



***Minutes of the Adjourned Ordinary Meeting of Council
21 February 2007
commencing at 9:00 am***

PRESENT

Councillors – M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellero, M J Cox, R Davis, D G Pitt and J Sciacca (present at 1:56 pm).

Visitor – Stuart Macnaughton, Solicitor, McCullough Robertson Lawyers.

RESUMPTION

At 9:00 am the meeting resumed in closed session.

ATTENDANCE/WITHDRAWAL

At 10:20 am Mr Macnaughton withdrew from the meeting.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Egan

07/0220/01D *"That the meeting be re-opened to the public."*

Carried unanimously

ATTENDANCE/WITHDRAWAL

At 10:23 am the meeting resumed in open session and the following staff attended:

T C Melchert (Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), A M Rodgers (Manager Corporate Support) and S K Andrews (Corporate Support).

PROCEDURAL MOTION

07/0220/01E **RESUMPTION OF STANDING ORDERS**

Moved Cr Berwick

Seconded Cr Egan

"That standing orders be resumed."

Carried unanimously

07/0220/02 **DECLARATIONS OF INTEREST**

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

Item No	Councillor/Officer	Details of Interest
07/0220/10	Chief Executive Officer	Wife employed by company on ad hoc basis

07/0220/03 **MINUTES**

07/0220/04 **MINUTES**

07/0220/05 **MINUTES**

07/0220/06 **MINUTES**

These items were dealt with concurrently.

Moved Cr Berwick

Seconded Cr Egan

07/0220/03-06 *"That the minutes of the Ordinary Council Meeting held on 30 January 2007, the minutes of the Special Council Meetings held on 2 and 12 February 2007, and the minutes of the Adjourned Special Council Meetings held on 13 and 15 February 2007 be confirmed subject to the following amendments:*

- 1. on page 9 in item 07/0130/14, a notation be made that Cr Davis voted in the affirmative;*
- 2. on page 30 of the minutes of 12 February 2007, prior to the reopening of the meeting to the public, a notation be made advising of the attendance of the Chief Executive Officer;*
- 3. on page 30 in item 07/0212/03, the removal of the notation that Cr Davis abstained from voting;*
- 4. on page 30 in item 07/0212/04, an amendment be made to show Cr Cox voting in the negative and Cr Davis voting in the affirmative;*
- 5. on page 34 of the minutes of 15 February 2007, a notation be included that Cr Egan withdrew from the meeting during the closed session of Council;*
- 6. on page 34 the seconder of item 07/0215/02 be noted as Cr Cox, instead of Cr Egan."*

Carried unanimously

COMMUNITY & CORPORATE

PROCEDURAL MOTION

07/0220/06A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Egan

"That standing orders be suspended to allow the Council to defer discussion of item 07/0220/07 until all members of the Council are present."

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

Against: Cr Cox

Carried

07/0220/07 SURVEY RESULTS – ELECTORAL DIVISION ARRANGEMENTS DOUGLAS SHIRE

This item was dealt with after item 07/0220/35.

RESUMPTION OF STANDING ORDERS

With the agreement of the meeting standing orders were resumed.

07/0220/08 REVIEW OF LOCAL LAW NO 17 (MEETINGS)

Moved Cr Berwick

Seconded Cr Pitt

"That Council proposes to make:

- 1. Douglas Shire Council Meetings (Amendment) Local Law (No 1) 2007 which amends Douglas Shire Council Local Law (No 17) (Meetings); and*
- 2. Douglas Shire Council Meetings (Amendment) Subordinate Local Law (No 1) 2007 which amends Douglas Shire Council Subordinate Local Law (No 17) (Meetings)."*

PROCEDURAL MOTION

Moved Cr Egan

Seconded Cr Pitt

07/0220/08A *"That item 07/0220/08 lie on the table until a briefing session on the Local Law can be arranged."*

Carried unanimously

07/0220/09 YALANJI ILUA AGREEMENTS FOR SIGNING AND SEALING

Moved Cr Egan

Seconded Cr Pitt

"That Council signs and seals:

- 1. the Indigenous Land Use Agreement for the Eastern Yalanji Area between the native title parties and the Douglas Shire Council; and*
- 2. the Eastern Yalanji Queensland and Douglas Shire Council Indigenous Land Use Agreement between the native title parties, the Douglas Shire Council and the State of Queensland."*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Manager Planning attended the meeting at 10:44 am.

The Chief Executive Officer declared a material personal interest in the following matter and withdrew from the meeting at 10:46 am.

The Manager Community, Cultural & Economic, Julia Leu, and the Community Development Officer, Kelly Favas attended the meeting at 10:48 am.

