



Minutes of the Ordinary Meeting of Council
30 January 2007
commencing at 10:32 am

PRESENT

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

Staff – T C Melchert (Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), R J Baade (General Manager Engineering), P Trotman (General Manager Development & Environment), B Exelby (Manager Budget & Accounting), J F Leu (Manager Community, Cultural & Economic), A M Rodgers (Manager Corporate Support) and S K Andrews (Corporate Support).

OPENING PRAYER

Rev Christian Ford attended the meeting and provided the opening prayer.

07/0130/01 CONDOLENCES

Cr Berwick referred to the recent deaths of Mary Knight, Violet Hutchings and Wilma Gulliver. The Council stood and observed one minute's silence.

Moved Cr Berwick

Seconded Cr Egan

“That Council sends letters of condolence to the next of kin.”

Carried unanimously

07/0130/02 DECLARATIONS OF INTEREST

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



Item No	Councillor/Officer	Details of Interest
07/0130/23		
07/0130/24	Mayor	Insurance claim
03/0130/25		
07/0130/15	Chief Executive Officer	Shareholder in local business with competing interests
07/0130/21	Chief Executive Officer	Wife placed a tender for the purchase of a vehicle - Tender No 16-06/07
07/0130/22	General Manager Engineering	Stepdaughter is a part-owner of the new ferry service

07/0130/03 MINUTES

Moved Cr Egan Seconded Cr Davis

07/0130/03(i) *“That the minutes of the Ordinary Council Meeting held on 19 December 2006 be amended by the removal of commentary in relation to item 6.3.2 on page 9 up to and including item 8.11.2 on page 12 from the record.”*

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

Against: Cr Berwick, Cox

Carried

Moved Cr Berwick Seconded Cr Egan

07/0130/03(ii) *“That the minutes of the Ordinary Council Meetings held on 19 and 20 December 2006 be confirmed subject to the following amendments:*

- 1. on page 4 the name Gunnar Larsen to be included in the condolences;*
- 2. on page 6 under “Deputation” all references to ‘Newell Beach’ be changed to ‘Rocky Point’;*
- 3. on page 7 the surname ‘Mitchell’ be included after Ms Beth;*
- 4. on page 8 include a notation that Cr Davis was not in attendance when the meeting resumed in open session;*
- 5. on page 23 in the advice of withdrawal of Cr Pitt’s motion the reason for withdrawing to be noted, that is Port Douglas Daintree Tourism Ltd indicated it would be providing financial support for this initiative.”*

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

Against: Cr Davis

Carried

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer withdrew from the meeting at 11:00 am during discussion of item 07/0130/04.

FINANCE & ADMINISTRATION

07/0130/04 REPORT ON MATTERS ARISING FROM AUDIT 2005/2006

Moved Cr Davis

Seconded Cr Egan

"That Council endorses and adopts the recommendations contained in the Report on Matters Arising from Audit 2005/2006."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment withdrew from the meeting at 11:02 am.

The Chief Executive Officer re-attended the meeting at 11:03 am.

The General Manager Development & Environment re-attended the meeting at 11:07 am.

07/0130/05 REPORT ON AUDITED FINANCIAL STATEMENTS 2005/2006

The General Manager Finance and Administration provided the meeting with a brief explanation of the Council's Audited Financial Statements.

Moved Cr Egan

Seconded Cr Pitt

"That Council receives a copy of the Audited Financial Statements 2005/2006."

Carried unanimously

COMMUNITY & CORPORATE

07/0130/06 LICENCE/LEASE RENTAL REVIEW

Moved Cr Sciacca

Seconded Cr Egan

"That Council:

- 1. adopts the proposed licence extension and fee increase for Claude Neon (Aust) Pty Ltd until such time as a new tender proposal is accepted and that the situation be reviewed at 30 June 2007.*

2. *adopts the proposed lease rental increases for the Port Douglas Australian Rules Football Club, Port Douglas Cricket Club and Douglas Netball Association."*

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

07/0130/07 RENAMING WILLIE PYE TEAMSTER'S MEMORIAL PARK

Moved Cr Davis Seconded Cr Berwick

"That Council renames the park Teamster's Memorial Park and places the three (3) names - Willie Pye, Bill Stewart and Joe Bettany, on a memorial plaque underneath."

With the agreement of the meeting and the approval of the mover and the seconder the motion was withdrawn.

