



*Minutes of the Ordinary Meeting of Council
5 June 2007
commencing at 1:09 pm*

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

07/0605/01 **CONDOLENCES**

Cr Berwick referred to the recent deaths of William Schulz, Peter Slack and Francis Barnes. 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

ADDITIONAL ITEMS OF BUSINESS FOR THE MEETING

Moved Cr Berwick

Seconded Cr Cox

"That Council includes for consideration at the meeting the following additional items:

- 1. the Daintree toilet block; and*
- 2. the employment termination package for the former Chief Executive Officer."*

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Cox

07/0605/01A

"That Council includes for consideration at the meeting an item regarding the employment termination package for the former Chief Executive Officer."

For: Cr Berwick, Cox

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

Lost

A further amendment was moved:

Moved Cr Berwick

Seconded Cr Cox

07/0605/01B

"That Council includes for consideration at the meeting an item regarding the Daintree River toilet block."

Carried unanimously

The amendment became the motion and was put:

Carried unanimously

07/0605/02 **DECLARATIONS OF INTEREST**

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

Item No	Councillor/Officer	Details of Interest
07/0605/23	General Manager Engineering	Related to the applicant
07/0605/24	General Manager Engineering	Related to the ferry operators
07/0605/26	General Manager Finance & Administration	Related to a tenderer

07/0605/03 **MINUTES**

ATTENDANCE/WITHDRAWAL

The Community Development Officer, Kelly Favas, withdrew from the meeting at 1:40 pm.

The General Manager Development & Environment, Paul Trotman, withdrew from the meeting at 1:50 pm and re-attended at 1:51 pm.

The Manager Planning, Paul Gleeson, attended the meeting at 1:52 pm.

The following motion was moved in regard to the minutes of the Ordinary Meeting of Council held on 15 May 2007:

Moved Cr Berwick

Seconded Cr Cox

07/0605/03

“That the minutes of the Ordinary Council Meeting held on 15 May 2007 be confirmed subject to:

1. *in item 07/0515/01A: Old Sugar Wharf, Port Douglas; and in the introduction to the item; the reference to the ‘Port Douglas Historical Society’ being changed to ‘Douglas Shire Historical Society’;*
2. *in item 07/0515/18A: Procedural Motion, an amendment be made to show –*
 - *that voting on the amendment should be included, noting that Crs Bellerio and Egan had withdrawn from the meeting before voting took place;*
 - *that the amendment was put to the meeting and*
 - *that the motion was carried unanimously;*
3. *regarding item 07/0515/18B: Suspension of Standing Orders, Cr Pitt requested that it be noted standing orders were not resumed;*
4. *regarding Cr Davis’ conflict of interest in item 07/0515/15: CA 69 – Part Lot 83 SR724, Beor Street, Craiglie – Reconfiguration of a Lot, an amendment be made to show that he chose not to leave the meeting; and*
5. *in item 07/0515/23B: National Local Government Conference 2007, an amendment be made to show that the conference will be held in Darwin, not Canberra.”*

Carried unanimously

The following motion was moved in regard to item 07/0515/23C, Procedural Motion, on page 31:

Moved Cr Davis

Seconded Cr Egan

07/0605/03(i)

“That the minute regarding item 07/0515/23, Overpass Not Underpass – St Crispins Avenue, is not correct and should be amended to read that the pass at grade was carried upon the casting vote of the Chair.”

The motion was withdrawn

The following motion was moved in regard to the minutes of the Ordinary Meeting of Council which continued on 18 May 2007:

Moved Cr Berwick

Seconded Cr Davis

07/0605/03(ii)

“That the minutes of the Ordinary Council Meeting which continued on 18 May 2007 be confirmed subject to:

- 1. regarding item 07/0515/18B: Suspension of Standing Orders, Cr Pitt requested that it be noted standing orders were not resumed; and*
- 2. that it be noted Cr Egan withdrew from the meeting when it adjourned for lunch at 12:30 pm.”*

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

Against: Cr Bellerio, Sciacca

Carried

The following motions were moved in regard to the minutes of the Special Meeting of Council held on 23 May 2007:

Moved Cr Berwick

Seconded Cr Bellerio

07/0605/03(iii)

“That the ~~full proposed motion that~~ Cr Egan ~~attempted to~~ put to the meeting ~~regarding the termination of tenure of the Chief Executive Officer, but which was not accepted by the meeting,~~ be included in the minutes. ~~as an attachment.~~”
(Amended 26 June 2007 – item 07/0626/03)

Carried unanimously

Moved Cr Berwick

Seconded Cr Cox

07/0605/03(iv)

“That the amended minutes of the Special Council Meeting held on 23 May 2007 be confirmed.”