07/0220/10 MANAGING AUSTRALIAN DESTINATIONS (MAD) CARNIVALE 2007

Moved Cr Davis

Seconded Cr Berwick

"That Council:

- 1. approves the application for a Permit under Local Law 59 'Commercial Use of Roads' to erect Bali flags subject to the following conditions:*
 - a. the applicant must provide to Council evidence that they have secured Public Liability Insurance to the value of \$10,000,000 to protect Council against any and all potential claims associated with the erection of the flags for the full time of their erection;*
 - b. the applicant shall provide to Council information from the manufacturer of the signs to confirm that they are structurally sound;*
 - c. the applicant must obtain written approval from the Department of Main Roads; and*



- d. the Bali flags shall be removed ten (10) working days after the completion of the event.
2. Agrees to erect corflute event sign posts within a road reserve from 16 May 2007 to 28 May 2007 subject to:
 - a. MAD supplying all corflute signs; and
 - b. MAD providing details of desired locations of signs closer to the event.
3. Agrees to approve the application to license the public area of Rex Smeal Park, Port Douglas for the World Poker Tournament subject to:
 - a. any permits or approvals required by any Government Department in particular the Department of Tourism, Small Business (Liquor Licensing Division), and the Police Department are to be obtained; and
 - b. compliance with the conditions of any approval that any Government Department may impose.
4. Approves a permit for fireworks on 18 May 2007 for the Macrossan St Lantern and Float Parade subject to:
 - a. permits or approvals required by any Government Department in particular the Department of Natural Resources and Mines and the Environmental Protection Agency (Marine Parks Division);
 - b. compliance with the conditions of any approval that any Government Department may impose; and
 - c. further documentation being submitted to Douglas Shire Council from Xplosive Art.
5. Approves the use of the public area of the esplanade for the Family Fun Beach Day on 19 May 2007 including access to power and parked grass area and Four Mile Beach subject to:
 - a. written approval from Marine Parks and the Police Department;

- b. liaison with the Executive of the Port Douglas Surf Life Saving Club and compliance with any conditions the Executive of that club or the Patrol Captain may impose in regard to the use of Four Mile Beach. No structures are to be erected in the stinger net area and activities must not interfere with the operation of permit holders;*
 - c. the conduct of all food outlets is to comply with the provisions of the Food Act 2006 with particular reference to the Council's Environmental Services specifications. All directions issued by Council's Environmental Health Officers with regards to the operation of food stalls or the serving of food are to be complied with at all times;*
 - d. no food stalls being set up or operating unless they are in possession of a permit issued by Council's Environmental Services section;*
 - e. dunal foreshore areas or any vegetation growing in such areas not being damaged in any manner;*
 - f. noise being kept at a level which will not adversely impact on the amenity of nearby residents;*
 - g. the provisions of Council's Local Laws Number 9 (Foreshores) and Number 18 (Parks and Reserves) relating to Parks, Reserves and Foreshores being complied with at all times; and*
 - h. there being non-observance of any of the conditions or approvals which necessitate remedial or reinstatement works to be performed by the Council, the cost of the works undertaken is to be met by MAD.*
- 6. Agrees to waive site hire fees of \$14 756 for the use of Council community facilities.*
- 7. Agrees to assist MAD with resources and departments involved with Council for infrastructure, parks, reserves and power access as in previous years with the exception of securing and erection of additional Carnivale street lighting.*
- 8. Approves the performance of street buskers throughout Carnivale.*
- 9. Douglas and Mossman Gazette to the value of \$400.*

10. *Offers an extra \$25 000 to Carnivale for arts and cultural purposes on the proviso the bi-annual budget review can afford it and following consultation with the arts community across the shire.*

An amendment to the motion was moved:

Moved Cr Davis

Seconded Cr Bellerio

07/0220/10(i)

"That Council adopts the recommendation subject to the amendment of condition 10 (ten) to:

10. *Offers an extra \$25 000 to Carnivale for arts, cultural and sporting purposes on the proviso the bi-annual budget review from division two can afford it and following consultation with the arts and sporting communities across the shire."*

For: Cr Davis, Bellerio, Cox

Against: Cr Berwick, Pitt, Egan

Lost on the casting vote of the Chair

The original motion was put and was:

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Community Development Officer withdrew from the meeting at 11:13 am.

The Chief Executive Officer re-attended the meeting at 11:13 am.

ATTENDANCE/WITHDRAWAL

The following attendance/withdrawal occurred during discussion of item 07/0220/11.

Cr Pitt withdrew from the meeting at 11:22 am and re-attended the meeting at 11:23 am.

The Chief Executive Officer withdrew from the meeting at 11:23 am. Cr Egan also withdrew at this time.

The Planning Officer withdrew from the meeting at 11:24 am.

Cr Egan re-attended the meeting at 11:24 am.

The Chief Executive Officer re-attended the meeting at 11:25 am. The Planning Officer also re-attended at this time.

The Manager Community, Cultural & Economic withdrew from the meeting during discussion of the Status Report.

07/0220/11 DECISIONS OF COUNCIL STATUS REPORT

Moved Cr Cox

Seconded Cr Pitt

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

Carried unanimously

PROCEDURAL MOTION

07/0220/11A SUSPENSION OF STANDING ORDERS

Moved Cr Cox

Seconded Cr Berwick

"That standing orders be suspended to allow Council to consider item 07/0220/36 of the agenda."

