



*Minutes of the Development & Environment
Standing Committee of the Council
4 March 2008
commencing at 12:21 pm*

PRESENT

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

Staff – B W Ede (Acting Chief Executive Officer), P M Hoye (Acting General Manager Development & Environment) and S K Andrews (Corporate Support).

08/0304/23 DECLARATIONS OF INTEREST

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

Item No	Councillor/Officer	Details of Interest
08/0304/38	Cr Davis	Perceived conflict from developer's offer to assist with research project, 'Queensland Sustainable Boat'.
08/0304/39	General Manager Finance & Administration, Ian Barton	Relative of the applicant.

08/0304/24 CONFIRMATION OF MINUTES – 12 FEBRUARY 2008

Moved Cr Cox Seconded Cr Berwick

"That the minutes of the Development & Environment Standing Committee Meeting held on 12 February 2008 be confirmed subject to an amendment being made to item 08/0212/03 – Confirmation of Minutes – 22 January 2008, to show Cr Cox voted in the negative for the motion."

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

Against: Cr Davis

Carried



REPORTS

08/0304/25 FINALISATION OF PLANNING SCHEME AMENDMENT ONE (1)

Moved Cr Cox

Seconded Cr Berwick

"That the Committee:

1. *receives the submissions on Planning Scheme Amendment One (1); and*
2. *proceeds with Planning Scheme Amendment One (1):*
 - (a) as notified, where no changes have been recommended,*
 - (b) as modified in response to submissions and as otherwise recommended in this report, and detailed in the revised Amendment One (1) dated 25 February 2008; and*
 - (c) including minor modifications as defined in the Integrated Planning Act, namely, correcting or changing:*
 - i. an explanatory matter about the instrument; or*
 - ii. the format or presentation of the instrument; or*
 - iii. a grammatical or mapping error in the instrument; or*
 - iv. a factual matter incorrectly stated in the instrument; or*
 - v. redundant or outdated terms."*
3. *replaces 1.2 m with 1.5 m wherever 'walkway' is mentioned; and*
4. *deletes the words 'to the frontage' in the Residential 2 Planning Area Code P4, 'Fencing'."*

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

Against: Cr Bellerio

Carried



08/0304/26 FINALISATION OF PLANNING SCHEME AMENDMENT TWO (2)

Moved Cr Berwick

Seconded Cr Davis

“That the Committee:

1. *receives the submission from the Housing Industry Association; and*
2. *proceeds with Planning Scheme Amendment Two (2):*
 - (a) as notified, where no changes have been recommended,*
 - (b) as modified in response to the submission and as otherwise recommended in this report, and detailed in the revised Amendment Two (2) dated 25 February 2008; and*
 - (c) including minor modifications as defined in the Integrated Planning Act, namely, correcting or changing:*
 - i. an explanatory matter about the instrument; or*
 - ii. the format or presentation of the instrument; or*
 - iii. a grammatical or mapping error in the instrument; or*
 - iv. a factual matter incorrectly stated in the instrument; or*
 - v. redundant or outdated terms.”*

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

Against: Cr Bellerio, Sciacca

Carried

ADJOURNMENT OF THE MEETING

The Chair adjourned the meeting for luncheon at 1:39 pm.

RESUMPTION OF THE MEETING

The Chair resumed the meeting at 2:29 pm without the attendance of the Mayor, Cr Berwick; Cr Sciacca; and Cr Bellerio; and with the attendance of the General Manager Finance & Administration, Ian Barton; and the General Manager Engineering, Bob Baade.



08/0304/27 **MCU 3B 059/04 – LOT 126 RP748410, QUANDONG ROAD, COW BAY – REQUEST TO EXTEND CURRENCY PERIOD**

Moved Cr Egan

Seconded Cr Pitt

“That the Committee:

1. *approves the request to extend the currency period for approved development MCU 3B 059/04 for a dwelling house on land described as Lot 126 on RP748410, Parish of Alexandra, and located at Quandong Road, Cow Bay, for a period of one (1) year; and*
2. *approves the request to change condition 4.1 to the following:*
 - 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 the details of the application and the following approved Plan/s of Development:*

Title	Plan No	Date
Site Plan & First Floor Plan	SK 1, Rev A	25/01/08
Ground Floor Plan	SK 2, Rev A	25/01/08
Front and Side Elevations	SK 3, Rev A	25/01/08”

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Sciacca attended the meeting at 2:30 pm.