Carried unanimously

The following motion was moved in regard to the minutes of the Special Meeting of Council held on 24 May 2007:

Moved Cr Berwick

Seconded Cr Cox

07/0605/03(v)

“That the minutes of the Special Council Meeting held on 24 May 2007, the Adjourned Special Meeting of 24 May 2007 continuing on 25 May 2007 and the Adjourned Special Meeting of 24 May 2007 continuing on 30 May 2007, be confirmed subject to an amendment being made to the voting on item 07/0515/04: Draft 2007/08 Operational Plan, to show that Cr Berwick voted in the negative for the amended motion.”

Carried unanimously



COMMUNITY & CORPORATE

ATTENDANCE/WITHDRAWAL

The Manager Planning withdrew from the meeting at 2:22 pm and re-attended the meeting at 2:24 pm.

07/0605/04 DAINTREE COAST COMMUNITY CENTRE

Moved Cr Berwick

Seconded Cr Cox

07/0605/04

"That Council makes an Expression of Interest for a grant from the Department of Transport and Regional Services, Regional Partnerships Program, for a Daintree Coast Community Centre at Tea Tree Road, Diwan, with Council contributing \$450 000 net to be provided in the 2007/08/09 budgets, on the proviso that matching funding is received from the Regional Partnership Program."

An amendment to the motion was moved:

Moved Cr Sciacca

Seconded Cr Pitt

"That Council makes an Expression of Interest for a grant from the Department of Transport and Regional Services, Regional Partnerships Program, for a Daintree Coast Community Centre at Tea Tree Road, Diwan, with Council contributing \$450 000 net to be provided in the 2007/08 budget, on the proviso that matching funding is received from the Regional Partnership Program."

For: Cr Sciacca, Pitt, Bellerio

Against: Cr Berwick, Egan, Davis, Cox

Lost

The original motion was put:

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

Against: Cr Bellerio, Pitt

Carried

07/0605/05 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 endorses the actions of the Mayor and Chief Executive Officer in executing on its behalf, under seal, the documents detailed therein."

Carried unanimously

07/0605/06 DECISIONS OF COUNCIL STATUS REPORT

ATTENDANCE/WITHDRAWAL

Cr Pitt withdrew from the meeting at 2:36 pm and re-attended the meeting at 2:38 pm.

The Manager Planning withdrew from the meeting at 2:37 pm.

The General Manager Development & Environment withdrew from the meeting at 2:44 pm and re-attended at 2:45 pm.

The Manager Planning re-attended the meeting at 2:47 pm.

Cr Egan withdrew from the meeting at 2:53 pm and re-attended the meeting at 2:55 pm.

Moved Cr Berwick

Seconded Cr Cox

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

Carried unanimously

DEVELOPMENT & ENVIRONMENT

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer, Julia Leu, and the Community Development Officer withdrew from the meeting at 2:57 pm.

Cr Sciacca withdrew from the meeting at 2:58 pm.

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

07/0605/07 MCU 3B 011/03 – LOT 6 RP738430, FOREST CREEK ROAD, FOREST CREEK – REQUEST TO EXTEND CURRENCY PERIOD

Moved Cr Sciacca

Seconded Cr Pitt

"That Council approves the request to extend the currency period for approved development MCU 3B 011/03 for a dwelling house and shed on land described as Lot 6 on RP738430, Parish of Alexandra, and located at Forest Creek Road, Forest Creek, for a further two (2) years."

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Sciacca re-attended the meeting at 2:59 pm.

07/0605/08 MCU 3B 108/04 – LOT 4 RP865078, DAGMAR CLOSE, MOSSMAN –
REQUEST TO CHANGE EXISTING APPROVAL

Moved Cr Berwick

Seconded Cr Bellerio

“That Council approves the request to change existing approval MCU 3B 108/04 on land described as Lot 4 on RP865078 and located at Dagmar Close, Mossman, and deletes conditions 4.9, 4.10 and 4.16 and amends condition 4.1 to the following:

- 4.1 *The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with the details of the application and the following approved Plan/s of Development:*

Title	Plan No	Date
First Floor & Mezzanine Floor Plan	4-07-1 sheet 1	01/05/07
Front, Rear and Side View	4-07-1 sheet 3	01/05/07
Side View	4-07-1 sheet 4	01/05/07
Site Plan	4-07-1 sheet 8	01/05/07

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

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

Against: Cr Cox, Sciacca

Carried

07/0605/09 MCUI 003/07 – LOT 237 RP740952, STONEWOOD ROAD, DIWAN –
MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

Moved Cr Egan

Seconded Cr Cox

“That Council refuses application MCUI 003/07 for a Material Change of Use for a dwelling house on land described as Lot 237 on RP740952, Parish of Alexandra, and located at Stonewood Road, Diwan, on the grounds detailed in Attachment C of the officer’s report.”

