



***Minutes of the Ordinary Meeting of Council  
15, 16, 21 & 22 August 2006***

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**PRESENT**

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

**Staff** – T C Melchert (Chief Executive Officer), D G Carey (General Manager Community & Corporate), P Trotman (General Manager Development & Environment), P T Gleeson (Manager Planning) and Ms M L Paterson (Corporate Support)

**External** – E Taylor (Planning Far North), G Scott (The 20/20 Group) and M Hartley (Department of Local Government, Planning, Sport and Recreation)

**COMMENCEMENT**

The meeting commenced on Tuesday 15 August 2006 at 10:28 am.

**06/0815/01**      **CONDOLENCES**

Cr Berwick referred to the recent death of David John Burke. The Council stood and observed one minute's silence.

Moved: Cr Berwick

Seconded: Cr Egan

*"That Council send letters of condolence to the next of kin."*

**Carried** unanimously

**06/0815/01A**      **SUSPENSION OF STANDING ORDERS**

Moved: Cr Berwick

Seconded: Cr Cox

*"That standing orders be suspended to allow items 06/1805/10 – 06/1805/14 to be brought forward and that Ms Liz Taylor, Ms Gaye Scott and Mr Mike Hartley be invited to address Council in relation to these items."*

**Carried** unanimously

**06/0815/10 REVIEW OF DOUGLAS SHIRE COUNCIL LOCAL LAWS**

Moved: Cr Berwick

Seconded: Cr Cox

*“That Council note that the Department of Local Government, Planning, Sport and Recreation has confirmed that the review of the local laws specified in the report is not as urgent as originally thought, and will not require adoption prior to the commencement of the IPA Planning Scheme.”*

**Carried unanimously**

**06/0815/11 VEGETATION MANAGEMENT (AMENDMENT) LOCAL LAW NO. 56**

Moved: Cr Cox

Seconded: Cr Berwick

*“That Council:*

*(a) proceed with the making of the Douglas Shire Council Vegetation Management (Amendment) Local Law (No. 1) 2005; and*

*(b) make Douglas Shire Council Vegetation Management (Amendment) Local Law (No. 1) 2005 as advertised.”*

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

Against: Cr Bellerio, Sciacca

**Carried**

**06/0815/12 POLICY ON LEGAL AND ILLEGAL DEVELOPMENT**

Moved: Cr Berwick

Seconded: Cr Davis

*“That:*

*(a) any land which has current approvals or permits issued by the Council for any development, such as Operational Works, Clearing, Building, Plumbing or Planning, or land which can be proven to have been cleared prior to the introduction of the Vegetation Local Law and currently remains cleared is considered to be lawfully developed or able to be developed in accordance with those approvals and permits;*

*(b) any land which has been developed for any purpose without the necessary Council permits or approvals is considered to be unlawfully developed and any land owner, upon being advised of this, is required to apply for all the necessary approvals and permits or to remove the unlawful development;*

*(c) in the case of land in the Rainforest Conservation Precinct in the SANDRL, land which is lawfully developed and is therefore counted as “developed” for residential purposes is:*

- *land with an existing/current approved House,*
- *land with a current Planning Approval for a House, as yet unconstructed,*

- *land with an existing/current approved Shed,*
- *land with an existing/current approved Shed and Ablutions,*
- *land which, it can be proven, was cleared prior to the Vegetation Local Law and remains cleared at this time,*
- *land with an existing/current Clearing Permit, and*
- *land with an existing/current Operational Works Permit;*

*(d) in the case of land in the Rainforest Conservation Precinct in the SANDRL, land which is unlawfully developed, and is therefore not counted for residential purposes is:*

- *land which has no existing/current approvals or permits for a House, Shed/Ablutions, Clearing or Operational Works or Planning Approval, but where such structures or works are evident;*

*(e) in the case of land in the Rainforest Conservation Precinct in the SANDRL, land not included in either of the categories above is considered to be undeveloped (vacant);*

*(f) in the Register prepared by Council on the Status of land North of the Alexandra Range to Cape Tribulation, all lots are required to be classified as either:*

- *Developed,*
- *Unlawfully Developed, or*
- *Undeveloped (vacant);*

*(g) Council initiate action in relation to land identified in the Unlawfully Developed category in the SANDRL and anywhere else in the Shire."*

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

Against: Cr Pitt

**Carried**

#### **06/0815/13 DRAFT DOUGLAS SHIRE PLANNING SCHEME**

G Scott (The 20/20 Group) delivered a powerpoint presentation outlining the proposed planning scheme information program.

The endorsement of the proposed information program being dependent upon the adoption of the planning scheme, this item was dealt with after item 06/0815/14.

#### **06/0815/14 ADOPTION OF DOUGLAS SHIRE COUNCIL PLANNING SCHEME**

Moved: Cr Cox

Seconded: Cr Berwick

06/1805/14(i) *"That in accordance with the letter dated 3 August 2006 to Council's consultant planners, Planning Far North, from the Department of Local Government, Planning, Sport and Recreation, advising that the Planning Scheme may now be adopted, the Council adopt the proposed Planning Scheme and associated Planning Scheme Policies, dated August 2006, with commencement to occur on 4 September 2006."*

06/1805/14(ii) *"That the appropriate notice be published in the Queensland Government Gazette, Port Douglas and Mossman Gazette and The Cairns Post, in accordance with Schedule 1, Part 3, Item 20 of the Integrated Planning Act."*

06/1805/14(iii) *"That the Department of Local Government, Planning, Sport and Recreation be advised that such notices have been placed in the relevant newspapers and five certified copies of the adopted scheme be forwarded, as required by Schedule 1, Part 3, Item 21 of the Integrated Planning Act."*

For: Cr Berwick, Cox, Davis

Against: Cr Egan, Pitt, Sciacca, Bellerio

**Lost**

#### POINT OF ORDER

Cr Berwick ruled that Cr Sciacca was out of order in respect of his comment that there had been no public consultation on the planning scheme.

Moved: Cr Egan

Seconded: Cr Pitt

06/1805/14(iv) *"That:*

- *the state be informed that Douglas Shire Council requires more time, suggest 2 – 3 weeks,*
- *the public information meetings go ahead,*
- *a further report to Council on the frequently asked questions,*
- *in the interim the Council firm up its position."*

For: Cr Egan, Pitt, Sciacca, Bellerio

Against: Cr Berwick, Cox, Davis

**Carried**

#### 06/0815/13 DRAFT DOUGLAS SHIRE PLANNING SCHEME

Moved: Cr Cox

Seconded: Cr Berwick

*"That Council note and endorse the information program as set out in the attached report."*

The motion was withdrawn.

With the agreement of all councillors present further discussion of this item was held over until item 06/0815/14 is complete.

#### ATTENDANCE/WITHDRAWAL

The Mayor thanked Ms Liz Taylor, Ms Gaye Scott and Mr Mike Hartley for their attendance and advice, and they withdrew from the meeting at 12:00 pm. The Manager Planning also withdrew at this time.

#### 06/0815/1B RESUMPTION OF STANDING ORDERS

Moved: Cr Berwick

Seconded: Cr Egan

*"That standing orders be resumed."*

**Carried** unanimously

#### 06/0815/02 MINUTES

Moved: Cr Berwick

Seconded: Cr Davis

*"That the minutes of the Ordinary Council Meeting held on 25 July 2006 be confirmed subject to the following amendment:*

- *on page 14 remove the words "With the agreement of the mover and the seconder"."*

**Carried** unanimously

#### ADJOURNMENT

At 12:25 pm the meeting stood adjourned for lunch.

#### RESUMPTION

The meeting resumed at 1:35 pm without the attendance of the Chief Executive Officer and General Manager Development & Environment.

J F Leu, Manager Community Cultural & Environment, attended the meeting at this time.

## **COMMUNITY & CORPORATE**

#### 06/0815/03 APPLICATION FOR RENEWAL OF SPECIAL LEASES

This item was dealt with after further discussion of item 06/0815/14, following 06/0815/04.

#### DEPUTATION

Ms Vicki Kurth and Mr Byron Kurth, General Managers of Managing Australian Destinations, attended at this time and were invited by the Mayor to present a deputation to the Council in relation to Carnivale 2007.

06/0815/02A      SUSPENSION OF STANDING ORDERS

Moved: Cr Cox

Seconded: Cr Pitt

*"That standing orders be suspended to allow Council to receive a deputation from Ms Vicki Kurth and Mr Byron Kurth in relation to Carnivale 2007, followed by a briefing from Mr Andrew Kerr in relation to item 06/0815/04. Further, that item 06/0815/04 be brought forward and items 06/0815/03 and 06/0815/04 be further discussed."*

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

Ms Vicki Kurth and Mr Byron Kurth concluded their deputation at 2:10 pm. The Mayor thanked the Kurths for their attendance and presentation and they withdrew from the meeting. The Manager Community Cultural & Economic also withdrew.

Mr Andrew Kerr attended at this time and was invited to address Council in relation to the ILUA negotiations.

06/0815/04      YALANJI ILUA NEGOTIATIONS

Moved: Cr Berwick

Seconded: Cr Davis

06/1805/04(i)      *"That the Council confirm acceptance of the clause described at paragraph 2.4 in the report from MacDonnells Solicitors relating to exercise of native title rights to bury, to apply to the reserves described at paragraph 2.6 of the report, but that the clause be amended to specifically exclude freehold land where native title rights are to be surrendered to the State."*

06/1805/04(ii)      *"That the Council confirm the proposed regime described at paragraph 3.3 of the report for the exercise of native title rights and interests to camp, hunt and light fires on existing reserves and new reserves, to apply to the reserves described at paragraph 3.6 of the report, with restrictions on the lighting of fires to those reserves described at paragraph 3.8."*

06/1805/04(iii)      *"That the Council confirm it no longer requires a specific clause preserving access to beaches at times of abnormal high tides."*

06/1805/04(iv)      *"That the Council confirm that, given the decision of the State that it does not support the dedication of Rex Creek water reserve land as aboriginal freehold, the Council does not propose to surrender any part of the Rex Creek water reserve but that it will continue to support cultural tourism opportunities engaged in by*

members of the Yalanji group and will seek to grant a trustee lease to facilitate these opportunities."

**Carried unanimously**

Moved: Cr Berwick

Seconded: Cr Cox

06/1805/04(v) "That Bamanga Bubu Ngadimunku be included in the ILUA as a party for negotiating future permits or leases to conduct tourism activity on Rex Creek water reserve."

**Carried unanimously**

#### CLOSURE OF MEETING TO THE PUBLIC

Moved: Cr Pitt

Seconded: Cr Egan

06/1805/04(vi) "That pursuant to section 463(1)(h) of the Local Government Act 1993 the Council be resolved into a committee of the whole for in confidence legal discussions relating to the Indigenous Land Use Agreement."

**Carried unanimously**

#### ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 2:32 pm.

#### RE-OPENING OF MEETING TO THE PUBLIC

With the agreement of all councillors present the meeting was re-opened to the public at 3:05 pm.

#### ATTENDANCE/WITHDRAWAL

Cr Egan re-attended at 3:08 pm.

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

Moved: Cr Berwick

Seconded: Cr Davis

06/1805/04(vii) "That:

- Council authorise the Mayor and Chief Executive Officer to execute the Council ILUA and Future Act ILUA once the documents are finalised;
- Council consent to the Determination of Native Title set out in Schedule 16 of the Council ILUA, subject to the previous point;
- the Mayor and Chief Executive Officer have delegated authority to finalise any minor issues arising in the settling of the Yalanji ILUA Package; and



- *Daintree Recreational Reserve (Lot 1 on SR 63) and Pioneer Park (Lot 103 on SR 120) remain as recreational reserves."*

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

Ms E Taylor (Planning Far North), Ms G Scott (The 20/20 Group), Mr M Hartley (Department of Local Government, Planning, Sport and Recreation), the General Manager Development & Environment and the Manager Planning re-attended the meeting at 3:12 pm, and discussion of item 06/0815/14 was resumed.

06/0815/14      ADOPTION OF DOUGLAS SHIRE COUNCIL PLANNING SCHEME

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer re-attended the meeting at 3:16 pm and withdrew again at 3:30 pm.

Moved: Cr Berwick

Seconded: Cr Davis

06/0815/14(v) *"That a proposed motion relating to the draft planning scheme be tabled for consideration at a time in the near future and copies be supplied to the media."*

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

Against:      Cr Bellero

**Carried**

ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 3:46 pm. G Scott, E Taylor, M Hartley and the Manager Planning also withdrew at this time.

At 3:00 pm the Mayor thanked Mr Andrew Kerr for his attendance and advice, and Mr Kerr withdrew from the meeting. The meeting was then adjourned for afternoon tea.

Moved: Cr Berwick

Seconded: Cr Cox

*"That standing orders be resumed."*

**Carried** unanimously

06/0815/03      APPLICATION FOR RENEWAL OF SPECIAL LEASES

MATERIAL PERSONAL INTEREST



At 3:50 pm Cr Sciacca declared a material personal interest in the following matter, as he is related to the leaseholder of the subject land, and withdrew from the meeting.

Moved: Cr Berwick

Seconded: Cr Pitt

*"That no objections to renewal of the special leases be offered subject to the following requirements:*

- *a minimum of 10 metres is maintained between the high bank of the creek and any areas of the leases used for the cultivation of sugar cane; and*
- *the maintenance of farms drains is carried out in accordance with the code for self-assessable development for on-farm drain maintenance works involving the removal, destruction or damage of marine plants."*

**Carried** unanimously

#### ATTENDANCE/WITHDRAWAL

Cr Sciacca re-attended the meeting at 3:51 pm. The General Manager Development & Environment withdrew from the meeting at 3:55 pm.

#### 06/0815/05 DRAFT POLICY – AUDIO RECORDING OF ORDINARY COUNCIL MEETINGS

Moved: Cr Berwick

Seconded: Cr Cox

*"That Council adopts the proposed policy to govern the practice of creating audio recordings of ordinary council meetings subject to appropriate changes being first made to Local Law No 17 (Meetings)."*

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

Against: Cr Egan, Sciacca

**Carried**

#### 06/0815/05A CONTINUATION OF MEETING

Moved: Cr Egan

Seconded: Cr Cox

*"That the meeting continue today until 4:30 pm and resume tomorrow, Wednesday 16 August, at 8:30 am."*

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

Against: Cr Bellerio, Sciacca

**Carried**

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment re-attended the meeting at 4:00 pm.

06/0815/06 LAND ASSETS – LOTS 401, 402, 403 & 405 ON C2251 – OLD PORT ROAD, CRAIGLIE

Moved: Cr Berwick

Seconded: Cr Pitt

06/0815/06(i) *“That the Council determine that Lots 401, 402, 403 and 405 on C2251 situated on Old Port Road, Craiglie, are potentially of future strategic importance and should therefore remain in the ownership of the Council for the foreseeable future.”*

06/1805/06(ii) *“That the Council give notice to the current occupants of the Council’s preparedness to enter into short term leases (ie: periods of up to two years) in respect of these allotments.”*

06/0815/06(iii) *“That the Council note the requirements of Section 491 of the Local Government Act 1993 which requires the Council to call tenders when disposing of interests in land (including leasing) and the current occupants be notified of these requirements as well.”*

An amendment to the motion was moved:

Moved: Cr Davis

06/0815/06(i) *“That the Council determine that Lots 401, 402, 403 and 405 on C2251 situated on Old Port Road, Craiglie, are potentially of future strategic importance and should therefore remain in the ownership of the Council for the foreseeable future.”*

06/1805/06(ii) *“That the Council give notice to the current occupants of the Council’s preparedness to enter into short term leases (for a period of one year) in respect of these allotments.”*

06/0815/06(iii) *“That the Council note the requirements of Section 491 of the Local Government Act 1993 which requires the Council to call tenders when disposing of interests in land (including leasing) and the current occupants be notified of these requirements as well.”*

The motion lapsed for want of a seconder.

The original motion was put:

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

Against: Cr Davis

**Carried**

06/0815/07 LIBRARY FEES AND CHARGES

Moved: Cr Cox

Seconded: Cr Bellerio

*"That fees and charges applied to the library services remain unchanged from those fixed in January 2006."*

**Carried** unanimously

06/0815/08 DETAILS OF USE OF THE COUNCIL SEAL

Moved: Cr Sciacca

Seconded: Cr Berwick

*"That Council adopt the recommendation and receive the report providing details of the use of the council seal and endorse 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 Chief Executive Officer re-attended the meeting at 4:32 pm.

