



*Minutes of the Development & Environment
Standing Committee of the Council
9 October 2007
commencing at 11:43 am*

PRESENT

Councillors – R Davis (Chair), M P Berwick (Mayor), D P Egan (Deputy Mayor) (from 11:44 am), W J Bello, D G Pitt and J Sciacca.

Staff – J F Leu (Acting Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), P J Cymbala (Acting General Manager Engineering) and S K Andrews (Corporate Support).

APOLOGY

An apology was received from Cr Cox for her inability to attend the meeting due to a leave of absence.

07/1009/16 DECLARATIONS OF INTEREST

There were no declarations of interest presented to the meeting.

07/1009/17 CONFIRMATION OF MINUTES – 18 SEPTEMBER 2007

Moved Cr Davis

Seconded Cr Berwick

“That the minutes of the Development & Environment Standing Committee Meeting held on 18 September 2007 be confirmed.”

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Egan and the General Manager Development & Environment, Paul Trotman, attended the meeting at 11:44 am.

The Sustainability Officer, Maree Grenfell, attended the meeting at 11:45 am.

REPORTS

07/1009/17A ADOPTION OF RECOMMENDATIONS

Moved Cr Berwick

Seconded Cr Davis

"That the Development & Environment Standing Committee of the Council adopts the recommendations of the Council officers for items 07/1009/18 – Port Douglas Waterfront – Grant Application by Douglas Shire Historical Society; 07/1009/20 – MCUI 011/07 – Lot 442 RP738994, Cape Tribulation Road, Cow Bay – Application for Compensation; and 07/1009/21 – MCUI 004/07 – Lot 2 SR886, Cnr Esplanade and Mowbray Street, Port Douglas – Request for Negotiated Decision Notice."

For: Cr Berwick, Davis

Against: Cr Egan, Pitt, Bellerio, Sciacca

Lost

07/1009/18 PORT DOUGLAS WATERFRONT – GRANT APPLICATION BY DOUGLAS SHIRE HISTORICAL SOCIETY

Moved Cr Egan

Seconded Cr Davis

"That the Committee:

- 1. agrees to the Douglas Shire Historical Society's request to allow access to third parties at the Sugar Wharf, Port Douglas, for the purposes of assessing the impact of the Sugar Wharf on sand migration, estuary and coastal processes. The assessments are to be in accordance with the Society's 18 July 2007 application to the Australian Government Envirofund;*
- 2. agrees to the Douglas Shire Historical Society's request to allow access to third parties at the Sugar Wharf, Port Douglas, for the purpose of test drilling in order to collect soil samples. All drilling sites are to be returned to the same condition as before drilling;*
- 3. requires the Douglas Shire Historical Society to indemnify Council against any and all claims that may arise from these investigations;*
- 4. requires the Douglas Shire Historical Society to make clear in all communications, media releases, public workshops and the like, that the Council's consent to investigate does not imply any position either for or against the proposals. The Society is to make it clear that Council sees these assessments as part of the Port Douglas Waterfront Phase Three (3) investigations and as a useful input into the waterfront's proposed Enquiry-By-Design process;*

5. *requires Douglas Shire Historical Society to make available findings from the study to the waterfront planning process; and*
6. *authorises the General Manager, Development and Environment, to sign the appropriate forms on behalf of Council and notify Envirofund accordingly."*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting Manager Planning, Louise Stayte, attended the meeting at 11:46 am.

The Sustainability Officer withdrew from the meeting at 11:47 am.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Bellerio

07/1009/18A *"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 07/1009/19 – Progress Report – Daintree Buyback; and 07/1009/20 – MCUI 011/07 – Lot 442 RP738994, Cape Tribulation Road, Cow Bay – Application for Compensation."* (11:49 am)

Carried unanimously

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public the Acting Manager Planning and all members of the gallery present withdrew from the meeting.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Bellerio

07/1009/18B *"That the meeting be re-opened to the public."* (11:56 am)

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting Manager Planning and the Sustainability Officer re-attended the meeting at 11:56 am.