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

Against: Cr Bellerio, Sciacca

Carried

07/0605/10 **MCUI 005/07 – LOT 74 RP739766, PALM ROAD, DIWAN – MATERIAL CHANGE OF USE FOR A DWELLING HOUSE**

Moved Cr Cox

Seconded Cr Berwick

“That Council refuses application MCUI 005/07 for a Material Change of Use for a dwelling house on land described as Lot 74 on RP739766, Parish of Alexandra, and located at Palm Road, Diwan, on the grounds detailed in Attachment C of the officer’s report.”

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

Against: Cr Bellerio, Sciacca

Carried

07/0605/11 **MCUI 006/07 – LOT 423 RP738673, CAPE TRIBULATION ROAD, COW BAY – MATERIAL CHANGE OF USE FOR A DWELLING HOUSE**

Moved Cr Berwick

Seconded Cr Davis

“That Council refuses application MCUI 006/07 for a Material Change of Use for a dwelling house on land described as Lot 423 on RP738673, Parish of Alexandra, and located at Cape Tribulation Road, Cow Bay, on the grounds detailed in Attachment C of the officer’s report.”

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

Against: Cr Bellerio, Sciacca

Carried

07/0605/12 **MCUI 009/07 – LOT 267 RP738997, KAURI CLOSE, COW BAY – REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME**

Moved Cr Egan

Seconded Cr Berwick

“That Council refuses the request to assess application MCUI 009/07 for a dwelling house on land described as Lot 267 on RP738997, Parish of Alexandra, and located at Kauri Close, Cow Bay, under the Douglas Shire Superseded Planning Scheme.”

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

Against: Cr Bellerio, Sciacca

Carried

07/0605/13 MCUI 010/07 – LOT 106 RP737399, BUCHANAN CREEK ROAD, COW BAY – REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME

Moved Cr Berwick

Seconded Cr Cox

“That Council refuses the request to assess application MCUI 010/07 for a dwelling house on land described as Lot 106 on RP737399, Parish of Alexandra, and located at Buchanan Creek Road, Cow Bay, under the Douglas Shire Superseded Planning Scheme.”

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

Against: Cr Bellerio, Sciacca

Carried

07/0605/14 TPC 235 – LOTS 1 & 2 BUP101613, 9 NAUTILUS STREET, PORT DOUGLAS – REQUEST FOR MINOR CHANGE

Moved Cr Cox

Seconded Cr Bellerio

“That Council approves the request for a minor change to TPC 235 to add a carport and convert the existing garage into a bedroom with walk-in robe and ensuite to the two (2) existing multiple dwelling units and the addition of a patio to Unit 1, on land described as Lots 1 & 2 on BUP101613, Parish of Salisbury, and located at 9 Nautilus Street, Port Douglas, and 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 following approved Plan/s of Development:*

<i>Title</i>	<i>Plan No</i>	<i>Date</i>
<i>Ground Floor Plan</i>	<i>100/65</i>	<i>18/12/06</i>
<i>Front & Rear Elevation</i>	<i>Sheet 4 of 15</i>	<i>-</i>

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

Contributions

- 2. 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), for the additional two bedrooms. 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:

<i>Water Supply</i>	<i>0.6</i>
<i>Sewerage</i>	<i>0.2."</i>

Carried unanimously

07/0605/15 TPC 1239 MCU 3B – LOT 2 RP743352, UNNAMED ROAD OFF FERRERO ROAD, PORT DOUGLAS – MATERIAL CHANGE OF USE FOR A CAMPING GROUND AND CARAVAN PARK

The General Manager Development & Environment requested this report be withdrawn following advice from the applicant, Chris Delios, Director, Delfam Pty Ltd.

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Sciacca

07/0605/15A *"That item 07/0605/15 – TPC 1239 MCU 3B – Lot 2 RP743352, Unnamed Road off Ferrero Road, Port Douglas – Material Change of Use for a Camping Ground and Caravan Park, be withdrawn."*

Carried unanimously

07/0605/16 LOT 7 C2259, DAVIDSON STREET, CRAIGLIE - REQUEST FOR WAIVER OF APPLICATION FEE FOR DEVELOPMENT APPLICATION

Moved Cr Pitt

Seconded Cr Bellerio

"That Council grants a waiver of the \$507 fee for an application for development approval for service industry on land described as Lot 7 on C2259, Parish of Salisbury, and located at Davidson Street, Craiglie."