06/0815/09 DECISIONS OF COUNCIL STATUS REPORT

Moved: Cr Sciacca

Seconded: Cr Pitt

*"That Council receive and note the Decisions of Council Status Report."*

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

Against: Cr Davis

**Carried**

**DEVELOPMENT & ENVIRONMENT**

The following five items were dealt with at the commencement of the meeting. Ms Liz Taylor, Planning Far North, Ms Gaye Scott, The 20/20 Group and Mr Mike Hartley, Department of Local Government, Planning, Sport and Recreation were in attendance at the time and addressed Council in conjunction with the discussion of the related reports.

06/0815/10 REVIEW OF DOUGLAS SHIRE COUNCIL LOCAL LAWS

06/0815/11 VEGETATION MANAGEMENT (AMENDMENT) LOCAL LAW NO. 56

06/0815/12 POLICY ON LEGAL AND ILLEGAL DEVELOPMENT

06/0815/13 DRAFT DOUGLAS SHIRE PLANNING SCHEME

The item is further dealt with after completion of item 06/0815/14.

06/0815/14 ADOPTION OF DOUGLAS SHIRE COUNCIL PLANNING SCHEME

The item is further dealt with after item 06/0815/25.



ADJOURNMENT

At 4:45 pm the meeting stood adjourned until 8:30 am on Wednesday 16 August 2006.

## RESUMPTION

The meeting resumed on Wednesday 16 August 2006 at 8:36 am.

## PRESENT

**Councillors** – M P Berwick (Mayor), D P Egan (Deputy Mayor), M Cox, R Davis, D G Pitt, J Sciacca (8:40 am) and W J Bellerio (8:42 am)

**Staff** – T C Melchert (Chief Executive Officer) and Ms M L Paterson (Corporate Support)

### 06/0815/15      MCU 3B 014/06 – LOT 1 ON SP 161489 – FOREST CREEK ROAD, FOREST CREEK

Moved: Cr Berwick

Seconded: Cr Cox

*“That Council approve the Application for Material Change of Use of Premises 3B 014/06 for a dwelling house, shed and swimming pool on rural (general) zoned land described as Lot 1 on SP 161489, Parish of Alexandra, more particularly Forest Creek Road, Forest Creek, subject to the conditions recommended by the Assistant Planning Officer in her report.”*

**Carried** unanimously

### 06/0815/16      MCU 3B 022/05 – LOT 26 ON RP 749732 – 14 HIBISCUS COURT, ROCKY POINT

This item was dealt with after 06/0815/18.

### 06/0815/17      MCU 3B 042/05 – LOTS 41–42 ON RP 857614 – 21–23 WARNER STREET, PORT DOUGLAS – REQUEST TO CHANGE CAR PARKING CONDITION 4.16

Moved: Cr Cox

Seconded: Cr Berwick

*“That Council approve the request for a change of condition to Material Change of Use 3B 042/05 for Lots 41 – 42 on RP 857614, Parish of Salisbury, more particularly 21 – 23 Warner Street, Port Douglas, to alter Condition 4.16 to reduce the required number of car parks from 24 to 22.”*

**Carried** unanimously

## ATTENDANCE/WITHDRAWAL

P T Gleeson, Manager Planning, attended the meeting at 8:39 am.

**06/0815/18      MCU 3B 051/04 – LOT 271 ON RP 738997 – KAURI CLOSE, COW BAY**

Moved: Cr Egan

Seconded: Cr Cox

*“That Council approve the Application for Material Change of Use of Premises 051/04 for a five bedroom dwelling house, consisting of a main living area (kitchen, dining, living room, two verandahs, pool, sundeck, media/games room, bar, cellar, laundry, relaxation room) and five detached bedrooms each with their own ensuite and verandah, and a five car garage, on residential rural zoned land described as Lot 271 on RP 738997, Parish of Alexandra, more particularly Kauri Close, Cow Bay, subject to the conditions recommended by the Assistant Planning Officer in her report.”*

An amendment to the motion was moved:

Moved: Cr Berwick

*“That Council approve the Application for Material Change of Use of Premises 051/04 for a five bedroom dwelling house, consisting of a main living area (kitchen, dining, living room, two verandahs, pool, sundeck, media/games room, bar, cellar, laundry, relaxation room) and five detached bedrooms each with their own ensuite and verandah, and a five car garage, on residential rural zoned land described as Lot 271 on RP 738997, Parish of Alexandra, more particularly Kauri Close, Cow Bay, subject to the conditions recommended by the Assistant Planning Officer in her report. In addition, the rehabilitation conditions be included as part of the landscape plan.”*

The amendment was withdrawn and the original motion was put:

**Carried** unanimously

**ATTENDANCE/WITHDRAWAL**

Planning Officers L A Stayte and N Coss attended the meeting at 8:45 am.

**06/0815/16      MCU 3B 022/05 – LOT 26 ON RP 749732 – 14 HIBISCUS COURT, ROCKY POINT**

Moved: Cr Pitt

Seconded: Cr Egan

*“That Council approve the Application for Material Change of Use of Premises 022/05 for a dwelling house on residential rural zoned land described as Lot 26 on RP 749732, Parish of Whyanbeel, more particularly 14 Hibiscus Court, Rocky Point, subject to the conditions recommended by the Planning Officer in her report.”*

**Carried** unanimously

06/0815/19      MCU 3B 052/04 – LOT 239 ON RP 740658 – WHITE BEECH ROAD, COW BAY

Moved: Cr Sciacca

Seconded: Cr Bellerio

*“That Council approve the Application for Material Change of Use of Premises 3B 052/04 for a dwelling house on residential rural zoned land described as Lot 239 on RP 740658, Parish of Alexandra, more particularly White Beech Road, Cow Bay, as defined under the Douglas Shire Transitional Planning Scheme, subject to the conditions recommended by the Assistant Planning Officer in her report.”*

An amendment to the motion was moved:

Moved: Cr Berwick

Seconded: Cr Cox

*“That Council approve the Application for Material Change of Use of Premises 3B 052/04 for a dwelling house on residential rural zoned land described as Lot 239 on RP 740658, Parish of Alexandra, more particularly White Beech Road, Cow Bay, as defined under the Douglas Shire Transitional Planning Scheme, subject to the conditions recommended by the Assistant Planning Officer in her report, with the inclusion of a further condition requiring landscaping between the road and the house.”*

The amendment was put:

For:            Cr Berwick, Cox, Davis, Pitt

Against:      Cr Egan, Sciacca, Bellerio

**Carried**

The amendment became the motion and was put:

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

Cr Davis withdrew from the meeting at 9:10 am. The Chief Executive Officer also withdrew during this discussion.

06/0815/20      SUB 013/06 – LOTS 44 & 45 ON RP 726589 – 8-10 PECTEN AVENUE, PORT DOUGLAS

Moved: Cr Berwick

Seconded: Cr Cox

*“That Council approve the Application for Reconfiguration of a Lot (Boundary Realignment) SUB 013/06 to realign the boundary between Lots 44 and 45 on RP 726589, Parish of Salisbury, more particularly between 8 and 10 Pecten Avenue, Port Douglas, subject to the conditions recommended by the Assistant Planning Officer in her report.”*

**Carried** unanimously



ATTENDANCE/WITHDRAWAL

Cr Davis re-attended the meeting at 9:29 am.

06/0815/21 SUB 043/04 – LOT 3 ON RP 808140 AND LOT 5 ON RP 708494 – WHYANBEEL ROAD, WHYANBEEL

Moved: Cr Berwick

Seconded: Cr Cox

*“That Council approve the Application for Reconfiguration of a Lot (Boundary Realignment) SUB 043/04 to realign the boundary between Lot 3 on RP 707685 and Lot 5 on RP 808140, Parish of Whyanbeel, and situated at Whyanbeel Road, subject to the conditions recommended by the Assistant Planning Officer in her report.”*

With the agreement of the mover and seconder the motion was amended:

*“That Council approve the Application for Reconfiguration of a Lot (Boundary Realignment) SUB 043/04 to realign the boundary between Lot 3 on RP 707685 and Lot 5 on RP 808140, Parish of Whyanbeel, and situated at Whyanbeel Road, subject to the conditions recommended by the Assistant Planning Officer in her report except that Condition 10 be removed.”*

**Carried** unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Community & Corporate attended the meeting at 9:34 am.

06/0815/22 TPC 1204 – LOT 5 ON RP 726588 – 21 BARRIER STREET, PORT DOUGLAS

Moved: Cr Cox

Seconded: Cr Pitt

*“That Council:*

*(a) approve the application to change Condition No 4.1 and Condition 4.4 in Development Approval TPC 1204 for two multiple dwellings on land described as Lot 5 on RP726588, Parish of Salisbury, more particularly 21 Barrier Street, Port Douglas; and*

*(b) amend Condition 4.1 and 4.4 as follows –*

*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 approved plan of development No. TP01, TP02, TP03, TP04, DR01, SD01 and SD02, submitted to Council on 29 May 2006 by Nicholas Murray Architects; and
- b. the plans and specifications submitted with the application to Council attached to this approval.
- c. A vehicle crossover is provided in accordance with FNQROC development manual and the approved plan of development.

4.4 The applicant/owner must landscape the subject land and street frontage in accordance with the FNQROC Development Manual and in accordance with the landscape plan submitted to Council."

**Carried** unanimously

06/0815/23      MCU – IMPACT ASSESSABLE TPC 1211 – LOT 147 ON C 157223 – DAINTREE RIVER

Moved: Cr Egan

Seconded: Cr Sciacca

*"That standing orders be suspended and this item be held over until 11:00 am."*

**Carried** unanimously

The item was dealt with prior to item 06/0815/26.

06/0815/24      MCU 3B – TPC 1239– LOT 2 ON RP 743352 – UNNAMED ROAD OFF FERRERO ROAD

DECLARATION OF INTEREST

The Manager Planning declared that he may be perceived to have a conflict of interest in this matter, as his spouse prepared and submitted the initial assessment of a previous application for the approval of a caravan park. He stated there is no conflict of interest but to avoid the perception he withdrew from the meeting at 9:40 am.

ATTENDANCE/WITHDRAWAL

The Manager Community Cultural & Economic attended the meeting at 9:47 am. ~~The Chief Executive Officer re-attended at 10:03 am.~~ (*Amended Ordinary Meeting 05-09-06*)

Moved: Cr Berwick

Seconded: Cr Egan

06/0815/24(i)      *"That Council defer final consideration of the application until the outcome of the review into the location of caravan parks, which Council has resolved to undertake, is known."*

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

Against:                Cr Egan, Bellerio

**Carried**

Moved: Cr Davis

Seconded: Cr Cox

06/0815/24(ii) *"That the planning department give priority to the expedient review of the location of caravan parks throughout the shire, and present a report to the next council meeting outlining timeframes and terms of reference."*

**Carried** unanimously

#### ATTENDANCE/WITHDRAWAL

The Chief Executive Officer re-attended at 10:05 am. (*Amended Ordinary Meeting 05-09-06*)

#### ADJOURNMENT

At 10:05 am the meeting stood adjourned for morning tea.

#### RESUMPTION

The meeting resumed at 10:24 am with the attendance of Ms Kelly Favas, Douglas Shire Council's new Community Development Officer. The Manager Community Cultural & Economic introduced and welcomed Ms Favas to Douglas Shire Council.

#### 06/0815/25 TPC 1245 – LOT 1 ON RP 911413 – MOSSMAN GORGE ROAD, MOSSMAN

Moved: Cr Berwick

Seconded: Cr Davis

06/0815/25(i) *"That the email dated 14 August 2006 from John White, Chairman of the Mossman Visitor Information Centre Steering Committee, be tabled."*

**Carried** unanimously

The document was tabled (Attachment 1).

Moved: Cr Berwick

Seconded: Cr Davis

06/0815/25(ii) *"That Council agree that, in accordance with section 3.4.8 of the IPA, any non-compliance with section 3.4.7 of the IPA has not adversely affected the awareness of the public of the existence and nature of the application or restricted the opportunity of the public to make properly made submissions."*

06/0815/25(iii) *"That Council approve the application for a Development Permit for Material Change of Use to permit the development of a passenger terminal, interpretive centre and car park on land described as Lot 1 on RP911413, Parish of Victory, and situated at Lot 1 on Mossman Gorge Road, Mossman, subject to the conditions recommended by the Planning Officer in her report."*

06/0815/25(iv) *"That the rezoning be confined to 6 hectares."*

With the agreement of the mover and the seconder the motion was amended:

06/0815/25(ii) *"That Council agree that, in accordance with section 3.4.8 of the IPA, any non-compliance with section 3.4.7 of the IPA has not adversely affected the awareness of the public of the existence and nature of the application or restricted the opportunity of the public to make properly made submissions."*

06/0815/25(iii) *"That Council approve the application for a Development Permit for Material Change of Use to permit the development of a passenger terminal, interpretive centre and car park on land described as Lot 1 on RP911413, Parish of Victory, and situated at Lot 1 on Mossman Gorge Road, Mossman, subject to the conditions recommended by the Planning Officer in her report."*

An amendment was moved:

Moved: Cr Egan

Seconded: Cr Cox

06/0815/25(ii) *"That Council agree that, in accordance with section 3.4.8 of the IPA, any non-compliance with section 3.4.7 of the IPA has not adversely affected the awareness of the public of the existence and nature of the application or restricted the opportunity of the public to make properly made submissions."*

06/0815/25(iii) *"That Council approve the application for a Development Permit for Material Change of Use to permit the development of a passenger terminal, interpretive centre and car park on land described as Lot 1 on RP911413, Parish of Victory, and situated at Lot 1 on Mossman Gorge Road, Mossman, subject to the conditions recommended by the Planning Officer in her report."*

06/0815/25(iv) *"That an extra condition require that there be a footpath/bikeway according to Council standard design from the development to the Gorge Community."*

The amendment was put:

**Carried** unanimously

The amendment became the motion and was put:

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

Against: Cr Bellero, Sciacca

**Carried**

#### ATTENDANCE/WITHDRAWAL

The General Manager Community & Corporate, Manager Community Cultural & Economic and Community Development Officer withdrew from the meeting at 11:05 am.

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06/0815/23 **MCU – IMPACT ASSESSABLE TPC 1211 – LOT 147 ON C 157223 – DAINTREE RIVER**

The scheduled discussion of item 06/0815/23 was further held over to allow further legal advice to be received by Council in relation to the proposed further motion dealing with the Draft Planning Scheme.

Item 06/0815/23 was discussed prior to item 06/0815/26.

**06/0815/14 ADOPTION OF DOUGLAS SHIRE COUNCIL PLANNING SCHEME**

Moved: Cr Berwick

Seconded: Cr Egan

06/1805/14(vi) *"That the legal opinion obtained by the Chief Executive Officer in relation to the proposed planning scheme resolution be tabled."*

**Carried** unanimously

The document was tabled (Attachment 2).

**TELECONFERENCE**

At 11:10 am Council commenced a teleconference with Stuart Macnaughton of McCullough Robertson Lawyers to obtain the advice referred to above.

At 11:20 am Stuart Macnaughton recommended the meeting be closed to the public and press to allow further legal advice to be given in confidence.

**CLOSURE OF MEETING TO THE PUBLIC**

Moved: Cr Berwick

Seconded: Cr Egan

06/0815/14(vii) *"That pursuant to Section 463(1)(h) of the Local Government Act 1993, and in accordance with the recommendation of Stuart Macnaughton, the Council meeting be closed to the public to enable the committee of the whole to receive legal advice in relation the a proposed further motion dealing with the Draft Planning Scheme."*

**Carried** unanimously

The teleconference concluded at 11:38 am and the meeting was re-opened to the public.

Moved: Cr Egan

Seconded: Cr Berwick

06/0815/14(viii) *"That the meeting be re-opened to the public."*

**Carried** unanimously

**06/0815/23 MCU – IMPACT ASSESSABLE TPC 1211 – LOT 147 ON C 157223 – DAINTREE RIVER**

**MATERIAL PERSONAL INTEREST**

Cr Berwick declared a material personal interest in this matter, as his partner is the applicant, and withdrew from the meeting at 11:40 am. Cr Egan assumed the chair.

Moved: Cr Davis

Seconded: Cr Cox

*"That Council approve the Application for a Development Permit for Material Change of Use to permit the development of an expanded aquaculture operation on land described as Lot 147 on C157223 and situated at Lot 147, Daintree River, Daintree, subject to the conditions recommended by the Planning Officer in her report."*

With the agreement of the mover and seconder the matter was left on the table pending further information, to be provided after the lunch adjournment.

#### ATTENDANCE/WITHDRAWAL

Planning Officer L A Stayte withdrew from the meeting at 12:14 pm.