Moved Cr Egan Seconded Cr Berwick

07/0130/07 *"That Council retains the name Willie Pye Teamster's Memorial Park and that Council place a memorial plaque to recognise Bill Stewart and Joe Bettany on an appropriate location on the wheel."*

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

07/0130/08 REVIEW OF LOCAL LAW NO 17 (MEETINGS)

This item was withdrawn from the Agenda.

ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 11:51 am and re-attended at 11:53 am during discussion of item 07/0130/09.

07/0130/09 2006/2007 OPERATIONAL PLAN QUARTERLY REPORT

Moved Cr Berwick Seconded Cr Pitt

"That Council notes the December 2006 Quarterly Report against the 2006/2007 Operational Plan."

Carried unanimously

ATTENDANCE/WITHDRAWAL

Planning Officer, Ms L Stayte attended the meeting at 12:03 pm.

07/0130/10 DETAILS OF THE USE OF THE COUNCIL SEAL

Moved Cr Berwick

Seconded Cr Sciacca

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

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Engineering withdrew from the meeting at 12:46 pm and re-attended at 12:49 pm.

07/0130/11 DECISIONS OF COUNCIL STATUS REPORT

DECLARATION OF INTEREST

The Chief Executive Officer submitted a Declaration of Material Personal Interest form in relation to item 06/1804/42 of the Status Report as his wife is an employee of a company that may utilise this facility and withdrew from the meeting at 12:50 pm.

Moved Cr Berwick

Seconded Cr Pitt

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

Carried unanimously

ADJOURNMENT

At 1:00 pm the meeting stood adjourned for lunch. The Manager Community, Cultural and Economic Development withdrew from the Meeting at the adjournment.

RESUMPTION

The meeting resumed at 1:37 pm without the attendance of Cr Cox.

ATTENDANCE/WITHDRAWAL

The General Manager Community & Corporate withdrew from the meeting at 1:38 pm.

Cr Cox re-attended the meeting at 1:40 pm.

DEVELOPMENT & ENVIRONMENT

07/0130/12 MCUI 007/06 – LOT 199 RP739767, CEDAR ROAD, COW BAY – APPLICATION FOR COMPENSATION

Moved Cr Egan

Seconded Cr Davis

“That Council refuses the application for a dwelling house on land described as Lot 199 RP739767, Parish of Alexandra, and located at Cedar Road, Cow Bay, on the following grounds :

1. *the erection of a house on the subject allotment is not compliant with the relevant Performance criteria for the Settlement Areas North of the Daintree River Locality, for development in the Rainforest Conservation Precinct within the Eastern Management Area;*
2. *the erection of a house on the subject allotment is inconsistent with both the intent and the Performance Criteria for the Conservation Planning Area;*
3. *no evidence has been provided that the proposal is compliant with the requirements of the following codes –*
 - *Filling and Excavation Code;*
 - *Landscaping Code;*
 - *Natural Areas and Scenic Amenity Code;*
 - *Vehicle Parking and Access Code; and*
 - *House Code.”*

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

Against: Cr Bellerio, Sciacca

Carried

07/0130/13 MCUI 006/06 – LOT 265 RP738997, SILVER ASH ROAD, COW BAY – APPLICATION FOR COMPENSATION

Moved Cr Berwick

Seconded Cr Egan

“That Council refuses the application for a dwelling house on land described as Lot 265 RP738997, Parish of Alexandra, and located at Silver Ash Road, Cow Bay, on the following grounds:

- 1. the erection of a house on the subject allotment is not compliant with the relevant Performance Criteria for the Settlement Areas North of the Daintree River Locality, for development in the Rainforest Conservation Precinct within the Eastern Management Area;*
- 2. the erection of a house on the subject allotment is inconsistent with both the intent and the Performance Criteria for the Conservation Planning area;*
- 3. no evidence has been provided that the proposal is compliant with the requirements of the following codes-*
 - Filling and Excavation Code;*
 - Landscaping Code;*
 - Natural Areas and Scenic Amenity Code;*
 - Vehicle Parking and Access Code; and*
 - House Code.”*

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

Against: Cr Sciacca, Bellerio

Carried

07/0130/14 MCUI 018/06 – LOT 309 RP739004, MAPLE ROAD, COW BAY – REQUEST TO ASSESS UNDER SUPERSEDED SCHEME

Moved Cr Berwick

Seconded Cr Cox

“That Council refuses the request to assess the application MCUI 018/06 on land described as Lot 309 RP739004, Parish of Alexandra, and located at Maple Road, Cow Bay, under the Douglas Shire Superseded Planning Scheme.”