Carried unanimously

07/0605/17 PROPOSED AMENDMENT TO INTEGRATED RESORTS
DEVELOPMENT ACT SCHEME FOR MIRAGE, PORT DOUGLAS

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration, Ian Barton, withdrew from the meeting at 3:35 pm.

Cr Cox withdrew from the meeting at 3:40 pm. The General Manager Finance & Administration re-attended the meeting at this time.

Cr Cox re-attended the meeting at 3:42 pm. The Manager Planning withdrew from the meeting at this time and re-attended at 3:44 pm.

The Manager Building, Jeff Evans, attended the meeting at 3:46 pm.

The General Manager Engineering, Bob Baade, withdrew from the meeting at 3:49 pm and re-attended at 3:53 pm.

Moved Cr Egan

Seconded Cr Sciacca

07/0605/17

"That Council:

- A. *forwards correspondence to the Hon Andrew Fraser MP, Minister for Local Government, Planning & Sport, with the following comments on the proposed amendment to the Scheme of Integrated Resort Development for Mirage, Port Douglas:*

Council is generally in support of the proposed amendments to the Scheme of Integrated Resort Development subject to the following concerns:

- *Council does not believe enough evidence has been provided to justify that the proposed dredging of the "Skase Channel" will not have significant long-term negative impacts on the local environment. Council requests that the Environmental Protection Agency, Department of Primary Industries, and Department of Natural Resources & Water assess in detail the potential effect of dredging on the medium and long-term fauna communities in the Channel, with specific reference to the frequency of dredging events. Council requests that the Department of Local Government, Planning & Sport not approve the amendment to the permitted uses to include:*
 - *Boat Mooring Facility;*
 - *Lock;*
 - *Boat Parking Area;*
 - *Jetty;*
 - *Tidal Waterway;*

until the abovementioned agencies have concluded that the proposed dredging will not be required to be undertaken more frequently than once every ten (10) years in accordance with the applicant's reports.

- Council does not support an increase in the number of boats using Skase Channel without a reduction in the speed limit to four (4) knots, from the mouth of Skase Channel to the existing speed limited area on the Dickson Inlet;
 - Council does not believe it appropriate to include a 'tavern' use in the table of permitted uses in the residential precinct.
 - Council recommends that the Minister takes into consideration the comments made in the submissions received during the brief public consultation period.
- B. forwards a copy of all submissions received in reference to the proposed amendments to the Minister for consideration with Council's submission."

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Cox

07/0605/17(i) "That Council:

- A. forwards correspondence to the Hon Andrew Fraser MP, Minister for Local Government, Planning & Sport, with the following comments on the proposed amendment to the Scheme of Integrated Resort Development for Mirage, Port Douglas:

Council is generally in support of the proposed amendments to the Scheme of Integrated Resort Development, with the exception of the dredging of the Skase Channel, and subject to the following concerns:

- Council does not believe there is justification for the proposed dredging of the illegal 'Skase Channel'. Council requests that the Environmental Protection Agency, Department of Primary Industries, and Department of Natural Resources & Water assess in detail the potential effect of dredging on the medium and long-term fauna communities in the Channel, with specific reference to the frequency of dredging events. Council requests that the Department of Local Government, Planning & Sport not approve the amendment to the permitted uses to include:
 - Boat Mooring Facility;
 - Lock;
 - Boat Parking Area;

- Jetty;
- Tidal Waterway;

because it depends on major and ongoing dredging in a marine conservation zone for private interests.

- Council does not support an increase in the number of boats using 'Skase Channel' without a reduction in the speed limit to four (4) knots, from the mouth of 'Skase Channel' to the existing speed limited area on the Dickson Inlet;
- Council does not believe it appropriate to include a 'tavern' use in the table of permitted uses in the residential precinct.
- Council recommends that the Minister takes into consideration the comments made in the submissions received during the brief public consultation period.

B. forwards a copy of all submissions received in reference to the proposed amendments to the Minister for consideration with Council's submission."

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

The original motion was put:

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

07/0605/17A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Pitt

"That standing orders be suspended to allow Council to consider item 07/0605/20 – Private Building Certification Services now."

Carried unanimously

07/0605/20 PRIVATE BUILDING CERTIFICATION SERVICES

Moved Cr Berwick

Seconded Cr Egan

"That Council:

- 1. engages Geoff Mitchell & Associates (GMA) Certification Group to provide building certification services for a six (6) month period with an option to be exercised at the discretion of the General Manager Development & Environment, to extend the term to a further six (6) months if required. The Local Government Act 1993 also includes exemption provisions [S 486]; and*
- 2. in accordance with Section 486 (1) (a) of the Local Government Act 1993, resolves that it is satisfied that the services to be supplied by GMA Certification Group are only able to be supplied by them in the current circumstances and it is therefore unreasonable to require Council to invite tenders or quotations for the required services."*

Carried unanimously

07/0605/20A RESUMPTION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Cox

"That standing orders be resumed."

