



*Minutes of the Ordinary Meeting of Council
26 June 2007
commencing at 1:00 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 Development & Environment), R J Baade (General Manager Engineering), P J Trotman (General Manager Development & Environment), A M Rodgers (Manager Corporate Support) and S K Andrews (Corporate Support).

OPENING PRAYER

Pastor Graham Webb attended and opened the meeting with a prayer.

07/0626/01 CONDOLENCES

Cr Berwick referred to the recent deaths of Warwick 'Brownie' Brown and Bob Harlow. 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

07/0626/02 DECLARATIONS OF INTEREST

The Mayor received Declarations of Interest tabled as follows:-

Item No	Councillor/Officer	Details of Interest
07/0626/18	General Manager Finance & Administration	Relative of tenderer

ATTENDANCE/WITHDRAWAL

The Acting Manager Community, Cultural & Economic, Kelly Favas, attended the meeting at 1:05 pm.



07/0626/03 **MINUTES**

Moved Cr Egan Seconded Cr Pitt

“That the minutes of the Ordinary Council Meeting held on 5 June 2007 be confirmed subject to item 07/0605/03(iii) regarding the minutes of the Special Meeting of Council held on 23 May 2007 being amended so that the motion reads: ‘that the full proposed motion that Cr Egan put to the meeting be included in the minutes’.”

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

Against: Cr Berwick, Cox

Carried

Moved Cr Cox Seconded Cr Sciacca

07/0626/03(i) *“That the minutes of the Special Council Meeting held on 14 June 2007 be confirmed subject to the following amendments being made –*

1. *after item 07/0614/01B – Procedural Motion, a notation to show that Cr Davis withdrew at 4:00 pm; and*
2. *in item 07/0614/01(ii) regarding the adoption of the amended 22-Point Plan Progress Report, deletion of Cr Davis’ name from voting.”*

Carried unanimously

Moved Cr Sciacca Seconded Cr Pitt

07/0626/03(ii) *“That the minutes of the Special Council Meeting held on 20 June 2007 be confirmed.”*

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

Against: Cr Davis

Carried

ATTENDANCE/WITHDRAWAL

The Acting Manager Community, Cultural & Economic, withdrew from the meeting at 1:30 pm and re-attended at 1:32 pm.

Moved Cr Sciacca Seconded Cr Bellerio

07/0626/03(iii) *“That the minutes of the Special Council Meeting held on 21 June 2007 be confirmed.”*

Carried unanimously



COMMUNITY & CORPORATE

07/0626/04 ENTERPRISE AGREEMENT – REQUEST FROM AUSTRALIAN WORKERS’ UNION

Moved Cr Davis

Seconded Cr Egan

“That a meeting of the Enterprise Agreement team be held as soon as possible to determine employees’ wishes with respect to the current Enterprise Agreement with an eye to mirroring the current enterprise bargaining agreement conditions under the State Award and Council reasserts that it does not deem itself a constitutional corporation.”

07/0626/04A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Pitt

“That standing orders be suspended to allow Council to receive an address from Douglas Shire Council Enterprise Agreement (EA) team representatives in relation to the Enterprise Agreement.”

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Cox

07/0626/04B *“That item 07/0626/04 – Enterprise Agreement – Request from Australian Workers’ Union, lie on the table until later in the meeting so the EA team representatives can consider the proposals put forward to the meeting regarding the Enterprise Agreement.”*

Carried unanimously

07/0626/04C SUSPENSION OF THE ORDER OF BUSINESS

Moved Cr Bellerio

Seconded Cr Egan

“That the order of business be suspended to allow Council to consider item 07/0626/14 – Proposed Temporary Road Closure – Andreassen Road, Mowbray.”

Carried unanimously



The following item had been left on the table at the meeting of 5 June 2007:

07/0626/14 PROPOSED TEMPORARY ROAD CLOSURE – ANDREASSEN ROAD, MOWBRAY

ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 1:45 pm and re-attended at 1:47 pm.

The Manager Planning, Paul Gleeson, attended the meeting at 1:47 pm.

