



*Minutes of the Ordinary Meeting of Council
24 April 2007
commencing at 1:04 pm*

PRESENT

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

Staff – J F Leu (Acting General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), R J Baade (General Manager Engineering), P J Trotman (General Manager Development & Environment), K Favas (Community Development Officer) and S K Andrews (Corporate Support).

APOLOGY

An apology was received from Cr J Sciacca of his inability to attend the meeting due to a leave of absence.

07/0424/01 **CONDOLENCES**

Cr Berwick referred to the recent deaths of Scott Clark, Donald Davis, Ronald Page-Dhu and Irmgard Holthower. 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

07/0424/02 **DECLARATIONS OF INTEREST**

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

Item No	Councillor/Officer	Details of Interest
07/0424/13	Cr W J Bellerio	Shares/controlling interest in corporation
07/0424/14	Cr W J Bellerio	Not specified
07/0424/47	Cr M P Berwick	Perceived conflict of interest

07/0424/03 MINUTES

Moved Cr Egan

Seconded Cr Pitt

"That the minutes of the Ordinary Council Meeting held on 3 April 2007 and the Adjourned Ordinary Meeting of Council held on 4 April 2007 be confirmed."

Carried unanimously

COMMUNITY & CORPORATE

07/0424/04 HACC MOWING CONTRACT TENDER 40-06/07

Moved Cr Egan

Seconded Cr Cox

"That Council accepts the tender from WOW Lawns & Gardens."

Carried unanimously

07/0424/05 OPERATIONAL PLAN QUARTERLY REPORT TO 31 MARCH 2007

Moved Cr Berwick

Seconded Cr Cox

"That Council notes the Operational Plan Quarterly Report to 31 March 2007 against the Operational Plan 2006/07."

Carried unanimously

07/0424/06 DETAILS OF THE USE OF THE COUNCIL SEAL

Moved Cr Cox

Seconded Cr Berwick

"That Council receives the report providing details of the use of the council seal and endorses the actions of the Mayor and Chief Executive Officer in executing on its behalf, under seal, the documents detailed therein."

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 1:10 pm and re-attended at 1:11 pm.

The Acting Manager Planning, Ken Todd, attended the meeting at 1:11 pm.

The Chief Executive Officer, Terry Melchert, attended the meeting at 1:16 pm.

07/0424/07 DECISIONS OF COUNCIL STATUS REPORT

Moved Cr Berwick

Seconded Cr Pitt

"That Council receives and notes the Decisions of Council Status Report."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Community Development Officer withdrew from the meeting at 1:25 pm.

DEVELOPMENT & ENVIRONMENT

07/0424/08 MCUI 005/07 – LOT 74 RP739766, PALM ROAD, DIWAN - REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME

Moved Cr Cox

Seconded Cr Davis

"That Council refuses the request to assess application MCUI 005/07 for a dwelling house on land described as Lot 74 RP739766, Parish of Alexandra, and located at Palm Road, Diwan, under the Superseded Planning Scheme."

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

Against: Cr Bellerio

Carried

ATTENDANCE/WITHDRAWAL

The Planning Officer, Natalie Coss, attended the meeting at 1:30 pm.

The Chief Executive Officer withdrew from the meeting at 1:33 pm and re-attended at 1:34 pm.

The Acting Strategic Planner, Paul Gleeson, attended the meeting at 1:50 pm.

07/0424/09 REMOVE/RETAIN MELALEUCAS IN THE HIGHWAY RESERVE
ADJACENT TO LOT 1 RP739151, CAPTAIN COOK HIGHWAY,
CRAIGLIE

Moved Cr Berwick

Seconded Cr Davis

"That Council retains the melaleucas in the highway reserve adjoining land described as Lot 1 RP739151, Parish of Salisbury, and located at Captain Cook Highway, Craiglie, and subsequently sends a letter to the Department of Main Roads requesting a review of the conditions of approval for the development."

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Davis

07/0424/09

"That Council:

- 1. retains the maximum number of melaleucas in the highway reserve adjoining Lot 1 RP739151, Parish of Salisbury, and located at Captain Cook Highway, Craiglie; and*
- 2. requests that the Department of Main Roads reviews the conditions of approval for the Material Change of Use regarding the removal of the trees, for a service station and restaurant located at Captain Cook Highway, Craiglie."*

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

Against: Cr Bellerio

Carried

The amendment became the motion and was put:

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

Against: Cr Bellerio

Carried

ATTENDANCE/WITHDRAWAL

The Planning Officer withdrew from the meeting at 2:00 pm.

The Chief Executive Officer withdrew from the meeting at 2:04 pm and re-attended at 2:06 pm.

07/0424/09A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Davis

"That standing orders be suspended to allow Council to discuss emergent item 07/0424/09B – the proposed Mirage Scheme of Integrated Resort Development."

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

Against: Cr Egan

Carried

07/0424/09B PROPOSED MIRAGE SCHEME OF INTEGRATED RESORT DEVELOPMENT

Moved Cr Berwick

Seconded Cr Pitt

"That Council takes out sufficient advertising space in the Port Douglas and Mossman Gazette, or uses other means, to notify the public regarding the proposed changes to the Mirage Scheme of Integrated Resort Development in order to seek their comments and pass them on to the Minister and that the Department be requested to provide sufficient time for this process."