Carried unanimously

07/0605/18 PROPOSED AMENDMENTS TO DOUGLAS SHIRE PLANNING SCHEME

ATTENDANCE/WITHDRAWAL

Cr Davis withdrew from the meeting at 3:58 pm and re-attended at 3:59 pm.

The General Manager Finance & Administration withdrew from the meeting at 4:07 pm and re-attended at 4:09 pm.

Cr Egan withdrew from the meeting at 4:09 pm and re-attended at 4:11 pm.

Cr Pitt withdrew from the meeting at 4:11 pm and re-attended at 4:13 pm.

Moved Cr Berwick

Seconded Cr Cox

"That Council:

- 1. proposes to prepare a Planning Scheme amendment in accordance with Schedule One (1) Part One (1) Section One (1) of the Integrated Planning Act 1997; and*
- 2. proposes to amend the Planning Scheme in accordance with Attachment One (1) and Attachment Two (2) of the officer's report under Schedule One (1) Part Nine (9) Section Two (2) of the Integrated Planning Act 1997."*

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Cox

07/0605/18(i)

"That item 07/0605/18 – Proposed Amendments to Douglas Shire Planning Scheme lie on the table pending further information being sought by the Planning Manager."

Carried unanimously

The amendment became the motion and was put:

Carried unanimously

07/0605/19 MCU 3B 011/06 – LOT 23 PTD20925, 2 WHARF STREET, PORT DOUGLAS – AMENDMENT TO RESOLUTION 07/0515/12 AND DECISION NOTICE

Moved Cr Sciacca

Seconded Cr Egan

"That Council amends the resolution 07/0515/12: Lot 23 PTD20925, 2 Wharf Street, Port Douglas, Material Change of Use for a dwelling house, of the Ordinary Council Meeting of 15 May 2007, to reflect the amendment to Condition (B) of the approved development as follows:

'The applicant be advised that the maximum height of the dwelling house will be 9.5 m in accordance with the approved plans [SK.05, Issue C, dated March 2006, prepared by Tropical Habitat Designers].'"

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

Against: Cr Bellerio, Cox

Carried

07/0605/20 PRIVATE BUILDING CERTIFICATION SERVICES

This item was dealt with after item 07/0605/17 – Proposed Amendment to Integrated Resorts Development Act Scheme for Mirage, Port Douglas.

ATTENDANCE/WITHDRAWAL

The Manager Rates & Finance Support, Darryl Crees, attended the meeting at 4:43 pm and withdrew at 4:44 pm.

07/0605/21 PROPOSED CLOSURE OF ANDREASSEN ROAD

Moved Cr Sciacca

Seconded Cr Egan

“That Council adopts Option Two (2) on pages 412 and 413 of the agenda, subject to addressing the issues raised in pages 407-409, points 1-9.”

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Pitt

07/0605/21(i) *“That item 07/0605/21 – Proposed Closure of Andreassen Road, lie on the table until a new motion is drafted.”*

Carried unanimously

The amendment became the motion and was put:

Carried unanimously

ENGINEERING

ATTENDANCE/WITHDRAWAL

Cr Davis withdrew from the meeting at 4:50 pm and re-attended at 4:51 pm.

07/0605/22 SURVEY SUMMARY – TOWN WATER SUPPLY, COLENZO ROAD AND OCEAN VIEW ROAD, MOSSMAN

Moved Cr Davis

“That Council considers allocating \$200 000 in the 2007/08 budget to install the water supply system for Ocean View Road, Mossman, and recover costs from individual owners as and when they connect and that next year Council reviews the same process for Spring Creek.”

Lapsed for want of a seconder

Moved Cr Egan

Seconded Cr Berwick

“That Council considers allocating \$200 000 in the 2007/08 budget to install the water supply system for Ocean View Road, Mossman, and recover costs from individual owners as and when they connect.”

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Pitt

07/0605/22 *“That item 06/05/22 – Survey Summary – Town Water Supply, Colenso Road and Ocean View Road, Mossman, lie on the table pending the attendance of the Manager Engineering at the meeting.”*

Carried unanimously

The amendment became the motion and was put:

Carried unanimously

Moved Cr Cox

“That Council officers bring back a report regarding the costs of providing a water connection to other similar areas.”

Lapsed for want of a seconder

ATTENDANCE/WITHDRAWAL

The Manager Planning withdrew from the meeting at 4:56 pm.

The General Manager Development & Environment withdrew from the meeting at 4:57 pm.