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

Against: Cr **Davis**, Bellerio, Sciacca

Carried

Amended Adjourned Ordinary meeting 21 February 2007 (item 07/0220/03-6)

MATERIAL PERSONAL INTEREST

The Chief Executive Officer declared a material personal interest in the following matter and withdrew from the meeting at 1:45 pm.

07/0130/15 **MCU 3B 016/06 – LOT 193 RP747071, CORNER CAPTAIN COOK
HIGHWAY AND PORT DOUGLAS ROAD, PORT DOUGLAS –
REQUEST FOR A NEGOTIATED DECISION NOTICE**

Moved Cr Sciacca

Seconded Cr Cox

“That Council approves a Negotiated Decision for D G Robertson Pty Ltd, for a Material Change of Use for shops and offices on land described as Lot 193 RP747071, Parish of Salisbury, and located at the corner of the Captain Cook Highway and Port Douglas Road, Port Douglas, subject to the deletion of the following conditions:

- 3. 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;*
- 8. the applicant shall pay to the Council headworks contributions for sewerage and water supply 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;*
- 16. the existing sign on the corner of the Captain Cook Highway and Port Douglas Road is to be removed. Alternative signage may be permitted within the access easement subject to separate operational works approval;*
- 17. the applicant is to install external landscaping works within the Captain Cook Highway and Port Douglas Road road reserves adjacent to the site in accordance with Council’s approved Port Douglas Entry Landscaping Plan prepared by Hortulus and Siteplan, including irrigation;*

and the amendment of conditions 2, 14 & 15 as follows:

- 2. a pathway shall be constructed to a minimum width of 2 m from the entry to the existing supermarket to the pedestrian footpath located on Port Douglas Road. A formalised pedestrian crossing point is to be provided on the entry/exit point a minimum distance of 10m from the boundary of the easement*

14. *the applicant shall construct the following works external to the site in accordance with Council's adopted standards:*
- (a) *street lighting to FNQROC Development Manual standards for a ~~major~~ minor collector road (Section D8.07) and in accordance with AS/NZS 1158 for intersections.*

Details and specifications for the above works shall be shown on the plans for building work; and

15. *to guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, and to ensure payment of headworks contribution, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of ~~\$75,000~~ \$35,000, such Guarantee shall be lodged prior to the issue of a Development Approval for Building Works on the land in relation to this Development 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 applicant fail to do so prior to issuing of a Development Permit for Building Work.*

All other conditions to remain unchanged."

ATTENDANCE/WITHDRAWAL

The General Manager Community & Corporate re-attended the meeting at 1:58 pm.

Moved Cr Berwick

Seconded Cr Cox

07/0130/15

"That the matter lie on the table pending clarification of item two (2) in the recommendation."

Carried unanimously

This item is further dealt with after item 07/0130/27.

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer re-attended the meeting at 2:02 pm.

The Chief Executive Officer withdrew from the meeting at 2:07 pm and re-attended the meeting at 2:09 pm.

07/0130/16 TPC 1245 – LOT 1 RP911413, MOSSMAN GORGE ROAD, MOSSMAN – REQUEST FOR A NEGOTIATED DECISION NOTICE

Moved Cr Berwick

Seconded Cr Davis

“That Council resolves to delete conditions 17, 23, 25 & 27 and amend conditions 9 & 24 of the Decision Notice for Development Approval TPC 1245 on land described as Lot 1 RP911413, Parish of Victory, and located at Mossman Gorge Road, Mossman, and issue a Negotiated Decision Notice pursuant to section 3.5.17 of the Integrated Planning Act 1997.”

ATTENDANCE/WITHDRAWAL

Cr Pitt withdrew from the meeting at 2:15 pm and re-attended the meeting at 2:18 pm.

The General Manager Engineering re-attended the meeting at 2:18 pm.

