egan

Seconded Cr Cox

*"That the Committee notes and adopts the updated Cities for Climate Protection CCP Plus – Douglas Shire Council Local Action Plan."*

ATTENDANCE/WITHDRAWAL

The Mayor, Cr Berwick, attended the meeting at 1:20 pm.

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

Against: Cr Bellerio

**Carried**



ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer and the Sustainability Officer, Maree Grenfell, withdrew from the meeting at 1:33 pm.

07/1120/24 MCUI 011/07 – LOT 442 RP738994, CAPE TRIBULATION ROAD, CAPE TRIBULATION – APPLICATION FOR COMPENSATION

Moved Cr Berwick

Seconded Cr Cox

*“That the Committee:*

- 1. makes an offer of compensation to the applicant for land described as Lot 442 on RP738994, Parish of Alexandra, and located at Cape Tribulation 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 agreement between Douglas Shire Council and the Environmental Protection Agency;*
- 3. requests Council’s Conservation Precinct Register be updated to record that the landowner’s development status is changed to ‘compensated’; and*
- 4. reviews the rates on properties without development rights.”*

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

Against: Cr Bellerio, Sciacca

**Carried**

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer re-attended the meeting at 1:35 pm.



**07/1120/25 AUSTRALIAN RAINFOREST FOUNDATION (ARF) – APPLICATION  
FOR COMPENSATION**

Moved Cr Cox

Seconded Cr Berwick

*“That the Committee refuses the applications made by the Australian Rainforest Foundation for a house on each of the following allotments on the following grounds:*

<b>Reference Number</b>	<b>Address</b>	<b>Description</b>	
1	MCUI 017/07	Lot 445 on RP738994	Cape Tribulation Rd, Cow Bay
2	MCUI 018/07	Lot 462 on RP742053	Black Bean Road, Cow Bay
3	MCUI 019/07	Lot 468 on RP742051	Black Bean Road, Cow Bay
4	MCUI 021/07	Lot 185 on RP740951	Turpentine Road, Diwan
5	MCUI 022/07	Lot 186 on RP740951	Stonewood Road, Diwan
6	MCUI 026/07	Lot 467 on RP742053	Black Bean Road, Cow Bay
7	MCUI 029/07	Lot 247 on RP738596	Candlenut Road, Diwan
8	MCUI 031/07	Lot 187 on RP740951	Stonewood Road, Diwan
9	MCUI 032/07	Lot 452 on RP738994	Cape Tribulation Rd, Cow Bay

- (i) *the erection of a house on each of the subject allotments 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 each of the subject allotments is inconsistent with both the intent and the Performance Criteria of the Conservation Planning Area; and*
- (iii) *no evidence has been provided that any of the proposals are compliant with the requirements of the following Codes:*
- Filling and Excavation Code;*
  - Landscaping Code;*
  - Natural Areas and Scenic Amenity Code;*
  - Vehicle Parking and Access Code.”*

**ATTENDANCE/WITHDRAWAL**

The Acting Chief Executive Officer withdrew from the meeting at 1:36 pm.



PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Cox

07/1120/25A

*"That item 07/1120/25 – Australian Rainforest Foundation (ARF) – Application for Compensation, lies on the table until the Planning Officer, Michelle Henderson, can attend the meeting to provide further advice to the Committee."*

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer and the Planning Officer, Michelle Henderson, attended the meeting at 1:37 pm.

The General Manager Community & Corporate attended the meeting at 1:41 pm.

Following advice provided to the meeting by the Planning Officer and further consideration by the Committee, the motion was put:

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

Against: Cr Bellerio, Sciacca

**Carried**

ATTENDANCE/WITHDRAWAL

The Planning Officer withdrew from the meeting at 1:43 pm.

07/1120/27

SUB 028/04 – LOTS 304-306, C2251 AND LOT 1, RP720006, OLD PORT ROAD, CRAIGLIE – REQUEST TO DELETE CONDITIONS OF APPROVAL

Moved Cr Davis

Seconded Cr Egan

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





PROCEDURAL MOTION

Moved Cr Davis

Seconded Cr Berwick

07/1120/27A

*"That item 07/1120/27 – SUB 028/04 – Lots 304-306, C2251 and Lot 1 RP720006, Old Port Road, Craiglie – Request to Delete Conditions of Approval, lies on the table until further information is provided by the Planning Department."*

**Carried** unanimously

Moved Cr Berwick

Seconded Cr Egan

07/1120/27(i)

*"That a report be provided to the next Development & Environment Standing Committee Meeting of the Council showing the entire footpath network for the Old Port Road, Craiglie, area."*

**Carried** unanimously

07/1120/28

PROPOSED EXELOO – HUTCHINGS PARK, PORT DOUGLAS

Moved Cr Berwick

Seconded Cr Cox

*"That the Committee approves the construction of an Exeloo toilet in Hutchings Park, Port Douglas."*

**Carried** unanimously

**NOTICES OF MOTION**

07/1120/29

RD6107M – CAMPING RIGHTS

Moved Cr Davis

Seconded Cr Bellerio

*"That the Committee resolves that staff are to advise on the terms and conditions to allow landholders who have lost their development rights north of the Daintree short-term (one [1] month) camping use on their own land."*

For: Cr Davis, Bellerio, Pitt, Sciacca

Against: Cr Berwick, Egan, Cox

**Carried**



07/1120/30      RD6807M – BEACH EXERCISE CLASSES UNRESTRICTED

Moved Cr Davis

*“That the Committee resolves to promote beach exercise training, and agrees to desist from charging or permitting those who offer non-mechanised exercise tuition on our beaches.”*

**Lapsed** for want of a seconder

07/1120/31      DE0807M – INSTALLATION OF SHADE COVER – LOU PRINCE PARK, COOYA BEACH

Moved Cr Egan

Seconded Cr Pitt

*“That the Committee utilises reserve funds contributed by Cooya Beach developers to provide adequate shade cover over playground equipment being installed in Lou Prince Park, Cooya Beach.”*

**Carried** unanimously

07/1120/32      MB0907M – OPTONS FOR INCREASED LANDSCAPING ON ROAD RESERVE – COCONUT GROVE DEVELOPMENT, PORT DOUGLAS

*“That the Committee examines options for increased landscaping on the road reserve to further screen the new Coconut Grove development at Port Douglas. Further, that staff consult with the developer to ensure any extra landscaping is implemented at the time road frontage works are undertaken.”*

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Egan

07/1120/32A

*“That item 07/1120/32 – MB0907M – Options for Increased Landscaping on Road Reserve – Coconut Grove Development, Port Douglas, lies on the table until a staff response can be prepared.”*

**Carried** unanimously



**TERMINATION OF THE MEETING**

The meeting was closed at 2:14 pm.

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

**R Davis  
Chair**

Confirmed