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

Against: Cr Egan

Carried

07/0424/09C RESUMPTION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Egan

"That standing orders be resumed."

Carried unanimously

07/0424/10 MCU 3B 043/02 – LOT 274 RP738996, PENDA CLOSE, COW BAY – REQUEST TO EXTEND CURRENCY PERIOD

Moved Cr Egan

Seconded Cr Berwick

"That Council approves the request to extend the currency period for the approved development MCU 3B 043/02 for a dwelling house on land described as Lot 274 RP738996, Parish of Alexandra, and located at Penda Close, Cow Bay, for a further year."

Carried unanimously

**07/0424/11 TPC 1201 – LOT 57 PTD20911, 30 MUDLO STREET, PORT DOUGLAS –
REQUEST TO CHANGE EXISTING APPROVAL**

Moved Cr Bellerio

Seconded Cr Pitt

“That Council approves the request to change the existing approval TPC 1201 and deletes conditions 4.8 and 4.14 of the development approval on land described as Lot 57 PTD20911, Parish of Salisbury, and located at 30 Mudlo Street, Port Douglas, with conditions 4.1, 4.12, 4.36 and 4.37 amended 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 312-06, Plans 01 of 10 to 10 if 10 inclusive and prepared by Greg Skyring Design & Drafting Pty Ltd;

except where such plans and/or specifications are modified by the terms of this approval.

4.12 *The landscaping plan submitted with the proposed development, referenced as plan No LP01 issue A dated 01/02/07 and prepared by Hortulus Landscape Design is approved.*

4.36 *The applicant shall pay to the Council, headworks contributions for water supply and sewage in accordance with Council’s Local Planning Policy: ‘Determination of Contributions for Water Supply and Sewerage Headworks and External Works’, (The Policy).*

The contribution shall be calculated at the rate per Equivalent Domestic Connection (EDC) applicable at the time of payment in accordance with the Policy. Headworks are to be paid prior to the issuing of a development permit for building work.

For information purposes only:

The current number of EDC’s for the approved use are –

<i>Water Supply</i>	<i>2.0</i>
<i>Sewerage</i>	<i>2.0</i>

4.37 *No structure is to be located within the zone of influence (which is 3.7 metres) of the sewer main. Alternatively the footings of south east corner of Villa B can be pieced to 3.7 metres for a distance of at least two (2) metres along the southern wall and at least five (5) metres along the eastern wall.”*

Carried unanimously

**07/0424/12 TPC 1252 – LOT 89 BS7, CAPE KIMBERLEY ROAD, CAPE KIMBERLEY –
MATERIAL CHANGE OF USE FOR A CARETAKER'S RESIDENCE**

Moved Cr Egan

Seconded Cr Pitt

“That Council approves the application for a caretaker’s residence on land described as Lot 89 BS7, Parish of Alexandra, and located at Cape Kimberley Road, Cape Kimberley subject to the following conditions:

Plan of Development

- 1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must be in accordance with the following approved plan/s of development.*

<i>Title</i>	<i>Plan No</i>	<i>Date</i>
<i>Floor Plan</i>	<i>SK1 (Rev A)</i>	<i>21/03/06</i>
<i>Elevation</i>	<i>SK2 (Rev A)</i>	<i>21/03/06</i>
<i>Site Plan</i>	<i>SK3</i>	<i>21/03/06</i>

Except where such plans are modified by the terms of this approval.

Currency Period

- 2. This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.*

Commencement of Use

- 3. The conditions of the Development Permit must be affected prior to commencement of use, except where specified otherwise in these conditions of approval.*

Water Supply

- 4. Water storage tank(s) with a minimum capacity not less than 30 000 litres, and shall be installed prior to occupation of the premises. Details of the water tank(s) shall be shown on plans submitted with the building application. Such water tanks shall be provided with:*
 - (a) Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than one (1) mm aperture mesh of substantial construction and installed in such manner as not to cause or accelerate corrosion; or*
 - (b) Flap valve at every opening of the tank or other receptacle; or*
 - (c) Other approved means for preventing the ingress or egress of mosquitoes; and*

- (d) *Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than forty (40) cm.*

Amenity

5. *All power generation devices are to be positioned and housed (including noise attenuation material) so as to mitigate noise nuisance to adjoining and nearby residents. Such power generation devices are to be an environmentally acceptable and energy efficient. Details of the power generation devices will be supplied at the time of lodgement of building plans.*

Caretakers Residence

6. *The dwelling unit (caretakers residence) must only be occupied by a person or persons genuinely employed or engaged in the conduct of the approved use and that person or person's immediate family.*

Compliance

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

Advice

- *Plans of any proposed upgraded wastewater treatment system, designed in accordance with the Plumbing and Drainage Act 2002, are required to be submitted to Council's Plumbing Inspector for approval*
- *All native vegetation on the site is identified as protected vegetation under Council's Local Law No 1 – Vegetation Management. No vegetation is permitted to be removed from the site without the approval of Council under this local law.*
- *The issue of this Development Permit approval in no way implies building approval, either in principle or in detail, of any plans of the proposed development which may have been submitted with the application. Approval of any building works associated with the use shall be the subject of a separate building application in accordance with the Council's local laws.*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Planning Officer, Louise Stayte, attended the meeting at 2:13 pm.