Carried unanimously

07/0220/36 REQUEST FOR CONSENT TO MORTGAGES BY MFS MIRAGE RESORTS PTY LTD RE PORT DOUGLAS WATERFRONT LEASES

Moved Cr Berwick

Seconded Cr Cox

"That Council:

- 1. approves of mortgages over the following leases, subject to the documentation of an acceptable Deed of Trustee's Consent to Mortgage of Leases and all costs whatsoever incurred by the Council being met by the Lessee:*

602825953 – (lease E)

602825963 – (lease D)

602835964 – (lease H)

602825965 – (lease J)

602835966 – (lease K)

602825967 – (lease G)

602825968 – (lease B)

602825969 – (lease C); and

- 2. signs and seals the Deed of Trustee's Consent to Mortgage of Leases at the appropriate time."*

Carried unanimously

RESUMPTION OF STANDING ORDERS

With the agreement of the meeting standing orders were resumed.

DEVELOPMENT & ENVIRONMENT

07/0220/12 TPC 1266 – LOT 704 PTD2092 – 8 DAVIDSON STREET, PORT DOUGLAS – MATERIAL CHANGE OF USE

Moved Cr Pitt

Seconded Cr Egan

“That Council approves the application for a development approval for a Material Change of Use to facilitate the development of four (4) multiple dwelling units on land described as Lot 704 PTD2092, Parish of Salisbury, and located at 8 Davidson Street, Port Douglas 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.*

Title	Plan No	Date
Siteplan	TP 2.0.0	27/10/2006
Ground Floor Plan	TP 2.1.0	27/10/2006
First Floor Plan	TP 2.2.0	27/10/2006
Second Floor Plan	TP 2.3.0	27/10/2006
South Elevation	TP 2.5.0	27/10/2006
North Elevation	TP 2.4.0	27/10/2006
West Elevation/East Elevation	TP 2.6.0	27/10/2006

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.*

Landscaping

- 3. The landscaping plan submitted with the proposed development referenced as:*

Title	Plan No	Date
Landscape Plan	TP 3.0.0	27/10/2006

has been approved, as part of this development, except where otherwise stated as a condition of this approval.

4. *The owner/developer shall be responsible for all maintenance work for a period of twenty-four (24) months. Council will not accept the landscaping off maintenance until it meets the requirements of Council's Engineering Services.*
5. *Irrigation for external landscaping shall be transferred to Council's reticulated water system prior to landscaping being accepted as off maintenance.*

Amenity

6. *The approved use must not be conducted so as to cause a nuisance or annoyance to persons not associated with the business and so as not to adversely affect any other property.*

Air Conditioning and Service Equipment

7. *All service equipment, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Act 1994.*

Sewerage

8. *No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.*
9. *No structures are to be located within the zone of influence to the sewerage main on Lot 704 to ensure Council can perform any necessary maintenance.*

Roadworks

10. *All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.*

Electricity and Telephone Services

11. *All electrical lines along the full frontages of the subject site (Davidson Street) are to be placed underground. These works are to be undertaken by Ergon Energy at the developers/owners expense and are to be completed prior to commencement of the approved use.*

Stormwater

12. *All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as Davidson Street. The approved use must not:*
 - a) *interfere with the natural flow of stormwater; or*
 - b) *cause ponding of stormwater on adjoining properties.*

Contributions

13. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions (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.

The current number of EDC's for the approved use are:

Water Supply	3.2
Sewerage	3.2

Carparking

14. A car parking area with a minimum of five (5) spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard and the approved plan of development, and maintained thereafter.

Refuse

15. A waste storage area is to be available on site in a location approved by the Manager Environmental Health Services. The storage area is to be of sufficient size to house all mobile garbage (wheelie) bins including recycling bins. The storage area is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection.

Compliance

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

Security

17. To guarantee the satisfactory completion of the landscaping and to ensure payment of headworks contributions, the developer shall lodge with the Council a Cash Bond or Guarantee to the value of \$27 958. Such guarantee shall be lodged prior to the issue of a Building Works Permit. The Council may call up this guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so prior to issuing a permit for Building Work.

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Egan

07/0220/12A

"That item 07/0220/12 lie on the table pending further clarification of landscaping matters by the Planning Officer."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration withdrew from the meeting at 11:54 am.

07/0220/13 TENDER 32-06/07 – TEMPORARY SWIMMING POOL SAFETY FENCING – REPORT TO COUNCIL

Moved Cr Egan

Seconded Cr Bellerio

"That Council approves the tender submitted by Woody's Hard Landscape to supply and erect temporary swimming pool safety fencing."

For: Cr Egan, Bellerio, Pitt

Against: Cr Berwick, Cox, Davis

Carried on the casting vote of the Chair

The Council requested a briefing session be provided in relation to swimming pool legislation and fencing.

