



*Minutes of the Ordinary Meeting of Council
17 July 2007
commencing at 8:31 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 (present at 8:55 am).

Staff – J F Leu (Acting Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), P J Trotman (General Manager Development & Environment), T J Clark (Engineer), A M Rodgers (Manager Corporate Support) and S K Andrews (Corporate Support).

07/0717/01 CONDOLENCES

There were no condolences referred to at the meeting.

07/0717/01A SUSPENSION OF THE ORDER OF BUSINESS

Moved Cr Berwick

Seconded Cr Davis

“That Council suspends the order of business to consider item 07/0717/34 – DE0607M – Chief Executive Officer now.”

For: Cr Berwick, Davis, Cox, Pitt

Against: Cr Egan, Bellerio

Carried

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Cox

07/0717/01B *“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 confidential legal advice provided by McCullough Robertson, Lawyers, and King & Company Solicitors in relation to item 07/0717/34 – DE0607M – Chief Executive Officer.” (8:42 am)*

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Sciacca attended the meeting during closed session at 8.55 am.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Cox

07/0717/01C "That the meeting be re-opened to the public." (10:09 am)

Carried unanimously

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

07/0717/34 DE0607M – CHIEF EXECUTIVE OFFICER

07/0717/01D NOTICE OF MOTION – DE0607M CHIEF EXECUTIVE OFFICER – AND THE CRIME AND MISCONDUCT COMMISSION RESPONSE TO THE ALLEGED TAMPERING WITH COUNCIL MINUTES

A report from the Acting Chief Executive Officer in relation to Notice of Motion DE0607M – Chief Executive Officer, and the Crime and Misconduct Commission response to the allegations of tampering with Council minutes was considered by Council.

Moved Cr Berwick

Seconded Cr Cox

"That the Council:

1. takes no action on the grounds that the suggested motion is unlawful. The grounds that this motion relies on are invalid, based upon confidential legal advice received by McCullough Robertson, Lawyers, on 11 July 2007.
2. having agreed to take no action, resolves to accept the confidential advice provided by McCullough Robertson, Lawyers, on 11 July 2007.
3. accepts the advice from the Crime and Misconduct Commission that there is no dishonesty or negligence by Douglas Shire Council staff in relation to the alleged tampering with Council minutes and does not intend to take any further action in relation to the matter."

For: Cr Berwick, Cox, Egan, Davis

Against: Cr Sciacca, Pitt, Bellerio

Carried

07/0717/01E RESUMPTION OF THE MEETING

Moved Cr Berwick

Seconded Cr Cox

"That the order of business be resumed."

Carried unanimously

ADJOURNMENT OF THE MEETING

At 10:16 am the meeting adjourned for morning tea.

RESUMPTION OF THE MEETING

The meeting resumed at 10:36 am without the attendance of Cr Bellerio.

07/0717/01F ADJOURNMENT OF THE MEETING

Moved Cr Berwick

Seconded Cr Pitt

"That the meeting be adjourned to facilitate briefing the Council on the issues outlined in the agenda."

Carried unanimously

At 10:37 am the meeting was adjourned to allow the Council to receive briefing sessions on the Geographical Information System Scoping Study from Mr David Bruce of Omnilink, an Update on the Daintree Buyback from Ms Gaye Scott of 20/20 Group and the Upgrade of Front Street, Mossman, from Mr Lenny Gow of Lenny's Landscaping.

ATTENDANCE/WITHDRAWAL

Cr Bellerio re-attended the meeting at 10:40 am.

RESUMPTION OF THE MEETING

The meeting resumed after the briefing sessions at 12:02 pm.

07/0717/02 DECLARATIONS OF INTEREST

No declarations of interest were received at the meeting.

07/0717/03 MINUTES

Moved Cr Berwick

Seconded Cr Davis

"That the minutes of the Ordinary Council Meeting held on 26 June 2007 be confirmed subject to the removal of a typographical error 'and' in item 07/0626/09 – Decisions of Council Status Report under the heading 'Attendance/Withdrawal'."

Carried unanimously

COMMUNITY & CORPORATE

07/0717/04 STANDING COMMITTEES OF THE COUNCIL

ATTENDANCE/WITHDRAWAL

Cr Pitt withdrew from the meeting at 12:16 pm and re-attended at 12:20 pm.