MATERIAL PERSONAL INTEREST

Cr Bellerio declared a material personal interest in item 07/0424/13 and a conflict of interest in item 07/0424/14 and he withdrew from the meeting at 2:10 pm.

07/0424/13 CA60 – LOT 3 RP717312, 18 SAWMILL ROAD, MOSSMAN – REQUEST TO CHANGE CONDITIONS OF APPROVAL

Moved Cr Pitt

Seconded Cr Cox

“That Council approves the request to change the conditions of approval for the Reconfiguration of a Lot (one (1) lot into four (4) lots), and a Material Change of Use for a dwelling house on each newly-created lot, on land described as Lot 3 RP717312, Parish of Victory, and located at 18 Sawmill Road, Mossman and amends Conditions 1 and 4, and adds provisions to Condition A as follows:

Material Change of Use

A (c) An application for a Permit to Damage Protected Vegetation to permit a maximum of 800 m² of vegetation clearance within each building envelope established in Condition 1, is to be submitted with any subsequent Material Change of Use Development Permit or associated Operational Works Development Permit.

Plan of Reconfiguration

1. *The approved reconfiguration and the carrying out of any works on the premises associated with the development must be in accordance with Plan of Reconfiguration No 8582-2 Issue B dated 15/06/05 with the following amendment:*

c. the maximum building envelope permitted on each allotment is as follows:

Lot Number	Proposed Envelope Size (m²)
1	1334
2	1156
3	1363
4	857

d. the building envelope on Lot 1 is to be set back a minimum distance of 25 metres from the eastern boundary of proposed Lot 1.

The amended Plan of Reconfiguration is to be provided at Operational Works stage for review.

Covenant

4. *The applicant is required to enter into an environmental covenant with Douglas Shire Council “the Council”, over all of the area outside the*

building envelopes (as stated in Condition 1) and the driveway. The Covenant is to be made in accordance with Section 97A of the Land Title Act 1994. The following requirements will be included in this covenant:

- f. No landscaping in the defined covenant areas is to be undertaken without the express permission of the Council;
- g. The clearing of vegetation from the defined covenant areas established in Condition 1 will not be permitted other than as approved by the Council;
- h. The defined covenant area is to be properly surveyed and is to include all of Lots 1, 2, 3 & 4, with the exception of the proposed access and building envelopes for Lots 1, 2, 3 & 4 as shown on the amended drawings to be submitted at Operational Works stage as per Condition 1 of this approval. The maximum width of the driveway is to be four (4) metres.
- i. Any works, including drainage and vegetation clearing, undertaken outside the defined covenant area by the lot owner shall not prejudice the integrity of the existing vegetation nor the visual amenity of the ridgeline and hill slope;
- j. No structures (including fences) shall be constructed within the covenant areas other than as approved by the Council.

This covenant is to be drafted and approved by Council prior to endorsement of the Plan of Survey. This Covenant is to be binding on successive owners of the land and a copy of this Covenant is to be included in the contract documentation for the sale of the effected allotments."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer withdrew from the meeting at 2:14 pm and re-attended at 2:18 pm.

The Chief Executive Officer withdrew from the meeting at 2:24 pm. Cr Pitt also withdrew at this time.

The Chief Executive Officer re-attended the meeting at 2:27 pm. Cr Pitt also re-attended at this time.

07/0424/14 LOCAL GOVERNMENT AGREEMENT NO 700459081 – LOT 1 RP808228 AND LOTS 2, 3 & 4 RP808229 – APPLICATION FOR AGREEMENT TO BE CANCELLED

Moved Cr Egan

Seconded Cr Pitt

“That Council:

- 1. refuses the application for cancellation of Local Government Agreement No 700459081 over land described as Lot 1 RP808228 and Lots 2, 3 & 4 RP808229, Parish of Whyanbeel;*
- 2. continues with the road closures of part of the original road as proposed by the registered proprietors of the lands listed in the Agreement, J and S Kirkwood;*
- 3. adds the areas of the roads proposed to be closed, together with Lots 3 and 4 on RP808229, to Lot 1 on RP808228. Lot 2 on RP808229, of an area of 3.1802 ha, to remain as shown on that plan; and*
- 4. agrees to the cancellation of Local Government Agreement No 700459081 over land described as Lot 1 RP808228 and Lots 2, 3 & 4 RP808229, Parish of Whyanbeel, effective from the date of the incorporation of the areas of closed roads together with Lots 3 & 4 on RP808229 into Lot 1 on RP808228.”*

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Bellerio re-attended the meeting at 2:27 pm.

Cr Egan withdrew from the meeting at 2:35 pm and re-attended at 2:37 pm.

07/0424/15 TEMPORARY CLOSURE OF ANDREASSEN ROAD, MOWBRAY

Moved Cr Berwick

Seconded Cr Cox

“That Council reopens Andreassen Road, Mowbray.”

For: Cr Berwick, Cox, Davis

Against: Cr Egan, Pitt, Bellerio

Carried on the casting vote of the Chair

07/0424/15A SUSPENSION OF STANDING ORDERS

Moved Cr Egan

Seconded Cr Pitt

"That standing orders be suspended to allow Council to consider emergent item 07/0424/15B – Lot 3 RP735180 – Request to Assess Under Superseded Planning Scheme."