CONFLICT OF INTEREST

The General Manager Engineering declared a conflict of interest in items 07/0605/23: Lot 3 RP748290, Parish of Whyanbeel – Applicant Wanting to Purchase Reservation in Title and item 07/0605/24: Tender – Construction of Mooring Piles for Daintree River Ferry at Daintree River, and he withdrew from the meeting at 4:56 pm.

07/0605/23 **LOT 3 RP748290, PARISH OF WHYANBEEL – APPLICANT WANTING TO PURCHASE RESERVATION IN TITLE**

Moved Cr Egan

Seconded Cr Pitt

“That Council has no objections to the applicant purchasing the 1.8135 ha dedicated as road reserve on land described as Lot 3 on RP 748290, Parish of Whyanbeel, from the State Government.”

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment and the Manager Planning re-attended the meeting at 4:59 pm.

07/0605/24 **TENDER - CONSTRUCTION OF MOORING PILES FOR DAINTREE RIVER FERRY AT DAINTREE RIVER**

Moved Cr Egan

Seconded Cr Sciacca

“That Council accepts the tender from Giles Contractors for the installation of the piles at the Daintree River crossing at the price of \$238 403 (inc GST) and this be included in the 2007/2008 budget.”

PROCEDURAL MOTION

At 5:00 pm after item 07/0605/24 above was moved and seconded, it was decided to adjourn the meeting to the following day:

Moved Cr Berwick

Seconded Cr Egan

07/0605/24A

“That Council adjourns the meeting to reconvene on Wednesday, 6 June 2007, at 8:30 am.”

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

Against: Cr Bellerio

Carried

ADJOURNMENT OF THE MEETING

At 5:00 pm the meeting was adjourned until 8:30 am on Wednesday, 6 June 2007.

RESUMPTION OF THE MEETING ON 6 JUNE 2007

The meeting resumed at 8:35 am with the attendance of the Mayor, Cr Berwick; Cr Egan; Cr Bellerio; Cr Cox; Cr Davis; Cr Pitt; Cr Sciacca; the Acting Chief Executive Officer, Julia Leu; the General Manager Community & Corporate, David Carey; the General Manager Finance & Administration, Ian Barton; the General Manager Engineering, Bob Baade; the General Manager Development & Environment, Paul Trotman; the Planning Manager, Paul Gleeson; and the Corporate Support Officer, Susanna Andrews.

CONFLICT OF INTEREST

The General Manager Engineering had previously declared a conflict of interest in the following matter and he reiterated this as he withdrew from the meeting at 8:38 am.

ATTENDANCE/WITHDRAWAL

The Manager Planning withdrew from the meeting at 8:42 am.

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment re-attended the meeting at 8:59 am and withdrew at 9:04 am.

CONFLICT OF INTEREST

The General Manager Finance & Administration declared a conflict of interest in the following matter and he withdrew from the meeting at 8:59 am.

07/0605/26 YEARLY TENDERS 2007/08

Moved Cr Egan Seconded Cr Berwick

"That Council accepts the tender recommendations in the report 'Summary of Tenders 2007/08'."

An amendment to the motion was moved:

Moved Cr Davis Seconded Cr Berwick

"That Council:

- 1. postpones the decision on Tender No 57-06/07 – Petroleum Products, until further information on ethanol fuel is received, including a review of biofuel; and*
- 2. accepts all the other tenders recommended."*

Cr Berwick withdrew his seconding and it therefore lapsed for want of a seconder

A further amendment was moved:

Moved Cr Berwick Seconded Cr Davis

"That Council:

- 1. postpones the decision on Tender No 57-06/07 – Petroleum Products, until further information on ethanol fuel is received; and*
- 2. accepts all the other tenders recommended."*

The amendment was withdrawn

A further amendment was moved:

Moved Cr Berwick

"That Council:

- 1. invites further tenders for the supply of petroleum products; and*
- 2. accepts all the other tenders recommended."*

Lapsed for want of a seconder

PROCEDURAL MOTION

Moved Cr Egan

07/0605/26A *"That the original motion be put."*

Carried unanimously

The original motion was put:

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

Against: Cr Davis

Carried

FINANCE & ADMINISTRATION

No reports were presented to the meeting.

NOTICES OF MOTION

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration re-attended the meeting at 9:13 am.



OFFICER COMMENT PROVIDED

07/0605/27 RD4707M – LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND DATE CLASH

Moved Cr Davis

Seconded Cr Berwick

“That the Ordinary Meeting of Council on 28 August 2007 be moved so as not to clash with this year’s Local Government Association of Queensland Conference at the Gold Coast.”