Moved Cr Davis

Seconded Cr Berwick

"That Council:

- 1. resolves to adopt the Policy and Procedure Manual for the Standing Committees of Council dated 2 July 2007;*
- 2. having resolved to appoint Councillors of the Council to each of the Standing Committees by way of its resolution of 22 February 2007, resolves that the four (4) Standing Committees of Council commence operation effective from today, and that the Council resolves, in accordance with section 472(1) of the Local Government Act 1993, to delegate its powers under the following Acts (including any Subordinate Legislation made under those Acts), Local Laws and Subordinate Local Laws to each Standing Committee as provided for below:-*

DEVELOPMENT AND ENVIRONMENT STANDING COMMITTEE

Acts of Parliament

- Building Act 1975*
- Coastal Protection Management Act 1995*
- Dangerous Goods Safety Management Act 2001*
- Environmental Protection Act 1994*
- Food Act 2006*
- Gas Supply Act 2003*
- Health Act 1937*
- Integrated Planning Act 1997*
- Integrated Resort Development Act 1987*
- Land Act 1994*
- Land Protection (Pest and Stock Route Management) Act 2002*
- Local Government Act 1993*
- Mixed Use Development Act 1993*
- Petroleum Act 1923*
- Petroleum and Gas (Production and Safety) Act 2004*
- Plumbing and Drainage Act 2002*
- Prostitution Act 1999*
- Public Health Act 2005*

- *Public Health (Infection Control for Personal Appearance Services) Act 2003*
- *State Development and Public Works Organisation Act 1971*
- *Stock Act 1915*
- *Tobacco and Other Smoking Products Act 1998*
- *Water Act 2000*

Local Laws

- *Local Law No 2 (Administration)*
- *Local Law No 6 (Control of Nuisances)*
- *Local Law No 7 (Control of Pests)*
- *Local Law No 14 (Keeping and Control of Animals)*
- *Subordinate Local Law No 14 (Keeping and Control of Animals)*
- *Local Law No 18 (Parks and Reserves)*
- *Subordinate Local Law No 18 (Parks and Reserves)*
- *Local Law No 22 (Theatres)*
- *Local Law No 23 (Boarding Houses, Flat Buildings and Tenement Buildings)*
- *Local Law No 26 (Temporary Homes)*
- *Local Law No 28 (Waste Management)*
- *Local Law No 38 (Motels)*
- *Local Law No 39 (Holiday Cabins)*
- *Local Law No 42 (Caravans, Caravan Parks, Tents and Camping)*
- *Local Law No 43 (Television Aerials)*
- *Local Law No 46 (Swimming Pools)*
- *Local Law No 48 (Council Caravan Parks)*
- *Local Law No 49 (Extractive Industries)*
- *Local Law No 56 (Vegetation Management)*
- *Local Law No 57 (Regulated Parking) 2001*
- *Subordinate Local Law No 57 (Regulated Parking) 2001*
- *Local Law No 59 (Commercial Use of Roads)*
- *Subordinate Local Law No 59 (Commercial Use of Roads)*

COMMUNITY AND CORPORATE STANDING COMMITTEE

Acts of Parliament

- *Local Government Act 1993 with respect to procurement*
- *Acquisition of Land Act 1967*
- *Gaming Machine Act 1991*
- *Land Act 1994*
- *Land Title Act 1994*
- *Liquor Act 1992*

Local Laws

- *Local Law No 8 (Commercial Recreational Activities)*
- *Local Law No 16 (Libraries)*

- Local Law No 17 (Meetings)
- Subordinate Local Law No 17 (Meetings)

ENGINEERING STANDING COMMITTEE

Acts of Parliament

- Disaster Management Act 2003
- Local Law No 24 (Cemeteries)
- Electricity Act 1994
- Fire and Rescue Service Act 1990
- Integrated Planning Act 1997 ('IPA') with respect to development approvals for Operational Works – that is items in Table 4 of Schedule 8 of this Act and satisfying section 1.3.5 of IPA;
- Local Government Act 1993
- Transport Infrastructure Act 1994
- Transport Operations (Road Use Management) Act 1995
- Transport Planning and Coordination Act 1995
- Water Act 2000

Local Laws

- Local Law No 5 (Domestic Water Carriers)
- Local Law No 9 (Foreshores)
- Local Law No 10 (Bathing Reserves)
- Subordinate Local Law No 10 (Bathing Reserves)
- Local Law No 11 (Bathing)
- Local Law No 12 (Water)
- Local Law No 19 (Public Conveniences)
- Local Law No 20 (Licensed Gates)
- Local Law No 21 (Petrol Pumps)
- Local Law No 30 (Ferries)
- Local Law No 31 (Mossman and District Water)
- Local Law No 32 (Jetties, Barge Loading and Boat Ramps)
- Local Law No 34 (Tramways)
- Local Law No 35 (Bridges)
- Local Law No 44 (Port Douglas Boat Harbour)
- Local Law No 58 (Roads)
- Subordinate Local Law No 58 (Roads)