An amendment to the motion was moved:

Moved Cr Davis

Seconded Cr Egan

07/0130/16 *“That Council approves a Negotiated Decision Notice pursuant to section 3.5.17 of the Integrated Planning Act 1997 for Development Approval TPC 1245 on land described as Lot 1 RP911413, Parish of Victory, and located at Mossman Gorge Road, Mossman, subject to the deletion of the following conditions:*

- 23. the applicant shall provide bollard lighting at the property boundary to indicate access to the car parking area at the time of applying for carrying out building works;*
- 25. access to the proposed lots shall be designed and aligned in accordance with the requirements of the Far North Queensland Regional Organisation of Councils’ Development Manual. The plans and specifications of the access works must be submitted to Council at Operational Works application stage for approval.*
- 27. to guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, to ensure payment of headworks contribution, the applicant shall lodge with the Council a cash bond or guarantee to the value of \$100 000, such guarantee shall be lodged prior to the issue of a Development Approval for Building Works on the land in relation to this Development 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*

applicant fail to do so prior to issuing of a Development Permit for Building Work;

and further subject to the following amendments:

- 1. the heading for condition 9 being amended to read 'Waste' instead of 'Water' storage;*
- 2. condition 17 not being deleted but amended to read –
'the minimum floor level for all rooms in any building erected on the premises must be a minimum of 300 mm above the Q100 flood level'; and*
- 3. condition 24(b) to be amended by changing the width of the footpath from 1.5 metres to 2 metres."*

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

Against: Cr Sciacca, Bellerio

Carried

The amendment became the motion and was put:

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

Against: Cr Sciacca, Bellerio

Carried

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment withdrew from the meeting at 2:39 pm and re-attended the meeting at 2:40 pm.

The General Manager Community & Corporate withdrew from the meeting at 2:40 pm and re-attended the meeting at 2:45 pm.

The General Manager Finance & Administration withdrew from the meeting at 2:45 pm.



07/0130/17 ROL 010/06 – LOT 2 SP150474, MOSSMAN GORGE ROAD, MOSSMAN – RECONFIGURATION OF A LOT

Moved Cr Berwick

Seconded Cr Egan

“That Council approves the application for a Reconfiguring of a Lot Development Permit to create an additional allotment on land described as Lot 2 SP150474, Parish of Victory, and located at Mossman Gorge Road, Mossman, subject to the conditions contained in the Draft Decision Notice, attachment D of the officer’s report.”

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

Against: Cr Sciacca

Carried

07/0130/18 TPC 1119 – LOT 114 PTD209, 29 MURPHY STREET, PORT DOUGLAS

Moved Cr Cox

Seconded Cr Davis

“That Council approves the request to extend the currency period for the approved development TPC 1119 for two (2) multiple dwelling units (residential) on land described as Lot 114 PTD209, Parish of Salisbury, and located at 29 Murphy Street, Port Douglas for a further twelve (12) months.”

Carried unanimously

ENGINEERING

07/0130/19 THREE-YEARLY MOWING TENDERS

Moved Cr Davis

Seconded Cr Egan

“That Council awards the following contracts:

Section 1: NQMST Services (Paul Gaddes);

Section 2: John Westbrook Contractors; and

Section 3: Douglas Shire Mowing Services (Colin Gwynne).”

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration re-attended the meeting at 2:49 pm.

The Planning Officer withdrew from the meeting at 2:50 pm.



07/0130/20 **REMOVAL OF COCONUT PALMS AT WONGA BEACH**

Moved Cr Berwick

Seconded Cr Egan

"That Council considers the removal of all diseased palms at this location that have the potential to fall onto the beach, across beach access, or into park reserves and that public consultation be undertaken prior to any removal of palms."

With the agreement of the meeting and the approval of the Mover and Seconder the matter was left on the table.

Moved Cr Berwick

Seconded Cr Cox

07/0130/20 *"That the matter lie on the table pending an inspection by divisional councillors and be reconsidered at the next meeting."*

Carried unanimously

MATERIAL PERSONAL INTEREST

The Chief Executive Officer declared a material personal interest in the following matter and he withdrew from the meeting at 2:50 pm.

ATTENDANCE/WITHDRAWAL

The Manager Engineering, P J Cymbala, and the Project Officer, J R Neely, attended the meeting at 2:52 pm.

07/0130/21 **VEHICLE TENDERS NOS 12, 14, 16, 18 & 22**

Moved Cr Davis

Seconded Cr Cox

"That Council defers vehicle replacements until the philosophical review of vehicle types is undertaken."

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

Against: Cr Berwick

Carried

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer re-attended the meeting at 2:59 pm.

MATERIAL PERSONAL INTEREST

The General Manager Engineering declared a material personal interest in the following matter and he withdrew from the meeting at 2:59 pm.