Moved Cr Bellerio

Seconded Cr Sciacca

“That Council:

1. *agrees in principle to the temporary closure of Andreassen Road, Mowbray, under Section 915(2)(b)(i) of the Local Government Act 1993 and requests Council’s Engineering Services to effect and monitor that closure in line with this resolution;*
2. *confirms the temporary closure of Andreassen Road, Mowbray, initially be on the basis of NQL Properties Pty Ltd’s offer of 17 November 2005 to fence off their land. To this end the temporary closure of the road would occur in the near future (on a date to be agreed between Council’s Acting Chief Executive Officer and NQL Properties Pty Ltd) and would remain in force until such times as NQL Properties Pty Ltd fence their property or a period not exceeding six (6) months from the erection of the gates has elapsed, whichever is the sooner;*
3. *confirms that the temporary closure of Andreassen Road, Mowbray, can be extended beyond six (6) months on the basis that it is to allow the appropriate application to be made for the permanent closure of the road under the Land Act 1994. To this end the temporary closure of the road would continue from the point when NQL Properties Pty Ltd lodges an application to close the road under the Land Act 1994 and would remain in force until the closure process is completed or eighteen (18) months from the date of the application, whichever is the sooner. The application under the Land Act 1994 is to be made within the six (6) month period referred to at two (2) above in order for the temporary closure to be extended;*
4. *agrees to the erection of a sign at the point of closure, (the same point as previously endorsed by Council), at NQL Properties Pty Ltd’s expense. That sign is to be agreed to by Council’s Acting Chief Executive Officer prior to erection and is, inter alia, to specify the period of the temporary closure, all relevant statutory requirements, noting that apart from the road other land is private property to which the laws of trespass apply and that access is only allowed to government agencies;*



5. *confirms that NQL Properties Pty Ltd is to provide a security lock and key and that two (2) copies of the key are to be provided to Council for safe keeping;*
6. *confirms that access to the area beyond the gate is restricted to government agencies and that these agencies are to arrange directly with NQL Properties Pty Ltd for access. Before the road is temporarily closed NQL Properties Pty Ltd is to supply Council with a list of agencies to whom an access key has been issued – as a minimum Council expects access to be granted to the police, fire service, ambulance service, Council officers needing access for business purposes and the Department of Primary Industries and Fisheries;*
7. *advises NQL Properties Pty Ltd that Council is not prepared to make the informal boat ramp inoperable;*
8. *advises NQL Properties Pty Ltd that any further barriers they may wish erected on Andreassen Road, Mowbray, or any other public land under Council control, will need the expressed agreement of Council;*
9. *confirms that Council will replace the stolen gate at its expense and that the gate is to be to the same standard and design as originally erected; and*
10. *requests Engineering Services to work with Councillors and relevant authorities to identify a site for a boat ramp on the lower reaches of the Mowbray River and then to initiate actions necessary to construct the ramp."*

For: Cr Bellerio, Sciacca, Egan, Pitt

Against: Cr Berwick, Cox, Davis

Carried

07/0626/14A RESUMPTION OF THE ORDER OF BUSINESS

Moved Cr Berwick

Seconded Cr Egan

"That the order of business be resumed."

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Bellerio withdrew from the meeting at 1:48 pm. Cr Bellerio indicated he would be unable to return to the meeting.

07/0626/05 REVIEW OF LOCAL LAW NO 17 (MEETINGS)

Moved Cr Davis

Seconded Cr Berwick

"That Council:

1. *requests Williams Graham & Carman to amend the draft documents as follows –*
 - (a) *any minor typographical errors as identified in Appendix 5 be rectified, eg chairperson always appear in the document as Chairperson;*
 - (b) *section 18 of Meetings (Amendment) Local Law (No 1) be amended by inclusion of an extra paragraph as follows –*
 - '(7) *If there is inconsistency between the provisions of this section and Chapter 4, part 3A of the Local Government Act 1993 then Chapter 4, part 3A prevails to the extent of the inconsistency.'*
 - (c) *removal of the penalty provisions in clause 18(6).*
2. *proposes to make –*
 - (a) *Douglas Shire Council Meetings (Amendment) Local Law (No 1) 2007 which amends Douglas Shire Local Law (No 17) (Meetings);*
 - (b) *Douglas Shire Council Meetings (Amendment) Subordinate Local Law (No 1) 2007 which amends Douglas Shire Council Subordinate Local Law (No 17) (Meetings).*
3. *forwards the amended local law and subordinate local law to the Minister for Local Government, Planning and Sport to ensure the proposed laws satisfactorily deal with any State Interest.*
4. *determines there be 'no new cash fines or penalty points' added to the existing code of conduct or local laws until such time as they are reviewed in line with the 22-Point Plan."*