FINANCE AND ADMINISTRATION STANDING COMMITTEE

Acts of Parliament

- Local Government Act 1993
- Local Government Finance Standard 2005
- Statutory Bodies Financial Arrangements Act 1982
- Financial Administration and Audit Act 1977

3. resolves that the persons appointed as Chairpersons to each Standing Committee by resolution of Council dated 22 February 2007 (resolution

- 8), commence in that role for a period of two (2) months initially commencing on the date of the first scheduled meeting of the Standing Committees being 7 August 2007 and then three (3) monthly thereafter;
4. resolves that Chairpersons of the Standing Committees for the following eight (8) month period as part of the rotating Chairperson be in alphabetical order according to surname, rotating three (3) monthly;
5. resolves that the following are to be the Scheduled Meeting Dates for all of the four (4) Standing Committees of Council for the remainder of 2007 to coincide with the scheduled dates for ordinary meetings of the Council, subject to any individual meeting date changes the Council may make in the future:
- 7 August 2007
 - 27 August 2007
 - 18 September 2007
 - 9 October 2007
 - 30 October 2007
 - 20 November 2007
 - 11 December 2007;
6. resolves that in January of each year a Notice of Proposed Meeting Dates for the Standing Committees of Council and Ordinary Meetings of Council be given by public advertisement in the Port Douglas and Mossman Gazette, by notification on Council's website and by public display in Council's Chambers, and that the Chief Executive Officer be directed to undertake the giving of those Notices.
7. resolves to give Notice by public advertisement of the proposed meeting dates for the Standing Committees of Council and the Ordinary Meetings of Council as provided for in Resolution 5 hereof and as required by section 464(1) of the Local Government Act 1993, and that the Chief Executive Officer be directed to place public advertisements in the Port Douglas and Mossman Gazette, on Council's website and on public display in Council's Chambers during the period two (2) weeks prior to the first Meeting of the Standing Committees of Council."

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

"That Cr Berwick be replaced by Cr Sciacca on the Engineering Standing Committee during the period from October to December 2007."

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

Against: Cr Pitt

Carried

07/0717/05 COUNCIL INVOLVEMENT IN RECRUITMENT OF EXECUTIVE STAFF

Moved Cr Davis

Seconded Cr Sciacca

"That Council:

1. *determines it wishes to be involved in the recruitment of executive staff, which is limited to the positions of General Manager in the current organisation structure, to the following extent:*
 - (a) *review position requirements;*
 - (b) *construct/review the contract of employment (if applicable);*
 - (c) *establish a selection panel;*
 - (d) *short list applications for interview;*
 - (e) *conduct interviews of short listed applicants; and*
 - (f) *consider information gathered and determine (if appropriate) to make an offer of employment.*

2. *be provided with training at the appropriate time in respect of:*
 - (a) *employment contracts;*
 - (b) *enterprise agreement provisions;*
 - (c) *equal employment opportunity principles;*
 - (d) *the provisions of the Local Government Act 1993 relating to the employment of staff;*
 - (e) *the corporate structure of the organisation; and*
 - (f) *interview techniques."*

For: Cr Sciacca, Egan, Pitt, Bellerio

Against: Cr Berwick, Davis, Cox

Carried

07/0717/06 COMMUNICATIONS AND MEDIA POLICY

ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 12:46 am and re-attended the meeting at 12:48 am.

Moved Cr Davis

Seconded Cr Berwick

07/0717/06

"That Council adopts the Communications and Media Policy as submitted by the Manager Corporate Support in her report and that it be provided on the Council's webpage for public information with the following amendments:

1. *that in the second paragraph under the heading 'Policy', and under the sub-heading 'Official Spokesperson', it should read, 'The Mayor is at all times to*

distinguish between personal views and Council's resolved position.' instead of the sentence, 'The Mayor is not entitled to convey his personal opinions when exercising the responsibilities conferred by this policy.'; and

- 2. that the third paragraph on the same page should be removed altogether and replaced with – 'Any Councillor or staff member who misrepresents the resolutions of Council breaches this policy.'."*

For: Cr Davis

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

Lost

Moved Cr Berwick

Seconded Cr Sciacca

07/0717/06(i)

"That Council adopts the Communications and Media Policy as submitted by the Manager Corporate Support in her report and that it be provided on the Council's webpage."

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

Against: Cr Davis

Carried

07/0717/06A SUSPENSION OF THE ORDER OF BUSINESS

Moved Cr Berwick

Seconded Cr Egan

"That the order of business be suspended to allow Council to consider item 07/0717/09 – Aged Care Facility now."