07/0130/22 SALE OF DAINTREE RIVER FERRY

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Bellerio

07/0130/22A *"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 in relation to the purchase of the Daintree Ferry."*

Carried unanimously

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Egan

07/0130/22B *"That the meeting be re-opened to the public."*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment withdrew from the meeting at 3:35 pm and re-attended the meeting at 3:55 pm.

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

Moved Cr Berwick

Seconded Cr Cox

07/0130/22(i) *"That Council delegates authority to the Chief Executive Officer to accept the highest offer, if deemed appropriate and received by close of business on Friday, 2 February 2007, for the purchase of the ferry."*

For: Cr Berwick, Cox, Egan

Against: Cr Sciacca, Pitt, Bellerio, Davis

Lost

Moved Cr Bellerio

Seconded Cr Davis

“That Council hold the ferry for sale for a period to allow for the opportunity for more competitive bids and that engineering look at coating the deck with a protective coating.”

An amendment to the motion was moved:

Moved Cr Davis

Seconded Cr Bellerio

07/0130/22(ii) *“That Council hold the ferry for sale for a period to allow for the opportunity for more competitive bids and that engineering look at coating the deck with a protective coating. Also that Council approach the Daintree tour operators to see if they have any interest in using the ferry as a berthage pontoon to service their riverboat operations.”*

For: Cr Davis, Bellerio, Pitt

Against: Cr Berwick, Egan, Cox, Sciacca

Lost

The original motion was put:

For: Cr Pitt, Bellerio

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

Lost

Moved Cr Davis

Seconded Cr Berwick

07/0130/22(iii) *“That Council accepts the highest bid received by close of business on Wednesday, 7 February 2007 provided it is no less than the highest current bid.”*

For: Cr Davis, Berwick, Egan, Cox

Against: Cr Sciacca, Pitt, Bellerio

Carried

ATTENDANCE/WITHDRAWAL

Cr Cox withdrew from the meeting at 3:55 pm and re-attended the meeting at 3:58 pm.

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Pitt

07/0130/22C*"That Council extends the meeting time until its conclusion."***Carried** unanimously07/0130/22DSUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Pitt

*"That standing orders be suspended to allow Council to consider item nos 26 through to 36 of the agenda."***Carried** unanimously**NOTICES OF MOTION****OFFICER COMMENT PROVIDED**07/0130/23 **MC0107M – LEGAL COST INCURRED BY THE MAYOR**07/0130/24 **DE0107M – INVITE A REPRESENTATIVE FROM LOCAL GOVERNMENT MUTUAL LIABILITY POOL**07/0130/25 **GP0107M – COUNCILLORS' INSURANCE**

These items were dealt with after item 07/0130/36.

ATTENDANCE/WITHDRAWAL

Cr Davis withdrew from the meeting at 4:05 pm and re-attended the meeting at 4:10 pm.

07/0130/26 **BB0307M – COUNCIL ORDINARY MEETING TIMELINE**

Moved Cr Bellerio

Seconded Cr Sciacca

"That Council reverts back to previous ordinary meeting time, i.e. the first and third Tuesday of every month."

For: Cr Bellerio, Sciacca

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

Lost

ATTENDANCE/WITHDRAWAL

The General Manager Engineering re-attended the meeting at 4:13 pm.

07/0130/27 BB0207M – MEETING AND BRIEFING SESSIONS PROCEDURE

Moved Cr Bellerio

Seconded Cr Pitt

“That Council:

- 1. extends meeting time to allow proper debate;*
- 2. extends briefing sessions to allow councillors to fully discuss and understand issues.”*

With the agreement of the meeting and the approval of mover and the seconder the motion was withdrawn.

Moved Cr Berwick

Seconded Cr Egan

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 allow 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.”*

Carried unanimously

MATERIAL PERSONAL INTEREST

The Chief Executive Officer declared a material personal interest in the following matter and he withdrew from the meeting at 4:40 pm.