08/0304/28 **LOT 125 RP748410, QUANDONG ROAD, COW BAY – APPLICATION FOR COMPENSATION**

Moved Cr Pitt

Seconded Cr Cox

“That the Committee:

1. *makes an offer of compensation to the applicant for land described as Lot 125 on RP748410, Parish of Alexandra, and located at Quandong 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; and*
3. *updates the Conservation Precinct Register to record that the landowner's development status is changed to 'compensated'."*

For: Cr Pitt, Cox, Egan, Davis

Against: Cr Sciacca

Carried

08/0304/29 MCUI 001/08 & MCUI 002/08 – LOTS 52 & 53 RP739766, CAPE TRIBULATION ROAD, DIWAN – APPLICATION FOR A HOUSE

Moved Cr Cox

Seconded Cr Egan

"That the Committee refuses the applications MCUI 001/08 and MCUI 002/08 for houses on land described as Lots 52 & 53 on RP739766, Parish of Alexandra, and located at Cape Tribulation Road, Diwan, on the following grounds:

1. *the erection of a house on the subject allotments is 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 allotments is inconsistent with both the intent and the performance criteria of the Conservation Planning Area; and*
3. *no evidence has been provided that the proposals are compliant with the proposals of the following codes:*
 - *Acid Sulphate Soils Code;*
 - *Filling and Excavation Code;*
 - *Landscaping Code;*
 - *Natural Areas and Scenic Amenity Code; and*
 - *Vehicle Parking and Access Code."*

Carried unanimously



CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Sciacca

Seconded Cr Pitt

08/0304/29A

"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 08/0304/30 – MCUI 001/08 & MCUI 002/08 – Lots 52 & 53 RP739766, Cape Tribulation Road, Diwan – Application for Compensation." (2:34 pm)

Carried unanimously

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public, all members of the gallery present withdrew from the meeting.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Cox

Seconded Cr Davis

08/0304/29B

"That the meeting be re-opened to the public." (2:35 pm)

Carried unanimously

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

08/0304/30 MCUI 001/08 & MCUI 002/08 – LOTS 52 & 53 RP739766, CAPE TRIBULATION ROAD, DIWAN – APPLICATION FOR COMPENSATION

Moved Cr Cox

Seconded Cr Davis

"That the Committee:

- 1. makes an offer of compensation to the landowner for land described as Lots 52 & 53 on RP739766, Parish of Alexandra, and located at Cape Tribulation Road, Diwan, 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 landowner in accordance with the agreement between Douglas Shire Council and the Environmental Protection Agency; and*
3. *that the Conservation Precinct Register be updated to record that the landowner's development status is changed to 'compensated'."*

For: Cr Cox, Davis, Egan, Pitt

Against: Cr Sciacca

Carried

08/0304/31 MCUI 006/08 – LOT 373 RP739002, HICKORY ROAD, COW BAY – REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME

Moved Cr Cox

Seconded Cr Pitt

"That the Committee refuses the request to assess application MCUI 006/08 for a Material Change of Use for a dwelling house on land described as Lot 373 on RP739002, Parish of Alexandra, and located at Hickory Road, Cow Bay, under the Douglas Shire Superseded Planning Scheme."

Carried unanimously

08/0304/32 MCUI 007/08 – LOT 71 PTD20911, 57-59 GARRICK STREET, PORT DOUGLAS – REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME

Moved Cr Egan

Seconded Cr Cox

"That the Committee approves the request to assess application MCUI 007/08 for six (6) multiple dwelling units (tourist and residential) on land described as Lot 71 on PTD20911, Parish of Salisbury, and located at 57-59 Garrick Street, Port Douglas, under the Superseded Planning Scheme."