Carried unanimously

07/0626/05A SUSPENSION OF THE ORDER OF BUSINESS

Moved Cr Berwick

Seconded Cr Egan

"That the order of business be suspended to allow Council to receive an address from Douglas Shire Council EA Team representatives in relation to the Enterprise Agreement."

Carried unanimously



ADDRESS TO COUNCIL BY MEMBERS OF THE ENTERPRISE AGREEMENT TEAM

Moved Cr Berwick

Seconded Cr Cox

07/0626/05B

“That Council receives an address from representatives of the EA team regarding the Enterprise Agreement.”

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Pitt withdrew from the meeting at 1:50 pm and re-attended the meeting at 1:52 pm.

The EA team representatives – Jackie Soltys, Ray Weldon, Tony Kadwell and Michael Treweek – were invited to attend the meeting and address Council in relation to the Enterprise Agreement.

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Pitt

07/0626/05C

“That pursuant to Section 463(1)(b) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of Council’s Enterprise Agreement.”

Carried unanimously

All staff present at the meeting when it was closed to the public were invited by Council to remain in the Chambers.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Cox

07/0626/05D

“That the meeting be re-opened to the public.”

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Manager Planning, Paul Gleeson, withdrew from the meeting at 1:58 pm.



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

07/0626/04 ENTERPRISE AGREEMENT – REQUEST FROM AUSTRALIAN WORKERS’ UNION

Moved Cr Davis

Seconded Cr Egan

07/0626/04 *“That a meeting of the enterprise agreement team be held as soon as possible to determine employees’ wishes with respect to the current Enterprise Agreement with an eye to mirroring the current enterprise bargaining agreement conditions under the State Award and Council reasserts that it does not deem itself a constitutional corporation.”*

For: Cr Davis, Egan, Sciacca, Pitt

Against: Cr Berwick, Cox

Carried

Moved Cr Berwick

“That Council gives consideration to negotiating in good faith for a new certified agreement under Queensland State industrial laws as part of negotiations for a new enterprise agreement to apply upon expiry of the current enterprise agreement on 31 March 2008.”

Lapsed for want of a seconder

The recommendation of the General Manager Community & Corporate in his report on item 07/0626/04 – Enterprise Agreement – Request by Australian Workers’ Union, was not adopted by the Council. The reason provided by Council was that it received conflicting advice from the Australian Workers’ Union and the Local Government Association of Queensland regarding the lack of legal precedents supporting the professional view.

ATTENDANCE/WITHDRAWAL

The EA team representatives withdrew from the meeting at 2:20 pm.

07/0626/04D RESUMPTION OF THE ORDER OF BUSINESS

Moved Cr Berwick

Seconded Cr Davis

“That the order of business be resumed.”

Carried unanimously



ATTENDANCE/WITHDRAWAL

The Manager Planning re-attended the meeting at 2:21 pm.

07/0626/06 COMMUNITY ENGAGEMENT STRATEGY

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration, Ian Barton, withdrew from the meeting at 2:26 pm and re-attended at 2:30 pm.

Moved Cr Berwick

Seconded Cr Sciacca

"That Council:

1. *receives the '2007 Community Engagement Outcomes' compiled by Dr Jim Cavaye, Cavaye Community Development;*
2. *approves in principle the 'Outline for Future Corporate Plan' Key Result Areas and Strategies, for further consideration by the executive team and the Council, to guide the Council's Corporate and Operational Plans into the future; and*
3. *approves in principle the 'Recommended Actions within the next six months' identified in the '2007 Community Engagement Outcomes' for consideration in the operational plan 07/08 and subject to budget consideration 07/08."*

For Cr Berwick, Sciacca, Cox, Pitt, Davis

Against Cr Egan

Carried

07/0626/07 FAR PAVILIONS AND MONSOON VILLAS, PORT DOUGLAS – SURRENDER OF DRAINAGE EASEMENTS

Moved Cr Cox

Seconded Cr Berwick

"That Council:

1. *executes Easement A in the Common Property of Monsoon Villas Community Titles Scheme 26955 on SP 118432, Parish of Salisbury;*
2. *executes Easement B in the Common Property of Macrossan Lane Community Titles Scheme 1084 on SP 113410, Parish of Salisbury; and*
3. *pays to the Department of Natural Resources & Water the sum of \$445.20 to cover the registration cost of the documents."*

Carried unanimously



07/0626/08 DETAILS OF THE USE OF THE COUNCIL SEAL

Moved Cr Berwick

Seconded Cr Egan

"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

07/0626/09 DECISIONS OF COUNCIL STATUS REPORT

ATTENDANCE/WITHDRAWAL

The Manager Planning **and** withdrew from the meeting at 2:39 pm and re-attended at 2:43 pm. *(Amended 17 July 2007 – item 07/0717/03)*

Moved Cr Berwick

Seconded Cr Cox

"That Council receives and notes the Decisions of Council Status Report with the following:

1. *that item 20 of 07/0220/37 & 07/0220/38 – Response to Show Cause Notice, should reflect the 22-Point Plan Response submitted to the Minister for Local Government, Planning & Sport;*
2. *that item 58 of 07/0524/07 – Legal Advice Regarding the Termination of Employment of the Chief Executive Officer, is not yet complete and should remain on the Status Report; and*
3. *that the status of item 65 – 06/1107/27(i) – Electoral Reform, be clarified."*

ATTENDANCE/WITHDRAWAL

During discussion of the Decisions of Council Status Report the Chair, Cr Berwick, withdrew from the meeting at 2:39 pm. Cr Egan assumed the Chair.

Cr Berwick re-attended at 2:43 pm and resumed the Chair.

ADJOURNMENT OF THE MEETING

During discussion of the Decisions of Council Status Report the meeting adjourned at 3:02 pm to hold an afternoon tea to mark the retirement of Robin Young, Creditors Clerk, from the Council's Finance & Administration Programme.

RESUMPTION OF THE MEETING

The meeting resumed at 3:21 pm.



Discussion on the Decisions of Council Status Report continued and the motion was then put –

Carried unanimously

DEVELOPMENT & ENVIRONMENT

07/0626/10 MCUI 004/06 – LOT 1 RP739151, CAPTAIN COOK HIGHWAY, CRAIGLIE – CONSTRUCTION OF SERVICE STATION AND RESTAURANT

The Planning Officer requested this report be withdrawn following advice from the developer's planning consultants, C & B Group.

PROCEDURAL MOTION

Moved Cr Berwick

Seconded Cr Sciacca

07/0626/10A *"That item 07/0626/10 – MCUI 004/06 – Lot 1 RP739151, Captain Cook Highway, Craiglie – Construction of Service Station and Restaurant, be withdrawn."*

Carried unanimously

07/0626/11 MCU 3B 053/03 – LOT 134 RP737400, BUCHANAN CREEK ROAD, COW BAY – REQUEST TO CHANGE THE EXISTING APPROVAL

Moved Cr Berwick

Seconded Cr Cox

"That Council approves the request to amend the plan of development of MCU 3B 053/03 for a dwelling house on land described as Lot 134 on RP737400, Parish of Alexandra, and located at Buchanan Creek Road, Cow Bay."

Carried unanimously

07/0626/12 MCU 3B 023/03 – LOT 55 RP737398, BUCHANAN CREEK ROAD, COW BAY – REQUEST TO EXTEND CURRENCY PERIOD

Moved Cr Cox

Seconded Cr Pitt

"That Council approves the request to extend the currency period for approved development MCU 3B 023/03 for a dwelling house on land described as Lot 55 on RP737398, Parish of Alexandra, and located at Buchanan Creek Road, Cow Bay, for a further twelve (12) months."