The following recommendations, items 07/1009/19 and 07/1009/20, were forthcoming from discussions held while the meeting was closed to the public:

07/1009/19 **PROGRESS REPORT – DAINTREE BUY-BACK PROJECT**

Moved Cr Berwick

Seconded Cr Egan

“That the Committee:

- 1. offers to sell the three (3) properties it purchased in March, 2004, to the State of Queensland (represented by the Environmental Protection Agency [EPA]) for \$134 874.90;*
- 2. offers to transfer the title of the thirty-two (32) properties purchased between October, 2004, and June, 2005, to the State of Queensland (represented by the EPA) at no cost as per the Daintree Land Acquisition Agreement;*
- 3. pays, to the Office of State Revenue, the additional assessment and penalties by no later than 26 October 2007, or the date of filing Council’s appeal (whichever is the earlier date);*
- 4. engages Williams Graham Carman to investigate and advise whether the additional duty is to be funded by the State of Queensland pursuant to the Daintree Land Acquisition Agreement and, if it is to be so funded, then for Council to claim the relevant amount pursuant to the Agreement;*
- 5. engages Williams Graham Carman, to a maximum cost of \$5 000, to lodge an appeal against the additional assessment, if the additional assessment is not funded by the State of Queensland, pursuant to the Daintree Land Acquisition Agreement and pays the assessment and penalties by the date the appeal is lodged; and*
- 6. in conjunction with the above offers, requests the EPA to support Council in a submission to have the transfer duty paid by Council (including the initial transfer duty paid) reimbursed and to support Council in its appeal against the initial assessment.”*

Carried unanimously

07/1009/20 MCUI 011/07 – LOT 442 RP738994, CAPE TRIBULATION ROAD, COW BAY – APPLICATION FOR COMPENSATION

Moved Cr Berwick

Seconded Cr Egan

“That the Committee refuses application MCUI 011/07 for a Material Change of Use for a house on land described as Lot 442 on RP738994, Parish of Alexandra, and located at Cape Tribulation Road, Cow Bay, on the following grounds:

- 1. the erection of a house on the subject allotment is not compliant with the relevant performance criteria for the Settlement Areas North of the Daintree River Locality Code for development in the Rainforest Conservation Precinct within the Central Management Area;*
- 2. the erection of a house on the subject allotment is inconsistent with both the intent and the performance criteria of the Conservation Planning Area; and*
- 3. no evidence has been provided that the proposal is compliant with the requirements of the following Codes:*
 - Filling and Excavation Code;*
 - Landscaping Code;*
 - Natural Areas and Scenic Amenity Code; and the*
 - Vehicle Parking and Access Code.”*

For: Cr Berwick, Egan, Davis, Pitt

Against: Cr Bellerio, Sciacca

Carried

07/1009/21 MCUI 004/07 – LOT 2 SR886, CNR ESPLANADE AND MOWBRAY STREET, PORT DOUGLAS – REQUEST FOR NEGOTIATED DECISION NOTICE

Moved Cr Egan

Seconded Cr Berwick

“That the Committee amends Conditions 3, 11, 12 and 13 of development permit MCUI 004/07 for a Material Change of Use for the construction of a public utilities and facilities (bunk house and ancillary restaurant), on land described as Lot 2 SR886, Parish of Salisbury, and located at corner, the Esplanade and Mowbray Street, Port Douglas, to the following:

- 3. The owner/developer shall prepare a detailed landscaping plan for the subject site. This landscaping plan is to be designed in accordance with the requirements of the Planning Scheme and Planning Scheme Policy No 7 – Landscaping. This plan shall be submitted to Council and approved prior to the commencement of any use on site. The approved*

landscaping is to be installed in the off-season and completed by 14 March 2008. Landscaping is to be maintained by the applicant for the term of the approved use.

The proposed landscape plan is to incorporate landscaping along the Esplanade frontage in front of the restaurant. Maintenance of this area is to be undertaken by the applicant.

11. All stormwater run-offs from non-permeable surfaces and roof areas occurring on the site is to be discharged into the adjoining Council reserve for camping.
12. The applicant will not be required to pay Council's headworks contribution for water and supply of water in accordance with Council's Local Planning Policy given the application is for a public utilities and facilities (bunk house and ancillary restaurant).
13. A car parking area on site is to be provided with a minimum of seven (7) vehicle spaces including a space for disabled parking plus one (1) motor cycle space and five (5) bicycle 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.