Carried unanimously

07/0717/09 AGED CARE FACILITY

Moved Cr Berwick

Seconded Cr Egan

"That Council:

- 1. receives the Request for Expressions of Interest (REOI) from CEC Group Ltd and Vitality Care Pty Ltd for the Land Sale for Aged Care Facility (REOI No 72-06/07); and*
- 2. agrees to sell the land described as Lot 1 on SP150474, Parish of Victory, to CEC Group Ltd and Vitality Care Pty Ltd for \$750 000 as per the valuation supplied by the State Valuation Service, Department of Natural Resources and Water, subject to an agreement being reached on a mutually acceptable contract of sale."*

Carried unanimously

ADJOURNMENT OF THE MEETING

At 1:05 pm the meeting was adjourned for lunch.

07/0717/09A RESUMPTION OF THE ORDER OF BUSINESS

Moved Cr Berwick

Seconded Cr Cox

"That the order of business be resumed." (2:00 pm)

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting Manager Community, Cultural & Economic, Kelly Favas; the Manager Building, Jeff Evans; and the Planning Officer, Natalie Clark, attended the meeting at 2:00 pm.

07/0717/09B SUSPENSION OF THE ORDER OF BUSINESS

Moved Cr Pitt

Seconded Cr Cox

"That the order of business be suspended to allow Council to consider item 07/0717/13 – MCU 004/06 – Lot 1 RP739151, Captain Cook Highway, Craiglie – Material Change of Use for a Service Station and Restaurant."

Carried unanimously

07/0717/13 MCU 004/06 – LOT 1 RP739151, CAPTAIN COOK HIGHWAY, CRAIGLIE – MATERIAL CHANGE OF USE FOR A SERVICE STATION AND RESTAURANT

Moved Cr Berwick

Seconded Cr Cox

"That Council approves the application MCU 004/06 for a Material Change of Use for a service station on land described as Lot 1 on RP739151, Parish of Salisbury, and located at Captain Cook Highway, Craiglie, subject to conditions outlined in Attachment C of the Planning Officer's report, and refuses the application MCU 004/06 for a Material Change of Use for a restaurant on Lot 1 on RP739151, Parish of Salisbury, and located at Captain Cook Highway, Craiglie, on the grounds listed in Attachment C of the Planning Officer's report."

For: Cr Berwick, Davis, Cox

Against: Cr Egan, Pitt, Sciacca, Bellerio

Lost

As required under S461(A) of the *Local Government Act 1993* the following statements were the grounds provided by the Councillors as their reasons for not accepting the Officer's recommendation :

1. the restaurant is not a stand alone project, but in conjunction with a service station which is supportive of the Craigie service industry precinct aims in Council's Planning Scheme;
2. the fast food offer in conjunction with a service station is in the 'restaurant' definition in the Council's Planning Scheme;
3. a restaurant is considered impact (inconsistent) on this site in the Council's Planning Scheme as per the Integrated Planning Act 1997 and Council must not prohibit development; and
4. the service station and fast food offer proposed is consistent with normal service centre practices.

Moved Cr Bellerio

Seconded Cr Pitt

"That Council defers consideration of the application MCU 004/06 for a Material Change of Use for a service station and restaurant on land described as Lot 1 on RP739151, Parish of Salisbury, and located at Captain Cook Highway, Craigie, until the Ordinary Meeting of Council on 7 August 2007, and that planning staff be required to provide conditions to allow approval of the whole application."

For: Cr Bellerio, Pitt, Egan, Sciacca

Against: Cr Berwick, Cox, Davis

Carried

ATTENDANCE/WITHDRAWAL

The Planning Officer withdrew from the meeting at 2:58 pm.

07/0717/13A RESUMPTION OF THE ORDER OF BUSINESS

Moved Cr Berwick

Seconded Cr Cox

"That the order of business be resumed."

Carried unanimously

07/0717/07 PROPOSAL TO APPOINT A COMMUNICATIONS OFFICER

ATTENDANCE/WITHDRAWAL

The Manager Planning, Paul Gleeson, withdrew from the meeting at 3:02 pm.

Moved Cr Davis

Seconded Cr Berwick

"That Council asks staff to consider alternative options along the lines of that it calls tenders to seek to appoint an external contractor on a part-time basis to act as Communications Officer."

For: Cr Davis, Berwick

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

Lost

Debate on the motion continued.

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment, Paul Trotman, withdrew from the meeting at 3:22 pm. Cr Pitt also withdrew at this time.

The General Manager Development & Environment re-attended the meeting at 3:23 pm. Cr Pitt also re-attended at this time.

