



***Minutes of the Development & Environment
Standing Committee of the Council
30 October 2007
commencing at 10:31 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), I B Barton (General Manager Finance & Administration), P J Trotman (General Manager Development & Environment), R J Baade (General Manager Engineering), L Stayte (Acting Manager Planning), K Favas (Acting Manager Community, Cultural & Economic) and S K Andrews (Corporate Support).

07/1030/21 DECLARATIONS OF INTEREST

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

Item No	Councillor/Officer	Details of Interest
07/1030/23	Cr Davis	Director of Company tendering
07/1030/24	General Manager Finance & Administration	Secretary of Mossman & District Rifle Club. Drafted submission on application on behalf of Club
07/1030/30	Cr Pitt	Relative an employee of the applicant
07/1030/35	Cr Davis	Perceived conflict of interest – Queensland Sustainable Boat
07/1030/37	Cr Bellerio	Shares/controlling interest in corporation

07/1030/21A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Egan

“That standing orders be suspended to allow the Committee to consider item 07/1030/16 – Walking Track from Tara Hills to the Kuku Yalanji Aboriginal Community.”

Carried unanimously

**07/1030/16 WALKING TRACK FROM TARA HILLS TO THE KUKU YALANJI
ABORIGINAL COMMUNITY**

Moved Cr Berwick

Seconded Cr Egan

"That the Committee provides \$110 000 from Douglas Shire Council's Park Contributions Reserve Fund for the construction of the reinforced concrete walkway from Tara Hills turnoff to the Kuku Yalanji Aboriginal Community."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting Manager Community, Cultural & Economic, Kelly Favas, withdrew from the meeting at 10:37 am.

RESUMPTION OF STANDING ORDERS

With the agreement of the meeting standing orders were resumed.

07/1030/22 CONFIRMATION OF MINUTES – 9 OCTOBER 2007

Moved Cr Berwick

Seconded Cr Egan

"That the minutes of the Development & Environment Standing Committee Meeting held on 9 October 2007 be confirmed."

Carried unanimously

REPORTS

ATTENDANCE/WITHDRAWAL

Cr Davis, having previously declared a perceived conflict of interest in item 07/1030/35 – Lots 33-38 RP747345, 19-37 St Crispins Avenue, Port Douglas – Request to Change Condition of Development Permit, withdrew from the meeting at 10:40 am.

07/1030/22A ADOPTION OF RECOMMENDATIONS

Moved Cr Berwick

Seconded Cr Pitt

"That the Development & Environment Standing Committee of the Council adopts the recommendations of the Council officers for items 07/1030/24 – MCUI 002/09 – Lot 3 SP183025, Captain Cook Highway, Killaloe – Material Change of Use for Extractive Industry (Onshore Dredge Spoil



Disposal Facility); 07/1030/29 – MCU 3B 015/04 – Lot 278 RP738996, Penda Close, Cow Bay – Request to Extend Currency Period; 07/1030/31 – MCU 3B 019/06 – Lot 28 RP749732, Hibiscus Court, Rocky Point – Material Change of Use for a Dwelling House; 07/1030/32 – MCU 037/05 & BA 167/06 – Lot 5 RP706271, 22 Mill Street, Mossman – Request for Refund of Application Fees – Material Change of Use and Building Application and 07/1030/35 – Lots 33-38 RP747345, 19-37 St Crispins Avenue, Port Douglas – Request to Change Condition of Development Permit; namely:

07/1030/24 MCUI 002/06 – LOT 3 SP183025, CAPTAIN COOK HIGHWAY, KILLALOE – MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY (ONSHORE DREDGE SPOIL DISPOSAL FACILITY)

OFFICER'S RECOMMENDATION

That the Committee approves application MCUI 002/06 for a Material Change of Use for the construction of an industry facility for dredge spoil disposal on land described as Lot 3 on SP183025, Parish of Salisbury, and located at Captain Cook Highway, Killaloe, subject to the conditions in the Planning Officer's report.