#### 06/0815/26 APPLICATION FOR WAIVER OF REFERRAL COORDINATION – TPC 1261 – LOT 11 ON SR 740 – CAPE TRIBULATION ROAD, CAPE TRIBULATION

Moved: Cr Cox

Seconded: Cr Pitt

*"That Council approve the request to waive the requirement for referral coordination for Material Change of Use for a general licensed premise (tavern) and an attached bottle shop on land described as Lot 11 on SR 740, Parish of Noah, and located at Cape Tribulation Road, Cape Tribulation."*

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

**Carried**

The Mayor recorded his opposition to the motion when he was recalled to the meeting at 12:29 pm.

#### 06/0815/27 APPLICATION FOR CONVERSION OF TENURE – SPECIAL LEASE 9/48384 – LOT 115 ON CROWN PLAN SR 126

Moved: Cr Davis

Seconded: Cr Egan

*"That Council support the land tenure conversion to freehold subject to no conditions. This advice supersedes Council's advice to the Department of Natural Resources & Mines dated 27 November 2003."*

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

Against: Cr Cox

Carried

ATTENDANCE/WITHDRAWAL

Cr Berwick re-attended the meeting at 12:16 pm and resumed the chair.

**ENGINEERING**

**06/0815/28 UNNAMED ROAD BETWEEN SOMERSET ROAD AND SOMERSET ROAD**

Moved: Cr Cox

Seconded: Cr Davis

*"That:*

*(a) the road be reinstated as a public road from Somerset Road to the northern boundary of Lot 256 on SR 364, as shown in green on Plan A (page 427); and*

*(b) the existing temporary road closures remain in place."*

With the agreement of the mover and the seconder the matter was left on the table pending clarification of the request.

**06/0815/29 TENDERS FOR REPLACEMENT PLANT (UTILITIES)**

Moved: Cr Cox

Seconded: Cr Berwick

06/0815/29(i) *"That Council accept the recommendations of the Works Manager in accordance with the summaries attached to his report."*

**Carried** unanimously

Moved: Cr Davis

Seconded: Cr Egan

06/0815/29(ii) *"That Council undertake a philosophical review of vehicle selection and the terms of reference come back to Council."*

**Carried** unanimously

**06/0815/30 LICENCE AGREEMENT – IDENTILITE STREET SIGNS**

Moved: Cr Sciacca

Seconded: Cr Bellerio

*"That Council invite tenders for the supply of ten illuminated street name identification signs for Port Douglas for a period of 10 years."*

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

Against: Cr Berwick, Cox

**Carried**



## **FINANCE & ADMINISTRATION**

*Nil reports*

## **NOTICES OF MOTION**

### **06/0815/31 MB0406M – POWER NORTH OF THE DAINTREE RIVER**

Moved: Cr Berwick

Seconded: Cr Cox

*“That Council seek negotiations with the State Government about removing the legal and regulatory impediments to the reticulation of power in the Forest Creek area.”*

With the agreement of the mover and the seconder the motion was amended:

*“That Council seek negotiations with the State Government about removing the legal and regulatory impediments to the reticulation of power in the Forest Creek area without comprising the proposed planning scheme resolution currently before councillors.”*

For: Cr Berwick, Davis, Bellero

Against: Cr Egan, Pitt, Sciacca, Cox

**Lost**

### **06/0815/23 MCU – IMPACT ASSESSABLE TPC 1211 – LOT 147 ON C 157223 – DAINTREE RIVER**

#### **MATERIAL PERSONAL INTEREST**

Cr Berwick declared a material personal interest in this matter, as his partner is the applicant, and withdrew from the meeting at 12:47 am. Cr Egan assumed the chair.

The following motion was lying on the table:

Moved: Cr Davis

Seconded: Cr Cox

*“That Council approve the Application for a Development Permit for Material Change of Use to permit the development of an expanded aquaculture operation on land described as Lot 147 on C157223 and situated at Lot 147, Daintree River, Daintree, subject to the conditions recommended by the Planning Officer in her report.”*

With the agreement of the mover and seconder the motion was amended:

*“That Council approve the Application for a Development Permit for Material Change of Use to permit the development of an expanded aquaculture operation*

on land described as Lot 147 on C157223 and situated at Lot 147, Daintree River, Daintree, subject to the conditions recommended by the Planning Officer in her report.

Further, any staff accommodation either existing or proposed on the premises, will require a material change of use development permit for a Caretaker's Residence. The applicant is to respond to this condition within three (3) months of the date of this decision notice."

The amendment was put:

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

The amendment became the motion and was put:

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

#### ATTENDANCE/WITHDRAWAL

Cr Berwick re-attended the meeting at 12:50 pm and resumed the chair.

### **REPORTS – CHIEF EXECUTIVE OFFICER**

*Nil reports*

#### **06/0815/14 ADOPTION OF DOUGLAS SHIRE COUNCIL PLANNING SCHEME**

Moved: Cr Berwick

Seconded: Cr Davis

06/1805/14(ix) *"That the matter of the proposed motion be dealt with today."*

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

This item is dealt with further when the meeting resumes on 21 August 2006.

#### ATTENDANCE/WITHDRAWAL

Cr Sciacca withdrew from the meeting at 12:51 pm.

#### **06/0815/31A CONTINUATION OF MEETING**

Moved: Cr Berwick

Seconded: Cr Egan

*“That the meeting be adjourned until 9:00 am on Monday 21 August 2006 for the purposes of further considering the planning scheme (Item 06/0815/14) and the 2006/07 budget.”*

**Carried** unanimously

**ADJOURNMENT**

At 12:53 pm the meeting stood adjourned until 9:00 am Monday 21 August 2006.

## RESUMPTION

The meeting resumed on Monday 21 August 2006 at 9:04 am.

## PRESENT

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

**Staff** – T C Melchert (Chief Executive Officer), P Trotman (General Manager Development & Environment), P T Gleeson (Manager Planning), J F Leu (Manager Community Cultural & Economic), P Chapman (Workplace Health & Safety Officer) and M Paterson (Corporate Support)

**External:** E Taylor (Planning Far North), G Scott (The 20/20 Group) and M Hartley (Department of Local Government, Planning, Sport & Recreation)

### 06/0815/31B SUPPORT FOR TOWN PLAN

Moved: Cr Egan

Seconded: Cr Pitt

*“That Council support having a town plan.”*

For: Cr Egan, Pitt, Berwick, Cox, Davis  
Cr Sciacca abstained and was counted in the negative  
**Carried**

## ATTENDANCE/WITHDRAWAL

Cr Bellero attended the meeting at 9:09 am.

### 06/0815/14 ADOPTION OF DOUGLAS SHIRE COUNCIL PLANNING SCHEME

Confidential legal advice was distributed to all councillors.

Moved: Cr Berwick

Seconded: Cr Davis

06/0815/14(x) *“That the document containing the legal advice and report of the Chief Executive Officer be tabled.”*

For: Cr Davis  
Against: Cr Berwick, Egan, Cox, Sciacca, Bellero, Pitt  
**Lost**

Moved: Cr Berwick

Seconded: Cr Cox

06/0815/14(xi) *"That the report of the Chief Executive Officer be tabled."*

**Carried** unanimously

The document was tabled (Attachment 3).

The Chief Executive Officer advised that the draft resolutions contained in his report were prepared in association with Council's lawyers to reflect the proposed motion relating to the Draft Planning Scheme which was circulated at the Council meeting on 15 August 2006.

Cr Berwick foreshadowed his intention to move proposed resolutions B1, B2, B3 and B4 and C following the proposed resolutions A1 and A2.

Moved: Cr Berwick

Seconded: Cr Cox

06/0815/14(xii) *"That in accordance with the advice of the Chief Executive Officer, resolutions A1 and A2 be moved:*

- A1. *Council accepts the advice from Mike Hartley, Principal Planner – Statutory Planning North Queensland Planning, Department of Local Government, Planning, Sport and Recreation dated 16 August 2006 that the proposed amendments mentioned in Resolution A2, are in accordance with the requirements of Part 2 of Schedule 1 of the Integrated Planning Act 1997 ("IPA") and the Minister's letters of 26 June 2006 and 3 August 2006.*
- A2. *The Natural Areas and Scenic Amenity Overlay (NASA) mapping be removed from the draft Planning Scheme referred to in the Minister's letter of 3 August 2006. The replacement trigger for the NASA code having application to particular land be linked to the existence of remnant vegetation as defined by the Vegetation Management Act on a particular site.*

*Remnant vegetation, for an area of Queensland for which there is no regional ecosystem map or remnant map, means the vegetation, part of which forms the predominant canopy of the vegetation –*

- (a) covering more than 50% of the undisturbed predominant canopy; and*
- (b) averaging more than 70% of the vegetation's undisturbed height; and*
- (c) composed of species characteristic of the vegetation's undisturbed predominant canopy."*

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

Against: Cr Pitt, Bellero

**Carried**

ADJOURNMENT

At 10:07 am the meeting stood adjourned for morning tea.

RESUMPTION

The meeting resumed at 10:24 am.

Moved: Cr Berwick

Seconded: Cr Cox

06/0815/14(xiii) "That:

B1. *In accordance with the letters dated 16 August 2006 to the Chief Executive Officer from the Department of Local Government, Planning, Sport and Recreation, advising that the Planning Scheme may now be adopted, the Council, under Section 19 of Part 3 of Schedule 1 of IPA adopt:*

- (a) the proposed Planning Scheme as amended by Resolution A2; and*
- (b) the associated amended (A2) Planning Scheme Policies, dated August, 2006,*

*with commencement to occur on 4 September 2006.*

B2. *The Chief Executive Officer be instructed to effect the amendments necessary to give effect to the terms of resolution A2 to allow the necessary processes prior to commencement to occur.*

B3. *That the appropriate notice be published in the Queensland Government Gazette, Port Douglas and Mossman Gazette and the Cairns Post, in accordance with Section 20, Part 3, Schedule 1 of IPA.*

B4. *The Department of Local Government, Planning, Sport and Recreation be advised that such notices have been placed in the relevant newspapers and five certified copies of the adopted scheme be forwarded to the Department, as required by Section 21, Part 3, Schedule 1 of IPA.*

C. *The Minster be requested to progress the issue of reticulated power north of the Daintree River as priority, given Council has adopted the Planning Scheme."*

For: Cr Berwick, Cox, Egan, Davis

Against: Cr Sciacca, Pitt, Bellerio

**Carried**

Moved: Cr Egan

Seconded: Cr Davis

06/0815/14(xiv) *"That Council, as a number one priority, consider amendments to the Planning Scheme, in particular the Settlement Areas North of the Daintree River Locality provisions."*

**Carried** unanimously

Moved: Cr Berwick

Seconded: Cr Davis

06/0815/14(xv) *"That Council advise Stuart Macnaughton they would like to release his legal opinion and request his permission to do so."*

**Carried** unanimously

06/0815/13      **DRAFT DOUGLAS SHIRE PLANNING SCHEME**

Moved: Cr Berwick

Seconded: Cr Cox

*"That Council adopt the public information program proposed by The 20/20 Group in its presentation to Council on 15 August 2006."*

**Carried** unanimously

**ADJOURNMENT**

At 11:04 am the meeting stood adjourned for morning tea. E Taylor, G Scott, M Hartley and the Manager Planning withdrew from the meeting at this time.

**RESUMPTION**

The meeting resumed at 11:22 am. The General Manager Finance & Administration (I B Barton), Manager Engineering (P J Cymbala), Manager Budget & Accounting (B Exelby), Manager Rates & Finance Support (D V Crees) and Workplace Health & Safety Officer (P Chapman) attended at this time.

**ATTENDANCE/WITHDRAWAL**

The Manager Environmental Health, P M Hoye, attended the meeting at 12:00 pm. The Manager Building, J R Evans, attended the meeting at 12:16 pm.

06/0815/31C      **CONSIDERATION OF THE 2006/07 BUDGET AND OPERATIONAL PLAN**

Moved: Cr Egan

Seconded: Cr Davis

*"That general rates be increased by a total 6.79% in 2006/07 financial year."*

With the agreement of the mover and seconder the motion was left on the table for further consideration after the lunch adjournment.



ADJOURNMENT

At 12:57 pm the meeting stood adjourned for lunch. The General Manager Development & Environment, Manager Community Cultural & Economic, Manager Environmental Health and Manager Building withdrew at this time.

RESUMPTION

The meeting resumed at 1:52 pm without the attendance of Cr Sciacca or Cr Bellerio.

ATTENDANCE/WITHDRAWAL

Cr Sciacca re-attended the meeting at 2:00 pm.

06/0815/31C CONSIDERATION OF THE 2006/07 BUDGET AND OPERATIONAL PLAN

The following motion was lying on the table:

Moved: Cr Egan

Seconded: Cr Davis

*"That general rates be increased by a total 6.79% in the 2006/07 financial year."*

With the agreement of the mover and seconder the motion was left on the table until Cr Bellerio re-attends the meeting.

ATTENDANCE/WITHDRAWAL

Cr Bellerio re-attended the meeting at 2:10 pm.

Cr Egan withdrew from the meeting at 2:20 pm. The General Manager Development & Environment and Manager Planning re-attended at this time.

Cr Bellerio and the Chief Executive Officer withdrew from the meeting at 2:28 pm and re-attended at 2:37 pm.

Cr Egan re-attended the meeting at 3:40 pm.

06/0815/31C CONSIDERATION OF THE 2006/07 BUDGET AND OPERATIONAL PLAN

Moved: Cr Davis

*"That litigation be restrained."*

The motion lapsed for want of a seconder.

The following motion was lying on the table:

Moved: Cr Egan

Seconded: Cr Davis

*"That general rates be increased by a total 6.79% in the 2006/07 financial year."*

Cr Davis withdrew his endorsement and the motion lapsed for want of a seconder.

#### ADJOURNMENT

At 5:20 pm the meeting stood adjourned until 7:00 pm on Tuesday 22 August 2006.

## RESUMPTION

The meeting resumed on Tuesday 22 August 2006 at 7:00 pm.

## PRESENT

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

**Staff** – T C Melchert (Chief Executive Officer), I B Barton (General Manager Finance & Administration), B Exelby (Manager Budget & Accounting), D V Crees (Manager Rates & Finance Support), P J Cymbala (A/General Manager Engineering), J F Leu (Manager Community Cultural & Economic)

## 06/0815/31C CONSIDERATION OF THE 2006/07 BUDGET AND OPERATIONAL PLAN

Moved: Cr Egan

Seconded: Cr Sciacca

06/0815/31C(i) *"That the following statement be adopted as Council's revenue policy (see Annual Report for existing policy) for the financial year 2006/2007 –*

*'Douglas Shire Council's budget for its operating fund for the current financial year is based on sound financial management.*

*Council's revenue policy has been developed with a view to maintaining and enhancing the operating capabilities of the Council to enable it to provide the increased level of service and improved Council response to community issues. These services to the community and associated administration costs are mainly funded by revenue from rates and charges.*

*Prior to the 2005/2006 financial year, Council undertook an extensive review of its' general rating regime and implemented a differential general rating system of seventeen (17) categories. When developing these categories Council took into account the demand placed on its' services and resources by the varying property types and uses to ensure, as far as possible, an equitable distribution of the rate burden.*

*It also took into account that:*

*(a) some properties, because of the use rights, which they have under the Council's Planning Scheme, have a higher income earning potential than others; and*

*(b) the increasing demand placed on Council's services and resources caused by the diverse property uses, in particular tourism accommodation and those properties utilised for commercial and industrial purposes.*



Council has adopted to continue with this differential rating system of seventeen rating categories for the 2006/2007 financial year.

Rates are levied on the unimproved capital value of all rateable land and by the rating categories determined by Council.

The seventeen (17) rating categories based on land uses are detailed below in Table 1.

TABLE 1

RATING CATEGORIES	CRITERIA
Category 1	<b>Residential:</b> All rateable properties used for residential purposes with an area less than 4000 square metres (excluding properties in categories 11 & 12) and a rateable valuation between \$0 to \$150,000. This category also includes vacant land for which use for residential purposes is exempt development or self-assessable development under the Planning Scheme and any relevant local planning instrument.
Category 2	<b>Residential:</b> All rateable properties used for residential purposes with an area less than 4000 square metres (excluding properties in categories 11 & 12) and a rateable valuation between \$150,001 to \$300,000. This category also includes vacant land for which use for residential purposes is exempt development or self-assessable development under the Planning Scheme and any relevant local planning instrument.
Category 3	<b>Residential:</b> All rateable properties used for residential purposes with an area less than 4000 square metres (excluding properties in categories 11 & 12) and a rateable valuation between \$300,001 to \$500,000. This category also includes vacant land for which use for residential purposes is exempt development or self-assessable development under the Planning Scheme and any relevant local planning instrument.
Category 4	<b>Residential:</b> All rateable properties used for residential purposes with an area less than 4000 square metres (excluding properties in categories 11 & 12) and a rateable valuation between \$500,001 to \$1,400,000. This category also includes vacant land for which use for residential purposes is exempt development or self-assessable development under the Planning Scheme and any relevant local planning instrument.