Carried unanimously



08/0304/33 TPC 1254 – LOT 9 RP727756, RYKERS ROAD, CAPE TRIBULATION – MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING UNITS, ANCILLARY FACILITIES AND ERA 15(a) SEWERAGE TREATMENT

Moved Cr Sciacca

Seconded Cr Egan

“That the Committee refuses application TPC 1254 for a Material Change of Use for multiple dwelling units (16), ancillary facilities and ERA 15(a) Sewerage Treatment, on land described as Lot 9 on RP727756, Parish of Noah, and located at Rykers Road, Cape Tribulation, on the following grounds:

- 1. The obligations of the Council under the Deed of Agreement of May 1988 were satisfied by the October 2003 Building Application for accommodation premises (backpacker’s accommodation) with which the applicant decided not to proceed. The Council, on 26 February 2004, accepted the then revised building plan in substitution of the plan of development referred to in the Deed of Agreement.*
- 2. Non-compliance with the conditions set out in the Deed of Agreement and in particular conditions five (5) (d).*
- 3. The proposal conflicts with relevant provisions of the 1996 Town Planning Scheme and in particular with provisions of the Strategic Plan, Development Control Plan three (3): Daintree-Bloomfield and with the intent of the Resort Business Zone.*
- 4. The proposal conflicts with the relevant provisions of the 2006 Planning Scheme and in particular with provisions of the Settlement Areas North of the Daintree River Locality – Northern Management Area, the Conservation Planning Area and its Rainforest Residential Precinct.*
- 5. The passage of time since May 1988 and the approval/adoption of the 1996 Town Planning Scheme and the 2006 planning Scheme and the failure to proceed with development represent abandonment of the prior development rights.”*

Carried unanimously



08/0304/34 TPC 1162 – LOT 2 RP743942 & LOT 31 NR222, KINGSTON ROAD,
WHYANBEEL – REQUEST FOR A NEGOTIATED DECISION NOTICE

Moved Cr Davis

“That the Committee:

I. Amends Conditions Seven (7)(b) and (8) to the following:

7. The developer/owner must undertake the following works:

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’ Development Manual:

i. construction of Kingston Road/Davidson Road to a Rural Collector Road standard for a distance of 100 m east from the intersection of Kahana Road/Kingston Road;

ii. construction of Kingston Road to a Local Access Rural Road standard north of the intersection of Kahana Road/Kingston Road, for the remaining full length of Kingston Road to the property boundary; and

iii. upgrading of the intersection of Kingston Road/Kahana Road and Davidson Road in accordance with AUSTRROADS guide to Traffic Engineering Practice – Part 5 – Intersections at Grade.

8. The developer/owner 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 Two (2).

In addition an ERA licence for the 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 Six (6) and Condition Seven (7)(a) can be crushed rock gravel.’”

Lapsed for want of a seconder



Moved Cr Pitt

"That the Committee:

I. *Amends Conditions Seven (7)(b) and (8) to the following:*

7. *The developer/owner must undertake the following works:*

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' Development Manual:

- i. *construction of Kingston Road/Davidson Road to a Rural Collector Road standard for a distance of 60 m east from the intersection of Kahana Road/Kingston Road;*
 - ii. *construction of Kingston Road to a Local Access Rural Road standard north of the intersection of Kahana Road/Kingston Road, for the remaining full length of Kingston Road to the property boundary; and*
 - iii. *upgrading of the intersection of Kingston Road/Kahana Road and Davidson Road in accordance with AUSTRROADS guide to Traffic Engineering Practice – Part 5 – Intersections at Grade.*
8. *The developer/owner 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 Two (2).*

In addition an ERA licence for the 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 Six (6) and Condition Seven (7)(a) can be crushed rock gravel.'

Lapsed for want of a seconder

ATTENDANCE/WITHDRAWAL

Cr Bellerio attended the meeting at 2:41 pm.



Moved Cr Bellerio

Seconded Cr Egan

08/0304/34

"That the Committee:

I. Amends Conditions Seven (7)(b) and (8) to the following:

7. The developer/owner must undertake the following works:

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' Development Manual:

i. construction of Kingston Road to a Local Access Rural Road standard north of the intersection of Kahana Road/Kingston/Road, for the remaining full length of Kingston Road to the property boundary; and

ii. upgrading of the intersection of Kingston Road/Kahana Road and Davidson Road in accordance with AUSTRROADS guide to Traffic Engineering Practice – Part 5 – Intersections at Grade.

iii. road to be watered adjacent to buildings for approximately 500 m when events are being held.

8. The developer/owner 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 Two (2).

In addition an ERA licence for the 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 Six (6) and Condition Seven (7)(a) can be crushed rock gravel.'