07/1030/29 MCU 3B 015/04 – LOT 278 RP738996, PENDA CLOSE, COW BAY – REQUEST TO EXTEND CURRENCY PERIOD

OFFICER'S RECOMMENDATION

That the Committee approves the request to extend the currency period for application MCU 3B 015/04 for a Material Change of Use for a dwelling house on land described as Lot 278 on RP738996, Parish of Alexandra, and located at Penda Close, Cow Bay, until 4 June 2010.

07/1030/31 MCU 3B 019/06 – LOT 28 RP749732, 18 HIBISCUS COURT, ROCKY POINT – MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

OFFICER'S RECOMMENDATION

That the Committee approves the application MCU 3B 019/06 for Material Change of Use for a dwelling house on land described as Lot 28 on RP749732, Parish of Whyanbeel, and located at 18 Hibiscus Court, Rocky Point, subject to the conditions in the Planning Officer's report.

07/1030/32 MCU 3B 037/05 & BA 167/06 – LOT 5 RP706271, 22 MILL STREET, MOSSMAN – REQUEST FOR REFUND OF APPLICATION FEES – MATERIAL CHANGE OF USE AND BUILDING APPLICATION

OFFICER'S RECOMMENDATION

That the Committee approves the request by Douglas Shire Community Services Association Incorporated for a refund of the application fees of \$655 for building and planning applications MCU 3B 037/05 and BA 167/06 for a Material Change of

Use and Building Approval for a four (4) bay storage shed and office on land described as Lot 5 on RP706271, Parish of Victory, and located at 22 Mill Street, Mossman.

07/1030/35 TPC 1137 – LOTS 33-38 RP747345, 19-37 ST CRISPINS AVENUE, PORT DOUGLAS – REQUEST TO CHANGE CONDITION OF DEVELOPMENT PERMIT

OFFICER'S RECOMMENDATION

That the Committee approves the request to change condition 4.18 of application TPC 1137 for a Material Change of Use for 72 multiple dwelling units on land described as Lots 33-38 on RP747345, Parish of Salisbury, and located at 19-37 St Crispins Avenue, Port Douglas, to the following:

4.18 The waste storage area must be located in the location shown on the approved plan for this development and the front of each waste storage area must:

- (a) have at least 4 x 45 litre Native Gardenias and 8x140mm Spider Lillies planted along the frontage;*
- (b) contain an impervious surface space for the storage of waste containers suitably screened so as not to be visible from adjoining properties or the road reserve;*
- (c) include a stop cock and stormwater diversion valve at the drainage point; and*
- (d) contain sufficient storage space for the storage of a 240 litre refuse bin for each unit in the development."*

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

Against: Cr Egan

Carried

07/1030/23 PORT DOUGLAS WATERFRONT – PROPOSED COMMUNITY ENGAGEMENT SPECIALIST TENDER

Moved Cr Berwick

Seconded Cr Cox

"That the Committee:

- 1. notes that the Waterfront Management Committee are interviewing GHD Pty Ltd, Maunsell\AECOM (Maunsell Australia Pty Ltd) and Urbis for the role of Planning Coordinator for the Port Douglas Waterfront on 31 October 2007;*
- 2. confirms the appointment of Elton Consulting to the role of Community Engagement Specialist for the Port Douglas waterfront project;*

3. *confirms the base price for this work as \$109 500 (exclusive of GST); and*
4. *confirms that the General Manager Development and Environment be authorised to negotiate the contract price, within ten (10) percent of the base price, so as to include the services of the 20/20 Group."*

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration, Ian Barton, and the General Manager Engineering, Bob Baade, withdrew from the meeting at 10:46 am.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Sciacca

07/1030/23A

"That pursuant to Section 463(1)(h) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of item 07/1030/23 – Port Douglas Waterfront – Proposed Community Engagement Specialist Tender." (10:47 am)

Carried unanimously

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public, members of the gallery present left the meeting.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Pitt

07/1030/23B

"That the meeting be re-opened to the public." (11:01 am)

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment, Paul Trotman, withdrew from the meeting at 11:02 am.