Category 5	<p><b>Residential:</b> All rateable properties used for residential purposes with an area less than 4000 square metres (excluding properties in categories 11 &amp; 12) and a rateable valuation of \$1,400,001 and above. This category also includes vacant land for which use for residential purposes is exempt development or self-assessable development under the Planning Scheme and any relevant local planning instrument.</p>
Category 6	<p><b>Major Shopping Developments:</b> All rateable properties within the Shire which are predominantly used or intended for use for retailing to the public where such properties are used or intended for use concurrently for either or both of the activities of a marina and/or transport terminal and which:</p> <ul style="list-style-type: none"><li>[a] have an area in excess of 1.5 ha; and</li><li>[b] contain a building or group of buildings comprising more than six shops.</li></ul>
Category 7	<p><b>Marinas:</b> All rateable properties within the Shire whether the same are above or below the high water mark, or partly above and partly below the high water mark, and which are predominantly used or intended for use for the berthing of pleasure craft and/or watercraft used for passenger transport.</p>
Category 8	<p><b>Shopping Centres:</b> All rateable properties in the Shire which are predominantly used or intended for use as shopping centres and where:</p> <ul style="list-style-type: none"><li>[a] there is a large grocery supermarket with significant on-site parking facilities; and</li><li>[b] the large grocery supermarket has a floor area equal to or greater than 1500 m<sup>2</sup>.</li></ul>
Category 9	<p><b>Commercial and Industrial and All Other Lands:</b> Rateable land which is used for:</p> <ul style="list-style-type: none"><li>• a business, professional, commercial, industrial, or other income-producing purpose not falling within any other category; or</li><li>• another purpose, whether income-producing or not, which does not fall within any other category.</li></ul> <p>For clarity, and without limitation, the category includes:</p> <ul style="list-style-type: none"><li>• retirement villages and nursing homes, even if such operations involve a form of strata or community title living;</li><li>• institutional uses such as rateable schools and hospitals;</li><li>• entertainment and sporting operations, including the operations of sporting clubs and community organisations which have a non-profit legal structure;</li><li>• rateable land used for community purposes, infrastructure provision or other public purposes; and</li><li>• vacant land not falling within any other category.</li></ul>



<p>Category 10</p>	<p><b>Rural and Agricultural:</b> All rateable properties within the Shire, which are used predominately for primary production.</p>
<p>Category 11</p>	<p><b>Building Units – Residential Owner Occupier and Long Term Residential Accommodation:</b> All rateable properties within the Shire that are:</p> <ul style="list-style-type: none"> <li>• a lot, other than common property, created by a building units plan or building format plan of subdivision; and</li> <li>• subject to the Body Corporate and Community Management Act 1997, or earlier community legislation preserved in operation by the Act</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• owner occupied as a principal place of residence; or</li> <li>• leased for a term of not less than 6 months under a residential tenancy agreement within the meaning of the Residential Tenancies Act 1974.</li> </ul> <p>A property is not a principal place of residence if, at any time during the financial year:</p> <ul style="list-style-type: none"> <li>• the owner is resident at some other place; and</li> <li>• while the owner is resident elsewhere, the property is occupied by someone else.</li> </ul> <p>To satisfy the leasing criteria the owner will be required to produce a written agreement which is wholly or substantially in the standard form of general tenancy agreement prescribed under the Residential Tenancies Regulation 1975. This agreement must have a natural person as lessee and:</p> <ul style="list-style-type: none"> <li>• be in force as at the first day of the financial year; or</li> <li>• have a term of 12 months or longer and substantially cover the current financial year.</li> </ul> <p>This Category does not include premises that cannot be lawfully occupied as permanent or long term accommodation under the provisions of the Council's Town Planning Scheme.</p>
<p>Category 12</p>	<p><b>Building Units – Short Term and Other Accommodation:</b> All rateable properties within the Shire that are:</p> <ul style="list-style-type: none"> <li>• a lot, other than common property, created by a building units plan or building format plan of subdivision; and</li> <li>• subject to the Body Corporate and Community Management Act 1997, or earlier community legislation preserved in operation by the Act; and</li> <li>• used to provide residential accommodation,</li> </ul> <p>and which do not fall within category 11.</p>



<p>Category 13</p>	<p><b>Large Residential Properties:</b> All rateable properties within the Shire which:</p> <ul style="list-style-type: none"><li>• have an area of 4,000 square metres or more; and</li><li>• based on their area location and configuration are reasonably characterised as large home sites,</li></ul> <p>and which have a rateable valuation in the range \$0 to \$150,000.</p> <p>The category includes both properties on which a residential dwelling is erected and vacant properties. The category includes properties for which erection, re-erection or modification of a residential dwelling is impact assessable or code assessable development under the Council's planning scheme or any local planning instrument, as well as properties for which such development is exempt or self-assessable under the planning scheme or a local planning instrument.</p>
<p>Category 14</p>	<p><b>Large Residential Properties:</b> All rateable properties within the Shire which:</p> <ul style="list-style-type: none"><li>• have an area of 4,000 square metres or more; and</li><li>• based on their area location and configuration are reasonably characterised as large home sites,</li></ul> <p>and which have a rateable valuation in the range \$150,001 to \$300,000.</p> <p>The category includes both properties on which a residential dwelling is erected and vacant properties. The category includes properties for which erection, re-erection or modification of a residential dwelling is impact assessable or code assessable development under the Council's planning scheme or any local planning instrument, as well as properties for which such development is exempt or self-assessable under the planning scheme or a local planning instrument.</p>
<p>Category 15</p>	<p><b>Large Residential Properties:</b> All rateable properties within the Shire which:</p> <ul style="list-style-type: none"><li>• have an area of 4,000 square metres or more; and</li><li>• based on their area location and configuration are reasonably characterised as large home sites,</li></ul> <p>and which have a rateable valuation in the range \$300,001 to \$500,000.</p> <p>The category includes both properties on which a residential dwelling is erected and vacant properties. The category includes properties for which erection, re-erection or modification of a residential dwelling is impact assessable or code assessable development under the Council's planning scheme or any local planning instrument, as well as properties for which such development is exempt or self-assessable under the planning scheme or a local planning instrument.</p>



<p>Category 16</p>	<p><b>Large Residential Properties:</b> All rateable properties within the Shire which:</p> <ul style="list-style-type: none"> <li>• have an area of 4,000 square metres or more; and</li> <li>• based on their area location and configuration are reasonably characterised as large home sites,</li> </ul> <p>and which have a rateable valuation in the range \$500,001 to \$1,400,000.</p> <p>The category includes both properties on which a residential dwelling is erected and vacant properties. The category includes properties for which erection, re-erection or modification of a residential dwelling is impact assessable or code assessable development under the Council's planning scheme or any local planning instrument, as well as properties for which such development is exempt or self-assessable under the planning scheme or a local planning instrument.</p>
<p>Category 17</p>	<p><b>Large Residential Properties:</b> All rateable properties within the Shire which:</p> <ul style="list-style-type: none"> <li>• have an area of 4,000 square metres or more; and</li> <li>• based on their area location and configuration are reasonably characterised as large home sites,</li> </ul> <p>and which have a rateable valuation of \$1,400,001 or above.</p> <p>The category includes both properties on which a residential dwelling is erected and vacant properties. The category includes properties for which erection, re-erection or modification of a residential dwelling is impact assessable or code assessable development under the Council's planning scheme or any local planning instrument, as well as properties for which such development is exempt or self-assessable under the planning scheme or a local planning instrument.</p>

Charges for Utility Services, Water, Sewerage, Cleansing and Special Charge Refuse Disposal will be set so that total revenue derived from these charges will finance the costs of providing Local Government services. These charges will be levied as detailed below in Table 2.

**TABLE 2**

<p><b>UTILITY CHARGES</b></p>	<p><b>CRITERIA</b></p>
<p>Water</p>	<p>A water charge will be levied on all lands whether rateable under the Local Government Act 1993 or not which are connected to Council's reticulated water supply or which are situated within 91.44 metres of the middle of the roads in which water mains are live and from which a supply of water may be given to such land. The level of charge will be ascribed to the particular occupation of each property.</p>





<i>Sewerage</i>	<i>A sewerage charge will be levied on all lands whether rateable under the Local Government Act of 1993 or not which are situated within any defined sewerage area. The level of charge will be ascribed to the particular occupation of each property.</i>
<i>Cleansing</i>	<i>A cleansing charge will be levied on all land, whether rateable under the Local Government Act of 1993 or not, in actual occupation in the area where Council performs a function of cleansing by the removal of garbage. This includes all lands that have driveway access to the roadway on which the collection vehicle travels in the course of carrying out garbage/recycling collection on behalf of Council. The level of charge will be ascribed to the particular occupation of each property.</i>
<i>Special Charge Refuse Disposal</i>	<i>A special charge refuse disposal will be levied on all rateable lands under the Local Government Act of 1993, with an improvement and is located outside the area where Council performs a function of cleansing by the removal of garbage.</i>

*The Council resolved to levy a special charge under Section 971 of the "Local Government Act 1993", to be known as the Area Promotion Special Charge, (the "special charge") as follows:*

- (1) Council make and levy a special charge on the rateable land identified in the Table below to raise funds to be expended on activities directed towards, or otherwise supporting, promotion of and the management of tourism within the Shire.*
- (2) The overall plan for the carrying out of the works be identified as follows:*
  - (a) The rateable land to which the plan applies is identified in the Table.*
  - (b) The activity for which the plan is made is a program comprising:*
    - (i) research to identify and analyse the best available statistics and data on tourism activity and other relevant economic activity within the Shire;*
    - (ii) development of one or more marketing and promotion programs to seek to attract tourists to the Shire;*



*adopted as the basis for determining a scale of special charges for land used for these other activities.*

*The following special charge is hereby made and levied on the rateable lands as detailed below in Table 3.*

**TABLE 3**

<b>CHARGE DESCRIPTION</b>	<b>CRITERIA</b>
<i>Special Charge - Area Promotion 1 (APC01)</i>	<i>All rateable properties within the Shire which are multi unit dwelling (flats), guest houses, private hotels, strata title units, registered home occupations, registered B &amp; B's and registered holiday cabins. Strata title units, which are owner occupied as a principal place of residence, are exempt from this charge.</i>
<i>Special Charge - Area Promotion 2 (APC02)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation up to \$99,999.</i>
<i>Special Charge - Area Promotion 3 (APC03)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$100,000 and \$199,999.</i>
<i>Special Charge - Area Promotion 4 (APC04)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and</i>



	<i>caravan parks and have a valuation between \$200,000 and \$299,999.</i>
<i>Special Charge - Area Promotion 5 (APC05)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$300,000 and \$399,999.</i>
<i>Special Charge - Area Promotion 6 (APC06)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$400,000 and \$499,999.</i>
<i>Special Charge - Area Promotion 7 (APC07)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$500,000 and \$999,999</i>
<i>Special Charge - Area Promotion 8 (APC08)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants),</i>



	<i>theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$1,000,000 and \$1,499,999.</i>
<i>Special Charge - Area Promotion 9 (APC09)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$1,500,000 and \$1,999,999.</i>
<i>Special Charge - Area Promotion 10 (APC10)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$2,000,000 and \$4,999,999.</i>
<i>Special Charge - Area Promotion 11 (APC11)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation over \$5,000,000.</i>

*Council has, at the request of the Wonga, Thornton Peak and Daintree Rural Fire Brigades, continued with a Rural Fire Levy. Funding raised by this levy will be distributed to their brigades.*

*Council grants a remission of 35% to a maximum of \$315.00, in total, on all rates and utility charges - with the exception of the State Government Fire Services Levy, Excess Water, Area Promotion Special Charge and Interest - to pensioners eligible under the State Government Pensioner Subsidy criteria.*

*Council applies a discount of 10% on current general rates, 5% on current cleansing charges, special charge – refuse disposal, current water charges and current sewerage charges (with the exception of excess water charges and area promotion special charge). Discount will be allowed provided payment in full*



*of all current rates and charges and arrears are received by the discount due date recorded on the rate notice.*

*Interest is applied at 11% per annum compounding daily to all arrears. Interest at the same rate will also apply to overdue current Rates and Charges from 30 days after the last day for discount. Interest at the same rate is applied to unpaid overdue Rates and Charges where arrangements to pay at a later date have been accepted.*

*Council maintains a “user pays” policy for the services which it provides. Fees and Charges applicable to services for the 2006/2007 financial year have been determined by Council and are set out in the Schedule of Fees and Charges.*

*The cost of providing new and enhanced infrastructure, both physical and social, for new development will be fully funded by charges and by contributions, where possible, levied against the developers concerned.*

*Further, the Revenue Policy includes provisions as required by the Local Government Finance Standards and as detailed below.*

DOUGLAS SHIRE COUNCIL 2006/2007 REVENUE POLICY –  
SUPPLEMENTARY INFORMATION

**[A] How Rates and Charges are decided and the extent the Rates and Charges relate to relevant costs.**

*The Council supports the principle of user pays and structures its rates and charges accordingly.*

*The sewerage, cleansing and water supply functions are accounted for in a way which allows the Council to identify the costs of providing each of the services and it sets its charges accordingly. Each of the functions contributes to the overall administration of the Council generally according to the services it is provided with and there is no contribution from the General Section to the operation of these services.*

*The Council has adopted a system of differential general rating to take into account the relevant burdens which differing land uses place on Council's financial resources and that some properties because of the use rights they have under the Council's Planning Scheme have a higher income earning potential than others.*

**[B] Any Rebates and Concessions on Rates and Charges**

*Council applies a discount of 10% on current general rates, 5% on current cleansing charges, special charge – refuse disposal, current water charges and current sewerage charges (with the exception of excess water charges and area*

*promotion special charge), provided all current rates and charges and arrears are paid in full within the discount period.*

*Council grants a remission of 35%, to a maximum of \$315.00 in total, of all rates and utility charges, with the exception of fire services levy, excess water area promotion special charges and interest, to pensioners eligible under the State Government Pensioner Subsidy criteria.*

**[C] Deferral On Payment Of Rates For Properties Affected By The Temporary Local Planning Instrument**

*It has been determined by Council that properties situated in the area north of the Alexandra Range to Cape Tribulation, which: -*

- are vacant lands; and*
- do not currently have any improvements and/or development approvals; and*
- had their development rights removed by the Temporary Local Planning Instrument and by the IPA compliant Town Planning Scheme from 4<sup>th</sup> September 2006*

*will not pay rates for the 2006/2007 financial year.*

*Further to the above, rates will be payable on a pro rata basis from the 4<sup>th</sup> September 2006 for properties in the area north of the Alexandra Range to Cape Tribulation which under Councils' IPA Town Planning Scheme have their rights restored.*

**[D] Any Limitation on Increases in Rates and Charges**

*The Council does not intend, at this time, to place a limitation on increases in rates and charges other than by way of keeping the increases to the absolute minimum required to maintain and, in some cases, expand the services provided in accordance with the expectations of the community.*

**[E] The extent physical and social infrastructure costs are to be funded by charges for development.**

*The Council applies direct developer charges for water supply and sewerage infrastructure. In assessing development applications, the Council ensures that appropriate, reasonable and relevant contributions are taken from the development to ensure the development minimises the burden for other ratepayers and that the level of services provided meet the standards set by the Council for the relevant area.*

**[F] Whether it is intended to maintain, decrease or increase the operating capability of the local government and the extent it may be increased or decreased.**

*The Council intends to maintain, or slightly increase, the operating capability of the local government in line with the increased services it is providing to the community. This process is balanced against the ability of the community to contribute to the increased operating capability.*

***[G] Whether depreciation, and other non-cash expenses, are fully funded.***

*The Council during 2006/2007 financial year will not fully fund depreciation however it believes that through its' process of asset replacement "based on the going concern principle" that current users are being charged for the service they are provided with and the resources that they consume and this process results in the maintenance of the capital of the local government.*

*Other non-cash expenses such as provisions for employees are fully funded to ensure that such payments can be made when they fall due in future years.*

**RATE RECOVERY PROCEDURES**

*Following the end of the discount period (ie due date) a list is compiled of all rating assessments that have overdue rates and charges.*

*All rating assessments (excluding properties with an official "Arrangement to Pay") with a balance owing of more than \$50 is sent a reminder letter advising of the overdue amount and requesting that payment is attended to promptly by the nominated date in the reminder letter.*