07/0220/14 CARBON CREDITS FOR DOUGLAS SHIRE COUNCIL COUNCILLOR AIR TRAVEL

Moved Cr Cox

Seconded Cr Pitt

"That Council continues to focus on the Douglas Shire Council Local Action Plan emission abatement measures and plan a long term approach to carbon emissions reduction, which may involve a future local carbon trading scheme."

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Davis

07/0220/14A *"That item 07/0220/14 lie on the table to enable the attendance of the Sustainability Officer, Maree Grenfell, at the meeting after the luncheon adjournment."*

Carried unanimously

ENGINEERING

07/0220/15 LOCAL ROADS OF REGIONAL SIGNIFICANCE FOR CONSIDERATION 2007/2008

Moved Cr Egan

Seconded Cr Berwick

"That Council considers the following roads in the 2007/2008 Local Roads of Regional Significance Programme:

- 1. Newell Beach Road, Newell Beach;*
- 2. Esplanade, Port Douglas; and*
- 3. Mossman Gorge Road, Mossman;*

and considers the following roads in the Local Roads of Regional Significance Indicative Four (4) Year Programme 2008/2012:

- 1. Cape Tribulation Road, Cape Tribulation;*
- 2. Newell Beach Road, Newell Beach; and*
- 3. Cape Tribulation Bloomfield Road, Cape Tribulation."*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration re-attended the meeting at 12:02 am. The Manager Building, Jeff Evans and the Building Surveyor, Colin Slade, attended the meeting at this time.

PROCEDURAL MOTION

07/0220/15A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Cox

"That standing orders be suspended to allow Council to consider items 07/0220/29 and 07/0220/30 of the agenda."

Carried unanimously

07/0220/29 MB0107M – REALLOCATE BUDGET MONEY TO FUND WORKS AT SUGAR WHARF

07/0220/30 RD1007M – REVIEW THE CURRENT BI-ANNUAL BUDGET ON THE SUGAR WHARF

These items were dealt with concurrently and determined by the resolution below:

ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 12:15 pm and re-attended at 12:20 pm.

Moved Cr Berwick

Seconded Cr Cox

07/0220/29 “That Council:

1. *reallocates \$45 000 from its current budget to fund the works required at the Sugar Wharf, Port Douglas, so that the building on the wharf is suitable for use as a place of public assembly as advised by the Council’s Manager Building Services last year; and*
2. *requests the Environmental Protection Agency expedite a decision on an application made to it in mid-2006 for approval to undertake the necessary works on the Sugar Wharf, Port Douglas, so that the building complies with the Building Code of Australia requirements for a place of public assembly.”*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Building Surveyor withdrew from the meeting at 12:12 pm.

ADJOURNMENT

At 12:20 pm the meeting stood adjourned for luncheon.

RESUMPTION

The meeting resumed at 1:05 pm without the attendance of the Chief Executive Officer and the Manager Building.

ATTENDANCE/WITHDRAWAL

The Sustainability Officer, Maree Grenfell, attended the meeting at 1:05 pm.

The Chief Executive Officer re-attended at 1:08 pm.

PROCEDURAL MOTION

07/0220/29A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

"That standing orders be suspended to allow Council to consider items 07/0220/14 and 07/0220/24 while the Sustainability Officer is in attendance."

Carried unanimously

07/0220/14 CARBON CREDITS FOR DOUGLAS SHIRE COUNCIL COUNCILLOR
AIR TRAVEL

Moved Cr Cox

Seconded Cr Pitt

"That Council continues to focus on the Douglas Shire Council Local Action Plan emission abatement measures and plan a long term approach to carbon emissions reduction, which may involve a future local carbon trading scheme."

An amendment to the motion was moved:

Moved Cr Davis

Seconded Cr Berwick

07/0220/14 "That Council:

1. *continues to focus on the Douglas Shire Council Local Action Plan emission abatement measures and plan a long term approach to carbon emissions reduction, which may involve a future local carbon trading scheme; and*
2. *starts offsetting carbon emissions voluntarily by minimising the use of burning carbon and fossil fuels and by purchasing carbon credits for Douglas Shire Council councillor work air travel with an accredited supplier, until such time that a local carbon offset programme can be established."*

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

Against: Cr Egan

Carried

The amendment became the motion and was put:

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

Against: Cr Egan

Carried

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer withdrew from the meeting at 1:26 pm during discussion of item 07/0220/24.

07/0220/24 RD1107M – INVESTIGATE THE POSSIBILITY OF IMPLEMENTING A LOCAL CARBON CREDIT SCHEME

Moved Cr Davis

Seconded Cr Berwick

"That Council instructs the Sustainability Officer to investigate the possibility of implementing a local carbon credit scheme to sequester the carbon dioxide that interested tourism sales groups are seeking."

Carried unanimously

RESUMPTION OF STANDING ORDERS

With the agreement of the meeting standing orders were resumed.

ATTENDANCE/WITHDRAWAL

The Sustainability Officer withdrew from the meeting at 1:37 pm.

