



*Minutes of the Community and Corporate
Standing Committee of the Council
11 December 2007
commencing at 9:10 am*

PRESENT

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

Staff – J F Leu (Acting Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), P M Hoye (Acting General Manager Development & Environment), R J Baade (General Manager Engineering), K Favas (Acting Manager Community, Cultural & Economic) and S K Andrews (Corporate Support).

APOLOGY

An apology was received from Cr Pitt for his inability to attend the meeting.

CHAIR

In the absence of Cr Pitt, the Mayor, Cr Berwick, assumed the Chair.

07/1211/06 DECLARATIONS OF INTEREST

There were no declarations of interest presented to the meeting.

07/1211/07 CONFIRMATION OF MINUTES – 20 NOVEMBER 2007

Moved Cr Cox

Seconded Cr Sciacca

“That the minutes of the Community & Corporate Standing Committee Meeting held on 20 November 2007 be confirmed.”

Carried unanimously

REPORTS

07/1211/07A ADOPTION OF RECOMMENDATIONS

Moved Cr Bellerio

Seconded Cr Sciacca

"That the Community & Corporate Standing Committee of the Council adopts the recommendations of the Council officer for items 07/1211/10 – Hire of the Port Douglas Sugar Wharf and 07/1211/11 – Douglas Shire Council Regional Arts Development Fund 2007/08 – Committee Recommendations; namely:

07/1211/10 HIRE OF THE PORT DOUGLAS SUGAR WHARF

OFFICER'S RECOMMENDATION

That the Committee hires the Port Douglas Sugar Wharf for community use as per the recommended fees and charges in the schedule for the 'Hire of Council Buildings, Port Douglas Sugar Wharf', until further advice is received from the Conservation Management Plan – Port Douglas Sugar Wharf.

07/1211/11 DOUGLAS SHIRE COUNCIL REGIONAL ARTS DEVELOPMENT FUND 2007/08 – COMMITTEE RECOMMENDATIONS

OFFICER'S RECOMMENDATION

That the Committee approves the Regional Arts Development Fund committee's recommendations for 2007/08."

Carried unanimously

07/1211/08 CURRENT ENTERPRISE AGREEMENT AND CONDITIONS OF EMPLOYMENT – DOUGLAS SHIRE COUNCIL STAFF

Moved Cr Egan

Seconded Cr Sciacca

"That the Committee:

- 1. determines to extend the current enterprise agreement by way of an Interim Administrative Agreement to provide for the current enterprise agreement to apply until such time as a new industrial agreement is determined by the Cairns Regional Council and in so doing ratifies the salary and wage variation to apply from 1 July 2008; and*
- 2. notes for the record the schedule of employment arrangements which currently apply to Douglas Shire Council staff."*

Carried unanimously

07/1211/09 PORT DOUGLAS DAINTREE TOURISM LTD CONTRACT

Moved Cr Davis

Seconded Cr Cox

"That the Committee does not extend the existing contract with Port Douglas Daintree Tourism Ltd, which expires in June 2009, to 2010."

ATTENDANCE/WITHDRAWAL

The General Manager Engineering, Bob Baade, withdrew from the meeting at 9:13 am and re-attended at 9:15 am.

The Acting Chief Executive Officer, Julia Leu and the General Manager Community & Corporate, David Carey, withdrew from the meeting at 9:19 am.

For: Cr Cox, Berwick, Egan, Sciacca, Bellero,
Against: Cr Davis
Carried

07/1211/12 LOT 1 SP150474, JOHNSTON ROAD, MOSSMAN – SALE OF LAND FOR PROPOSED AGED CARE AND RESIDENTIAL FACILITY

Moved Cr Egan

Seconded Cr Cox

"That the Committee:

- 1. agrees to sell land described as Lot 1 on SP150474, Parish of Victory, and located at Johnston Road, Mossman, to Kubirri Holdings Pty Ltd in accordance with the terms and conditions of the contract of sale; and*
- 2. that the contract of sale be signed and sealed."*

ATTENDANCE/WITHDRAWAL

The Acting Manager Community, Cultural & Economic, Kelly Favas, withdrew from the meeting at 9:23 am.

The Acting Chief Executive Officer, the General Manager Community & Corporate and the Acting Manager Community, Cultural & Economic re-attended the meeting at 9:24 am.

PROCEDURAL MOTION

Moved Cr Berwick

07/1211/12A *“That item 07/1211/12 – Lot 1 SP150474, Johnston Road, Mossman – Sale of Land for Proposed Aged Care and Residential Facility, lies on the table so it can be considered with other matters in closed session later in the meeting.”*

Carried unanimously

NOTICES OF MOTION

07/1211/13 **JS1007M – BUCHANAN CREEK ROAD CAR PARK AND ESPLANADE PARK, COW BAY – MANAGEMENT PLAN**

Moved Cr Sciacca

Seconded Cr Bellerio

“That the Committee engages the division three (3) councillors, two (2) representatives from Yalanji and one (1) member of the Bailey’s Creek Community League to implement a management plan for the car park and esplanade park at Buchanan Creek Road, Cow Bay, so that various works can be carried out.”

ATTENDANCE/WITHDRAWAL

The Acting General Manager Development & Environment, Paul Hoye, withdrew from the meeting at 9:42 am.

For: Cr Sciacca, Bellerio, Egan, Davis

Against: Cr Berwick, Cox

Carried

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Bellerio

07/1211/13A *“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 07/1211/12 – Lot 1 SP150474, Johnston Road, Mossman – Sale of Land for Proposed Aged Care and Residential Facility, and that the representatives of the Mossman District Nursing Home Committee, Mrs Shirley Vico and Mrs Joan Gray, remain in the meeting during the closed session.” (9:44 am)*

ATTENDANCE/WITHDRAWAL

The Acting General Manager Development & Environment re-attended the meeting at 9:44 am.