Moved Cr Sciacca

Seconded Cr Bellerio

"That Council:

- 1. not proceed with the appointment of a Communications Officer at this stage pending an assessment of any improvements in the Council's public relations image arising out of the application of a communications and media policy;*
- 2. reconsiders the circumstances in three (3) months time."*

Carried unanimously

07/0717/08 DELEGATIONS – COUNCIL TO CHIEF EXECUTIVE OFFICER

Moved Cr Sciacca

Seconded Cr Pitt

"That Council participates in a workshop with the Executive Management Team to consider each suggested delegation in more detail and subsequently decides what responsibilities it actually wishes to delegate."

Carried unanimously

07/0717/09 AGED CARE FACILITY

This item was dealt with after item 07/07/17/ 06A – Suspension of the Order of Business.

07/0717/10 DETAILS OF THE USE OF THE COUNCIL SEAL

Moved Cr Berwick

Seconded Cr Cox

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

Carried unanimously

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Davis

07/0717/10A *“That Council defers consideration of item 07/0717/11 – Decisions of Council Status Report, to the end of the meeting.”*

Carried unanimously

07/0717/11 DECISIONS OF COUNCIL STATUS REPORT

This item was dealt with after item 07/0717/36 – MCUI 010/07 – Lot 106 RP737399, Buchanan Creek Road, Cow Bay – Application for Compensation.

DEVELOPMENT & ENVIRONMENT

07/0717/12 MCU 3B 079/04 – LOT 28 RP737058, CAMELOT CLOSE, CAPE TRIBULATION – MATERIAL CHANGE OF USE FOR A DWELLING HOUSE AND GARAGE

Moved Cr Berwick

Seconded Cr Egan

“That Council approves the application MCU 3B 079/04 for Material Change of Use for a dwelling house and garage on rural (residential) zoned land described as Lot 28 on RP737058, Parish of Noah, and located at Camelot Close, Cape Tribulation, subject to the conditions in the Assistant Planning Officer’s report.”

Carried unanimously

07/0717/13 **MCU 004/06 – LOT 1 RP739151, CAPTAIN COOK HIGHWAY, CRAIGLIE – MATERIAL CHANGE OF USE FOR A SERVICE STATION AND RESTAURANT**

This item was dealt with after item 07/0717/09B – Suspension of the Order of Business.

07/0717/14 **MCUI 002/07 – LOT 213 D3331, 13-15 OSBORNE STREET, DAINTREE – REQUEST FOR PART WAIVER OF APPLICATION FEE FOR DEVELOPMENT APPLICATION**

Moved Cr Cox

Seconded Cr Pitt

“That Council grants a part waiver of the full fee required to assess a development application and imposes a reduced fee of \$500 for application MCUI 002/07 for development approval for an office on land described as Lot 213 on D3331, Parish of Alexandra, and located at 13-15 Osborne Street, Daintree.”

Carried unanimously

07/0717/15 **MCUI 009/07 – LOT 267 RP738997, KAURI CLOSE, COW BAY – MATERIAL CHANGE OF USE FOR A HOUSE**

Moved Cr Cox

Seconded Cr Pitt

“That Council refuses the application MCUI 009/07 for a Material Change of Use for a house on land described as Lot 267 on RP738997, Parish of Alexandra, and located at Kauri Close, Cow Bay, on the grounds detailed in Attachment C of the Assistant Planning Officer’s report.”

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

Against: Cr Bellerio, Sciacca

Carried

07/0717/16 **MCUI 010/07 – LOT 106 RP737399, BUCHANAN CREEK ROAD, COW BAY – MATERIAL CHANGE OF USE FOR A HOUSE**

Moved Cr Cox

Seconded Cr Berwick

“That Council refuses the application MCUI 010/07 for a Material Change of Use for a house on land described as Lot 106 on RP737399, Parish of Alexandra, and located at Buchanan Creek Road, Cow Bay, on the grounds detailed in Attachment C of the Assistant Planning Officer’s report.”

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

Against: Cr Bellerio, Sciacca

Carried

07/0717/17 **MCUI 011/07 – LOT 442 RP738994, CAPE TRIBULATION ROAD, COW BAY – REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME**

Moved Cr Berwick

Seconded Cr Davis

“That Council refuses the request to assess application MCUI 011/07 for a Material Change of Use for a dwelling house on land described as Lot 442 on RP738994, Parish of Alexandra, and located at Cape Tribulation Road, Cow Bay, under the Douglas Shire Superseded Planning Scheme.”