The General Manager Engineering re-attended the meeting at 11:03 am.

The General Manager Development & Environment re-attended the meeting at 11:05 am.

Voting on item 07/1030/23 – Port Douglas Waterfront – Proposed Community Engagement Specialist Tender now took place:

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

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment withdrew from the meeting at 11:14 am and re-attended at 11:15 am.

Cr Davis re-attended the meeting at 11:15 am.

07/1030/25 **MCUI 004/07 – LOT 2 SR886, CNR ESPLANADE AND MOWBRAY STREET, PORT DOUGLAS – REQUEST FOR AN AMENDED NEGOTIATED DECISION NOTICE**

Moved Cr Berwick

Seconded Cr Sciacca

“That the Committee amends Condition 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 on SR886, Parish of Salisbury, and located at corner the Esplanade and Mowbray Street, Port Douglas, to the following:

13. *A car parking area on site with a minimum of seven (7) vehicle spaces including disabled car parking space, one (1) motorcycle 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.*

With regard to the provision of the aforementioned vehicle parking, the applicant can elect to either: -

- (a) Construct vehicle parking prior to the commencement of the approved uses; or*
- (b) To guarantee the satisfactory completion of the vehicle parking, the developer shall lodge with the Council a cash bond or guarantee to the value of the estimated cost of works. Such guarantee shall be lodged prior to the commencement of the approved uses. The Council may call up this guarantee to complete all or any part of the vehicle parking in accordance with the conditions of this approval, should the developer fail to do so prior to the commencement of the approved uses; or*
- (c) The owner/developer shall pay to Council, a car parking contribution in lieu of providing vehicle parking in accordance with Planning Scheme*



Policy No Three (3). A fee for spaces shall apply at the rate prescribed in the fees and charges schedule at the time of payment.

The proposed on site parking area is to be setback three (3) m from the northern boundary and the setback area is to be landscaped. Details of the landscaping is 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

07/1030/26 MCUI 040/07 – LOT 411 RP739003, MAPLE ROAD, COW BAY – REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME

Moved Cr Berwick

Seconded Cr Cox

"That the Committee refuses the request to assess application MCUI 040/07 for a Material Change of Use for a dwelling house on land described as Lot 411 on RP739003, Parish of Alexandra, and located at Maple Road, Cow Bay, under the Superseded Planning Scheme."

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

Against: Cr Bellerio, Sciacca

Carried

07/1030/27 MCUI 042/07 – LOT 456 RP738178, CAPE TRIBULATION ROAD, COW BAY – REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME

Moved Cr Berwick

Seconded Cr Cox

"That the Committee refuses the request to assess application MCUI 042/07 for a Material Change of Use for a dwelling house on land described as Lot 456 on RP738178, Parish of Alexandra, and located at Cape Tribulation Road, Cow Bay, under the Superseded Planning Scheme."

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

Against: Cr Bellerio, Sciacca

Carried

07/1030/28 MCUI 043/07 – LOT 455 RP738178, CAPE TRIBULATION 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 MCUI 043/07 for a Material Change of Use for a dwelling house on land described as Lot 455 on RP738178, Parish of Alexandra, and located at Cape Tribulation Road, Cow Bay, under the Superseded Planning Scheme.”

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

Against: Cr Bellerio, Sciacca

Carried

07/1030/30 MCU 3B 046/02 – LOT A SR808245, PORT STREET, PORT DOUGLAS – REQUEST TO CHANGE DEVELOPMENT APPROVAL CONDITIONS

With the agreement of the meeting, the Acting Manager Planning, Louise Stayte, tabled additional information concerning item 07/1030/30 – MCU 3B 046/02 – Lot A SR808245, Port Street, Port Douglas – Request to Change Development Approval Conditions (Attachment One [1]).