The proposed on site parking area is to be set back three (3) m for the northern boundary and, within this area, landscaped. Details of the landscaping are to be provided as part of the proposed landscape plan to be submitted to Council and approved prior to the commencement of any use on site."

Carried unanimously

07/1009/22 MCUI 039/07 – LOT 110 RP738161, QUANDONG ROAD, COW BAY –
REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME

Moved Cr Berwick

Seconded Cr Pitt

"That the Committee refuses the request to assess application MCLUI 039/07 for a Material Change of Use for a dwelling house on land described as Lot 110 on RP738161, Parish of Alexandra, and located at Quandong Road, Cow Bay, under the Superseded Planning Scheme."

For: Cr Berwick, Pitt, Davis

Against: Cr Egan, Bellerio, Sciacca

Carried on the casting vote of the Chair

07/1009/23 TPC 1107 – LOT 193 RP747071, CNR CAPTAIN COOK HIGHWAY AND PORT DOUGLAS ROAD, PORT DOUGLAS – REQUEST TO EXTEND CURRENCY PERIOD

Moved Cr Egan

Seconded Cr Sciacca

“That the Committee approves the request to extend the currency period for approved development TPC 1107 for preliminary approval to amend the Planning Scheme Table of Assessment applicable to land described as Lot 193 on RP747071, Parish of Salisbury, and located at corner, Captain Cook Highway and Port Douglas Road, Port Douglas, for a further two (2) years.”

ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 12:05 pm and re-attended at 12:09 pm.

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

Against: Cr Berwick

Carried

NOTICES OF MOTION

OFFICER COMMENT PROVIDED

07/1009/24 RD5307M – LOCATION OF TWO EXELOO PUBLIC TOILETS IN MACROSSAN STREET, PORT DOUGLAS

“That the Committee locates two Exeloo public toilets in Macrossan Street, Port Douglas.”

The motion was withdrawn

07/1009/25 BB1307M – LANDOWNERS AFFECTED BY THE DOUGLAS SHIRE AMENDED PLANNING SCHEME

Moved Cr Bellerio

Seconded Cr Sciacca

“That the Committee contacts the fifteen (15) landowners who have not been contacted regarding the effect the amended Planning Scheme will have on their block, also a reminder letter to ratepayers who have blocks affected and have made no contact. The letter will outline the implications the amended Planning Scheme will have on their properties and Council will clearly state the procedure to gain compensation. The letter will be sent registered mail.”

Carried unanimously

OFFICER COMMENT NOT PROVIDED – Received after the deadline

07/1009/26 RD5607M – TOILET AND BARBEQUE IN HUTCHINGS PARK, PORT DOUGLAS

Moved Cr Davis

Seconded Cr Egan

“That the Committee considers a toilet and barbeque in Hutchings Park, Port Douglas, and locating the second Exeloo public toilet in Macrossan Street, Port Douglas, subject to staff providing advice and an assessment of the two positions for the toilet.”

Carried unanimously

EMERGENT ISSUE – MCU 3B 015/05 – LOT 24 RP738429, FOREST CREEK ROAD, FOREST CREEK – APPLICATION TO CHANGE AN EXISTING APPROVAL

Cr Pitt informed the Committee of an emergent issue requiring a decision of the Committee – MCU 3B 015/05 – Lot 24 RP738429, Forest Creek Road, Forest Creek – Application to Change an Existing Approval.

MCU 3B 015/05 – LOT 24 RP738429, FOREST CREEK ROAD, FOREST CREEK – APPLICATION TO CHANGE AN EXISTING APPROVAL

Moved Cr Pitt

Seconded Cr Bellerio

07/1009/26A

“That Council considers emergent issue MCU 3B 015/05 – Lot 24 RP738429, Forest Creek Road, Forest Creek – Application to Change an Existing Approval.”

For: Cr Pitt, Bellerio, Egan, Sciacca,

Against: Cr Berwick, Davis

Carried

Council discussed the development application in item 07/1009/26A above and it was determined that no decision needed to be made as it was a code assessable application and could be dealt with administratively.

TERMINATION OF THE MEETING

The meeting was closed at 12:27 pm.

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

R Davis
Chair