*If the ratepayer is unable to pay the rates and charges by nominated date it is further suggested and encouraged that they make suitable arrangements to pay the rates off. All proposals for payment arrangements of overdue rates and charges will be assessed on their individual merits however Council reserves the right to refuse any proposal where a mutual agreement cannot be reached regarding payment amounts or schedule.*

*If the ratepayer ignores this letter a further list is compiled of all rating assessments with a balance owing of more than \$500 and a second reminder letter is posted. This letter advises that if the rates are not paid or a suitable repayment arrangement entered into by another nominated date, Council will have no choice other than to pursue other legal avenues for debt recovery.*

*A list of all ratepayers who have ignored Council's correspondence and have an outstanding rates debt of \$500 or more is provided to our solicitors. Council's solicitors issue a "letter of demand" giving these ratepayers a final opportunity to satisfy their outstanding rate debt.*

*After a reasonable time has elapsed, Council will instruct its' solicitors to institute appropriate legal action to recover outstanding rates and charges from*



*all ratepayers who have not responded to early requests to satisfy their rates debt.' "*

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

Against: Cr Davis

**Carried**

06/0815/31C CONSIDERATION OF THE 2006/07 BUDGET AND OPERATIONAL PLAN

Moved: Cr Pitt

Seconded: Cr Sciacca

06/0815/31C(ii) *"That the 2006/2007 budget in the accrual form prepared by the General Manager Finance and Administration, Mr Ian Barton, in consultation with Mr Graeme Hall-Watson, Consultant, be received and the following statements be tabled and considered in support of the 2006/2007 Budget:*

- *Appendix 1: The Draft Budget Report for the 2006/2007 year (Attachment 4),*
- *Appendix 2: Five (5) Year Budget Report (Attachment 5).*

*Further that Council adopt the 2006/2007 Budget and the following resolutions be made:*

DIFFERENTIAL GENERAL RATING

*That Council, pursuant to Section 963 of the Queensland Local Government Act 1993, will continue with a system of differential general rating in the 2006/2007 year, it should be noted the Council has, in accordance with this decision, identified the relevant category for each parcel of land in the Shire.*

*Further, that :*

1. *in line with the Council's practice in recent years, the Council adopt a system of differential general rating for the current financial year to achieve a more equitable distribution of the rate burden;*
2. *Council have seventeen (17) rating categories based on land uses and examples of these land uses are shown in Table 2 below;*
3. *the differential general rates take account of the relative burdens which differing land uses place on Council's financial resources, and that some properties, because of the use rights which they have under the Council's Planning Scheme, have a higher income earning potential than others;*
4. *Council make and levy differential general rates on the rateable value of the rateable land in its area and resolve that for the purpose of such differential general rating:*

- a) *To adopt a criteria for the purpose of categorising such land as set out in Table 1; and*
  - b) *Subject to the minimum general rates set by Council to make and levy a rate in the dollar upon the rateable value of land in each of the seventeen (17) categories in the amount opposite the various categories in Table 4 below.*
5. *In accordance with Section 983 of the Queensland Local Government Act 1993 owners of rateable land will be informed that they have the right of objection to the category their land is included in. All objections shall be to the Chief Executive Officer and the only basis for objection shall be that at the date of issue of the rate notice having regard to the criteria adopted by Council the land should be in another category. If the owner is dissatisfied with the decision of the Chief Executive Officer an appeal lies to the Land Court.*

**TABLE 4**

<b>RATING CATEGORIES</b>	<b>CRITERIA</b>	<b>MINIMUM &amp; RATE IN THE DOLLAR</b>
Category 1	<b>Residential:</b> All rateable properties used for residential purposes with an area less than 4000 square metres (excluding properties in Categories 11 & 12) and a rateable valuation between \$0 to \$150,000. This category also includes vacant land for which use for residential purposes is exempt development or self-assessable development under the Planning Scheme and any relevant local planning instrument.	Minimum \$674.00 Rate In The Dollar 0.4792
Category 2	<b>Residential:</b> All rateable properties used for residential purposes with an area less than 4000 square metres (excluding properties in Categories 11 & 12) and a rateable valuation between \$150,001 to \$300,000. This category also includes vacant land for which use for residential purposes is exempt development or self-assessable development under the Planning Scheme and any relevant local planning instrument.	Minimum \$719.00 Rate In The Dollar 0.4553
Category 3	<b>Residential:</b> All rateable properties used for residential purposes with an area less than 4000 square metres (excluding properties in Categories 11 & 12) and a rateable valuation between \$300,001 to \$500,000. This category also includes vacant land for which use for residential purposes is exempt development or self-assessable development under the Planning Scheme and any relevant local planning instrument.	Minimum \$1,366.00 Rate In The Dollar 0.4325
Category 4	<b>Residential:</b> All rateable properties used for residential purposes with an area less than 4000 square metres (excluding properties in Categories 11 & 12) and a rateable valuation between \$500,001 to \$1,400,000. This category also includes vacant land for which use for residential purposes is exempt development or self-assessable development under the Planning Scheme and any relevant local planning instrument.	Minimum \$2,162.00 Rate In The Dollar 0.4109



Category 5	<p><b>Residential:</b> All rateable properties used for residential purposes with an area less than 4000 square metres (excluding properties in Categories 11 &amp; 12) and a rateable valuation of \$1,400,001 and above. This category also includes vacant land for which use for residential purposes is exempt development or self-assessable development under the Planning Scheme and any relevant local planning instrument.</p>	<p>Minimum \$5,753.00  Rate In The Dollar  0.3903</p>
Category 6	<p><b>Major Shopping Developments:</b> All rateable properties within the Shire which are predominantly used or intended for use for retailing to the public where such properties are used or intended for use concurrently for either or both of the activities of a marina and/or transport terminal and which:</p> <p>(a) have an area in excess of 1.5 ha; and</p> <p>(b) contain a building or group of buildings comprising more than six shops.</p>	<p>Minimum \$219,856.00  Rate In The Dollar  3.0653</p>
Category 7	<p><b>Marinas:</b> All rateable properties within the Shire, whether the same are above or below the high water mark, or partly above and partly below the high water mark, and which are predominantly used or intended for use for the berthing of pleasure craft and/or watercraft used for passenger transport.</p>	<p>Minimum \$6,131.00  Rate In The Dollar  1.7441</p>
Category 8	<p><b>Shopping Centres:</b> All rateable properties in the Shire which are predominantly used or intended for use as shopping centres and where:</p> <p>(a) there is a large grocery supermarket with significant on-site parking facilities; and</p> <p>(b) the large grocery supermarket has a floor area equal to or greater than 1500 m<sup>2</sup>.</p>	<p>Minimum \$8,456.00  Rate In The Dollar  0.8139</p>
Category 9	<p><b>Commercial, Industrial and All Other Lands:</b> Rateable land which is used for:</p> <ul style="list-style-type: none"> <li>• a business, professional, commercial, industrial, or other income-producing purpose not falling within any other category; or</li> <li>• another purpose, whether income-producing or not, which does not fall within any other category.</li> </ul> <p>For clarity, and without limitation, the category includes:</p> <ul style="list-style-type: none"> <li>• retirement villages and nursing homes, even if such</li> </ul>	<p>Minimum \$846.00  Rate In The Dollar  0.6871</p>



	<p>operations involve a form of strata or community title living:</p> <ul style="list-style-type: none"> <li>• institutional uses such as rateable schools and hospitals;</li> <li>• entertainment and sporting operations, including the operations of sporting clubs and community organisations which have a non-profit legal structure;</li> <li>• rateable land used for community purposes, infrastructure provision or other public purposes; and</li> </ul> <p>vacant land not falling within any other category.</p>	
Category 10	<p><b>Rural &amp; Agricultural:</b> All rateable properties within the Shire, which are used predominately for primary production.</p>	<p>Minimum \$793.00  Rate In The Dollar  2.1725</p>
Category 11	<p><b>Building Units - Residential Owner Occupier and Long Term Residential Accommodation:</b> All rateable properties within the Shire that are:</p> <ul style="list-style-type: none"> <li>• a lot, other than common property, created by a building units plan or building format plan of subdivision; and</li> <li>• subject to the Body Corporate and Community Management Act 1997, or earlier community title legislation preserved in operation by the Act</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• owner occupied as a principal place of residence; or</li> <li>• leased for a term of not less than 6 months under a residential tenancy agreement within the meaning of the Residential Tenancies Act 1974.</li> </ul> <p>A property is not a principal place of residence if, at any time during the financial year:</p> <ul style="list-style-type: none"> <li>• the owner is resident at some other place; and</li> <li>• while the owner is resident elsewhere, the property is occupied by someone else.</li> </ul> <p>To satisfy the leasing criteria the owner will be required to produce a written agreement which is wholly or substantially</p>	<p>Minimum \$675.00  Rate In The Dollar  0.4792</p>



	<p><i>in the standard form of general tenancy agreement prescribed under the Residential Tenancies Regulation 1975. This agreement must have a natural person as lessee and: -</i></p> <ul style="list-style-type: none"> <li><i>• be in force as at the first day of the financial year; or</i></li> <li><i>• have a term of 12 months or longer and substantially cover the current financial year.</i></li> </ul> <p><i>This Category does not include premises that cannot be lawfully occupied as permanent or long term accommodation under the provisions of the Council's Town Planning Scheme.</i></p>	
Category 12	<p><b>Building Unit – Short Term Accommodation:</b> <i>All rateable properties within the Shire that are:</i></p> <ul style="list-style-type: none"> <li><i>• a lot, other than common property, created by a building units plan or building format plan of subdivision; and</i></li> <li><i>• subject to the Body Corporate and Community Management Act 1997, or earlier community title legislation preserved in operation by the Act; and</i></li> <li><i>• used to provide residential accommodation, and which do not fall within category 11.</i></li> </ul>	<p>Minimum \$886.00 Rate In The Dollar 0.6569</p>
Category 13	<p><b>Large Residential Properties:</b> <i>All rateable properties within the Shire which:</i></p> <ul style="list-style-type: none"> <li><i>• have an area of 4,000 square metres or more; and</i></li> <li><i>• based on their area location and configuration are reasonably characterised as large home sites,</i></li> </ul> <p><i>and which have a rateable valuation in the range \$0 to \$150,000.</i></p> <p><i>The category includes both properties on which a residential dwelling is erected and vacant properties. The category includes properties for which erection, re-erection or modification of a residential dwelling is impact assessable or code assessable development under the Council's planning scheme or any local planning instrument, as well as properties for which such development is exempt or self-assessable under the planning scheme or a local planning instrument.</i></p>	<p>Minimum \$730.00 Rate In The Dollar 0.6229</p>
Category 14	<p><b>Large Residential Properties:</b> <i>All rateable properties</i></p>	<p>Minimum</p>



	<p><i>within the Shire which:</i></p> <ul style="list-style-type: none"> <li>• <i>have an area of 4,000 square metres or more; and</i></li> <li>• <i>based on their area location and configuration are reasonably characterised as large home sites,</i></li> </ul> <p><i>and which have a rateable valuation in the range \$150,001 to \$300,000.</i></p> <p><i>The category includes both properties on which a residential dwelling is erected and vacant properties. The category includes properties for which erection, re-erection or modification of a residential dwelling is impact assessable or code assessable development under the Council's planning scheme or any local planning instrument, as well as properties for which such development is exempt or self-assessable under the planning scheme or a local planning instrument.</i></p>	<p>\$888.00</p> <p>Rate In The Dollar</p> <p>0.5919</p>
Category 15	<p><b>Large Residential Properties:</b> <i>All rateable properties within the Shire which:</i></p> <ul style="list-style-type: none"> <li>• <i>have an area of 4,000 square metres or more; and</i></li> <li>• <i>based on their area location and configuration are reasonably characterised as large home sites,</i></li> </ul> <p><i>and which have a rateable valuation in the range \$300,001 to \$500,000.</i></p> <p><i>The category includes both properties on which a residential dwelling is erected and vacant properties. The category includes properties for which erection, re-erection or modification of a residential dwelling is impact assessable or code assessable development under the Council's planning scheme or any local planning instrument, as well as properties for which such development is exempt or self-assessable under the planning scheme or a local planning instrument.</i></p>	<p>Minimum \$1,776.00</p> <p>Rate In The Dollar</p> <p>0.5622</p>
Category 16	<p><b>Large Residential Properties:</b> <i>All rateable properties within the Shire which:</i></p> <ul style="list-style-type: none"> <li>• <i>have an area of 4,000 square metres or more; and</i></li> <li>• <i>based on their area location and configuration are reasonably characterised as large home sites,</i></li> </ul> <p><i>and which have a rateable valuation in the range \$500,001 to \$1,400,000.</i></p>	<p>Minimum \$2,811.00</p> <p>Rate In The Dollar</p> <p>0.5342</p>





	<p>The category includes both properties on which a residential dwelling is erected and vacant properties. The category includes properties for which erection, re-erection or modification of a residential dwelling is impact assessable or code assessable development under the Council's planning scheme or any local planning instrument, as well as properties for which such development is exempt or self-assessable under the planning scheme or a local planning instrument.</p>	
Category 17	<p><b>Large Residential Properties:</b> All rateable properties within the Shire which:</p> <ul style="list-style-type: none"> <li>• have an area of 4,000 square metres or more; and</li> <li>• based on their area location and configuration are reasonably characterised as large home sites,</li> </ul> <p>and which have a rateable valuation of \$1,400,001 or above.</p> <p>The category includes both properties on which a residential dwelling is erected and vacant properties. The category includes properties for which erection, re-erection or modification of a residential dwelling is impact assessable or code assessable development under the Council's planning scheme or any local planning instrument, as well as properties for which such development is exempt or self-assessable under the planning scheme or a local planning instrument.</p>	<p>Minimum \$7,479.00 Rate In The Dollar 0.5074</p>

DOUGLAS SHIRE COUNCIL – RATING CATEGORIES – GENERAL RATES  
LAND USE CODES/DESCRIPTION

For each category specified, the particular uses described by the land use codes are examples, which are not necessarily exhaustive, of uses intended to be encompassed by a general land use description forming part of the criteria (refer preceding tables). For example, "residential purposes" in the criteria column (above) for Category 1 includes use for any of the purposes described in the land use codes contained below for Category 1. Details are outlined in Table 5 below.