Moved Cr Bellerio

Seconded Cr Sciacca

“That the Committee:

- A. *approves a change to conditions and includes an advice statement for application MCU 3B 046/02 for a Material Change of Use for a marina and waterfront industry on land described as Lot A on SR808245, Parish of Salisbury, and located at Port Street, Port Douglas, as follows:*

Condition 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:

- a) are to be generally in accordance with the plan titled ‘General Arrangement’ Drawing No Q014043/CO1 C; and*
- b) may be carried out in stages with the first stage of the use being generally shown on drawing No Q014043 TP1.*

Condition 4.4

The applicant 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 Local Planning Policy No 4 – Landscaping. This plan shall be submitted to Council for consideration and approval.

Condition 4.7

The landscaping shown on the approved plan is to be completed in stages. Before development in that stage may be occupied, the landscaping for that stage is to be completed and maintained thereafter.

Condition 4.28

All car parking areas shall be constructed, sealed, drained and line marked to the satisfaction of Douglas Shire Council. A minimum of 32 car parking spaces shall be provided in and constructed in stages in accordance with approved plans of development Q014043 TP1 as follows:

Stage 1(a) – 21 car parking spaces;

Stage 1(b) – minimum of 11 car parking spaces.

Car parking shall be maintained in a safe, serviceable condition throughout the life of the use.

Condition 4.41

All conditions relevant to each stage shall be complied with prior to the occupancy of any building or the commencement of the approved use for that stage.

Mangrove Remediation - New Condition

Within two (2) years of the issuing of the amended Decision Notice (Change of Conditions), the applicant is to demonstrate to Council in written documentation that the construction of the drainage pipes recommended in the Natural Resource Assessment report (dated 22/12/03) has facilitated the recolonisation of the identified mangrove dieback area to the satisfaction of the Department of Primary Industries and Fisheries. To ensure the successful recolonisation of the identified mangrove dieback area, the developer shall lodge with Council a cash bond or guarantee to the value of \$7 500. Such guarantee shall be lodged prior to the commencement of the approved use if recolonisation has not been adequately demonstrated and will be returned on receipt of the required documentation.

AND

- B. *refuses the request to amend condition 4.30 for application MCU 3B 046/02 for a Material Change of Use for a marina and waterfront industry on land described as Lot A on SR808245, Parish of Salisbury, and located at Port Street, Port Douglas."*

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Pitt

07/1030/30A

"That item MCU 3B 046/02 – Lot A on SR808245, Port Street, Port Douglas – Request to Change Development Approval Conditions, lies on the table until further information is received from the Manager Planning."

Carried unanimously

07/1030/33

MCUC 045/07 – LOT 22 RP800895, JUNCTION ROAD, MOSSMAN – REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME AND WAIVER OF APPLICATION FEE

ATTENDANCE/WITHDRAWAL

The General Manager Community & Corporate, David Carey, withdrew from the meeting at 11:29 am and re-attended at 11:30 am.

Moved Cr Berwick

Seconded Cr Egan

"That the Committee:

- 1. approves the request to assess application MCUC 045/07 for a Material Change of Use for a public utilities and facilities (sewerage plant upgrade) on land described as Lot 22 RP800895, Parish of Victory, and located at Junction Road, Mossman, under the Superseded Planning Scheme; and*
- 2. approves the request to waive the development application lodgement fee."*

Carried unanimously

07/1030/34

TPC 1170 – LOTS 1 & 2 RP723702, 97-107 DAVIDSON STREET, PORT DOUGLAS – REQUEST TO EXTEND CURRENCY PERIOD

Moved Cr Berwick

Seconded Cr Egan

"That the Committee refuses the request to extend the currency period for application TPC 1170 for a Material Change of Use for a multiple dwellings x 100 on land described as Lots 1 & 2 on RP723702, Parish of Salisbury, and located at 97-107 Davidson Street, Port Douglas."