07/0220/16 TENDER NO 29-06/07 – PORT DOUGLAS ENTRANCE LANDSCAPING

Moved Cr Egan

Seconded Cr Cox

"That Council accepts the tender submitted by Lenny's Landscaping for landscaping the Port Douglas entrance."

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Cox

07/0220/16A *"That item 07/0220/16 lie on the table pending the attendance of the Technical Officer Parks & Recreation at the meeting."*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Community & Corporate withdrew from the meeting at 2:15 pm and re-attended at 2:20 pm during discussion of the following item.

07/0220/17 FIG TREES – FRONT STREET, MOSSMAN

Moved Cr Egan

Seconded Cr Pitt

"That Council:

- 1. removes the northern fig tree in Front Street, Mossman during the reconstruction of the street; and*
- 2. considers the replacement of the remaining two fig trees in conjunction with the above."*

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Cox

07/0220/17A

"That item 07/0220/17 lie on the table pending the attendance of the Technical Officer Parks and Recreation at the meeting."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration attended the meeting at 1:46 pm.

07/0220/18 DAINTREE FERRY PRECINCT MANAGEMENT PLAN STEERING COMMITTEE

Moved Cr Berwick

Seconded Cr Cox

"That Council endorses the Daintree Ferry Precinct Management Plan Steering Committee, and nominates the Mayor and Crs Bellerio and Davis as members."

For: Cr Berwick, Cox, Davis

Against: Cr Egan, Bellerio, Pitt

Carried on the casting vote of the Chair

07/0220/19 TENDERS FOR FRONT STREET WATER SUPPLY UPGRADE

Moved Cr Egan

Seconded Cr Pitt

"That Council accepts the tender submitted by Tyco Water Pty Ltd for water pipeline and fittings for the Front Street, Mossman upgrade."

Carried unanimously

SUSPENSION OF STANDING ORDERS

As determined earlier in the meeting the following matter was returned to the table as the Manager Planning indicated he had clarification of the landscaping matters as requested.

07/0220/12 TPC 1266 – LOT 704 PTD2092 – 8 DAVIDSON STREET, PORT DOUGLAS – MATERIAL CHANGE OF USE

Moved Cr Pitt

Seconded Cr Egan

“That Council approves the application for a development approval for a Material Change of Use to facilitate the development of four (4) multiple dwelling units on land described as Lot 704 PTD2092, Parish of Salisbury, and located at 8 Davidson Street, Port Douglas 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.*

Title	Plan No	Date
Siteplan	TP 2.0.0	27/10/2006
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South Elevation	TP 2.5.0	27/10/2006
North Elevation	TP 2.4.0	27/10/2006
West Elevation/East Elevation	TP 2.6.0	27/10/2006

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.*

Landscaping

- 3. The landscaping plan submitted with the proposed development referenced as:*

Title	Plan No	Date
Landscape Plan	TP 3.0.0	27/10/2006

has been approved, as part of this development, except where otherwise stated as a condition of this approval.

4. *The owner/developer shall be responsible for all maintenance work for a period of twenty-four (24) months. Council will not accept the landscaping off maintenance until it meets the requirements of Council's Engineering Services.*
5. *Irrigation for external landscaping shall be transferred to Council's reticulated water system prior to landscaping being accepted as off maintenance.*

Amenity

6. *The approved use must not be conducted so as to cause a nuisance or annoyance to persons not associated with the business and so as not to adversely affect any other property.*

Air Conditioning and Service Equipment

7. *All service equipment, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Act 1994.*

Sewerage

10. *No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.*
11. *No structures are to be located within the zone of influence to the sewerage main on Lot 704 to ensure Council can perform any necessary maintenance.*

Roadworks

10. *All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.*

Electricity and Telephone Services

11. *All electrical lines along the full frontages of the subject site (Davidson Street) are to be placed underground. These works are to be undertaken by Ergon Energy at the developers/owners expense and are to be completed prior to commencement of the approved use.*

Stormwater

12. *All stormwater run-off from non-permeable surfaces and roof areas occurring on the site must be collected within the premises and discharged to the legal and practical point of discharge which has been nominated as Davidson Street. The approved use must not:*
 - c) *interfere with the natural flow of stormwater; or*
 - d) *cause ponding of stormwater on adjoining properties.*

Contributions

13. The developer/owner shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions (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.

The current number of EDC's for the approved use are:

Water Supply	3.2
Sewerage	3.2

Carparking

14. A car parking area with a minimum of five (5) spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard and the approved plan of development, and maintained thereafter.

Refuse

15. A waste storage area is to be available on site in a location approved by the Manager Environmental Health Services. The storage area is to be of sufficient size to house all mobile garbage (wheelie) bins including recycling bins. The storage area is to be suitably paved, with a hose cock fitted in close proximity to the enclosure and drain to sewer via a legal sewer connection.

Compliance

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

Security

19. To guarantee the satisfactory completion of the landscaping and to ensure payment of headworks contributions, the developer shall lodge with the Council a Cash Bond or Guarantee to the value of \$27 958. Such guarantee shall be lodged prior to the issue of a Building Works Permit. The Council may call up this guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so prior to issuing a permit for Building Work.