Carried unanimously

07/0424/15B LOT 3 RP735180, MOSSMAN-MT MOLLOY ROAD, SHANNONVALE – REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME

Moved Cr Egan

Seconded Cr Pitt

"That Council approves the request to assess the application for a house on land described as Lot 3 RP735180, Parish of Victory, and located at Mossman-Mt Molloy Road, Shannonvale, under the Superseded Planning Scheme."

Carried unanimously

07/0424/15C RESUMPTION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Davis

"That standing orders be resumed."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting Planning Manager and the Planning Officer withdrew from the meeting at 2:45 pm.

**07/0424/16 GRANT STREET ROAD RESERVE, PORT DOUGLAS – PROPOSED
INSTALLATION OF UMBRELLAS, BENCH SEATING AND PLANTER
BOXES**

Moved Cr Davis

Seconded Cr Cox

“That Council agrees to lodgement of the application for installation of umbrellas, bench seating and planter boxes in Grant Street Road Reserve, Port Douglas; and subsequently refuses the bench seating and planter boxes perpendicular to Grant Street; and approves of the position of bench seating parallel with Grant Street, Port Douglas, below the shop awning and the umbrellas, subject to:

- 1. the applicant maintaining public liability insurance over the structures (umbrellas) and naming Council as an insured party; and*
- 2. the owner of the establishment collapsing and securing the umbrellas when a cyclone warning is issued; and*
- 3. the approval remaining valid for a maximum period of five (5) years, at which time if the applicant wishes to maintain the structures they must submit a new application.”*

For: Cr Davis, Cox, Pitt, Bellerio,

Against: Cr Egan, Berwick

Carried

**07/0424/17 PORT DOUGLAS WATERFRONT – MASTER PLAN ENGAGEMENT
MANAGEMENT MECHANISMS**

Moved Cr Davis

Seconded Cr Bellerio

“That Council:

- 1. approves the establishment of the Port Douglas Waterfront Management Board;*
- 2. confirms the Port Douglas Waterfront Management Board membership be comprised as follows:*
 - i. two (2) Douglas Shire Council councillors;*
 - ii. two (2) state government representatives¹;*
 - iii. one (1) community representative;*
 - iv. one (1) business representative;*
 - v. Douglas Shire Council General Manager Development & Environment; and*
 - vi. Douglas Shire Council consultant Planning Coordinator;*
- 3. nominates Cr xxx and Cr yyy as its members of the Port Douglas Waterfront Management Board;*

¹ Namely, the Department of State Development and the Department of Natural Resources and Water

4. *confirms its two board representatives work with the General Manager Development & Environment and Citisolutions to draft the terms of reference for the Port Douglas Waterfront Management Board;*
5. *confirms that the terms of reference for the Waterfront Management Board includes the following:*
 - *reporting to and seeking policy direction from Council;*
 - *implementing Council decisions with respect to the conduct of the planning process;*
 - *through the proposed Planning Coordinator consultant, guide the Port Douglas Waterfront Project Advisory Group in its role of community representation;*
 - *provide strategic advice and direction to the Planning Coordinator for the conduct of the planning and engagement process;*
 - *in association with the Planning Coordinator, prepare consultant briefs, call for quotations and assess quotations for on-going planning work; and*
 - *generally, the board would at all times ensure that proper input to and management of the master planning and engagement process is achieved and that Council is advised on a regular basis, and in a timely and informative manner on project matters.*
6. *confirms detailed terms of reference for the Board be prepared for Council endorsement; and*
7. *confirms its two board representatives work with the General Manager Development & Environment and Citisolutions to draft the terms of reference for the Port Douglas Waterfront Project Advisory Group."*

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Davis

"That Council:

1. *approves the establishment of the Port Douglas Waterfront Management Board;*
2. *confirms the Port Douglas Waterfront Management Board membership be comprised as follows:*
 - i. *three (3) Douglas Shire Council councillors;*
 - ii. *two (2) state government representatives²;*
 - iii. *one (1) community representative;*
 - iv. *one (1) business representative;*

² Namely, the Department of State Development and the Department of Natural Resources and Water

- v. Douglas Shire Council General Manager Development & Environment; and
 - vi. Douglas Shire Council consultant Planning Coordinator;
3. nominates the Mayor, Cr Berwick, one (1) Division Two (2) councillor and one (1) other councillor as its members of the Port Douglas Waterfront Management Board;
 4. confirms its three board representatives work with the General Manager Development & Environment and Citisolutions to draft the terms of reference for the Port Douglas Waterfront Management Board;
 5. confirms that the terms of reference for the Waterfront Management Board includes the following:
 - reporting to and seeking policy direction from Council;
 - implementing Council decisions with respect to the conduct of the planning process;
 - through the proposed Planning Coordinator consultant, guide the Port Douglas Waterfront Project Advisory Group in its role of community representation;
 - provide strategic advice and direction to the Planning Coordinator for the conduct of the planning and engagement process;
 - in association with the Planning Coordinator, prepare consultant briefs, call for quotations and assess quotations for on-going planning work; and
 - generally, the board would at all times ensure that proper input to and management of the master planning and engagement process is achieved and that Council is advised on a regular basis, and in a timely and informative manner on project matters.
 6. confirms detailed terms of reference for the Board be prepared for Council endorsement; and
 7. confirms its three board representatives work with the General Manager Development & Environment and Citisolutions to draft the terms of reference for the Port Douglas Waterfront Project Advisory Group."