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

Against: Cr Davis

Carried



08/0304/35 CA 73 – LOTS 100-107, 202-212, 301-312 SP153991, CAPTAIN COOK HIGHWAY, WANGETTI – MATERIAL CHANGE OF USE FOR DETACHED HOUSES, A CARETAKER'S RESIDENCE AND RECONFIGURATION OF A LOT

Moved Cr Pitt

Seconded Cr Sciacca

“That the Committee approves application CA 73 for the Material Change of Use for six (6) detached houses, a caretaker’s residence and the Reconfiguration of a Lot (31 lots into 7 lots) on land described as Lots 100-107, 202-212, 301-312 on SP153991, Parish of Dulanban, and located at Captain Cook Highway, Wangetti, subject to the following conditions:

Plan of Development

1. *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 of reconfiguration.*

Title	Plan No	Date
Proposed Subdivision of SP153991	060920T	4/06/07

Except where such plan is modified by the terms of this approval.

Water Supply

2. *Prior to lodgement of the Plan of Survey the developer must provide Council with a report demonstrating that an adequate and suitable potable water supply is available to each proposed residential lot.*
3. *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, and be designed in accordance with the requirements of Planning Policy No 6 ‘Planning Scheme Policy No 6, FNQROC Development Manual’.

4. *The unused or dilapidated water supply’s pipe work in Turtle Creek is to be removed and replaced in positions such that the location is left and then maintained in a clean and tidy condition to the satisfaction of the Council.*
5. *On-site storage of treated water is to be provided adequate for the demands of the proposed use. Details of any additional water tanks are to be shown on plans submitted with the building application.*

Sewerage

6. *Provision of sewerage reticulation to plans approved by Council. Provision shall be made for house connection branches for each allotment.*
7. *The plans and specifications of the internal sewerage works must be submitted to Council at Operational Works application stage for approval.*



8. *The internal sewerage works to be for advanced secondary wastewater treatment with setback distances that comply with the Queensland Plumbing and Wastewater Code 2006. The works to be generally as described in the report of Future Plus Environmental, reference 3007-07 dated 12 October 2007 and as outlined in the letter of 21 September 2007 reference 3007-05, subject to these conditions:*

The erosion prone area is not to be used for irrigation. Treated effluent (class A+ recycled water) as described in the QLD Water Recycling Guidelines 2005, to be used for toilet flushing, outdoor hosing, wash down and above ground garden watering.

9. *An Irrigation Monitoring Programme is to be prepared, for the approval of the Council, that includes:*
- *Soil and sub-soil analysis, including assessment of the soils including types, structure, phosphorus adsorption capacity, nutrient status, salinity and sodicity, cation exchange capacity and sodium absorption ration (SAR) of the contaminant release area(s), and the location of no less than six representative soil sampling sites;*
 - *Groundwater monitoring that determines the existence and rate of infiltration of effluent that has been irrigated to land, and the potential or actual impacts on groundwater from such infiltration and the location of any proposed bores;*
 - *Determination of the quantity and quality of contaminants applied;*
 - *Periodic re-assessment, including modelling of the water, nutrient and salt balances and irrigation rate and return period should be undertaken, if necessary, to ensure sustainable use of the contaminant release area is achieved; and*
 - *How reporting and monitoring results will be recorded and trigger values for contacting the EPA.*

Electrical and Telephone Services

10. *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 an underground electrical supply.*
11. *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 an underground telephone service.*

Parkland Contribution

Open Space

12. *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. The formula is:*

Park Contribution per allotment = Valuation of the allotment x ten (10) percent of the valuation.

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.

13. *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) percent 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 \$35 850.*

Stormwater Drainage

14. *A stormwater management plan is to be prepared that conserves and enhances water quality. Storage facilities to be provided to enable the reuse of the water to augment the water supply.*

Operational Works Development Permit

15. *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'.*

Currency Period

Operational Works required

16. *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

17. *The Plan of Survey with associated documents shall not be endorsed by Council until all of the conditions of approval have been complied with, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.*

Environmental Management Plan

18. *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.*

Conditions of Approval for the erection of Houses (6) and a Caretaker's Residence (Material Change of Use – Impact Assessable)

Plans of Development

1. *The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with the details of the application and the following approved Plan/s of Development:*