Carried unanimously

ATTENDANCE/WITHDRAWAL

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

The Chair invited Mrs Shirley Vico and Mrs Joan Gray, representatives of the Mossman District Nursing Home Committee, to remain in the meeting during the closed session.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr

07/1211/13B

"That the meeting be re-opened to the public." (10:29 am)

Carried unanimously

ATTENDANCE/WITHDRAWAL

At the opening of the meeting to the public, the Chair thanked Mrs Vico and Mrs Gray for their attendance and they returned to the gallery.

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

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Bellerio

07/1211/13C

"That item 07/1211/12 – Lot 1 SP150474, Johnston Road, Mossman – Sale of Land for Proposed Aged Care and Residential Facility, lies on the table pending the receipt of information relevant to the ongoing consideration of the matter."

For: Cr Berwick, Bellerio, Cox, Sciacca,

Against: Cr Egan, Davis

Carried

ADJOURNMENT OF THE MEETING

The meeting adjourned at 10:30 am for morning tea.

RESUMPTION OF THE MEETING

The meeting resumed at 10:50 am without the attendance of Cr Sciacca, the General Manager Community & Corporate, the General Manager Finance & Administration and the Acting Manager Community, Cultural & Economic.

07/1211/14 RD7207M – PORT DOUGLAS SPORTS GROUND – NIGHT LIGHTING

Moved Cr Davis

Seconded Cr Cox

“That the Committee commences immediate discussions with the users of the Port Douglas Sports Ground towards providing football/cricket night lighting, if one of the many budgeted Council projects is incapable of being delivered in this term of Council.”

ATTENDANCE/WITHDRAWAL

Cr Sciacca re-attended the meeting at 10:51 am.

The General Manager Finance & Administration, Ian Barton, re-attended the meeting at 10:52 am.

The General Manager Community & Corporate re-attended the meeting at 11:04 am.

For: Cr Davis, Cox

Against: Cr Berwick, Egan, Sciacca, Bellerio

Lost

07/1211/15 RD7807M – ARUP WALKING TRAIL FEASIBILITY – PROGRESS PAYMENTS

Moved Cr Davis

“That the Committee resolves to make payment towards the Roger Allen/Douglas Shire Council-funded ARUP/Cape Tribulation/China Camp/Daintree walking trail feasibility in normal progressive payments.”

Lapsed for want of a seconder

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Egan

07/1211/15A

“That pursuant to Section 463(1)(b) of the Local Government Act 1993, the meeting be closed to the general public to allow an in confidence briefing session about Workplace Health & Safety Incident Reports, by Mr Leigh Bernhardt, Director, Corporate Consulting Services Pty Ltd.” (11:05 am)

Carried unanimously

ATTENDANCE/WITHDRAWAL

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

The Acting Chief Executive Officer remained in the meeting during the closed session.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Sciacca

07/1211/15B

“That the meeting be re-opened to the public.” (12:40 pm)

Carried unanimously

There were no recommendations forthcoming from discussions held while the meeting was closed to the public.

ADJOURNMENT OF THE MEETING

The meeting was adjourned at 12:40 pm.

RESUMPTION OF THE MEETING

The Chair declared the meeting open at 2:22 pm.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Egan

07/1211/15C

"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 07/1211/12 – Lot 1 SP150474, Johnston Road, Mossman – Sale of Land for Proposed Aged Care and Residential Facility, and that the representatives of the Mossman District Nursing Home Committee, Mrs Shirley Vico and Mrs Joan Gray, remain in the meeting during the closed session." (2:23 pm)

Carried unanimously

ATTENDANCE/WITHDRAWAL

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

The Chair invited Mrs Shirley Vico and Mrs Joan Gray, representatives of the Mossman District Nursing Home Committee, to remain in the meeting during the closed session.

The Strategic Planner, Jim Allen, attended the meeting at 2:29 pm.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

07/1211/15D

"That the meeting be re-opened to the public." (2:42 pm)

Carried unanimously

Following the receipt of information relevant to the consideration of item 07/1211/12 – Lot 1 SP150474, Johnston Road, Mossman – Sale of Land for Proposed Aged Care and Residential Facility, while the meeting was closed to the public, the General Manager Community & Corporate advised that his recommendation be changed to read:

"That the Committee wait until the outcomes of meetings between representatives of CEC Group and Vitality Care Pty Ltd occur on Thursday, 13 December 2007, with the expectation there may be further security provided over the proposed contract of sale and its conditions."

**07/1211/12 LOT 1 SP150474, JOHNSTON ROAD, MOSSMAN – SALE OF LAND
FOR PROPOSED AGED CARE AND RESIDENTIAL FACILITY**

Moved Cr Egan

Seconded Cr Cox

“That the Committee:

- 1. agrees to sell land described as Lot 1 on SP150474, Parish of Victory, and located at Johnston Road, Mossman, to Kubirri Holdings Pty Ltd in accordance with the terms and conditions of the contract of sale; and*
- 2. that the contract of sale be signed and sealed.”*

Carried unanimously

**REASONS WHY THE COMMITTEE DID NOT ACCEPT THE
OFFICER’S RECOMMENDATION (S461(A) OF LOCAL GOVERNMENT
ACT 1993)**

As required under S461(A) of the *Local Government Act 1993* the following statement was the grounds provided by the Councillors as their reasons for not accepting the Officer’s recommendation: that the Committee considered the risks to be minimal and that there were longstanding benefits to the community.

TERMINATION OF THE MEETING

The meeting was closed at 2:44 pm.

Presented to and confirmed by the Community & Corporate Standing Committee of the Council on the *twenty-second* day of *January* 2008.

**Cr J Sciacca
Chair**