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

Against: Cr Bellerio, Sciacca

Carried

07/0717/18 **SUB 001/06 – LOT 132 PTD2094, 38 MURPHY STREET, PORT DOUGLAS – RECONFIGURATION OF A LOT**

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment withdrew from the meeting at 3:29 pm.

The General Manager Development & Environment re-attended the meeting at 3:31 pm. The Planning Officer also re-attended at this time.

Moved Cr Berwick

Seconded Cr Cox

“That Council approves the application SUB 001/06 for a Reconfiguration of a Lot (one (1) lot into two (2) lots) on land described as Lot 132 on PTD2094, Parish of Salisbury, and located at 38 Murphy Street, Port Douglas, subject to the inclusion of a condition to allow a drainage easement between the lots.”

Carried unanimously

07/0717/19 **SUB 038/04 – LOT 1 RP808147, GORGE ROAD, MOSSMAN – REQUEST TO CANCEL CONDITION FOUR (4) OF DEVELOPMENT APPROVAL**

Moved Cr Bellerio

Seconded Cr Berwick

“That Council approves the request to cancel the following condition of the decision notice dated 19 April 2005 for development approval SUB 038/04 on land described as Lot 1 on RP808147, Parish of Victory, and located at Gorge Road, Mossman:

‘Condition 4

The applicant shall pay to the Council headworks contributions for water supply and sewerage 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.

For information purposes only:

(a) *The current rates per EDC at the time of this approval are:*

<i>Water Supply</i>	<i>\$ 3 869.00</i>
<i>Sewerage</i>	<i>\$ 2 665.00</i>

(b) *The current number of EDCs for the approved use are:*

<i>Water Supply</i>	<i>1</i>
<i>Sewerage</i>	<i>1. "</i>

Carried unanimously

07/0717/20 TP 534 – LOTS 4 & 5 RP738897, NICOLE DRIVE, CAPE TRIBULATION – MINOR CHANGE TO EXISTING DEVELOPMENT PERMIT – EXTENSION OF EXISTING FARM SHED

ATTENDANCE/WITHDRAWAL

The Planning Officer withdrew from the meeting at 3:35 pm. The Manager Planning re-attended the meeting at this time.

Cr Cox withdrew from the meeting at 3:35 pm and re-attended the meeting at 3:37 pm.

Moved Cr Davis

Seconded Cr Sciacca

"That Council approves the minor change to development permit TP 534 for an increase in the area of the existing shed from 36 m² to 72 m² on land described as Lots 4 & 5 on RP738897, Parish of Alexandra, and located at Nicole Drive, Cape Tribulation, 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 generally be in accordance with the details of the application and the approved Plan/s of Development.*

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

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

Against: Cr Egan

Carried

07/0717/21 TPC1239 – LOT 2 RP743352 AND EASEMENT A RP898823, UNNAMED ROAD OFF FERRERO ROAD, PORT DOUGLAS – MATERIAL CHANGE OF USE FOR A CAMPING GROUND AND CARAVAN PARK

Moved Cr Berwick

Seconded Cr Cox

“That Council refuses the application TPC1239 for Material Change of Use for a camping ground and caravan park on land described as Lot 2 on RP743352 and Easement A on RP898823, Parish of Salisbury, and located at an unnamed road off Ferrero Road, Port Douglas, on the following grounds:

- 1. the proposal is not considered to be consistent with the Transitional Douglas Shire Planning Scheme, particularly with the provisions of the Strategic Plan relating to Tourism and to the Productive Rural Area preferred dominant land use area;*
- 2. the proposal is not considered to be consistent with the 2006 Douglas Shire Planning Scheme, particularly with the purpose of the Rural Areas and Rural Settlements Locality Code; the purpose of the Rural Planning Area Code; and the purpose of the Port Douglas and Environs Locality Code; and*
- 3. approval of the proposed development is likely to prejudice the orderly planning, use and development of land in proximity to the Captain Cook Highway to the south and the north of Craiglie and Port Douglas and, particularly, land on the western side of the Captain Cook Highway.”*

Carried unanimously

07/0717/22 CA69 - LOT 83 SR724, BEOR STREET, CRAIGLIE – REQUEST FOR PART REFUND OF FEE FOR COMBINED APPLICATION

Moved Cr Berwick

Seconded Cr Pitt

“That Council approves the request for a refund of \$1 179, being part of the fee for Combined Application CA69 for the Development Approval for Material Change of Use (Code Assessable) and Preliminary Approval for Reconfiguring a Lot (Impact Assessable) on land described as Lot 83 on SR724, Parish of Salisbury, and located at Beor Street, Craiglie as it is for a not-for-profit public purpose.”