**TABLE 5**





<b>RATING CATEGORIES</b>	<b>LAND USE CODES</b>
<i>Category 1 Residential</i>	<i>01xx – Vacant Urban Land; 02xx – Single Unit Dwelling; 03xx – Multi unit dwelling (Flats); 06xx – Outbuildings; 07xx – Guest house/private hotel; 09 – Group Title; 72xx – Section 25 Valn;</i>
<i>Category 2 Residential</i>	<i>01xx – Vacant Urban Land; 02xx – Single Unit Dwelling; 03xx – Multi unit dwelling (Flats); 06xx – Outbuildings; 07xx – Guest house/private hotel; 09 – Group Title; 72xx – Section 25 Valn;</i>
<i>Category 3 Residential</i>	<i>01xx – Vacant Urban Land; 02xx – Single Unit Dwelling; 03xx – Multi unit dwelling (Flats); 06xx – Outbuildings; 07xx – Guest house/private hotel; 09 – Group Title; 72xx – Section 25 Valn;</i>
<i>Category 4 Residential</i>	<i>01xx – Vacant Urban Land; 02xx – Single Unit Dwelling; 03xx – Multi unit dwelling (Flats); 06xx – Outbuildings; 07xx – Guest house/private hotel; 09 – Group Title; 72xx – Section 25 Valn;</i>
<i>Category 5 Residential</i>	<i>01xx – Vacant Urban Land; 02xx – Single Unit Dwelling; 03xx – Multi unit dwelling (Flats); 06xx – Outbuildings; 07xx – Guest house/private hotel; 09 – Group Title; 72xx – Section 25 Valn;</i>
<i>Category 6 Major Shopping Developments</i>	<i>12xx – Shops – Shopping Group (more than 6 shops)</i>
<i>Category 7 Marinas</i>	<i>20xx - Marina</i>
<i>Category 8 Shopping Centres</i>	<i>12xx – Shops – Shopping Group (more than 6 shops); 13xx – Shopping Group (2 to 6 shops); 16xx – Drive-in Shopping Centres</i>
<i>Category 9 Commercial, Industrial and All Other Lands</i>	<i>01xx – Vacant Urban Land; 10xx – Comb. Multi Dwg &amp; shops; 11xx – Shop single; 12xx – Shops – Group (more than 6 shops); 13xx – Shopping Group (2 to 6 shops); 14xx – Shops – Main Retail (Central Business Dist); 15xx – Shops – Second Retail (Fringe central business presence of service ind); 16xx – Drive-in Shopping Centre; 17xx – Restaurant; 18xx – Special tourist attraction; 19xx – Walkway; 21xx Residential Institution (Non-medical care); 22xx – Car parks; 23xx – Retail Warehouse; 24xx – Sales area outdoors (Dealer, boats, cars etc); 25xx – Professional Offices; 26xx – Funeral Parlours; 27xx – Hospitals, conv homes (Medical care) (Private); 28xx – W'House &amp; Bulk Stores; 29xx – Transport terminal; 30xx Service Station; 31xx – Oil depot and refinery; 32xx – Wharves; 33xx – Builders yard, contractors; 34xx – Cold Stores – ice works; 35xx – General Industry; 36xx – Light Industry; 37xx – Noxious/offensive industry (include Abattoir); 38xx – Advertising – Hoarding; 39xx – Harbour industries; 40xx – Extractive; 41xx – Child care (exclude kindergarten); 42xx – Hotel/tavern; 43xx – Motel; 44xx – Nurseries (Plants); 45xx – Theatres cinemas; 46xx – Drive-in Theatre; 47xx – Licensed club; 48xx – Sports clubs/facilities; 49xx – Caravan parks; 50xx – Other clubs (Non business); 51xx –</i>



	<p>Religious 52xx – Cemeteries (include Crematoria); 55xx – Library; 56xx S/Ground, R/course, Airfield; 57xx – Parks, Gardens; 58xx – Educational (include Kindergarten); 72xx – Section 25 Valn; 95xx Reservoir, dam bores; 96xx Public Hospital; 97xx Welfare home/institution; 99xx Community Protection Centre; 0810 to 0842 &amp; 0844 to 0858 Building Units; 90xx – Stratum; 91xx – Transformers; 92xx – Defence Force Establishments;</p>
<p>Category 10 Rural &amp; Agricultural</p>	<p>60xx – Sheep Grazing Dry; 61xx – Sheep Breeding; 64xx – Cattle Breeding; 65xx – Cattle Breeding &amp; Fattening; 66xx – Cattle Fattening; 67xx – Goats; 68xx – Dairy Cattle Milk quota; 69xx Dairy Cattle Milk-No Quota; 70xx – Dairy Cattle Cream; 71xx – Oil Seed; 73xx – Grains; 74xx – Turf Farms; 75xx – Sugar Cane; 76xx – Tobacco; 77xx – Cotton; 78xx – Rice; 79xx – Orchards; 80xx – Tropical Fruits; 81xx – Pineapples; 82xx – Vineyards; 83xx – Small Crops and fodder irrigated 84xx – Small Crops and fodder, non irrigated; 85xx – Pigs; 86xx – Horses; 87xx – Poultry; 88xx – Forestry &amp; Logs; 89xx – Animal Special; 93xx – Peanuts; 94xx – Vacant rural land (Excl 01 and 04)</p>
<p>Category 11 Building Units – Residential Owner Occupier and Long Term Residential Accommodation</p>	<p>08xx – Building Units</p>
<p>Category 12 Building Unit – Short Term &amp; Other Accommodation</p>	<p>08xx – Building Units</p>
<p>Category 13 Large Residential Properties</p>	<p>04xx – Large Home Site Vacant; 05xx Large Home Site Dwelling; 06xx – Outbuildings; 07xx – Guest house/private hotel; 09 – Group Title; 72xx – Section 25 Valn;</p>
<p>Category 14 Large Residential Properties</p>	<p>04xx – Large Home Site Vacant; 05xx Large Home Site Dwelling; 06xx – Outbuildings; 07xx – Guest house/private hotel; 09 – Group Title; 72xx – Section 25 Valn;</p>
<p>Category 15 Large Residential Properties</p>	<p>04xx – Large Home Site Vacant; 05xx Large Home Site Dwelling; 06xx – Outbuildings; 07xx – Guest house/private hotel; 09 – Group Title; 72xx – Section 25 Valn;</p>
<p>Category 16 Large Residential Properties</p>	<p>04xx – Large Home Site Vacant; 05xx Large Home Site Dwelling; 06xx – Outbuildings; 07xx – Guest house/private hotel; 09 – Group Title; 72xx – Section 25 Valn;</p>
<p>Category 17 Large Residential Properties</p>	<p>04xx – Large Home Site Vacant; 05xx Large Home Site Dwelling; 06xx – Outbuildings; 07xx – Guest house/private hotel; 09 – Group Title; 72xx – Section 25 Valn;</p>

*Note: Numbers between 00-99 will replace xx where it appears in above schedule.*

#### MINIMUM GENERAL RATE

*It was resolved the minimum amount of each general rate levied by the Council by the service of a rate notice pursuant to Section 967 of the Queensland Local Government Act of 1993 on lands in all seventeen rating categories shall be the amount specified in column 3 of Table 1 in respect of the 2006/2007 year.*

#### SPECIAL CHARGE – REFUSE DISPOSAL

*It was resolved that Council, pursuant to Section 971 of the Queensland Local Government Act 1993, make and levy a special charge of \$110.00 on all rateable properties with an improvement, that are not currently serviced by Council, for the removal of garbage within the Shire.*

*The special charge represents the costs associated with funding the provision, operation and maintenance of landfill refuse disposal sites in the Shire including transfer stations available for general public use.*

#### SPECIAL RATE – RURAL FIRE BRIGADES

*It was resolved that Council, pursuant to Section 971 of the Queensland Local Government Act 1993, levy a special charge on all rateable lands serviced by the Wonga, Thornton Peak and Daintree Rural Fire Brigades (Areas identified by the Rural Fire Service of Queensland.)*

*Council is of the opinion that each parcel of rateable land will specially benefit to the same extent from the purchase and maintenance of equipment by each Rural Fire Brigade in the current or next financial years because each such parcel is within the area for which the brigade is in charge of fire fighting and fire prevention under the Fire and Rescue Authority Act 1990.*

*The quantum of the special charge is Wonga Rural Fire Brigade - \$35.00, Thornton Peak Rural Fire Brigade - \$15.00 and Daintree Rural Fire Brigade \$20.00. Revenue raised from this special charge will assist with the purchase and maintenance of equipment in the current or next financial years.*

AREA PROMOTION SPECIAL CHARGE

*It was resolved Council levy a special charge under Section 971 of the Queensland Local Government Act 1993, to be known as the Area Promotion Special Charge, (the “special charge”) as follows:*

- (1) Council make and levy a special charge on the rateable land identified in the Table below to raise funds to be expended on activities directed towards, or otherwise supporting, promotion and the management of tourism within the Shire.*
- (2) The overall plan for the carrying out of the works be identified as follows:*
  - (a) The rateable land to which the plan applies is identified in the Table.*
  - (b) The activity for which the plan is made is a program comprising:*
    - (i) research to identify and analyse the best available statistics and data on tourism activity and other relevant economic activity within the Shire;*
    - (ii) development of one or more marketing and promotion programs to seek to attract tourists to the Shire;*
    - (iii) development of new or upgraded “brand” and “image” identifiers using the special characteristics of the Shire to identify it as a major tourist destination; and*
    - (iv) provision of research and other resources to improve management in the tourism industry.*
  - (c) The revenue raised from this special charge, approximately \$224,000, will be contributed towards this overall plan and allocated indicatively as follows:*
    - (i) 80% - marketing;*
    - (ii) 20% - other activities (in particular but not limited to research, strategic planning and management).*
  - (d) The special charge may not be sufficient to fully fund the overall plan and Council may contribute other funds and/or resources to assist in attaining the objectives of the overall plan.*
- (3) Council is of the opinion that the occupiers of the land proposed to be levied with the special charge will specially benefit from the activities comprising the overall plan because:*
  - (a) the land to be levied is used for business or commercial purposes, predominantly purposes which derive revenue directly or indirectly from tourism which is the major driver of business and commercial activity (other than agricultural activity) within the Shire of Douglas; and*

- (b) *the activities comprising the overall plan are intended and expected to encourage greater tourist visitation, hence increased levels of business and commercial activity within the local tourism industry and economy generally.*
- (4) *Council is of the opinion that the level of charge should vary, based (broadly) on the relative scale of economic activity on the land to be levied. To give effect to that opinion:*
- (a) *the special charge will be a single fixed amount for individual dwelling units which are used as rental or holiday accommodation, and other accommodation premises of a similar scale; and*
- (b) *the special charge will be higher for other business or commercial activities of a greater scale;*
- (c) *as there is no reliable indicator of the actual scale of those other activities which is reasonably available to Council, unimproved value of the land on which the activities are carried out is adopted as the basis for determining a scale of special charges for land used for these other activities.*
- (5) *The following special charge is hereby made and levied on the rateable lands as detailed in Table 6 below.*

**TABLE 6**

<b>CHARGE DESCRIPTION</b>	<b>CRITERIA</b>	<b>AMOUNT</b>
<i>Special Charge - Area Promotion 1 (APC01)</i>	<i>All rateable properties within the Shire which are multi unit dwelling (flats), guest houses, private hotels, strata title units, registered home occupations, registered B &amp; B's and registered holiday cabins. Strata title units, which are owner occupied as a principal place of residence, are exempt from this charge.</i>	<i>\$50.00</i>
<i>Special Charge - Area Promotion 2 (APC02)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities</i>	<i>\$50.00</i>





	<i>and caravan parks and have a valuation up to \$99,999.</i>	
<i>Special Charge - Area Promotion 3 (APC03)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$100,000 and \$199,999.</i>	<i>\$75.00</i>
<i>Special Charge - Area Promotion 4 (APC04)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$200,000 and \$299,999.</i>	<i>\$100.00</i>
<i>Special Charge - Area Promotion 5 (APC05)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$300,000 and \$399,999.</i>	<i>\$150.00</i>
<i>Special Charge - Area Promotion 6 (APC06)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant,</i>	<i>\$200.00</i>



	<i>special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$400,000 and \$499,999.</i>	
<i>Special Charge - Area Promotion 7 (APC07)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$500,000 and \$999,999.</i>	<i>\$300.00</i>
<i>Special Charge - Area Promotion 8 (APC08)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$1,000,000 and \$1,499,999.</i>	<i>\$500.00</i>
<i>Special Charge - Area Promotion 9 (APC09)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities</i>	<i>\$750.00</i>



	<i>and caravan parks and have a valuation between \$1,500,000 and \$1,999,999.</i>	
<i>Special Charge - Area Promotion 10 (APC10)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation between \$2,000,000 and \$4,999,999.</i>	<i>\$1,,250.00</i>
<i>Special Charge - Area Promotion 11 (APC11)</i>	<i>All rateable properties within the Shire which are combined dwelling and shop, shop single, shops group (more than 6 shops), shopping group (2 to 6 shops), shops-main retail, shops-second retail, drive in shopping centre, restaurant, special tourist attraction, walkway, marina, retail warehouse, sales area outdoors, professional offices, warehouse &amp; bulk stores, transport terminal, service station, oil depot &amp; refinery, wharves, general industry, light industry, harbour industries, hotel/tavern, motel, nurseries (plants), theatres cinemas, drive-in theatre, licensed club, sports clubs/facilities and caravan parks and have a valuation over \$5,000,000.</i>	<i>\$3,000.00</i>

#### MINIMUM GENERAL RATE - MINING CLAIMS

*It was resolved the minimum amount of each general rate levied by the Council by the service of a rate notice pursuant to Section 970 of the Queensland Local Government Act of 1993 for mining claims for the 2006/2007 year will be:*

- for a mining claim of not more than 900m<sup>2</sup> - \$150.00; or*
- for a mining claim of more than 900m<sup>2</sup> - \$450.00.*

#### DISCOUNT ON RATES & CHARGES

*It was resolved by Council, pursuant to Section 1019 of the Queensland Local Government Act 1993, apply a discount of 10% on current general rates, 5% on current cleansing charges, special charge – refuse disposal, current water charges and current sewerage charges (with the exception of excess water charges and area promotion special charge), provided all current rates and charges and arrears*



*are paid in full within the discount period. The discount period is at least 30 days after the rate notice is issued.*

INTEREST ON RATES AND CHARGES

*It was resolved by Council, pursuant to Section 1018 of the Queensland Local Government Act 1993 that:*

- 1. Interest be applied at eleven percent (11%) per annum compounding daily to all arrears;*
- 2. Interest at the same rate also apply to overdue current rates and charges from thirty (30) days after the last day of discount;*
- 3. A premium of eleven percent (11%) per annum compounding daily be applied to unpaid overdue rates and charges where arrangements to pay at a later date or by instalments have been accepted.*

REMISSION ON RATES

*It was resolved, as the Council in exercising its power under Section 1035A of the Queensland Local Government Act of 1993 is of the opinion, in the case of land owners scheduled in Tables 7 and 8 below, there is justification in exercising the power of granting remission at the level indicated as each case is of a kind which has been accepted by resolution of the Council previously, such remissions be hereby granted in respect of the general rates payable in respect of the 2006/2007 financial year.*

**TABLE 7**  
**LIST OF PROPERTIES THAT RECEIVE REMISSION**

<b>PROPERTY NUMBER</b>	<b>NAME</b>	<b>TYPE OF REMISSION</b>
94600000	<i>Port Douglas Community Services Network Incorporated</i>	<i>100% General Rates</i>
89400000	<i>Queensland Country Women's Association - Port Douglas Branch</i>	<i>100% General Rates</i>
157400000	<i>Queensland Country Women's Association - Mossman Branch</i>	<i>100% General Rates</i>
159400000	<i>The Returned &amp; Services League of Australia - Mossman Sub Branch</i>	<i>100% General Rates</i>



166600000	<i>Scouts Association of Australia - Queensland Branch Incorporated</i>	<i>100% General Rates</i>
170000000	<i>Girl Guides Association Queensland Australia</i>	<i>100% General Rates</i>
170700000	<i>Masonic Lodge</i>	<i>100% General Rates</i>
175600000	<i>Royal Antediluvian Order of Buffaloes</i>	<i>100% General Rates</i>
258000000	<i>Mossman Soccer Club Inc</i>	<i>100% General Rates</i>
271200000	<i>Mossman Pony Club</i>	<i>100% General Rates</i>
255390000	<i>Mossman &amp; District Rifle Club</i>	<i>100% General Rates</i>
56600000	<i>Douglas Sailing Club</i>	<i>100% General Rates</i>
91000000	<i>Port Douglas Surf Life Saving Club</i>	<i>100% General Rates</i>
121800000	<i>Australian Volunteer Coast Guard</i>	<i>100% General Rates</i>
138300000	<i>Douglas Shire Aged Persons Home – Alchera</i>	<i>100% General Rates</i>
25050000	<i>Douglas Shire Aged Persons Home – Port Haven</i>	<i>100% General Rates</i>
152910000	<i>Meals on Wheels</i>	<i>100% General Rates and Services</i>

**TABLE 8**

*LIST OF PROPERTIES THAT RECEIVE REMISSION PERMITS TO OCCUPY FOR FISHING HUTS ON THE SOUTH ARM AND THE HEADS OF THE DAINTREE RIVER*

<b>PROPERTY NUMBER</b>	<b>NAME</b>	<b>TYPE OF REMISSION</b>
232400000	<i>PO 09/5405 L1 PER5405:Par Alexandra</i>	<i>50% General Rates 100% Special Refuse Charge</i>
232500000	<i>L101-102 W3451:Par Alexandra</i>	<i>50% General Rates 100% Special Refuse Charge</i>
232900000	<i>L201 W3451:Par Alexandra</i>	<i>50% General Rates 100% Special Refuse Charge</i>
301200000	<i>PO09/5587:L1/PER5587:PTA/L373/SR783:RES54 :Par Whyanbeel</i>	<i>50% General Rates 100% Special Refuse Charge</i>



301400000	L1/PER5390:PO 09/5390:PT RES54:Par Whyanbeel	50% General Rates 100% Special Refuse Charge
301500000	PTB L373 SR 783:L1 PER 4224:PTRES 54:Par Whyanbeel	50% General Rates 100% Special Refuse Charge
301510000	PTC L373 SR783:L1 PER6394:PTRES54:Par Whyanbeel	50% General Rates 100% Special Refuse Charge
301600000	PTD L373 SR783:L1 PER5586:PTRES54:Par Whyanbeel	50% General Rates 100% Special Refuse Charge
301700000	LB/AP3431:PO/210898:Par Whyanbeel	50% General Rates 100% Special Refuse Charge
301710000	PTE L373/SR783:L1 PER 4938:PTRES54:Par Whyanbeel	50% General Rates 100% Special Refuse Charge
301800000	L1 PER3019:PTRES54:PO 3019:Par Whyanbeel	50% General Rates 100% Special Refuse Charge
301900000	PTF L373 SR783:L1PER5960:PTRES54(Permit A):Par Whyanbeel	50% General Rates 100% Special Refuse Charge
302000000	L333 SR437:PO 9/5175:Par Whyanbeel	50% General Rates 100% Special Refuse Charge
302100000	L335 SR437:PO 9/5188:Par Whyanbeel	50% General Rates 100% Special Refuse Charge
302200000	L336 SR437 PO 9/5477:Par Whyanbeel	50% General Rates 100% Special Refuse Charge
302310000	PTG L373 SR783:L1PER208327:PTRES54:Par Whyanbeel	50% General Rates 100% Special Refuse Charge
302312000	PER 09/4939:Par Whyanbeel	50% General Rates 100% Special Refuse Charge