Carried unanimously

The amendment became the motion and was put:

Carried unanimously

07/0424/18 DELEGATION OF POWERS – ENVIRONMENT PROTECTION (WATER) POLICY 1977

Moved Cr Cox

Seconded Cr Egan

“That Council formalises a sub-delegation of powers to the Chief Executive Officer, Douglas Shire Council, to enable that person to appoint Authorised Persons, as required, to investigate, gather evidence and issue Penalty Infringement Notices under Environment Protection (Water) Policy 1997.”

Carried unanimously

07/0424/19 APPLICATION FOR DAMAGE MITIGATION PERMIT, SPECKLED FLYING FOX COLONY, REEF PARK, PORT DOUGLAS

Moved Cr Berwick

Seconded Cr Cox

“That Council:

- 1. does not apply to the Environmental Protection Agency for a Damage Mitigation Permit to disperse the Spectacled Flying Fox colony located at Reef Park, Port Douglas, on behalf of MFS Mirage Resort and Mr Anthony Buckley; and*
- 2. cleans footpaths in residential pedestrian areas impacted on by Flying Fox activities.”*

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

Against: Cr Egan

Carried

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment, Paul Trotman, withdrew from the meeting at 2:58 pm.

Cr Cox withdrew from the meeting at 3:03 pm and re-attended at 3:05 pm.

ENGINEERING

07/0424/20 DISEASED COCONUT PALMS AT WONGA BEACH – UPDATE

Moved Cr Bellerio

Seconded Cr Pitt

“That Council closes and fences the three (3) paths in the area of Wonga Beach affected by the diseased coconut palms, installs appropriate signage, establishes a safe path including signage 100 m to the south of the three (3) existing paths and undertakes a public consultation process prior to revoking all permits issued for the area.”

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

Against: Cr Berwick

Carried

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer and the General Manager Engineering, Bob Baade, withdrew from the meeting at 3:13 pm.

The General Manager Development & Environment re-attended the meeting at 3:15 pm.

07/0424/21 MOSSMAN SEWAGE TREATMENT PLANT UPGRADE

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Davis

07/0424/21A *“That item 07/0424/21 lie on the table pending a half-day briefing session with John Davis on Friday, 18 May 2007.”*

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

Against: Cr Bellerio

Carried

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer re-attended the meeting at 3:22 pm.

07/0424/21B SUSPENSION OF STANDING ORDERS

Moved Cr Davis

Seconded Cr Cox

"That standing orders be suspended to allow Council to deal with items 07/0424/22 and 07/0424/29 at this time."

Carried unanimously

07/0424/22 PORT DOUGLAS PUBLIC TOILET PROPOSAL

07/0424/29 MC1007M – TOILETS IN ROTARY PARK, PORT DOUGLAS

Items 07/0424/22 and 07/0424/29 were dealt with concurrently.

Moved Cr Cox

Seconded Cr Davis

"That Council:

- 1. purchases Exeloo facilities for Rotary Park, Macrossan Street, Port Douglas; and*
- 2. includes sufficient funds in the 2007/08 budget to cover purchase and installation costs."*

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Cox

"That Council:

- 1. purchases Exeloo facilities for Macrossan Street, Port Douglas; and*
- 2. includes sufficient funds in the 2007/08 budget to cover purchase and installation costs."*

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Davis

07/0424/29A *"That items 07/0424/22 and 07/0424/29 lie on the table pending clarification of costs."*

Carried unanimously

Items 07/0424/22 and 07/0424/29 were further dealt with after item 07/0424/24.

07/0424/29B RESUMPTION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Pitt

"That standing orders be resumed."

Carried unanimously

FINANCE & ADMINISTRATION

07/0424/23 CLOSURE OF DOUGLAS SHIRE COUNCIL OFFICES OVER CHRISTMAS/NEW YEAR PERIOD

Moved Cr Egan

Seconded Cr Berwick

"That Council agrees to the closure of Douglas Shire Council offices over the Christmas period from Monday, 24 December 2007 to reopen on Wednesday, 2 January 2008."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting General Manager Community & Corporate, Julia Leu, withdrew from the meeting at 3:33 pm.

The General Manager Finance & Administration, Ian Barton, withdrew from the meeting at 3:37 pm.

The Acting Strategic Planner withdrew from the meeting at 3:40 pm.

The Manager Building, Jeff Evans, attended the meeting at 3:44 pm.

The Acting General Manager Community & Corporate re-attended the meeting at 3:47 pm.

The Chief Executive Officer withdrew from the meeting at 3:51 pm.

NOTICES OF MOTION

OFFICER COMMENT PROVIDED

07/0424/24 MB0307M – REALLOCATION OF MONIES TO DAINTREE RIVER GATEWAY MASTER PLAN

Moved Cr Berwick

Seconded Cr Davis

“That Council reallocates monies budgeted in 2006/07 for the Rural Land Use Study to the Daintree River Gateway Master Plan.”