Carried unanimously

07/0717/23 REVIEW OF TENDERS – PRIORITY INFRASTRUCTURE PLANNING

ATTENDANCE/WITHDRAWAL

The Manager Rates & Finance Support, Darryl Crees, attended the meeting at 3:45 pm.

Cr Egan withdrew from the meeting at 3:46 pm.

Moved Cr Sciacca

Seconded Cr Pitt

“That Council:

- 1. endorses Integran Infrastructure Management to prepare Council’s Priority Infrastructure Plan in line with the tender document and Integran’s April 2007 proposal;*
- 2. confirms the “Optional Phases” identified in Integran’s proposal may be included in the project and that their inclusion is at the discretion of the General Managers; and*
- 3. requests the draft 2007/08 budget be amended to reflect the above two resolutions and that the budget for this project be set at \$300 000.”*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment withdrew from the meeting at 3:48 pm and re-attended the meeting at 3:49 pm.

Cr Egan re-attended the meeting at 3:49 pm. The Manager Environmental Health, Paul Hoye, attended the meeting at this time.

07/0717/24 TENDER NO 30-06/07 – CONTRACT FOR THE OPERATION AND MAINTENANCE OF KILLALOE TRANSFER STATION AND LANDFILL

Moved Cr Pitt

Seconded Cr Sciacca

“That Council awards Contract No 30-06/07 for the operation and maintenance of Killaloe Transfer Station and Landfill to Subloos Pty Ltd for the period 1 September 2007 – 31 August 2012.”

ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 3:52 pm. He indicated to the meeting that due to other commitments he would be unable to re-attend the meeting.

Voting on the above item 07/0717/24 then took place:

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Manager Environmental Health withdrew from the meeting at 3:53 pm.

ENGINEERING

07/0717/25 TREESCAPE PLAN AND UPGRADE, FRONT STREET, MOSSMAN

Moved Cr Berwick

Seconded Cr Davis

"That Council asks the Chief Executive Officer and the General Manager Engineering to organise a more structured and comprehensive concept plan suitable for public consultation."

Carried unanimously

FINANCE & ADMINISTRATION

07/0717/26 REVENUE POLICY 2007/08 FINANCIAL YEAR

Moved Cr Sciacca

Seconded Cr Davis

"That Council adopts the Revenue Policy for 2007/08 financial year."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Manager Rates & Finance Support withdrew from the meeting at 4:00 pm.

NOTICES OF MOTION

OFFICER COMMENT PROVIDED

07/0717/27 MB0507M – ELECTRICITY NORTH OF THE DAINTREE

ATTENDANCE/WITHDRAWAL

The Engineer, Terry Clark, withdrew from the meeting at 4:10 pm.

Moved Cr Berwick

Seconded Cr Davis

“That Council:

- 1. commits approximately \$50 000 in the 2007/08 budget for professional advice on options for reticulating underground electricity to the communities north of the Daintree once conservation targets are met. This advice would explore options, estimate costs and propose delivery options in a report to Council. Options would include mains extension, stand-alone systems and green grids. Delivery options would include Ergon, the private sector and Council. Staff would be requested to draft terms of reference and if possible provide a more accurate estimate for budget purposes.*
- 2. removes the mains power ban from north of the Daintree River and extends mains power to the remainder of Forest Creek as a priority; and*
- 3. provides sufficient funds in the 2007/08 budget to undertake ‘reconciliation’ planning north of the Daintree River addressing community, infrastructure, conservation and the economy, as requested during the recent public consultation process.”*

For: Cr Berwick, Cox, Davis

Against: Cr Bellerio, Sciacca, Pitt

Carried on the casting vote of the Chair

PROCEDURAL MOTION

Moved Cr Davis

Seconded Cr Berwick

07/0717/27A

“That item 07/0717/31 – Street Lighting Audit – Wharf and Macrossan Streets, Port Douglas, be left on the table until the Ordinary Meeting of Council on 7 August 2007.”

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Davis withdrew from the meeting at 4:16 pm. He indicated to the meeting that due to other commitments he would be unable to re-attend the meeting.

07/0717/28 MC1407M – NEW STREET NAMES

“That Council encourages developers to use Aboriginal elder traditional tribal names and/or Aboriginal words when naming new streets.”

The motion was withdrawn

07/0717/29 MC1507M – ENDORSEMENT OF THE MINUTES OF THE TRAFFIC AREA CONSULTATIVE COMMITTEE

Moved Cr Cox

Seconded Cr Pitt

“That Council endorses the minutes of the Traffic Area Consultative Committee meeting held on 29 June 2007.”