<i>Title</i>	<i>Plan No</i>	<i>Date</i>
<i>Ground Floor Plans</i>	<i>TC 05</i>	<i>May 2007</i>
<i>Upper Floor Plans</i>	<i>TC 05</i>	<i>May 2007</i>
<i>Residence 1 Elevations</i>	<i>TC 05</i>	<i>May 2007</i>
<i>Residence 2 Elevations</i>	<i>TC 05</i>	<i>May 2007</i>
<i>Residence 3 Elevations</i>	<i>TC 05</i>	<i>May 2007</i>
<i>Residence 4 Elevations</i>	<i>TC 05</i>	<i>May 2007</i>
<i>Residence 5 Elevations</i>	<i>TC 05</i>	<i>May 2007</i>
<i>Residence 6 Elevations</i>	<i>TC 05</i>	<i>May 2007</i>
<i>Manager's Residence Elevations</i>	<i>NC-0507-03</i>	<i>May 2007</i>
<i>Manager's Residence</i>	<i>NC-0507-03</i>	<i>May 2007</i>

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.*

Carparking

3. *A carparking area with a minimum of ten (10) spaces shall be constructed, drained and marked on site in accordance with the relevant Australian Standard, and maintained thereafter.*



4. *The on-site vehicle parking area is to be provided as shown on the approved plan, with easy access to the building entry.*
5. *Parking areas must be kept and used exclusively for parking and are maintained in a suitable condition for parking.*
6. *Sufficient area to be provided to enable all vehicles expected to use the drive on and off the site in forward gear.*

Landscaping

7. *A landscaping plan is to be submitted to and approved by the council prior to the commencement of any approved building works. The previously cleared areas of the site, not to be occupied by buildings, are to be landscaped/revegetated.*

The landscaping is to use native north Queensland species and not the south east Queensland species as indicated in the proposal.

All vegetation adjacent to any pool fencing is to be maintained to comply with AS1926-1993 that requires a 1.2 m setback to climbable vegetation.

The area along Turtle Creek to be revegetated.

8. *Buildings not to exceed a total of ten (10) m, comprising the height of the building plus the height of the roof.*
9. *Building materials to be non-reflective and of colours that blend in with the natural surroundings and colours of the foreshore and the scenic and natural values of the area.*
10. *A swimming pool maintenance plan is to be submitted for approval by the Council and covering the disposal of backwash waste and water for pool cleaning and maintenance.*
11. *All refuse to be disposed of off-site at an approved location.*
12. *No dogs or cats to be kept on site.*
13. *A Stormwater Management Plan for the development is to be prepared and submitted to the council prior to the commencement of building work. This plan to include the storage and reuse of water to augment the Turtle Creek water supply.*
14. *All existing buildings and facilities to be removed (other than those aspects of the water supply and sewerage facilities that are to be upgraded) including the cabin on the adjacent land and the recreation facilities on the state road fronting the ocean.*

Acid Sulphate Soils

15. *If, in the construction of the works and/or buildings, the presence of Acid Sulphate soils is detected then an Acid Sulphate Soil Management Plan is to be prepared in accordance with the QASSIT guidelines.*



16. *In the event that beach erosion encroaches into the site the installation of defence structures, if needed, shall be within the property boundary, without any adverse impacts on adjoining land.*
17. *An Erosion and Sediment Control Measures Plan is to be submitted for approval by the council with construction outside the next season. This plan is to be generally in accordance with the report of Project North (2007/07-038-002R) as submitted with the application. This plan to include the risk and possible impact of the buildings of the existing resort.*
The only runoff to the marine park is to be clean stormwater.
The plan to be submitted to and approved by the Council prior to the demolition and/or removal of any of the existing buildings or structures.
18. *Only non-toxic (to aquatic organisms) termiticides to be used, if any other termiticides are used, the application to be such that it cannot make its way into the water.*
19. *No building materials associated with the development shall be stored or stacked outside the boundary of the site.*
20. *All refuse, packing materials or similar associated with the use of the site are to be stored on the site in a neat and tidy manner and screened from public view.*
21. *The building site to be maintained in good condition at all times to the satisfaction of the Council.*

Compliance

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

Security

23. *To guarantee the satisfactory completion of the landscaping, the developer shall lodge with the Council a cash bond or guarantee to the value of \$30 000. 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."*

Carried unanimously



08/0304/36 **MCUI 001/07 TO 020/07 – AUSTRALIAN RAINFOREST FOUNDATION
– APPLICATION FOR COMPENSATION**

The Acting General Manager Development & Environment requested the approval of the Council to withdraw item 08/0304/36 – MCUI 001/07 to 020/07 – Australian Rainforest Foundation – Application for Compensation. The following recommendation was forthcoming from this advice:

Moved Cr Sciacca

Seconded Cr Pitt

“That the Committee removes item 08/0304/36 – MCUI 001/07 to 020/07 – Australian Rainforest Foundation – Application for Compensation, from the agenda of the Development & Environment Standing Committee meeting held on 4 March 2008.”