Carried unanimously

FINANCE & ADMINISTRATION

Nil reports.

ATTENDANCE/WITHDRAWAL

Technical Officer Parks & Recreation, Reg Pike, attended the meeting at 1:54 pm.

Cr Sciacca attended the meeting at 1:56 pm.

NOTICES OF MOTION

OFFICER COMMENT PROVIDED

07/0220/20 RD0407M – A DEAD REMINDER

Moved Cr Berwick

Seconded Cr Davis

"That Council considers, as part of its policy, the use of shaming banners on the dead carcasses of poisoned trees before removing the trunk altogether."

For: Cr Berwick, Davis

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

Lost

SUSPENSION OF STANDING ORDERS

As determined earlier in the meeting, the following matters were dealt with upon the arrival of the Technical Officer Parks.

07/0220/16 TENDER NO 29/06/07 – PORT DOUGLAS ENTRANCE LANDSCAPING

Moved Cr Egan

Seconded Cr Cox

"That Council accepts the tender submitted by Lenny's Landscaping for landscaping the Port Douglas entrance."

An amendment to the motion was moved:

Moved Cr Davis

Seconded Cr Egan

07/0220/16 *"That Council accepts the tender submitted by Lenny's Landscaping for landscaping the Port Douglas entrance and that the residual funds from the \$100 000 budget be used for extending the scope of works for landscaping the entrance to Port Douglas."*

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

Against: Cr Bellerio

Carried

The amendment became the motion and was put:

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

Against: Cr Bellerio

Carried

07/0220/17 FIG TREES – FRONT STREET, MOSSMAN

Moved Cr Egan

Seconded Cr Pitt

"That Council:

- 1. removes the northern fig tree in Front Street, Mossman during the reconstruction of the street; and*
- 2. considers the replacement of the remaining two fig trees in conjunction with the above."*

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Sciacca

07/0220/17(i) *"That Council:*

- 1. removes the northern fig tree and immediately replaces it with a suitable tree in Front Street, Mossman, during the reconstruction of the street; and*
- 2. immediately, or as soon as possible, begins the development of a landscaping plan for Front Street, Mossman, and that the remaining fig trees not be removed until the plan is in place."*

For: Cr Berwick, Sciacca, Bellerio, Pitt

Against: Cr Egan, Davis, Cox

Carried

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer withdrew from the meeting at 2:39 pm and re-attended at 2:41 pm during discussion of the following item.

07/0220/22 RD0607M – A PLAN TO DECIDE ON WHAT TREES SHOULD BE PLANTED IN URBAN STREETS

Moved Cr Davis

Seconded Cr Berwick

"That Council includes minor funding and time allocation in the next operational plan to initiate a plan deciding what trees should be planted in urban streets shire-wide."

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

Against: Cr Egan

Carried

07/0220/31 RD0707M – UNDERTAKE A PLAN TO SHADE AND GREEN THE URBAN LANDSCAPE

Moved Cr Davis

Seconded Cr Cox

"That Council initiates a programme for tree planting in three (3) streets in every division each year as part of a progressive plan to shade and green our urban landscape, for consideration in the 2007/2008 Operational Plan and budget."

For: Cr Davis, Cox, Berwick, Sciacca

Against: Cr Egan, Bellerio, Pitt

Carried

ATTENDANCE/WITHDRAWAL

The Technical Officer Parks & Recreation withdrew from the meeting at 2:55 pm.

07/0220/21 RD0507M – BUY BACK PORT DOUGLAS STREET ADVERTISING SIGNS

Moved Cr Davis

Seconded Cr Egan

"That Council investigates the potential of buying back Port Douglas' combination street/advertising signs now that the lease has expired, and manage them as a community income source."

Carried unanimously

07/0220/22 RD0607M – A PLAN TO DECIDE ON WHAT TREES SHOULD BE PLANTED IN URBAN STREETS

This item was dealt with after item 07/0220/17.

07/0220/23 RD0907M – FENCE AND GATE OFF THE BLUE HOLE

Moved Cr Davis

Seconded Cr Berwick

"That Council fences and gates off the Blue Hole, erects appropriate signage, and creates an environmental and cultural reserve after conducting community consultation about these issues."

For: Cr Davis, Berwick, Cox

Against: Cr Egan, Sciacca, Pitt, Bellerio

Lost

07/0220/24 RD1107M – INVESTIGATE THE POSSIBILITY OF IMPLEMENTING A LOCAL CARBON CREDIT SCHEME

This item was dealt with after item 07/0220/14.

07/0220/25 RD1207M – PUBLIC TRANSPORT SYSTEM BETWEEN DOUGLAS SHIRE AND CAIRNS

Moved Cr Davis

“That Council staff contacts the four (4) local bus companies to simply ask their views on the possibility of either the state or local government organising a tender for an old-fashioned ‘bus stop-to-bus stop’ transport system between our shire and Cairns, and in and around Port Douglas.”