Carried unanimously

07/0717/30 MC1607M – COUNCILLOR ATTENDANCE AT THE AUSTRALIAN LOCAL GOVERNMENT WOMEN’S ASSOCIATION CONFERENCE

Moved Cr Cox

Seconded Cr Berwick

“That Council approves the attendance of Cr Cox at the 2007 Australian Local Government Women’s Association Conference in Charters Towers.”

Carried unanimously

07/0717/31 RD4907M – STREET LIGHTING AUDIT – WHARF AND MACROSSAN STREETS, PORT DOUGLAS

It was decided that in item 07/0717/27A – Procedural Motion, that this item lie on the table until the Ordinary Meeting of Council on 7 August 2007.

07/0717/32 **BB1207M – EARLY ISSUE OF COUNCIL AGENDAS**

Moved Cr Bellerio

Seconded Cr Pitt

07/0717/32 *“That Council issues Ordinary Meeting agendas on Thursday afternoon.”*

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Cox

07/0717/32(i) *“That Council issues Ordinary Meeting agendas in electronic format (email) only on the Thursday afternoon before the Council Meeting.”*

For: Cr Berwick, Cox

Against: Cr Bellerio, Sciacca, Pitt

Lost

The original motion was put:

For: Cr Bellerio, Sciacca, Pitt

Against: Cr Berwick, Cox

Carried

07/0717/33 **JS0707M – COUNCILLOR ATTENDANCE AT THE INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALIA CONFERENCE**

Moved Cr Sciacca

Seconded Cr Pitt

“Cr Sciacca would like to attend the Institute of Public Works Engineering Australia Conference in Cairns on 26 to 30 August 2007.”

Carried unanimously

OFFICER COMMENT NOT PROVIDED – Notice of motion received after deadline

07/0717/34 **DE0607M – CHIEF EXECUTIVE OFFICER**

This item was dealt with after item 07/0717/01C – Opening of the Meeting to the Public.

07/0717/34A PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Cox

"That Council tables the following item 07/0717/34B - Fast-Tracking of Development Applications for the Film Industry, which was omitted from the agenda due to an administrative error."

Carried unanimously

07/0717/34B RD4807M – FAST-TRACKING OF DEVELOPMENT APPLICATIONS FOR THE FILM INDUSTRY

Moved Cr Pitt

Seconded Cr Bellerio

"That Council staff provide options for a change in the town plan, or policies, or both, towards simplifying and fast-tracking location approvals for film industry operations."

Carried unanimously

REPORTS – ACTING CHIEF EXECUTIVE OFFICER

There were no reports presented to the meeting.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Sciacca

07/0717/34C *"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 items 07/0717/35 – Daintree River Toilet Block – Appeal Number 5410 of 2007; and item 07/0717/36 – MCUI 010/07 – Lot 106 RP739399, Buchanan Creek Road, Cow Bay, Application for Compensation." (4:30 pm)*

Carried unanimously

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Pitt

07/0717/34D *"That the meeting be re-opened to the public." (4:47 pm)*

Carried unanimously

REPORTS – CONFIDENTIAL MATTERS

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

07/0717/35 DAINTREE RIVER TOILET BLOCK – APPEAL NUMBER 5410 OF 2007

Moved Cr Berwick

Seconded Cr Pitt

“That Council does everything it can to seek a meeting with the Environmental Protection Agency up to ministerial level on advice from Stuart Macnaughton and Council revisits the issue of the appeal at the Ordinary Meeting of Council on 7 August 2007.”

Carried unanimously

07/0717/36 MCUI 010/07 – LOT 106 RP737399, BUCHANAN CREEK ROAD, COW BAY – APPLICATION FOR COMPENSATION

Moved Cr Cox

Seconded Cr Pitt

“That Council:

- 1. makes an offer of compensation to the applicants for land described as Lot 106 on RP739399, Parish of Alexandra, and located at Buchanan Creek Road, Cow Bay, in accordance with the findings of the report prepared by Herron Todd White Valuers;*
- 2. advises the Environmental Protection Agency to remit appropriate compensation to the applicant in accordance with the draft Memorandum of Understanding;*
- 3. updates its Conservation Precinct Register to record that the landowner’s development status is changed to ‘compensated’; and*
- 4. reviews the rates on properties without development rights.”*

For: Cr Cox, Pitt, Berwick

Against: Cr Bellerio, Sciacca

Carried

07/0717/11 DECISIONS OF COUNCIL STATUS REPORT

Moved Cr Berwick

Seconded Cr Cox

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

Carried unanimously

TERMINATION

The meeting was closed at 4:53 pm.

Presented to and confirmed by Council on the *seventh* day of *August* 2007.

M P Berwick

Chair

Confirmed