Carried unanimously

07/1030/36 TPC 1261 – LOT 11 SR740, CAPE TRIBULATION ROAD, CAPE TRIBULATION – REQUEST FOR NEGOTIATED DECISION NOTICE

Moved Cr Sciacca

Seconded Cr Pitt

“That the Committee approves the amendment of the description of the approved use for application TPC 1261 for a Material Change of Use on land described as Lot 11 on SR740, Parish of Victory, and located at Cape Tribulation Road, Cape Tribulation, to the following:

‘Material Change of Use for the purpose of a General Licence premises – restaurant/bar and existing associated and approved uses) and a take-away food store (bottle shop).’”

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

Against: Cr Berwick, Cox

Carried

07/1030/37 SUB 016/05 – LOT 3 RP734930 & LOT 2 RP709283, BAMBOO CREEK ROAD AND MOSSMAN-DAINTREE ROAD, MIALLO – REQUEST TO EXTEND CURRENCY PERIOD

Moved Cr Sciacca

Seconded Cr Egan

“That the Committee approves the request to extend the currency period for application SUB 016/05 for a reconfiguration of a lot (boundary realignment) on land described as Lot 3 on RP734930 and Lot 2 on RP709283, Parish of Whyanbeel, and located at Bamboo Creek Road & Mossman-Daintree Road, Miallo, until the 7 October 2008.”

ATTENDANCE/WITHDRAWAL

Cr Bellerio, having previously declared a material personal interest in this item, withdrew from the meeting at 11:34 am.

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Bellerio re-attended the meeting at 11:36 am.

**07/1030/38 AWARDING OF COMMERCIAL RECREATION PERMIT –
HORSERIDING TOURS, WONGA BEACH**

Moved Cr Egan

Seconded Cr Sciacca

“That the Committee:

- 1. issues a commercial recreation permit for horseriding tours to Wonga Beach Equestrian Centre for the 2007/08 financial year; and*
- 2. applies a permit fee of \$350 for the issue of the permit for 2007/08.”*

ATTENDANCE/WITHDRAWAL

The Manager Planning, Louise Stayte, withdrew from the meeting at 11:37 pm and re-attended at 11:38 pm.

The Environmental Health Officer, Enzo Picerni, attended the meeting at 11:39 am.

Carried unanimously

NOTICES OF MOTION

07/1030/39 RD6107M – CAMPING RIGHTS NORTH OF THE DAINTREE

Moved Cr Davis

Seconded Cr Bellerio

“That the Committee does not ban landholders who have lost their development rights north of the Daintree from short-term camping use of their own land within confines defined by the Environmental Health Officer.”

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration re-attended the meeting at 11:46 am.

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Egan

07/1030/39A *“That the item 07/1030/39 – RD6107M – Camping Rights North of the Daintree lies on the table until the next meeting of the Development & Environment Standing Committee of the Council on 20 November 2007 so a staff response can be prepared.”*

Carried unanimously

07/1030/40 RD6407M – FEASIBILITY TO FUND A \$5 000 000 MAKEOVER OF PUBLIC INTERFACE INFRASTRUCTURE

“That the Committee formulates a rough plan and feasibility for the future use of its \$13 000 000 Cairns Regional Council dowry, to urge the new Cairns Regional Council to fund a \$5 000 000 makeover of the public interface infrastructure of the Port Douglas and Mossman central business districts.”

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Egan

07/1030/40A *“That the item 07/1030/40 – RD6407M – Feasibility to Fund a \$5 000 000 Makeover of Public Interface Infrastructure, lies on the table until the next meeting of the Development & Environment Standing Committee of the Council on 20 November 2007 so a staff response can be prepared.”*

Carried unanimously

TERMINATION OF THE MEETING

The meeting was closed at 11:49 am.