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Davis

07/0220/25A *“That item 07/0220/25 lie on the table until the next Ordinary Meeting of Council on 13 March 2007.”*

Carried unanimously

07/0220/26 RD1307M – AGREED RESIGNATIONS OF ALL COUNCILLORS

Moved Cr Davis

“That Council calls immediate elections, triggered by the agreed resignation of all councillors, so that the people, not the Hon Andrew Fraser MP, Minister for Local Government, Planning and Sport, decide the fate of the Douglas Shire Council.”

The motion lapsed for want of a seconder.

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer withdrew from the meeting at 3:12 pm and re-attended the meeting at 3:14 pm during discussion of the following item.

07/0220/27 RD1507M – NEGOTIATE THE EXTENSION OF PAVED DINING AREAS IN WHARF STREET, PORT DOUGLAS

Moved Cr Davis

Seconded Cr Cox

"That Council requests the engineers negotiate an extension to the paved dining areas in front of the restaurants 'Two Fish' and 'The Living Room' in Wharf Street, Port Douglas, to align with the 'Courthouse Hotel' paving extensions, on the basis that these two restaurants pay for the work in exchange for a dining table rent-free period of equivalent value to the paving."

For: Cr Davis, Cox

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

Lost

Moved Cr Berwick

Seconded Cr Egan

07/022027(i) *"That Cr Davis be encouraged to continue negotiation with the three (3) restaurant owners in Wharf Street, Port Douglas and come back to Council with a mutually acceptable position."*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration withdrew from the meeting at 3:33 pm and re-attended the meeting at 3:36 pm during discussion of the following item.

Cr Egan withdrew from the meeting at 3:33 pm and re-attended the meeting at 3:36 pm during discussion of the following item.

07/0220/28 BB0507M – LEASE OF THE COMBINED CLUBS, PORT DOUGLAS

Moved Cr Bellerio

Seconded Cr Pitt

"That Council supports the renewal of the trustee lease for the Combined Clubs no 602825962 and requests representation for ministerial exemption from the Hon Andrew Fraser MP, Minister for Local Government, Planning and Sport."

An amendment to the motion was moved:

Moved Cr Davis

Seconded Cr Berwick

07/0220/28(i)

"That Council supports the renewal of the trustee lease for the Combined Clubs no 602825962 while allowing for future provision for public access to the waterfront and request representation for ministerial exemption from the Hon Andrew Fraser MP, Minister for Local Government, Planning and Sport."

For: Cr Davis, Berwick

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

Lost

The original motion was put:

For: Cr Bellerio, Pitt, Egan, Sciacca,

Against: Cr Berwick, Davis, Cox

Carried

With the agreement of the Chair, Crs Berwick and Davis recorded that they fully agree, in principle, in seeking an extension of the lease but want the opportunity to negotiate some conditions to protect public interest.

07/0220/29 MB0107M – REALLOCATE BUDGET MONEY TO FUND WORKS AT SUGAR WHARE

07/0220/30 RD1007M – REVIEW THE CURRENT BI-ANNUAL BUDGET ON THE SUGAR WHARE

These items were dealt with after item 07/0220/15.

OFFICER COMMENT PENDING

07/0220/31 RD0707M – UNDERTAKE A PLAN TO SHADE AND GREEN THE URBAN LANDSCAPE

This item was dealt with after item 07/0220/22.

07/0220/32 RD0807M – FULLY RESTORE NATURE STRIPS IN URBAN PARTS OF THE SHIRE

Moved Cr Davis

Seconded Cr Cox

"That Council's engineering department always fully restores the nature strip in urban parts of the shire after disturbing the plantings, using turf and/or new plantings as required."

Carried unanimously

07/0220/33 RD1407M – NOT TO LEVY AN ANNUAL FEE FOR BODY CORPORATE SWIMMING POOLS

Moved Cr Davis

"That Council decides not to levy the new \$150 annual fee for body corporate swimming pools."

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Egan

07/0220/33A *"That item 07/0220/33 lie on the table pending a briefing session on swimming pool legislation."*

Carried unanimously

COMMENT NOT REQUIRED

07/0220/34 DE0207M – NOMINATION FOR NORTH QUEENSLAND SPORTS STAR AWARDS

Moved Cr Egan

Seconded Cr Cox

"That Council nominates Mr George Brendecke to represent the Douglas Shire in the senior section of the North Queensland Sports Star Awards."

Carried unanimously

REPORTS – CHIEF EXECUTIVE OFFICER

07/0220/35 LOCAL GOVERNMENT ELECTORAL ARRANGEMENTS 2008

Moved Cr Berwick

Seconded Cr Cox

"That Council advises the Hon Andrew Fraser MP, Minister for Local Government, Planning and Sport, that pursuant to sections 286 and 287 of the Local Government Act 1993, Council's electoral quota meets the requirements for the Act."