Carried unanimously



07/0626/13 **PROPOSED AMENDMENTS TO THE INTEGRATED RESORT DEVELOPMENT ACT**

Moved Cr Berwick

Seconded Cr Cox

07/0626/13 *“Council’s preferred position is that the Integrated Resort Development Act be abolished and that the existing development rights be incorporated into existing planning schemes.*

The second option is that Council forwards a submission on the proposed amendments to the Integrated Resort Development Act to the Minister for Local Government, Planning and Sport, in accordance with Attachment Four (4) of the Manager Planning’s report.”

For: Cr Berwick, Cox

Against: Cr Egan, Davis, Sciacca, Pitt

Lost

Moved Cr Davis

“That Council accepts the recommendation of the Manager Planning combined with a note that the preferred position is that there be a joint state/local authority approval of all Integrated Resort Development Act changes from now on.”

Lapsed for want of a seconder

Moved Cr Egan

Seconded Cr Berwick

07/0626/13(i) *“That Council adopts the recommendation in the Manager Planning’s Report that Council forwards a submission on the proposed amendments to the Integrated Resort Development Act to the Minister for Local Government, Planning and Sport, in accordance with Attachment Four (4) of the Manager Planning’s Report.”*

Carried unanimously

07/0626/14 **PROPOSED TEMPORARY ROAD CLOSURE – ANDREASSEN ROAD, MOWBRAY**

This item was considered after item 07/0626/04C – Suspension of the Order of Business.

ATTENDANCE/WITHDRAWAL

The Sustainability Officer, Maree Grenfell, attended the meeting at 3:46 pm.



07/0626/15 DOUGLAS SHIRE COUNCIL SUSTAINABLE BUILDING PROJECT

Moved Cr Berwick

Seconded Cr Cox

“That Council supports the initiation of a Sustainable Building Project which includes a sequential approach of:

1. *Sustainable House,*
2. *Sustainable Community Information Centre, and*
3. *Sustainable Renovations,*

to achieve sustainable building benefits and outcomes for the local and wider community; and realistically works toward the resolution ‘of building a showcase sustainable building at little to no cost to Council’.”

An amendment to the motion was moved:

Moved Cr Davis

Seconded Cr Egan

07/0626/15

“That Council supports the initiation of a Sustainable Building Project which includes a sequential approach of:

1. *Sustainable House and concurrently calls for Expressions of Interest for a Sustainable Multi-Purpose Building,*
2. *Sustainable Renovations, and*
3. *Sustainable Boat*

to achieve sustainable building benefits and outcomes for the local and wider community; and realistically works toward the resolution ‘of building a showcase sustainable building at little to no cost to Council’.”

For: Cr Davis, Egan, Berwick, Cox

Against: Cr Sciacca, Pitt

Carried

The amendment became the motion and was put:

For: Cr Davis, Egan, Berwick, Cox

Against: Cr Sciacca, Pitt

Carried



ENGINEERING

07/0626/16 PORT PACIFIC ESTATE, CRAIGLIE – STREET NAMES

ATTENDANCE/WITHDRAWAL

The Sustainability Officer, Manager Planning and the General Manager Development & Environment withdrew from the meeting at 4:23 pm.

The General Manager Development & Environment re-attended the meeting at 4:25 pm.

The Manager Planning re-attended the meeting at 4:29 pm and withdrew from the meeting at 4:30 pm.

Moved Cr Sciacca

Seconded Cr Pitt

“That Council reconsiders its decision and adopts Lanthus Drive, Banberry Close and Carawood Street for Port Pacific Estate, Craiglie.”

The motion was not accepted by the Chair as it was deemed to be unlawful due to the previous resolution made at the Ordinary Meeting held on 3 April 2007 (item 07/0403/44) requiring the use of Aboriginal elder traditional tribal names for street names.

Moved Cr Berwick

Seconded Cr Egan

“That item 07/0626/16 – Port Pacific Estate, Craiglie – Street Names – lie on the table until it be given more thought.”

The motion was withdrawn

Moved Cr Berwick

Seconded Cr Davis

07/0626/16(i) *“That it be left up to an executive decision for the developer to choose Aboriginal traditional names.”*

Carried unanimously

07/0626/17 ROAD PROGRAMME DEVELOPMENT

Moved Cr Egan

Seconded Cr Sciacca

“That Council adopts the amended road classifications.”