302313000	<i>PO 09/5391 L1 PER 5391:Par Whyanbeel</i>	<i>50% General Rates 100% Special Refuse Charge</i>
302314000	<i>PER2723 PT R54:Par Whyanbeel</i>	<i>50% General Rates 100% Special Refuse Charge</i>
302315000	<i>Permit A PER5883 PT L373 ST783PT R54:Par Whyanbeel</i>	<i>50% General Rates 100% Special Refuse Charge</i>
329500000	<i>PO 09/5442:Permit A:PER5442:Par Alexandra</i>	<i>50% General Rates 100% Special Refuse Charge</i>
329600000	<i>PO 09/5527:L1/PER5527:Par Alexandra</i>	<i>50% General Rates 100% Special Refuse Charge</i>
329700000	<i>PER 09/5751:PER A PER5751/PTR52:Par Alexandra</i>	<i>50% General Rates 100% Special Refuse Charge</i>

#### WATER SECTION

*It was resolved the minimum charge per unit for water charges be \$72.60 for the 2006/2007 financial year. Further, that:*

- *a water charge be levied pursuant to Section 973 of the Queensland Local Government Act 1993 on all lands whether rateable or not which are connected to Council's reticulated water supply or which are situated within 91.44 metres of the middle of the roads in which water mains are live and from which a supply of water may be given to such land and the basis of assessing such charges be as follows:*
- *a minimum charge of \$72.60 per unit on the basis of the number of units ascribed to the particular occupation of each property in accordance with Table 9 below:*

**TABLE 9**

	<b>USE TO WHICH LAND IS PUT</b>	<b>NO OF UNITS</b>
1.	<i>Granny flat</i>	3
2.	<i>Dwelling, barracks &amp; vacant allotment with water connected</i>	5
3.	<i>Shop, take away, office, bank, surgery, ambulance centre, billiard saloon, public hall</i>	7



4.	Flats and home units (each)	5
5.	Motels, holiday cabins - first unit	5
	Each additional unit (the proprietor's or caretaker's residence is to be regarded as one unit)	4
6.	Fire Station	7
7.	Church, QCWA halls, lodge, tennis courts and rest rooms	3
8.	Implement shed (connected) with other buildings	3
9.	Store room (connected) with other buildings	3
10.	Implement shed only (connected)	5
11.	Store room only (connected)	5
12.	Baker shop, butcher shop, cafe, picture theatre, boarding house, restaurant	10
13.	Mossman Post Office	10
14.	Mossman State Primary School, Mossman State High School	20
15.	Other Schools	10
16.	Vacant Land not connected	3
17.	A building or other structure or use not otherwise specified	7
18.	Hotel	25
19.	Slaughter Yards and Poultry Farm	15
20.	Slipway	9
21.	Golf Course	30
22.	Mossman Central Sugar Mill (including Office, Workshop, but not including dwellings and Railway Station)	320
23.	Sawmill and Cordial Factory 12	12
24.	Hospital - including Administration Office	
	(i) For each bed or person registered to be accommodated thereat	0.5
	(ii) Doctors Residence	5
	(iii) Nursing Quarters	5
	(iv) Matron's Flat	5
	(v) Medical Officer's Flat	5
	(vi) Dentist's Surgery	5
	(vii) Laundry (each machine installed)	3
25.	Police Station - Mossman	20
26.	Police Station - Port Douglas	10
27.	Mirage Resort Complex -	
	(i) Accommodation wings - per room	4
	(ii) Central Facilities including Laundry	500
	(iii) Retail Centre and Public Bar -	
	Retail Centre (10 shops)	70
	Public Bar	25
	(iv) Mock Up Buildings	21
	(v) Condominiums - for each Condominium Unit	5



	(vi) Country Club	120
28.	Kindergarten	5
29.	Pre-School	5
30.	Morris Sport Centre (4" Service)	50
31.	Bowling Club	10
32.	Caravan Park - for each camp site or part thereof	0.5
33.	Laundromat - for each machine installed	3
34.	Hostel - for each bed or person registered to be accommodated thereat	0.5
35.	Marina -	
	for each 25 berths or part thereof not exceeding 22 metres	5
	for each berth exceeding 22 metres	5
36.	Supermarkets (not including Internal Shops and Specialty Shops) - Gross floor area 1000-2000m <sup>2</sup>	14
37.	Supermarkets (not including Internal Shops and Specialty Shops) - Gross floor area 2001-3000 m <sup>2</sup>	21

*In the case where water is supplied through a water meter, a meter charge is to apply at the meter rate of 80 cents per kilolitre on the water consumed however, in the case of dwellings, water shall not be charged at the metered rate other than in respect of those properties within the water reticulated areas where the annual consumption exceeds 656 Kilolitres. In all cases whether premises are metered or not, a minimum charge shall apply based on the stipulated number of units for each classification of use as detailed in the Schedule.*

SEWERAGE SECTION

*It was resolved the minimum charge per unit for sewerage charges be \$1.83 for the 2006/2007 financial year.*

*It was further resolved that pursuant to Section 973 of the Queensland Local Government Act 1993 a sewerage charge be levied on all lands whether rateable or not which are situated within any defined sewerage area and the basis of assessing such charge be as follows:*

*A minimum charge of \$1.83 per unit on the basis of the number of units ascribed to the particular occupation of each property in accordance with Table 10 below:*

**TABLE 10**

	<b>USE TO WHICH LAND IS PUT</b>	<b>NO. OF UNITS</b>
1.	Granny flat	200
2.	Dwelling, caretaker's residence	300



3.	<i>Vacant Land</i>	300
4.	<i>Museum</i>	300
5.	<i>Restaurant, Cafe, Butcher Shop</i>	600
6.	<i>Shop, Surgery, Office, Dentist, Professional Office</i>	300
7.	<i>Garage, Service Station</i>	900
8.	<i>Flats Building &amp; Home Units - for each flat/unit</i>	300
9.	<i>Motels - for each unit</i>	150
10.	<i>Post Office</i>	300
11.	<i>Central Hotel/Motel Complex</i>	3,900
12.	<i>Court House Hotel</i>	2,400
13.	<i>Laundromat – for each machine installed</i>	150
14.	<i>Police Station, Port Douglas (exclusive of Residence)</i>	600
15.	<i>Caravan Parks - for each 5 Camp Sites or part thereof</i>	300
16.	<i>A building or other structure or use not otherwise specified</i>	300
17.	<i>Slipway</i>	600
18.	<i>Holiday Cabin – per Cabin</i>	150
19.	<i>Marina -</i>	
	<i>(i) For each 15 moorings or part thereof, and</i>	300
	<i>(ii) applicable units for any other classifications of use stipulated</i>	
20.	<i>Church</i>	300
21.	<i>Hostels, Construction Camps - for each bed or person registered to be accommodated thereat</i>	26
22.	<i>Mirage Resort Complex -</i>	
	<i>(i) Accommodation Wings - per room</i>	150
	<i>(ii) Central Facilities including Laundry</i>	30,000
	<i>(iii) Retail Centre and Public Bar -</i>	
	<i>Retail Centre (10 Shops)</i>	3,000
	<i>Public Bar</i>	1,500
	<i>(iv) Mock Up Buildings</i>	900
	<i>(v) Condominiums - for each Condominium Unit</i>	300
	<i>(vi) Country Club</i>	7,200
23.	<i>Mossman Hotel</i>	2,400
24.	<i>Post Office Hotel</i>	2,400
25.	<i>Royal Hotel</i>	2,400
26.	<i>Exchange Hotel</i>	3,300
27.	<i>Girl Guides</i>	300
28.	<i>Kindergarten</i>	450
29.	<i>Public Swimming Pool</i>	600
30.	<i>Mossman Central Mill (including Office, Railway Station, Cane Inspectors Office, Loco Workshop, Leyland Shed and Pest Board Office) but not including Dwellings</i>	5,400
31.	<i>Police Station, Mossman (exclusive of residence)</i> 1200	1,200





32.	Court House 600	600
33.	Mossman High School 1,800	1,800
34.	Mossman Primary School	1,500
35.	Port Douglas Primary School	1,500
36.	Mossman Pre School	450
37.	St Augustine's School	1,200
38.	Masonic Hall	300
39.	R A O B Hall	300
40.	Boy Scouts	300
41.	Mossman Hospital - including Administration Office	
	(i) For each bed or person registered to be accommodated thereat	26
	(ii) Doctors Residence	300
	(iii) Nursing Quarters	300
	(iv) Matron's Flat	300
	(v) Medical Officer's Flat	300
	(vi) Dentist's Surgery	300
	(vii) Laundry (each machine installed)	150
42.	Bo wling Club	1,200
43.	RSL Meeting Room	300
44.	Fire Station and Residence - Mossman	600
45.	Fire Station - Port Douglas	300
46.	Q A T B Centre & Residence - Mossman	600
47.	Q A T B Centre & Residence - Port Douglas	600
48.	Town & Country Hardware Store	300
49.	Supermarkets (not including Internal Shops and Specialty Shops) - gross floor area 1000-2000m <sup>2</sup>	900
50.	Supermarkets (not including Internal Shops and Specialty Shops) - gross floor area 2001-3000m <sup>2</sup>	1200

#### CLEANSING SECTION

It was resolved pursuant to Section 973 of the Queensland Local Government Act 1993 a cleansing charge be levied on land in actual occupation in the area where Council performs a function of cleansing by the removal of garbage. This includes all lands that have driveway access to the roadway on which the collection vehicle travels in the course of carrying out garbage/recycling collection on behalf of Council. The basis of assessing such charges whether such land is rateable or not, be as follows:

- a) In the area where the services provided by the Council's day labour force/contractor and whether or not a recycling service has been introduced, a charge of \$245.00 per annum for a weekly garbage removal service for each separate occupancy is to apply.

- b) *In the area where the services provided by the Council's day labour force/contractor and whether or not a recycling service has been introduced, a charge of \$245.00 per unit for a weekly garbage removal service. Application of charge to be in accordance with Table 11 below:*

**TABLE 11**

	<b>USE TO WHICH LAND IS PUT</b>	<b>MINIMUM NUMBER OF CLEANSING SERVICE UNITS</b>
1.	<i>Dwelling</i>	1
2.	<i>Multiple Dwellings (including Strata Title Units) Each Domicile</i>	1
3.	<i>Caretakers/Managers Accommodation Each</i>	1
4.	<i>Schools (Pre-Schools)</i>	
	<i>Mossman State High School</i>	20
	<i>Mossman State Primary School</i>	15
	<i>Mossman State Pre-School</i>	5
	<i>Daintree State School (Dwelling Separate)</i>	1
	<i>Miallo State School (including Principal's residence)</i>	2
	<i>Port Douglas State School</i>	4
	<i>St Augustine's School</i>	6
	<i>Wonga State School</i>	6
5.	<i>Industrial/Commercial Premises (includes professional offices and industrial/commercial premises not otherwise specified in this schedule) each shop office</i>	1
6.	<i>Hotels</i>	10
7.	<i>Cafes/Restaurants</i>	
	<i>Port Douglas precinct and the area to our southern boundary</i>	2
	<i>All other areas of the Shire</i>	6
8.	<i>Take Away Food Outlets</i>	2
9.	<i>Caterer's Premises</i>	3
10.	<i>Grocery/Convenience Store/Supermarkets</i>	3
	<b>10.1 SUPERMARKETS</b>	
	<i>Supermarkets</i>	4
	<b>10.2 GENERAL STORES</b>	
	<i>Welcomemart )</i>	
	<i>Front Street Foodstore )</i>	2
	<i>Johnston Road Store )</i>	
	<i>Four Mile Beach Mini Market )</i>	



	Foodtown Food Store )	
10.3	CONVENIENCE STORES Port Douglas General Store ) Newell Store ) Marano's ) Daintree )	1
11.	Halls	1
12.	Churches (including Church Hall)	1
13.	Mossman Hospital	14
14.	Day Care Centres / Kindergartens	1
15.	Sporting Clubs	3
16.	Caravan Park	
	(i) Caretaker's accommodation, plus	1
	(ii) up to twenty camping sites for every two sites, plus	1
	(iii) for every additional five camping sites in excess of twenty camping sites, plus	1
	(iv) shop/kiosk	1
17.	Boarding Houses, Hostels	
	(i) Caretaker's accommodation plus	1
	(ii) for every ten guests or part thereof capable of being accommodated assessed on number and size of beds provided	1
18.	Motel Accommodation (including strata title motel properties)	
	(i) with facilities to enable the preparation and/or cooking of food (Examples of these facilities, which are not necessarily exhaustive, would be a combination of two or more of a sink, hotplates, microwave oven, oven etc.)	1
	(ii) Without facilities to enable the preparation and/or cooking of food - for every three units or part thereof	1
19.	Holiday Cabins For every three cabins or part thereof	1
20.	Marinas	
	(i) up to fifty berths for every two berths	1
	(ii) for every additional five berths in excess of fifty berths	1
21.	Fire Stations, Ambulance Centres, Police Stations, Court Houses	
	(i) Officer's residence (each)	1
	(ii) Station or Centre	1
22.	Post Offices	1
23.	Wrecking Yards	2



24.	Mossman Central Mill	10
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- c) *In the area where the cleansing removal services are currently undertaken by separate contract, the charge to apply is as follows:*
- I. *For each clearance of the 9 m<sup>3</sup> static compactor on the basis of at least one clearance per week \$449.55.*
  - II. *For each clearance of the 23 m<sup>3</sup> static compactor on the basis of at least one clearance per week \$1,148.85.*
  - III. *For each clearance of each 240 litre bin - \$9.10 per clearance. "*

An amendment to the motion was moved:

Moved: Cr Berwick

*"As an alternative in the budget for Newell Beach Road, that Council consider the resealing of the road and the construction of a separate bike path, and the reallocation of any remaining funds to either another road or to reducing debt."*

The amendment lapsed for want of a seconder.

An amendment to the motion was moved:

Moved: Cr Davis

Seconded: Cr Cox

*"That Council allocate \$25,000 to the art and culture component of Carnivale by reducing town planning legals by \$25,000 to \$175,000."*

The amendment was put:

For: Cr Davis, Cox

Against: Cr Berwick, Egan, Bellerio, Pitt, Sciacca

**Lost**

The original motion stood unamended.

An amendment to the motion was moved:

Moved: Cr Bellerio

Seconded: Cr Sciacca

*"That the funding allocated to the bus turnaround/parking in Tulip Oak Road be reallocated to sealing part of O'Donoghue Road."*

With the approval of the mover and seconder the amendment was withdrawn.

06/0815/31C(ii) The original motion (unamended) was put:

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

Against: Cr Davis Cox

**Carried**

Moved: Cr Berwick

Seconded: Cr Pitt

06/0815/31C(iii) *"That the Operational Plan adopted by council on 20 June 2006 be amended to align the plan with budget amendments and inclusions, and re-adopted.*

*Amendments to the plan to be as follows:*

- *delete "Western precinct – 'Gateway Master Plan' " from the table of Internal and External Foci contained in the Executive Summary;*
- *key performance indicators to be listed for each objective;*
- *delete item 1.2.8 "Initiate and implement a program for ongoing improvements in development assessment" and renumber subsequent items accordingly;*
- *in item 1.4.10 "Develop Priority Infrastructure Charges Plans and Infrastructure Charges Schedules" remove "Consultants" from the exceptional resource requirements;*
- *in item 1.5.2 "Document and apply a staff development program" remove "Consultant" from the exceptional resource requirements and change the responsible officer to "HRO";*
- *delete item 1.5.9 "Appointment of Manager Parks and Reserves to rationalise tree planting/landscaping/maintenance/environmental officer's duties/responsibilities" and renumber subsequent items accordingly;*
- *in items 4.1.6 and 4.1.7 remove the notation "Further funding required in 07/08" from the exceptional resource requirements;*
- *delete item 4.3.1 "Design required extensions to the Douglas Shire Municipal offices" and renumber subsequent items accordingly;*
- *in items 5.3.2 and 5.3.3 remove the notation "Further funding required in 07/08" from the exceptional resource requirements."*

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

Against: Cr Davis

**Carried**

Moved: Cr Cox

Seconded: Cr Davis



06/0815/31C(iv) *“That Council have a full day briefing session that all Councillors attend within the next three (3) months on the Operational Plan.”*

**Carried** unanimously

**TERMINATION**

The meeting was closed at 10:10 pm.