Carried unanimously

SUSPENSION OF STANDING ORDERS

As decided earlier in the meeting, the following item was dealt with as all Councillors were now present.

07/0220/07 SURVEY RESULTS – ELECTORAL DIVISION ARRANGEMENTS DOUGLAS SHIRE

Moved Cr Davis

Seconded Cr Cox

"That Council:

- 1. receives and accepts the outcome of the Shire-wide survey about the abolition of divisions in its local government area and resolves that it respects the wishes of the respondents to that survey; and*
- 2. arranges to forward a copy of the results of the Shire-wide survey about the abolition of divisions in its local government area to the Hon Andrew Fraser MP, Minister for Local Government, Planning, and Sport for his consideration as a reviewable local government matter under the Local Government Act 1993 for the next elections in Douglas Shire."*

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

Against: Cr Bellerio, Sciacca

Carried

LATE REPORT – COMMUNITY & CORPORATE

07/0220/36 REQUEST FOR CONSENT TO MORTGAGES BY MFS MIRAGE RESORTS PTY LTD RE PORT DOUGLAS WATERFRONT LEASES

This item was dealt with after item 07/0220/11.

LATE REPORT – DEVELOPMENT & ENVIRONMENT

07/0220/36A ADOPTION OF RECOMMENDATION REGARDING THE RECRUITMENT OF A STRATEGIC PLANNER

Moved Cr Berwick

Seconded Cr Egan

07/0220/36(i) *"That Council tables the report (Appendix 1) from the General Manager Development & Environment recommending the recruitment of a Strategic Planner."*

Carried unanimously

Moved Cr Davis

Seconded Cr Berwick

07/0220/36A

"That Council:

- 1. approves the extension of the 'Augmentation of IDAS Assessment Capacity' contract with Victor Feros Town Planning Consultants;*
- 2. approves the relocation of the full funds budgeted in the 2006/2007 financial year from expenditure item 3952 'Strategic Planner' to expenditure item 3912 'Town Planning Consultants' for the completion of the 2006/2007 financial year;*
- 3. approves the re-advertising of the Strategic Planner's position on the following basis –*
 - a. a three to five year contract,*
 - b. an increased salary of \$80 000 pa plus on-costs,*
 - c. professional development opportunities, and*
 - d. 'take home' privileges for a vehicle."*

Carried unanimously

ADJOURNMENT

At 4:03 pm the meeting was adjourned until 10:30 am on 22 February 2007.

Presented to and confirmed by Council on the *thirteenth* day of *March* 2007.

M P Berwick
Chair

Attachment 1

Ordinary Council Meeting 1
20 February 2007

ITEM NO

SUBJECT

DIFFICULTY IN RECRUITMENT OF A STRATEGIC PLANNER –
IMPACT ON DEVELOPMENT AND ENVIRONMENT PROGRAM

AUTHOR

GENERAL MANAGER, DEVELOPMENT AND ENVIRONMENT

RECOMMENDATION

- A. THAT Council approve the extension of the *Augmentation of IDAS Assessment Capacity* contract with Victor Feros Town Planning Consultants.
- B. THAT Council approve the relocation of the full funds budgeted in the 2006/07 financial year from expenditure item 3952 "Strategic Planner" to expenditure item 3912 "Town Planning Consultants" for the completion of the 2006/07 financial year.
- C. THAT Council approve the re-advertising of the Strategic Planner's position on the following basis:
 - (a) a three to five year contract;
 - (b) an increased salary of \$80,000 p.a. plus on-costs;
 - (c) professional development opportunities; and
 - (d) take home privileges for a vehicle.

REPORT

Refer to General Manager's Briefing Note

BACKGROUND

Refer to General Manager's Briefing Note

PROPOSAL

Refer to General Manager's Briefing Note

CORPORATE/OPERATIONAL PLAN

Refer to General Manager's Briefing Note

FINANCE/RESOURCE IMPLICATIONS

There are no financial implications in FY 2006/07. Money allocated for the Strategic Planner's position (\$100,000) has not been utilised and needs to be transferred to the Planning Consultants expenditure item, so that additional help can be obtained.

Ordinary Council Meeting

20 February 2007

There are however, financial implications for the 2007/08 to 2009/10 budgets and the possibility of implications for the 2010/11 and 2011/12 budgets. The appointment of a successful candidate on a contractual basis for 3-5 years commits funds out of future Council budgets to a Strategic Planning position. It is estimated that the total package offer will be in the order of \$105,000 plus on-costs which bring the total cost to Council to about \$130,000.

LEGAL/POLICY IMPLICATIONS

The appointment of a suitably qualified and experienced town planner will permit the progression of Council's strategic planning program. A continued vacancy in this position would result in Council being un-resourced to meet its land use policy objectives.

INTERNAL/EXTERNAL CONSULTATION

Preliminary discussions have been undertaken with Victor Feros Town Planning Consultants about the availability of Ken Todd.

OPTIONS

- Refer to General Manager's Briefing Note

ATTACHMENTS

1. Nil