An amendment to the motion was moved:

Moved Cr Davis

Seconded Cr Cox

“That Council reallocates monies budgeted in 2006/07 for the Rural Land Use Study to the Daintree River Gateway Master Plan and consider funding the Rural Land Use Study in the 2007/08 budget.”

For: Cr Davis, Cox, Berwick

Against: Cr Egan, Bellerio, Pitt

Carried on the casting vote of the Chair

The amendment became the motion and was put:

For: Cr Davis, Cox, Berwick

Against: Cr Egan, Bellerio, Pitt

Carried on the casting vote of the Chair

07/0424/24A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Pitt

“That standing orders be suspended to allow Council to discuss the costing of the proposed Exeloo facilities for the Port Douglas public toilet.”

Carried unanimously

07/0424/29 MC1007M – TOILETS IN ROTARY PARK, PORT DOUGLAS

This item was previously discussed after item 07/0424/21.

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

Moved Cr Berwick

Seconded Cr Cox

"That Council:

- 1. purchases an Exeloo facility immediately for Macrossan Street, Port Douglas; and*
- 2. considers additional funds in the 2007/08 budget for an additional facility."*

Carried unanimously

ADJOURNMENT

At 4:02 pm the meeting adjourned for afternoon tea.

RESUMPTION

At 4:10 pm the meeting resumed with the Chief Executive Officer, Acting General Manager Community & Corporate, General Manager Finance & Administration and General Manager Engineering not in attendance.

07/0424/29C RESUMPTION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Pitt

"That standing orders be resumed."

Carried unanimously

07/0424/25 RD3107M – GROSS FLOOR AREA BONUS TRANSER

Moved Cr Davis

Seconded Cr Berwick

"That the following measures to introduce energy efficiency be considered as part of the proposed carbon neutral/energy independence strategy for the Shire:

- amend the architectural merit bonuses in the planning scheme, starting with the introduction of Gross Floor Area bonuses, in order to promote the installation of solar hot water units; and*
- ramp up the bonuses over a five year period to insure future buildings are climate change ready."*

Carried unanimously

07/0424/26 RD3907M – 2020 ENERGY INDEPENDENT SHIRE

Moved Cr Davis

Seconded Cr Cox

“That the proposed carbon neutral/energy independence strategy for the Shire include consideration, inter alia, of:

- 1. mini hydro opportunities;*
- 2. roof top photovoltaic and solar hot water promotion via town planning bonus;*
- 3. anaerobic methane production from sewerage; and*
- 4. biomass power production in cooperation with the Mossman Sugar Mill.”*

Carried unanimously

07/0424/27 RD4307M – FUNDING WATERFRONT DEVELOPMENT IN DEBT

Moved Cr Davis

Seconded Cr Berwick

“That Council:

- 1. confirms that as part of the budget preparation process for 2007/08, the costs of preparing the Port Douglas waterfront planning strategy be shown as funded from debt; and*
- 2. reviews this position as part of the Phase Two (2) reporting by Citisolutions.”*

Carried unanimously

07/0424/28 MC0807M – DRINKING FOUNTAIN AT ISLAND POINT LOOKOUT, PORT DOUGLAS

“That Council officers report back to Council for budget consideration, the costing for a drinking fountain at the Island Point lookout, Port Douglas.”

The motion was withdrawn

07/0424/29 MC1007M – TOILET IN ROTARY PARK, PORT DOUGLAS

This item was dealt with after item 07/0424/22 and further dealt with after item 07/0424/24.

ATTENDANCE/WITHDRAWAL

The General Manager Engineering and the General Manager Finance & Administration re-attended the meeting at 4:13 pm.

OFFICER COMMENT PENDING

07/0424/30 MC0707M – INSULATION OF DIWAN SES AND COMMUNITY CENTRE, COW BAY

Moved Cr Cox

Seconded Cr Davis

“That Council obtains quotes for the purpose of budget consideration to insulate the ceiling of the Diwan SES/Community Centre, Cow Bay.”

Carried unanimously

OFFICER COMMENT NOT PROVIDED – NOTICE OF MOTIONS RECEIVED AFTER DEADLINE

07/0424/31 RD3307M – FUNDING CONSTRUCTION OF AN ARTS AND CULTURAL CENTRE

ATTENDANCE/WITHDRAWAL

Cr Bellerio withdrew from the meeting at 4:15 pm.

Moved Cr Davis

Seconded Cr Berwick

“That Council supports the development of arts and culture within the Shire through the sale of the Shire’s unused school of arts land, and that the Council resolves to write to the state to confirm its endorsement of Council receiving at least fifty (50)% of the potential proceeds of sale of the school of arts land sales, (subsequent to the recent community endorsement, embodied in the Community Engagement Strategy).”

For: Cr Davis, Berwick, Cox, Pitt

Against: Cr Egan

Carried

ATTENDANCE/WITHDRAWAL

Cr Bellerio re-attended the meeting at 4:16 pm.

07/0424/32 RD3407M – SUGAR WHARF, PORT DOUGLAS – EXPEDITE ENVIRONMENTAL PROTECTION AGENCY APPROVAL

Moved Cr Davis

Seconded Cr Berwick

“That Council attempts to expedite the Environmental Protection Agency approvals necessary to commence the upgrade of the Sugar Wharf, Port Douglas, within the budget allocation, for temporary use by community groups which may include art tuition, youth drop-in centre, waterfront plan display centre, and uses for community group meetings and celebrations, and concurrently proceed with design and quotes.”