07/0130/15 MCU 3B 016/06 – LOT 193 RP747071, CORNER CAPTAIN COOK
HIGHWAY AND PORT DOUGLAS ROAD, PORT DOUGLAS –
REQUEST FOR A NEGOTIATED DECISION NOTICE

Moved Cr Sciacca

Seconded Cr Cox

07/0130/15(i) *“That Council approves a Negotiated Decision for D G Robertson Pty Ltd, for a Material Change of Use for shops and offices on land described as Lot 193 RP747071, Parish of Salisbury, and located at the corner of the Captain Cook Highway and Port Douglas Road, Port Douglas, subject to the deletion of the following conditions:*

- 3. 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;*
- 8. the applicant shall pay to the Council headworks contributions for sewerage and water supply 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;*
- 18. the existing sign on the corner of the Captain Cook Highway and Port Douglas Road is to be removed. Alternative signage may be permitted within the access easement subject to separate operational works approval.*
- 19. the applicant is to install external landscaping works within the Captain Cook Highway and Port Douglas Road road reserves adjacent to the site in accordance with Council’s approved Port Douglas Entry Landscaping Plan prepared by Hortulus and Siteplan, including irrigation;*

and the amendment of conditions 2, 14 & 15 as follows:

- 2. a pathway shall be constructed to a minimum width of 2 m from the entry to the existing supermarket to the pedestrian footpath located on Port Douglas Road. A formalised pedestrian crossing point is to be provided on the entry/exit point a minimum distance of 10 m from the boundary of the easement*
- 14. the applicant shall construct the following works external to the site in accordance with Council’s adopted standards:*
 - (b) street lighting to FNQROC Development Manual standards for a ~~major~~ minor collector road (Section D8.07) and in accordance with AS/NZS 1158 for intersections.*

Details and specifications for the above works shall be shown on the plans for building work.

15. *to guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, and to ensure payment of headworks contribution, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$75,000 \$35,000, such Guarantee shall be lodged prior to the issue of a Development Approval for Building Works on the land in relation to this Development 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 applicant fail to do so prior to issuing of a Development Permit for Building Work.*

All other conditions to remain unchanged."

An amendment to the motion was moved:

Moved Cr Davis

Seconded Cr Berwick

07/0130/15(ii) *"That Council adopts the recommendation subject to the retention of conditions 16 and 17 and subject to the sign being moved to the entrance to the site."*

For: Cr Davis, Berwick

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

Lost

The original motion was then put:

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

Against: Cr Berwick, Davis

Carried

07/0130/28 **RD0107M – EXTENDING CR BELLERO'S MOTION ON COUNCIL MEETING TIMES**

Moved Cr Davis

"That Council extends meeting times to allow proper debate and with it extend briefing sessions to allow councillors to fully discuss and understand issues and we agree that seven (7) councillors alone will meet together informally before each sitting to discuss consensual options."

The motion was withdrawn.

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment withdrew from the meeting at 4:50 pm.

07/0130/29 MC0207M – INVITE THE MINISTER FOR LOCAL GOVERNMENT, PLANNING AND SPORT

Moved Cr Cox

Seconded Cr Egan

“That Council writes to the Hon Andrew Fraser MP, Minister for Local Government, Planning & Sport and invite him to meet with us.”

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment re-attended the meeting at 4:55 pm.

07/0130/30 BB0107M – EMPLOYING GENERAL MANAGERS

Moved Cr Davis

Seconded Cr Pitt

“That Council be provided with a briefing session to facilitate discussion and understanding of the options.”

Carried unanimously

07/0130/31 BB0407M – HIRING OF CONSULTANTS ON PROJECTS OVER \$50 000

Moved Cr Bellerio

Seconded Cr Egan

07/0130/31(i) *“That Council includes all councillors in the hiring of consultants on projects over \$50 000.”*

For: Cr Bellerio, Egan

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

Lost

Moved Cr Davis

Seconded Cr Cox

07/0130/31(ii) *“That Council convenes a briefing session to develop a better understanding of Council’s requirements and their potential implications and to allow Council to make a formal resolution of its requirements for hiring of consultants.”*

Carried unanimously

07/0130/32 RD0207M – NUCLEAR FREE DOUGLAS SHIRE

Moved Cr Egan

Seconded Cr Davis

“That Council confirms that Douglas Shire does not want to be the ‘backyard next door’ that the Hon John Howard MP, Prime Minister, thinks may well, one day, site a nuclear power station.”