Carried unanimously

08/0304/37 **ADOPTION OF POLICY – CAMPING ON PRIVATE LAND**

Moved Cr Davis

Seconded Cr Sciacca

“That the Committee adopts the policy, ‘Camping on Private Land’.”

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

Against: Cr Cox

Carried

NOTICES OF MOTION

ATTENDANCE/WITHDRAWAL

Cr Davis, having previously declared a perceived conflict of interest in the following matter, reiterated this and withdrew from the meeting at 3:07 pm.

08/0304/38 **GP0308M – CONDITIONS OF DEVELOPMENT APPROVAL – ‘POOL’,
ST CRISPINS AVENUE, PORT DOUGLAS**

“That the Committee is committed to conditions embedded in the development approval for the ‘Pool’ development located at St Crispins Avenue, Port Douglas, and in particular requires the maintenance of the residential component.”



With the agreement of the meeting it was decided to let item 08/0304/38 – GP0308M – Conditions of Development Approval – ‘Pool’, St Crispins Avenue, Port Douglas, lie on the table until after the end of the Ordinary Meeting of the Council so confidential legal advice could be discussed.

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration, Ian Barton, having previously declared a conflict of interest in the following matter, reiterated this and withdrew from the meeting at 3:09 pm.

Cr Davis re-attended the meeting at 3:10 pm.

08/0304/39 GP0408M – LOTS 88 & 89 SR669 AND LOT 148 SR713, CAPTAIN COOK HIGHWAY, PRETTY BEACH – DESIGNATION OF LAND

Moved Cr Pitt

Seconded Cr Sciacca

“That the Committee investigates Lots 88 & 89 on SR669, and Lot 148 on SR713, Parish of Dulanban, and located at Captain Cook Highway, Pretty Beach, as part of the Planning Scheme audit that Council has commissioned a strategic planning consultant to do and that it was never Council’s intention to have this land in the ‘conservation’ zone and that it be reverted back to ‘rural’.”

Carried unanimously

08/0304/40 GP0508M – LOT A SR808245, PORT ROAD, PORT DOUGLAS – DESIGNATION OF LAND

Moved Cr Pitt

Seconded Cr Davis

“That the Committee determines the designation of land described as Lot A on SR808245, Parish of Salisbury, and located at Port Road, Port Douglas, on Plan PICA) Planning Areas – Port Douglas and Environs locality sheet one (1) as ‘conservation’, is not consistent with Council’s planning intention when the scheme was being prepared and as soon as possible when action is taken to correct errors and omissions in the scheme, the land be redesignated as ‘industry’, with the property owners to be advised accordingly.”

Carried unanimously



ATTENDANCE/WITHDRAWAL

Cr Davis, having previously declared a perceived conflict of interest in the following matter, reiterated this and withdrew from the meeting at 3:22 pm.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Cox

Seconded Cr Sciacca

08/0304/40A *"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 08/0304/38 – GP0308M – Conditions of Development Approval – 'Pool', St Crispins Avenue, Port Douglas."* (3:22 pm)

Carried unanimously

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public, all members of the gallery present withdrew from the meeting.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Cox

Seconded Cr Sciacca

08/0304/40B *"That the meeting be re-opened to the public."* (3:26 pm)

Carried unanimously



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

**08/0304/38 GP0308M – CONDITIONS OF DEVELOPMENT APPROVAL – ‘POOL’,
ST CRISPINS AVENUE, PORT DOUGLAS**

Moved Cr Pitt

Seconded Cr Cox

“That the Committee is committed to conditions embedded in the development approval for the ‘Pool’ development located at St Crispins Avenue, Port Douglas, and in particular requires the maintenance of the residential component.”

For: Cr Pitt, Cox, Bellerio, Sciacca

Against: Cr Egan

Carried

TERMINATION OF THE MEETING

The meeting was closed at 3:28 pm.

Presented to and noted by the Cairns Regional Council on the day of
April 2008.

**D P Egan
Chair**