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Manager Building withdrew from the meeting at 4:19 pm.

The Chief Executive Officer re-attended the meeting at 4:19 pm and withdrew from the meeting at 4:24 pm.

The Acting General Manager Community & Corporate re-attended the meeting at 4:27 pm and the Chief Executive Officer also re-attended at this time.

07/0424/33 RD3507M – TROPICAL HIGHLANDS WALKING TRAIL

Moved Cr Davis

Seconded Cr Berwick

“That Council considers allocating around \$50 000 in the next budget to develop a feasibility for the construction of a walking trail from Cape Tribulation to Daintree via China Camp.”

Carried unanimously

07/0424/34 RD3607M – EROSION AND CHEMICAL USE MINIMISATION

Moved Cr Davis

Seconded Cr Berwick

"That Council:

- 1. considers the purchase of a side-arm slasher in the 2007/08 year, and with it, also trials non-chemical control of weeds inaccessible to the side-arm slasher;*
- 2. develops a three (3) year plan to minimise deep erosion-prone drains and replaces them with spoon drains that can be easily accessed by the slasher and mown rather than poisoned; and*
- 3. authorises the Manager Engineering to investigate the legality of replacing posts with cats' eye reflectors."*

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

Against: Cr Bellerio

Carried

07/0424/35 RD3707M – LOCAL LAW CHRONOLOGY

Moved Cr Davis

Seconded Cr Berwick

"That Council reviews its Code of Conduct policy before changing the local law, to ensure a judicial capacity is in place before further penalties are able to be applied."

With the agreement of the mover and the seconder the motion was withdrawn

07/0424/36 RD3807M – METHANE ENERGY FROM SEWAGE

Moved Cr Davis

Seconded Cr Berwick

"That the upgrade of the Mossman Sewage Treatment Plant involves the feasibility study of using anaerobic digestion to create methane and then electricity."

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Davis

07/0424/36A *"That item 07/0424/36 lie on the table pending a a half-day briefing session with John Davis on Friday, 18 May 2007."*

Carried unanimously

07/0424/37 RD4007M – PROCUREMENT POLICY

Moved Cr Davis

Seconded Cr Berwick

“That Council undertakes a review of the procurement policy to ensure optimal efficiency and practicality, and with it, ethical best practice.”

For: Cr Davis, Berwick, Cox

Against: Cr Egan, Bellerio, Pitt

Carried on the casting vote of the Chair

07/0424/38 RD4107M – EDUCATION AND INFORMATION FOR PROSPECTIVE COUNCILLORS

“That Council includes, in its 2007/08 Operational Plan, funding for education and information sessions for prospective councillors, including information about alternate Council sitting times.”

The motion was withdrawn

07/0424/39 RD4207M – FLAGSTAFF HILL LOOKOUT , PORT DOUGLAS - VIEW WINDOWS

“That Council cuts view windows to the east, east north east and east south east when viewed from the recently upgraded Flagstaff Hill lookout, Port Douglas.”

The motion was withdrawn

07/0424/40 RD4407M – COMMUNITY TOWN MASTER PLANNING COMBINED WITH DESIGN/BUILD COMPETITION

“That the Port Douglas waterfront project managers report to Council regarding a proposal that the Council and community define the town/master planning for the waterfront, and the private sector then competes with design/build and operate bids to judged by the community, Council and an expert panel.”

The motion was withdrawn

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment withdrew from the meeting at 4:46 pm and re-attended at 4:48 pm.

07/0424/41 **BB0907M – FUNDING O’DONOGHUE ROAD, MOSSMAN**

Moved Cr Bellerio

Seconded Cr Pitt

“That Council approves an extra \$20 000 out of footpath cycle lane funding from Newell Beach to O’Donoghue Road project.”

An amendment to the motion was moved:

Moved Cr Davis

“That Council approves an extra \$20 000 out of footpath cycle lane funding from Newell Beach to O’Donoghue Road project on the condition that all future road funding allocation be subject to the road development programme.”

Lost for want of a seconder

PROCEDURAL MOTION

Moved Cr Egan

Seconded Cr Pitt

07/0424/41A

“That item 07/0424/41 lie on the table pending the return of Cr Sciacca from leave of absence.”

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

Against: Cr Davis

Carried

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer withdrew from the meeting at 4:50 pm and re-attended the meeting at 4:56 pm.

The General Manager Engineering withdrew from the meeting at 4:56 pm and re-attended the meeting at 4:57 pm.

07/0424/42 BB1007M – MOVE THE DISABLED CAR PARK LOCATED AT THE POST OFFICE, FRONT STREET, MOSSMAN

Moved Cr Bellerio

Seconded Cr Pitt

"That Council looks at the possibility of allocating one disabled car space adjacent the Mossman Post Office after consultation with the Douglas Shire Equitable Access Group."