Carried unanimously

07/0130/33 RD0307M – JUST GET ON WITH THE WATERFRONT CONSULTATION

Moved Cr Davis

Seconded Cr Berwick

“That Council:

- 1. reply to the Deputy Premier acknowledging the offer of assistance, seek clarification of that assistance and request that the moratorium on the lease renewals, with the exception of the Combined Clubs, remains in place pending resolution of the Council’s preferred planning process;*
- 2. request Citiisolutions and Elton Consulting to –*
 - a. distribute the due diligence report to stakeholders,*
 - b. invite stakeholder comments,*
 - c. establish a programme to review comments, in meetings, with stakeholders,*
 - d. prepare a Planning and Engagement Strategy –*
 - i. for the preparation of a waterfront master plan and*
 - ii. for the 13 March 2007 meeting of the council; and*
 - e. undertake, through sub-consultants, an economic analysis of the waterfront’s contribution to the economy.”*

Carried unanimously

07/0130/34 RD5006M – CORRESPONDENCE RESPONSE TIME

Moved Cr Davis

Seconded Cr Bellerio

“That Council be given a detailed quarterly report of both the time and effectiveness of our office responses to customer phone, email and/or written enquiries, on a department by department basis.”

With the agreement of the meeting and the approval of the mover and the seconder the motion was withdrawn.

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment withdrew from the meeting at 5:20 pm.

REPORTS – CHIEF EXECUTIVE OFFICER

07/0130/35 ANNUAL REPORT 2005/2006

Moved Cr Berwick

Seconded Cr Egan

“That Council adopts the 2005/2006 Annual Report in accordance with Section 531(2) of the Local Government Act 1993. Further, the Report and attachments be provided to the Minister as required and posted for public access on the Council’s website.”

Carried unanimously

07/0130/36 CONFIDENTIAL – ANNUAL LEAVE – CHIEF EXECUTIVE OFFICER

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Davis

07/0130/36A *“That pursuant to Section 463(1)(f) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of a staff matter, being the report by the Chief Executive Officer on annual leave.”*

Carried unanimously

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Egan

07/0130/36B *“That the meeting be re-opened to the public.”*

Carried unanimously

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

Moved Cr Egan

Seconded Cr Sciacca

“That Council adopts the following annual leave plan for the Chief Executive Officer for the 2007 calendar year:

1. *that Council approve the following annual leave plan for the 2007 calendar year:-*
 - a. *Monday, 9 April 2007 to Friday, 20 April 2007 inclusive – **Relief: General Manager Finance;***
 - b. *Monday, 24 September 2007 to Friday, 5 October 2007 inclusive – **Relief: General Manager Corporate & Community;***



- c. *Monday, 24 December 2007 to Friday, 18 January 2008 – Relief: General Manager Development & Environment (2 weeks), General Manager Engineering (2 weeks)*
- d. *(Relief to be provided by General Managers in accordance with Council direction of 6 December 2005).*
2. *That Council approve, in accordance with Business Rule No 10, the payout of 21 weeks' accrued annual leave to bring the total accrued annual leave to a total of ten (10) weeks or below."*

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

DECLARATION OF INTEREST

The Mayor, Cr Berwick, declared a material personal interest in the following matter and withdrew from the meeting at 5:40 pm. The Deputy Mayor, Cr Egan, assumed the Chair.

07/0130/23 MC0107M – LEGAL COST INCURRED BY THE MAYOR

Moved Cr Cox

Seconded Cr Davis

"That Council ensures all legal costs incurred by the Mayor to defend himself against allegations made by Mr McCloy are covered."

For: Cr Cox, Davis, Bellerio
Against: Cr Egan, Sciacca, Pitt
Lost on the casting vote of the Chair

07/0130/24 DE0107M – INVITE A REPRESENTATIVE FROM LOCAL GOVERNMENT MUTUAL LIABILITY POOL

ATTENDANCE/WITHDRAWAL

Cr Bellerio withdrew from the meeting at 6:05 pm and re-attended at 6:07 pm.



Moved Cr Egan

Seconded Cr Pitt

"That Council invites a representative from the Local Government Mutual Liability Pool (LGM) to address Council and to answer concerns Council would have to understand how this pool works."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment re-attended the meeting at 6:08 pm.

07/0130/25 GP0107M – COUNCILLORS' INSURANCE

Moved Cr Pitt

Seconded Cr Sciacca

"That all councillors be provided with advice:

- 1. on any claims which have been submitted to Council's insurers by councillors for assistance with defamation actions; and*
- 2. on the operation of Council insurance policies with regard to the likely impact on Council's insurance premiums if a claim is accepted and a payout is made."*

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

Against: Cr Davis

Carried

TERMINATION

The meeting was closed at 6:14 pm.

Presented to and confirmed by Council on the *twentieth* day of *February* 2007.

M P Berwick
Chair