Carried unanimously



CONFLICT OF INTEREST

The General Manager Finance & Administration declared a conflict of interest in the following matter and withdrew from the meeting at 4:45 pm.

07/0626/18 YEARLY TENDERS 2007/08

Moved Cr Egan

Seconded Cr Sciacca

"That Council accepts the tender recommendations for Approved Suppliers/ Sub-contractors Register and Summary of Tenders 2006/07."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration re-attended the meeting at 4:48 pm.

FINANCE & ADMINISTRATION

07/0626/19 GENERAL COMPLAINTS PROCESS – SIX (6)-MONTHLY REPORT

Moved Cr Sciacca

Seconded Cr Pitt

"That Council receives the report and the suggested actions for improvement."

Carried unanimously

07/0626/20 ANNUAL STOCKTAKE OF STORES

Moved Cr Berwick

Seconded Cr Egan

"That the attached report on the Annual Stocktake, dated 14 May 2007, be received and the write-offs amounting to \$3 573.64 and write-ons amounting to \$88.02, as per variations reported, be effected."

Carried unanimously

07/0626/21 WRITE-OFF OF RATES SMALL BALANCE

Moved Cr Sciacca

Seconded Cr Cox

"That Council agrees to write-off rates small balance of \$211.10."

Carried unanimously



07/0626/22 INTERNAL AUDIT ON ORGANISATIONAL ALIGNMENT PLAN
ACCOUNTS

Moved Cr Sciacca

Seconded Cr Berwick

"That Council agrees to pay the balance of accounts owing to Global Leadership Foundation to finalise the project."

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

Against: Cr Egan

Carried unanimously

NOTICES OF MOTION

OFFICER COMMENT PROVIDED

07/0626/23 MB0407M – ELECTRICITY NORTH OF THE DAINTREE

Moved Cr Berwick

"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 the Forest Creek area and mains power be extended to the remainder of Forest Creek; 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."*

Lapsed for want of a seconder



07/0626/24 GP0407M – ROAD SAFETY AUDIT – CAPE TRIBULATION TO BLOOMFIELD

Moved Cr Pitt

“That Council be given a completion date for the Road Safety Audit.”

The motion was withdrawn

The following item had been left on the table at the meeting of 15 May 2007:

07/0626/25 RD4607M – OVERPASS NOT UNDERPASS

Moved Cr Davis

Seconded Cr Berwick

“That Council approves the request by MFS Mirage to construct a buggy/pedestrian crossing at grade across St Crispins Avenue, subject to the following conditions:

General

1. *The proposed crossing is to be sited in a location approved at Operational Works Stage.*
2. *The crossing is to be designed so that it is submissive to the dominant traffic flow on St Crispins Avenue. Motor vehicles using St Crispins Avenue will have right of way.*

Public Liability Insurance

3. *In accordance with Part Four (4) of Local Law No 58 (Roads – 2002), the Primary Thoroughfare Body Corporate for the Mirage Integrated Resort Development shall maintain public liability insurance to the value of \$10 000 000, indemnifying Council against injury caused as a result of, or associated with, the crossing of golf-buggies, at grade on St Crispins Avenue.*

Environmental Management Plan

4. *The applicant is to have prepared with the submission for approval of the engineering plans, an Environmental Management Plan (EMP) detailing the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works. In particular, this plan should address such issues as dust suppression, waste disposal, acid sulfate soil management, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances).*



Footpath Damage Liability

5. *All damage occasioned to footpaths and roadways adjacent to the site as a result of, or in connection with, this development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.*

Operational Works

6. *Prior to the commencement of any works, the developer is required to obtain a Development Permit (Operational Works).*

The Operational Works application shall contain detailed drawings prepared and/or checked by a Registered Professional Engineer and shall include all details of roadworks and landscaping.

NOTE: It will be a condition of the Operational Works Development Permit that the developer provides a Registered Professional Engineer's certificate and drawings of 'Works as Constructed'.

The 'as constructed' drawings shall show all details of the constructed work in accordance with the requirements of the Far North Queensland Regional Organisation of Council's (FNQROC) Development Manual and are to be approved by Council prior to the works commencing.