Carried unanimously

REPEAL OF MOTIONS

07/0424/43 NOTICE TO REPEAL A MOTION FROM THE ADJOURNED ORDINARY MEETING OF COUNCIL ON 4 APRIL 2007

Moved Cr Berwick

Seconded Cr Davis

"That Council repeals the following motion from its Adjourned Ordinary Meeting of Council on 4 April 2007:

'07/0403/36 That Council advises the Hon Malcolm Turnbull MP, Minister for the Environment & Water Resources, that Council does not support the proposed National Heritage listing of freehold land in the Daintree lowlands north of the Daintree River, as it is of the view that the conservation, cultural and environmental values of the area are well protected by:

- 1. Douglas Shire Council's planning scheme and vegetation protection local law;*
- 2. existing State and Commonwealth cultural and environmental legislation; and*
- 3. the stewardship of the landowners."*

For: Cr Berwick, Davis, Cox

Against: Cr Egan, Pitt, Bellerio

Lost

ATTENDANCE/WITHDRAWAL

The General Manager Engineering withdrew from the meeting at 5:18 pm.

07/0424/44 NOTICE TO REPEAL A MOTION FROM THE ORDINARY MEETING
OF COUNCIL ON 30 JANUARY 2007

Moved Cr Cox

Seconded Cr Pitt

"That Council repeals the following motion from its Ordinary Meeting of Council on 30 January 2007:

'07/0130/27 That Council:

- 1. holds briefing sessions on the Tuesday morning prior to Council meetings to commence at 8:00 am to allow more time for briefing councillors on topical issues;*
- 2. changes the commencement time for Ordinary Council Meetings to 1:00 pm;*
- 3. dispenses with the 4:00 pm time limit on Ordinary Council Meetings that was introduced as a trial some months ago, and allows meetings to run until 6:00 pm, with meetings to continue on to the following day if required;*
- 4. commits to attempting to conduct all of its meetings as efficiently and effectively as possible in order to optimise the productivity of these meetings;*
- 5. attempts to be made to schedule all other meetings requiring councillor attendance on the Wednesday following the meeting."*

For: Cr Cox, Pitt, Davis, Berwick

Against: Cr Bellerio, Egan

Carried

07/0424/44A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Pitt

"That standing orders be suspended to allow Council to consider the following item not on the agenda, regarding meeting and briefing sessions procedure."

Carried unanimously

07/0424/44B MEETING AND BRIEFING SESSIONS PROCEDURE

Moved Cr Cox

Seconded Cr Pitt

"That Council:

- 1. holds briefing sessions on the Tuesday morning prior to Council meetings to commence at 8:00 am to allow more time for briefing councillors on topical issues;*
- 2. changes the commencement time for Ordinary Council Meetings to 1:00 pm;*
- 3. allows meetings to run until 5:00 pm, with one (1) half-hour extension only if required, and meetings to continue on to the following day if the business of the meeting has not been finalised;*
- 4. commits to attempting to conduct all of its meetings as efficiently and effectively as possible in order to optimise the productivity of these meetings;*
- 5. attempts to be made to schedule all other meetings requiring councillor attendance on the Wednesday following the meeting."*

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

Against: Cr Egan

Carried

07/0424/44C RESUMPTION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Pitt

"That standing orders be resumed."

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 5:25 pm and re-attended at 5:27 pm.

07/0424/45 NOTICE TO REPEAL A MOTION FROM THE ORDINARY MEETING OF COUNCIL ON 17 OCTOBER 2007

Moved Cr Davis

Seconded Cr Egan

"That Council repeals the following motion from its Adjourned Ordinary Meeting of Council on 17 October 2006:

'06/1017/03 That Council formally determine its status as being that of a trading corporation.'"

Carried unanimously

REPORTS – CHIEF EXECUTIVE OFFICER

07/0424/46 COUNCILLOR INVOLVEMENT IN SELECTION OF EXECUTIVE STAFF

Moved Cr Bellerio

Seconded Cr Egan

"That Council be involved in the recruitment and selection of executive staff including, in particular, the General Managers and like executive positions, and training be provided to all councillors on the requirements of the processes."

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Davis

07/0424/46A *"That item 07/0424/46 lie on the table pending the return of Cr Sciacca from leave of absence."*

Carried unanimously

07/0424/46B SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Cox

"That standing orders be suspended to allow Council to set a date and time for a meeting to discuss Local Government Reform."

Carried unanimously

LOCAL GOVERNMENT REFORM MEETING

Council decided to convene a meeting to discuss Local Government Reform to be held on Wednesday, 2 May 2007 at 5:00 pm.

07/0424/46C RESUMPTION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Pitt

"That standing orders be resumed."

Carried unanimously

REPORTS – CONFIDENTIAL

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Pitt

Seconded Cr Egan

07/0424/46D *"That pursuant to Section 463(1)(h) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of item 07/0424/47 of the agenda."*

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

Against: Cr Berwick

Carried

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public all staff, with the exception of the Chief Executive Officer, withdrew from the meeting.

MATERIAL PERSONAL INTEREST

The Mayor, Cr Berwick, declared a material personal interest in the following matter and he withdrew from the meeting at 6:00 pm.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Pitt

Seconded Cr Egan

07/0424/46E

"That the meeting be re-opened to the public."

Carried unanimously

07/0424/47

GP0207M – WONGA BEACH AQACULTURE RESORT PTY LTD

No decision on this item was forthcoming from discussions held while the meeting was closed to the public.

TERMINATION

The meeting was closed at 6:20 pm.

Presented to and confirmed by Council on the *fifteenth* day of *May* 2007.

M P Berwick
Chair