An amendment to the motion was moved:

Moved Cr Davis

Seconded Cr Berwick

“That the Ordinary Meeting of Council on 28 August 2007 be moved to Monday, 27 August 2007, so as not to clash with this year’s Local Government Association of Queensland Conference at the Gold Coast.”

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

Against: Cr Egan

Carried

The amendment became the motion and was put:

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

Against: Cr Egan, Bellerio

Carried

07/0605/28 BB1107M – FUNDING O’DONOGHUE ROAD

Moved Cr Bellerio

Seconded Cr Sciacca

“That Council approves an extra \$25 000 from the footpath and cycle land from Newell Beach job. To add to the approved \$26 000 for O’Donoghue Road job to make it more economic to achieve over 600 m of bitumen road.”

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

Against: Cr Berwick, Cox

Carried



OFFICER COMMENT PENDING

**07/0605/29 MC1307M – LOT 404 C2251, OLD PORT ROAD, CRAIGLIE –
PURCHASE OF LAND**

Moved Cr Cox

Seconded Cr Davis

“That Council discusses the merits of purchasing land described as Lot 404 on C2251, Parish of Salisbury, and located at Old Port Road, Craiglie.”

For: Cr Cox, Davis, Berwick

Against: Cr Egan, Sciacca, Bellerio, Pitt

Lost

07/0605/30 GP0307M – FORCED AMALGAMATION OF COUNCILS

Moved Cr Pitt

Seconded Cr Berwick

“That Council supports the correspondence from Howard Hobbs MO, Member for Warrego, Shadow Minister for Local Government, Planning & Sport, in regards to the objection of local government amalgamations.”

Carried unanimously

07/0605/31 MC1307M – TOILETS IN ROTARY PARK, PORT DOUGLAS

Moved Cr Cox

Seconded Cr Davis

“That Council locates the recently ordered Exeloo toilet in the back corner of Rotary Park, Macrossan Street, Port Douglas.”

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

Against: Cr Berwick, Bellerio

Carried

REPORTS – ACTING CHIEF EXECUTIVE OFFICER

No reports were presented to the meeting.

REPORTS – CONFIDENTIAL MATTERS

ATTENDANCE/WITHDRAWAL

Cr Pitt withdrew from the meeting at 9:40 am and re-attended at 9:43 am.

The General Manager Development & Environment withdrew from the meeting at 9:43 am and re-attended the meeting at 9:44 am.

The Assistant Planning Officer, Michelle Henderson, attended the meeting at 9:44 am.

07/0605/32 MCUI 003/07 – LOT 237 STONEWOOD ROAD, DIWAN – APPLICATION FOR COMPENSATION

Moved Cr Cox

Seconded Cr Berwick

"That Council:

1. *makes an offer of compensation to the applicant 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 the Conservation Precinct Register to record that the landowner's development status is changed to 'compensated'; and*
4. *reinstates rates for 2007/08."*

ATTENDANCE/WITHDRAWAL

The Manager Planning re-attended the meeting at 10:04 am.

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Davis

07/0605/32 "That Council:

1. *makes an offer of compensation to the applicant 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 the Conservation Precinct Register to record that the landowner's development status is changed to 'compensated'; and*
4. *that the rates on properties without development rights be reviewed."*

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

The amendment became the motion and was put:

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

07/0605/33 MCUI 005/07 – LOT 74 PALM ROAD, DIWAN – APPLICATION FOR COMPENSATION

This item was moved and seconded but not voted on until after the adjournment and the resumption of the order of business.

Moved Cr Berwick Seconded Cr Cox

"That Council:

1. *makes an offer of compensation to the applicant 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 the Conservation Precinct Register to record that the landowner's development status is changed to 'compensated'; and*
4. *that the rates on properties without development rights be reviewed."*

ADJOURNMENT OF THE MEETING

At 10:12 am the meeting adjourned for morning tea.

RESUMPTION OF THE MEETING

The meeting resumed at 10:31 am.

07/0605/33A SUSPENSION OF THE ORDER OF BUSINESS

Moved Cr Berwick

Seconded Cr Cox

"That the order of business be suspended to allow Council to consider item 07/0605/18, Proposed Amendments to Douglas Shire Planning Scheme now."