Presented to and confirmed by Council on the *fifth* day of *September* 2006.

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



ATTACHMENT 1

**Melissa Neville**

---

**From:** Cr Mike Berwick - DSC Mayor  
**Sent:** Tuesday, 15 August 2006 9:40 AM  
**To:** jw@axioadventures.com.au  
**Cc:** 'Melissa Neville (melissa.neville@dsc.qld.gov.au)'  
**Subject:** RE: Mossman Gorge Development Proposal

Thanks John, comforting to hear that, I was confused by it. When the Committee delegation came to see me they said they were very supportive of the Gorge proposal - I specifically asked. We consider the application today so I'll table your email to clarify the situation.

Melissa could you print John's email and provide a copy to all councillors, Mike

Cr Mike Berwick  
Mayor  
Douglas Shire Council  
PO Box 357  
Mossman QLD 4873

W: (07) 4099 9403  
M: 0419 022 629  
H: (07) 4098 6148  
Email: mayor@dsc.qld.gov.au

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-----Original Message-----

**From:** Axio/Wait-a-while [mailto:jw@axioadventures.com.au]  
**Sent:** Monday, 14 August 2006 10:34 PM  
**To:** Cr Mike Berwick - DSC Mayor  
**Subject:** Mossman Gorge Development Proposal

Mossman Gorge Development Proposal

It has been brought to my attention today by some concerned members of the Mossman VIC DSCC Steering Committee that the Douglas Shire Chamber of Commerce itself has apparently put forward a submission to the Council opposing the proposed Mossman Gorge development, that being before Council tomorrow, Tuesday 15 August.

I feel it is important that Councillors are aware that this submission from the Chamber of Commerce itself has not been put before the Steering Committee so we have not had a chance to read the contents, to comment or to vote on it. I understand that it may contain views not necessarily shared by the Committee but it is difficult to comment further, without it having been put forward to us.

The Steering Committee's view remain as all of our Press Releases previously issued and as it will be presented in our Deputation to Council booked for 5 September.

Thank you for your attention.

John White  
Chairman Mossman VIC DSCC Steering Committee





## ATTACHMENT 2

Page 1 of 2

### **Terry Melchert**

**From:** Stuart Macnaughton [SMacnaughton@mccullough.com.au]  
**Sent:** Wednesday, 16 August 2006 10:57 AM  
**To:** Terry Melchert  
**Subject:** New resolution

Terry, since talking I have given some more thought to this.

But for s19 of Part 3 of Schedule 1 of IPA, the resolution in Appendix 2 from yesterday seems able to be passed today, subject to a few provisos, notwithstanding yesterday's resolution because:

1. Yesterday's resolution did not resolve not to adopt the scheme, just that more time was required before it did so;
2. the new resolution is in fact in furtherance of yesterday's resolution not requiring a repeal or amendment of it;
3. at the time of passing the resolution, the Councillors were not aware of the calling of the election, the timing issues associated with the lapsing of the current Scheme /TLPI and the possibility that by passing the resolution it could leave the Council in a planless situation, and the consequent uncertainties of the caretakers powers of the Minister to extend the Scheme/TLPI, or adopt the Scheme in lieu of Council;
4. Subsequent to the passing of the resolution, further (compressed) consultation and consideration of the provisions of concern has occurred;
5. Council has formulated an alternative resolution and provisions in the Scheme, to deal with the matters of concern, and has sought confirmation from DLGP&S and Liz Taylor that the proposed alternative treatment are consistent with what is approved.

As you know Council can, under s19 of part 3 of Schedule 1 to IPA only, either adopt the scheme after having complied with Part 2, or decide not to proceed with the adoption of the Scheme. I am concerned that Council does not have the power to pass the resolution proposed as it is itself suggesting an amendment rather than simply adopting the version of the Scheme as referred to in the Minister's letter of 3 August. Obviously I have not had much time to consider this, but I thought I should raise that caveat.

If as we discussed you are able to get in writing from Mike Hartley that the proposed resolution and content of the amendment are consistent with the Ministers letters of 26 July, and 3 August, and that it therefore conforms to the requirements of Part 2 of Schedule 1 of IPA, in a practical sense my concerns are somewhat mitigated. You should also get Liz Taylor to confirm the proposed amendment is not inconsistent in fact with the Minister's approval.

Terry, can you call me on 07 3876 6476 instead of mobile (0411 170080) as the quality of the line might be better.

### **Stuart Macnaughton**

Partner

Direct line: 07 3233 8869 | Mobile: 0411 170080 | email: smacnaughton@mccullough.com.au

**McCullough Robertson Lawyers,**  
Level 11 Central Plaza Two, 66 Eagle Street Brisbane Qld 4000

Telephone: (07) 3233 8888 International: +617 3233 8888 Fax: (07) 3229 9949  
[www.mccullough.com.au](http://www.mccullough.com.au)

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16/08/2006

### ATTACHMENT 3

ITEM NO

SUBJECT: ADOPTION OF DOUGLAS SHIRE COUNCIL  
PLANNING SCHEME

AUTHOR: CEO

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RECOMMENDATION That the amended trigger to the NASA Code be effected and the  
amended Planning Scheme be adopted.

:

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PURPOSE

To present to Council a motion seeking both amendment and adoption of the draft Douglas Shire Council Integrated Planning Act Planning Scheme.

### **BACKGROUND**

On Tuesday 15 August 2006, Council consideration resolution 06/1805/14(i), (ii) and (iii). The motion was lost and an alternate resolution was carried. The alternate resolution stated:

*“That:*

- *the State be informed that Douglas Shire Council requires more time, suggest 2 – 3 weeks,*
- *the public information meetings go ahead,*
- *a further report to Council on the frequently asked questions,*
- *in the interim the Council firms up its position.”*

Subsequent to or about the time that resolution was being passed, the Parliament of Queensland was being dissolved, and a state election called for 9 September 2006.

Following the break for lunch the way to best ‘firm up the Council’s position’ was considered, with a resolution being put in the afternoon as follows: “That a draft motion relating to the draft planning scheme be tabled for consideration at a time in the near future and copies be supplied to the media.” The motion was carried. The draft motion was available at the meeting of the 15<sup>th</sup> and was released to the media as agreed by Council. The CEO voiced concerns that the second carried motion may be at odds with the first carried motion and undertook to seek legal advice on the matter and ensure it can proceed without a rescission of the resolution on 15 August 2006.

Given Council’s Town Planning Scheme and the TLPI expire on 15 September 2006,

Council is concerned it may be left in a “planless” situation of not having adopted its Integrated Planning Act (“IPA”) Planning Scheme, but where its Transitional Planning Scheme (and the TLPI) had lapsed. That is a possibility given the proximity of the state election to the date of the lapsing of the Scheme, the possibility a new Minister is either not appointed prior to the lapse date, or even if appointed, not able to extend the operation of the Scheme and the TLPI prior to that time.

Council has further considered its position in relation to the Natural Areas and Scenic Amenity Overlay (“NASA”) mapping, and has proposed an alternate trigger to the NASA mapping which is known to be inaccurate in many instances. Council has decided to link the application of the NASA Code to the presence of remnant vegetation as defined by the Vegetation Management Act (“VMA”) on a particular site rather than the NASA mapping.

Council has sought and received confirmation from Mike Hartley, Principal Planner – Statutory Planning North Queensland Planning, Department of Local Government Planning, Sport and Recreation that the proposed amendment by deleting the NASA mapping and using the existence of remnant vegetation under the VMA is consistent with the Minister’s approval, and that Council is able to resolve to effect those amendments, and to adopt the scheme subject to those amendments being made. Council has also obtained confirmation from its consulting planner that the amendments are able to be physically undertaken prior to commencement of the Planning Scheme provided the scheme with the amendments is adopted on Monday 21 August 2006. Copies of the letters from DLGP and Liz Taylor are attachments 1 and 2.

#### PROPOSAL

That Council resolve to amend and then adopt the amended draft Douglas Shire Planning Scheme as set out in the resolution.

#### **CORPORATE/OPERATIONAL PLAN**

See 15 August 2006 Agenda item.

#### **FINANCE/RESOURCE IMPLICATIONS**

See 15 August 2006 Agenda item.

#### LEGAL/POLICY IMPLICATIONS

See attachment five.

#### **SUSTAINABILITY IMPLICATIONS**

ECONOMIC:

See 15 August 2006 Agenda item.

ENVIRONMENTAL: See 15 August 2006 Agenda item.

SOCIAL: See 15 August 2006 Agenda item.

INTERNAL/EXTERNAL CONSULTATION

See 15 August 2006 Agenda item. Stuart Macnaughton of McCullough Robertson Lawyers.

**OPTIONS**

No viable options available due to the timing of the State Election and the expiry of the Transitional Planning Scheme and TLPI

**ATTACHMENTS**

1. Letter from the Department of Local Government, Planning, Sport and Recreation dated 16 August 2006
2. Email from Planning Far North dated 17 August 2006

**RESOLUTIONS**

- A1. Council accepts the advice from Mike Hartley, Principal Planner – Statutory Planning North Queensland Planning, Department of Local Government, Planning, Sport and Recreation dated 16 August 2006 that the proposed amendments mentioned in Resolution A2, are in accordance with the requirements of Part 2 of Schedule 1 of the Integrated Planning Act 1997 (“IPA”) and the Minister’s letters of 26 June 2006 and 3 August 2006.
- A2. The Natural Areas and Scenic Amenity Overlay (NASA) mapping be removed from the draft Planning Scheme referred to in the Minister’s letter of 3 August 2006. The replacement trigger for the NASA code having application to particular land be linked to the existence of remnant vegetation as defined by the Vegetation Management Act on a particular site.

Remnant vegetation, for an area of Queensland for which there is no regional ecosystem map or remnant map, means the vegetation, part of which forms the predominant canopy of the vegetation—

- (a) covering more than 50% of the undisturbed predominant canopy;  
and
- (b) averaging more than 70% of the vegetation’s undisturbed height;  
and

- (c) composed of species characteristic of the vegetation's undisturbed predominant canopy.
- B1. In accordance with the letters dated 16 August 2006 to the CEO from the Department of Local Government, Planning, Sport and Recreation, advising that the Planning Scheme may now be adopted, the Council, under Section 19 of Part 3 of Schedule 1 of IPA adopt:
  - a. the proposed Planning Scheme as amended by Resolution A2; and
  - b. the associated Planning Scheme Policies, dated August, 2006, with commencement to occur on 5 September 2006.
- B2. The CEO be instructed to effect the amendments necessary to give effect to the terms of resolution A2 to allow the necessary processes prior to commencement to occur.
- B3. That the appropriate notice be published in the Queensland Government Gazette, Port Douglas and Mossman Gazette and the Cairns Post, in accordance with Section 20, Part 3, Schedule 1 of IPA.
- B4. The Department of Local Government, Planning Sport and Recreation be advised that such notices have been placed in the relevant newspapers and five certified copies of the adopted scheme be forwarded to the Department, as required by Section 21, Part 3, Schedule 1 of IPA.
- C. The Minister be requested to progress the issue of reticulated power north of the Daintree River as priority, given Council has adopted the Planning Scheme.

(ATTACHMENT 1 REFERRED TO IN ABOVE REPORT)

Our Ref: MH-06- 07 TPA22213  
Enquiries: **Mike Hartley**  
Phone: 4039 8848  
Email: [mike.hartley@dlgspr.qld.gov.au](mailto:mike.hartley@dlgspr.qld.gov.au)



**North Queensland Planning**

16 August 2006

Mr Terry Melchert  
Chief Executive Officer  
Douglas Shire Council  
PO Box 357  
MOSSMAN QLD 4873

Attention: Mr Paul Gleeson

Planning Services

Department of  
Local Government, Planning,  
Sport and Recreation

Dear Terry

**Adoption of Proposed Douglas Shire IPA Planning Scheme**

I refer to Council's proposed resolution to adopt the *Integrated Planning Act 1997* (IPA) planning scheme, and in particular Council's intention to remove the Natural Areas and Scenic Amenity (NASA) mapping from the planning scheme and instead use the existence of on-site vegetation as the trigger for the NASA code to apply to assessable development.

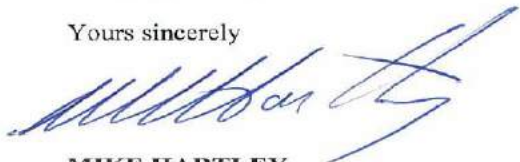
Minister Boyle's letter of 26 June 2006 incorporated conditions to be satisfied before the planning scheme could be adopted, as provided in s18 (4)(b) of Schedule 1 of the IPA. Condition 2 requires the planning scheme to be amended to:

*"...include the version of the Natural Areas and Scenic Amenity code presented to the Council on 30 May 2005 and associated mapping (amended as necessary to improve the workability of the code measures without affecting the policy outcomes) to the satisfaction of the Department of Local Government, Planning, Sport and Recreation."*

The use of existing on-site vegetation in lieu of inaccurate mapping as a trigger for the NASA code to apply to assessable development would improve the workability of the planning scheme without affecting the code's policy outcomes. Council's proposed approach therefore satisfies the Minister's pre-adoption condition regarding this issue.

Accordingly, I confirm the proposed resolution and the content of the amendment are consistent with the Minister's letters to Council on 26 June and 3 August 2006, thereby satisfying the requirements of Part 2 of Schedule 1 of the IPA.

Yours sincerely



**MIKE HARTLEY**  
**Principal Planner – Statutory Planning**  
**North Queensland Planning**

Level 2, Orchid Plaza  
79-87 Abbott Street  
PO Box 5194  
Cairns QLD 4870 Australia

Telephone +61 7 4039 8867  
Facsimile +61 7 4039 8866  
Website [www.dlgspr.qld.gov.au](http://www.dlgspr.qld.gov.au)



(ATTACHMENT 2 REFERRED TO IN ABOVE REPORT)

**From:** Liz [lizpfn@ozemail.com.au]  
**Sent:** Thursday, 17 August 2006 5:32 PM  
**To:** Planning  
**Cc:** CEO; Cr Mike Berwick - DSC Mayor; Paul Trotman; Paul Gleeson; 'Mike Hartley'  
**Subject:** (DWS Doc No 398002) RE: draft Planning Scheme

Dear Paul,

I confirm that the Planning Scheme can be amended to delete the mapping associated with the Natural Areas and Scenic Amenity (NASA) Overlay and to call up existing on site vegetation (as defined as Remnant Vegetation in the VMA) to trigger the NASA Code.

I note Mr Hartley's confirmation that this satisfies the Minister's pre-adoption condition and on that basis the amendment can be undertaken with confidence for all parties.

In order for the amendments to be undertaken prior to the commencement of the Planning Scheme it is imperative that the Council adopt the Planning Scheme no later than Monday 12 [editor's note: should read 21] August 2006 to enable the amendments to be undertaken and for commencement to occur prior to the lapsing of the Transitional Planning Scheme. In this regard I propose as follows:

- Council adopt the Planning Scheme on Monday 21 August, 2006 subject to the Planning Scheme being amended as proposed and the amendments being finalized prior to commencement of the Planning Scheme on Monday 4 September, 2006 or Tuesday 5 September, 2006.
- I give an undertaking to finalize amendments by Friday 1<sup>st</sup> September 2006.

Please note, I am currently in a Court case in the Planning and Environment Court which will not finish until late tomorrow. I am also on a tight deadline to undertake amendments to the Cardwell Shire Planning Scheme, early September 2006, which I am currently preparing. I therefore need to amend the DSC Planning Scheme over a two week period as time becomes available and once Council resolves to adopt. Any failure to adopt the Planning Scheme (subject to amendment) on Monday will severely constrain the timeframe to undertake the amendments in a thorough and professional fashion.

As it has been over five and a half years that I have been working on the Planning Scheme, most of that time as a one "man" band, I would very much like to be in attendance when the Council finally resolves to adopt. On that





basis I would appreciate it if you can let me know what time on Monday you expect Council to consider the matter so that I can attend.

I will be unavailable tomorrow but can be contacted during breaks in the Court, if necessary.

Regards,

Liz.

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**LIZ TAYLOR**

Director

Planning Far North

Town Planning Consultants

P O Box 7801

CAIRNS QLD 4870

Phone: (07) 40510811

Fax: (07) 40510866