Signage

7. *Signage is to be installed at both ends of the proposed crossing, requiring that all vehicles and pedestrians stop to give way to vehicular traffic. The crossing is to be suitably signed and marked in accordance with the requirements of the FNQROC Development Manual.*

Upgrade of St Crispins Avenue

8. *The following plans and works are to be prepared and undertaken within the St Crispins road reserve from the southern boundary of Lot 5 on SP160477, Parish of Salisbury, to the southern boundary of Lot 38 on SP747345, Parish of Salisbury, as shown on the attached plan:*

- a. reconstruction of the carriageway for the full width to Major Collector standard in accordance with the requirements of the FNQROC Development Manual;*
- b. kerb and channel in accordance with the FNQROC Development Manual;*
- c. a detailed landscaping plan;*
- d. installation of all landscaping and irrigation as shown on the approved landscaping plans;*
- e. two (2) metre wide footpath along the western side of the reserve;*



- f. traffic calming measures to reduce the speed of motor vehicles in the vicinity of the proposed crossing in accordance with the requirements of AUSTRROADS.

Details of all these works are to be submitted for Council approval at Operational Works Stage.

For: Cr Davis, Berwick, Cox

Against: Cr Egan, Pitt, Sciacca

Lost on the casting vote of the Chair

REPORTS – ACTING CHIEF EXECUTIVE OFFICER

07/0626/26 AGENDA ITEMS FOR THE 2007 LOCAL GOVERNMENT ASSOCIATION (LGAQ) CONFERENCE

Council advised that it had no agenda items for the Local Government Association Conference to be held on the Gold Coast, Queensland, from 27 to 30 August 2007 so no resolution was forthcoming regarding this matter.

EMERGENT ISSUE - ORDINARY COUNCIL MEETINGS COMMENCEMENT TIMES AND BRIEFING SESSIONS

The following emergent item 07/0626/26A – Ordinary Council Meetings Commencement Times and Briefing Sessions, resulted from discussions that took place following the briefing session held during the morning.

ORDINARY COUNCIL MEETING COMMENCEMENT TIMES AND BRIEFING SESSIONS

Moved Cr Berwick

Seconded Cr Davis

07/0626/26A *“That the following emergent item 07/0626/26A – Ordinary Council Meeting Commencement Times and Briefing Sessions be considered.”*

Carried unanimously



Moved Cr Berwick

Seconded Cr Davis

07/0626/26B

"That:

- 1. the commencement time for Ordinary Council meetings be changed to 8:30 am, effective immediately;*
- 2. where necessary, the Ordinary Council meeting be adjourned to allow the Council to participate in a briefing session and that at the conclusion of the briefing session the ordinary meeting resume; and*
- 3. Council determines that briefing sessions shall be open to the public unless otherwise agreed by those Councillors present at the briefing session."*

Carried unanimously

EMERGENT ISSUE – CA 72 – MCU 3B 052/04 – LOT 42 SR6, MOSSMAN-DAINTREE ROAD, ROCKY POINT - REQUEST FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT PERMIT

The General Manager Development & Environment advised the Council of an emergent issue requiring a decision of the Council: 07/0626/26D – CA 72 – MCU 3B 052/04 – Lot 42 SR6, Mossman-Daintree Road, Rocky Point – Request for a Negotiated Decision Notice for Development Permit.

Moved Cr Berwick

Seconded Cr Davis

07/0626/26C

"That the meeting be extended by ten (10) minutes to discuss 07/0626/26D – CA 72 – MCU 3B 052/04 – Lot 42 SR6, Mossman-Daintree Road, Rocky Point – Request for a Negotiated Decision Notice for Development Permit."

Carried unanimously

EMERGENT ISSUE – ENERGY FROM WASTE CONFERENCE 2007

Cr Davis advised the meeting of the following emergent item requiring a decision of the Council: representatives to attend the Energy from Waste Conference 2007.

Moved Cr Davis

Seconded Cr Berwick

07/0626/26D

"That Council sends representative(s) to attend the Energy From Waste Conference 2007 at the Manly Pacific Hotel, Sydney, New South Wales, from 18-20 July 2007."