Carried unanimously

07/0605/18 PROPOSED AMENDMENTS TO DOUGLAS SHIRE PLANNING SCHEME

Moved Cr Berwick

Seconded Cr Cox

"That Council:

- 3. proposes to prepare a Planning Scheme amendment in accordance with Schedule One (1) Part One (1) Section One (1) of the Integrated Planning Act 1997; and*
- 4. proposes to amend the Planning Scheme in accordance with Attachment One (1) and Attachment Two (2) of the officer's report under Schedule One (1) Part Nine (9) Section Two (2) of the Integrated Planning Act 1997."*

An amendment to the motion was moved:

Moved Cr Berwick

Seconded Cr Cox

"That Council:

- 1. proposes to prepare a Planning Scheme amendment in accordance with Schedule One (1) Part One (1) Section One (1) of the Integrated Planning Act 1997; and*
- 2. proposes to amend the Planning Scheme in accordance with Attachment One (1) of the officer's report under Schedule One (1) Part Nine (9) Section Two (2) of the Integrated Planning Act 1997."*

Carried unanimously



A further amendment was moved:

Moved Cr Berwick

Seconded Cr Davis

"That Council proposes to amend the Planning Scheme in accordance with Attachment Two (2) of the officer's report under Schedule One (1) Part Nine (9) Section Two (2) of the Integrated Planning Act 1997."

For: Cr Berwick, Davis, Egan, Cox

Against: Cr Bellerio, Pitt, Sciacca

Carried

The amendment became the motion and was put:

For: Cr Berwick, Davis, Egan, Cox

Against: Cr Bellerio, Pitt, Sciacca

Carried

07/0605/18A RESUMPTION OF THE ORDER OF BUSINESS

Moved Cr Berwick

Seconded Cr Cox

"That the order of business be resumed."

Carried unanimously

07/0605/33 MCUI 005/07 – LOT 74 PALM ROAD, DIWAN – APPLICATION FOR COMPENSATION

This item was moved and seconded before the adjournment of the meeting at 10:12 am. Debate on that motion continued at this point.

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

Against: Cr Bellerio, Sciacca

Carried

ATTENDANCE/WITHDRAWAL

The Acting Chief Executive Officer withdrew from the meeting at 11:34 am and re-attended at 11:35 am.

Cr Egan withdrew from the meeting at 11:34 am and re-attended at 11:35 am.

07/0605/34 MCUI 003/07 – LOT 237 CAPE TRIBULATION ROAD, COW BAY – APPLICATION FOR COMPENSATION

Moved Cr Berwick

Seconded Cr Cox

"That Council:

- 1. makes an offer of compensation to the applicant 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 the Conservation Precinct Register to record that the landowner's development status is changed to 'compensated'; and*
- 4. that the rates on properties without development rights be reviewed."*

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

Against: Cr Bellerio, Sciacca

Carried

EMERGENT ISSUE – SUBMISSION OF REPORT TO MINISTER FOR LOCAL GOVERNMENT

The Mayor, Cr Berwick, advised the Council of an emergent issue requiring a decision of the Council. The issue related to the submission of a report to the Hon Andrew Fraser MP, Minister for Local Government, Planning & Sport, on the progress 22-Point Plan.

SUSPENSION OF THE ORDER OF BUSINESS

With the agreement of the meeting the order of business was suspended to consider an emergent item regarding a report on the progress of the 22-Point Plan.

07/0605/34B 22-POINT PLAN PROGRESS REPORT

Moved Cr Berwick

Seconded Cr Cox

"That the report on the 22-Point Plan presented to the briefing of Council on 5 June 2007 be submitted to the Hon Andrew Fraser MP, Minister for Local Government, Planning and Sport with an appropriate covering letter."

ATTENDANCE/WITHDRAWAL

The General Manager Community & Corporate withdrew from the meeting at 12:12 pm.

Crs Egan, Pitt, Sciacca and Bellerio withdrew from the meeting at 12:12 pm.

Crs Egan, Pitt, Sciacca and Bellerio re-attended the meeting at 12:13 pm.

Voting on item 07/0605/34B – 22-Point Plan Progress Report then took place.

For: Cr Berwick, Cox, Davis

Against: Cr Egan, Pitt, Sciacca, Bellerio

Lost

EMERGENT ISSUE – DAINTREE TOILET BLOCK

The General Manager Development & Environment informed the Council of an emergent issue requiring a decision of the Council before the meeting of 26 June 2007.

07/0605/34C DAINTREE TOILET BLOCK

Moved Cr Berwick

Seconded Cr Davis

07/0605/34C *“That Council lodges an appeal with the court, seeks a without prejudice meeting with the Environmental Protection Agency and prepares a development application for the Daintree toilet block.”*

For: Cr Berwick, Davis

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

Lost

Moved Cr Bellerio

Seconded Cr Pitt

07/0605/34D *“That Council lodges an appeal with the court and seeks a ‘without prejudice’ meeting with the Environmental Protection Agency.”*

For: Cr Bellerio, Pitt, Sciacca, Egan

Against: Cr Berwick, Cox, Davis

Carried

TERMINATION

The meeting was closed at 12:43 pm.

Presented to and confirmed by Council on the *twenty-sixth* day of *June* 2007.

M P Berwick
Chair

Confirmed