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

**R Davis
Chair**

Attachment One (1)

mbs

Our Ref: LBS: 70299
Your Ref: Louise Stayte

29 October 2007

Planning Services Section
Douglas Shire Council
PO Box 357
MOSSMAN QLD 4873

DOUGLAS SHIRE COUNCIL RECEIVED	
FILE NAME
DOCUMENT NO.
30 OCT 2007	
ATTENTION	
.....	

DEVELOPMENT APPROVAL MCU 3B 046/02 - REQUEST TO CHANGE CONDITIONS

We act for the applicant who has lodged a request to change conditions for Development Approval MCU 3B 046/02 for a Marina and Waterfront Industry on Lot A on SR 808245, Port Road, Port Douglas.

Our client has provided us with copies of the recommendation made by Louise Stayte and the report prepared by Ms Stayte about the application.

Currency Period of Approval

At the outset, we wish to allay any concerns the Council may have about the currency period of this approval.

Ms Stayte in her report indicates that the currency period for the approval ends on 27 November 2007. With respect, we can advise that the current expiry date is **1 November 2009**.

Section 3.5.21 of the *Integrated Planning Act 1997* ("IPA") establishes the currency period of an approval.

Section 3.5.21(1) provides that a development approval for a material change of use of premises lapses, if the first change of use under the approval does not happen within the relevant period that is 4 years starting the day the approval takes effect.

The primary approval took effect on 28 November 2003 and, would, without anything more, have expired on 27 November 2007.

However, section 3.5.21(4) of the IPA provides that despite subsection (1), if there is one or more related approvals for a development approval mentioned in subsection (1), the relevant period is taken to have started on the day the latest related approval takes effect.

Related approval for a development approval for a material change of use of premises ("the earlier approval") means:

- (a) The first development approval for a development application made to a local government or private certifier within two (2) years of the start of the relevant period that is –

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To the extent the earlier approval is a development permit – a development permit for building work or operational work necessary for the material change of use of premises to take place; and

- (a) Each further development permit, for a development application made to a local government or private certifier within two (2) years of the day the last related approval takes effect, that is for building work or operational work necessary for the material change of use of premises to take place.

The second approval of which we are aware is the Operational Works Permit. It is a related approval for the purposes of section 3.5.21(4). The effect is that the relevant period will expire four (4) years from the date of the Operational Works Permit i.e. from 12 October 2004. Therefore by obtaining the Operational Works Permit within the first two years of the primary approval, the currency period of the approval would have expired on 12 October 2008, without anything more.

A Building Works Application was made and approved on 1 November 2005. This is the latest related approval and therefore the currency period of the primary approval does not expire until **1 November 2009**.

For the reasons set out above there is no doubt that the current period of the approval does not expire until **1 November 2009**.

Recommendation- Omissions

In relation to the recommendation made by Ms Stayte, our client has asked us to bring to your attention certain omissions.

Condition 4.3

In Ms Stayte's report, she accepted that condition 4.3 *"is now obsolete and should be removed."*

This recommendation has not found its way into the formal recommendation to Council and we ask that it be included for council's consideration. That is, **Condition 4.3 should be deleted.**

Condition 4.5(c)

In Ms Stayte's report, she recommends that condition 4.5 (c) be deleted and replaced with an alternate condition.

This recommendation i.e. that **condition 4.5(c) be deleted** has not found its way into the formal recommendation to Council and we ask that it be included for council's consideration.

As to the alternate condition suggested by Ms Stayte about the mangrove dieback area, our client remains of the view that it is not responsible for this area but it is not a matter that we can take any further at this point in time.

Condition 4.28

Ms Stayte's recommendation specifies 21 car parking spaces for stage 1(a).



Our client's instructions are that it would be difficult to comply with 21 parks for stage 1(a); however the applicant would accept a requirement of **18 spaces** for stage 1 (a).

Would you please ensure that this letter is provided to the Council when they deal with this matter at the Council meeting tomorrow.

Yours faithfully
Miller Bou-Samra Lawyers

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