Carried unanimously



ADJOURNMENT OF THE MEETING

At 5:10 pm the meeting was adjourned until Thursday, 28 June 2007, at 1:15 pm and it was agreed to postpone consideration of 07/0626/26D – CA 72 – MCU 3B 052/04 – Lot 42 SR6, Mossman-Daintree Road, Rocky Point – Request for a Negotiated Decision Notice for Development Permit, until the meeting resumed.

RESUMPTION OF THE MEETING

The meeting resumed at 1:16 pm on Thursday, 28 June 2007, with the attendance of the Mayor, Cr Berwick; Cr Egan; Cr Bellerio; Cr Cox; Cr Davis; Cr Pitt; the Acting Chief Executive Officer, Julia Leu; the General Manager Community & Corporate, David Carey; the Planning Manager, Paul Gleeson; and the Corporate Support Officer, Susanna Andrews; and without the attendance of Cr Sciacca; the General Manager Finance & Administration, Ian Barton; the General Manager Development & Environment, Paul Trotman; the General Manager Engineering, Bob Baade and the Manager Corporate Support, Ann-Marie Rodgers.

EMERGENT ISSUE – CA 72 – MCU 3B 052/04 – LOT 42 SR6, MOSSMAN-DAINTREE ROAD, ROCKY POINT - REQUEST FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT PERMIT

07/0626/26D CA 72 – MCU 3B 052/04 – LOT 42 SR6, MOSSMAN-DAINTREE ROAD, ROCKY POINT - REQUEST FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT PERMIT

ATTENDANCE/WITHDRAWAL

The Planning Officer, Natalie Clark, attended the meeting at 1:18 pm.

Moved Cr Davis

Seconded Cr Cox

“That Council amends Conditions 8, 11 and 17 of Development Permit CA 72 to the following:

8. *the area of esplanade adjoining land described as Lot 42 on SR6, Parish of Victory, and located at Mossman-Daintree Road, Rocky Point, cleared or otherwise impacted for the purpose of filming, is to be revegetated in a 1:1 ratio. The revegetated esplanade is to be maintained for a period of not less than three (3) years from commencement of the revegetation works in accordance with the Revegetation Management Plan;*



11. *a Deed of Agreement is to be entered into between Douglas Shire Council, the Environmental Protection Agency and First Division Productions (recognising that a Performance Guarantee Bond of \$100 000 has already been lodged with the Department of Natural Resources & Water) that will guarantee the satisfactory completion of the revegetation works in accordance with the Revegetation Management Plan. The Guarantee may be called upon to complete all or any part of the works mentioned herein in accordance with the Deed of Agreement, should the developer fail to do so within the specified three (3) years.*

Council should also be party to any decisions involving the refund of the Performance Guarantee Bond. This is to ensure that the revegetation and maintenance program is carried out to the satisfaction of Council.

17. *The owner of Lot 42 on SR6 must allow Council and the Revegetation Contractor unrestricted, practical and legal access to the esplanade through Lot 42 on SR6 for a period of three (3) years. This access is necessary for revegetation, weed control and monitoring. A legal agreement to this effect is to be drafted by the applicant and submitted to Council for endorsement.*

ADDRESS TO THE COUNCIL BY KAREN JONES, REPRESENTING FIRST DIVISION PRODUCTIONS

07/0626/26E SUSPENSION OF STANDING ORDERS

Moved Cr Pitt

Seconded Cr Davis

"That standing orders be suspended to allow Karen Jones, representing First Division Productions, to address the Council on matters concerning item 07/0626/26D – CA 72 – MCU 3B 052/04 – Lot 42 SR6, Mossman-Daintree Road, Rocky Point – Request for a Negotiated Decision Notice for Development Permit."

Carried unanimously

Upon conclusion of her address, the Mayor thanked Ms Jones for her attendance at the meeting and she returned to the gallery.

07/0626/26F RESUMPTION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Egan

"That standing orders be resumed."

Carried unanimously



Voting on the motion for item 07/0626/26D: CA 72 – MCU 3B 052/04 – Lot 42 SR6, Mossman-Daintree Road, Rocky Point – Request for a Negotiated Decision Notice for Development Permit then took place:

Carried unanimously

TERMINATION

The meeting was closed at 1:36 pm.

Presented to and confirmed by Council on the *seventeenth* day of *July* 2007.

M P Berwick
Chair

Confirmed