



*Minutes of the Ordinary Meeting of Council
20 November 2007
commencing at 2:18 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), D V Crees (Acting General Manager Finance & Administration), P M Hoye (Acting General Manager Development & Environment), P J Cymbala (Acting General Manager Engineering) and S K Andrews (Corporate Support).

EMERGENT ISSUES

The Chief Executive Officer, Julia Leu, advised the Council of emergent issues requiring a decision of the Council – Councillor Attendance at the Local Government Association of Queensland Special Conference and the Local Government Association of Queensland Recommendation for Structure and Funding Options.

07/1120/33A COUNCILLOR ATTENDANCE AT LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND SPECIAL CONFERENCE

Moved Cr Egan Seconded Cr Berwick

“That Council authorises Cr Davis to attend the Local Government Association of Queensland Special Conference on 14 December 2007.”

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

Against: Cr Egan

Carried

07/1120/33B LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND RECOMMENDATION FOR STRUCTURE AND FUNDING OPTIONS

Moved Cr Berwick Seconded Cr Egan

“That Council adopts the option recommended by the Executive of the Local Government Association of Queensland for the ‘Structure & Funding Options and New Council Arrangements’ of the Local Government Association of Queensland.”

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting General Manager Development & Environment, Paul Hoye, withdrew from the meeting at 2:26 pm.

EMERGENT ISSUE

The General Manager Community & Corporate, David Carey, advised the Council of an emergent issue requiring a decision of the Council: Assignment of Lease E (Sixteen-Berth Mooring Facility).

07/1120/33C ASSIGNMENT OF LEASE E (SIXTEEN-BERTH MOORING FACILITY)

Moved Cr Egan

Seconded Cr Pitt

1. *That Council agrees to the assignment of trustee lease 602825953 over part Lot 126 on SR868, Port and Harbour Reserve, Parish of Salisbury, and located at Marina Mirage, Port Douglas, from MFS Mirage Resorts Pty Ltd to Meridien Marinas Port Douglas Pty Ltd.*
2. *That the Deed of Covenant by the Assignee and Trustee's Consent to Assignment of Lease be signed and sealed.*
3. *That the Assignee be required to agree to meet the Council's costs associated with the Assignment."*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Acting General Manager Development & Environment re-attended the meeting at 2:30 pm. The Acting Manager Planning, Louise Stayte, attended the meeting at this time.

EMERGENT ISSUE

Moved Cr Berwick

Seconded Cr Cox

07/1120/33D *"That Council considers emergent item 07/1120/33E – MCUI 044/07 – Lot 404 C2251, Cnr Davidson & Dickson Streets, Craiglie – Request to Assess Under Superseded Planning Scheme."*

Carried unanimously



The Acting Manager Planning, Louise Stayte, advised the Council of the following emergent issue requiring a decision of the Council:

07/1120/33E MCUI 044/07 – LOT 404 C2251, CNR DAVIDSON & DICKSON STREETS, CRAIGLIE – REQUEST TO ASSESS UNDER SUPERSEDED PLANNING SCHEME

Moved Cr Berwick

Seconded Cr Cox

“That the Council refuses the request to assess application MCUI 044/07 for a Material Change of Use for four (4) industrial units on land described as Lot 404 on C2251, Parish of Salisbury, and located at Cnr Davidson & Dickson Streets, Craiglie, under the Superseded Planning Scheme.”

Carried unanimously

ADJOURNMENT OF THE MEETING

The meeting was adjourned for afternoon tea at 2:36 pm.

RESUMPTION OF THE MEETING

The meeting resumed at 2:53 pm.

07/1120/33 **CONDOLENCES**

There were no condolences mentioned at the meeting.

07/1120/34 **DECLARATIONS OF INTEREST**

There were no declarations of interest presented to the meeting.

REPORTS

07/1120/35 **DELEGATIONS – COUNCIL TO CHIEF EXECUTIVE OFFICER**

Moved Cr Berwick

Seconded Cr Cox

“That Council delegates its powers to the Chief Executive Officer, pursuant to Section 472 of the Local Government Act 1993 to extend the review date regarding the instrument of delegations to 30 June 2008.”



An amendment to the motion was moved:

Moved Cr Bellerio

"That Council delegates its powers to the Chief Executive Officer, pursuant to Section 472 of the Local Government Act 1993, to extend the review date regarding the instrument of delegations to 30 June 2008 with the following amendment: that 'tenders or quotations under \$250 000' be amended to read 'tenders or quotations under \$50 000'."

Lapsed for want of a seconder

A further amendment was moved:

Moved Cr Egan

Seconded Cr Bellerio

07/1120/35(i)

"That Council delegates its powers to the Chief Executive Officer, pursuant to Section 472 of the Local Government Act 1993 to extend the review date regarding the instrument of delegations to 30 June 2008 with the following amendment: that 'tenders or quotations under \$250 000' be amended to read 'tenders or quotations under \$150 000'."

For: Cr Egan, Bellerio

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

Lost

The original motion was put:

For: Cr Berwick, Cox, Davis

Against: Cr Egan, Bellerio, Sciacca, Pitt

Lost



An amendment to the motion was moved:

Moved Cr Bellerio

Seconded Cr Sciacca

07/1120/35(ii)

“That Council delegates its powers to the Chief Executive Officer, pursuant to Section 472 of the Local Government Act 1993, to extend the review date regarding the instrument of delegations to 30 June 2008 with the following amendment: that ‘tenders or quotations under \$250 000’ be amended to read ‘tenders or quotations under \$100 000’.”

ATTENDANCE/WITHDRAWAL

Cr Cox withdrew from the meeting at 3:17 pm.

Carried unanimously

The amendment became the motion and was put:

Carried unanimously

REASONS WHY THE COUNCIL DID NOT ACCEPT THE OFFICER'S RECOMMENDATION (S461(A) OF LOCAL GOVERNMENT ACT 1993)

As required under S461(A) of the *Local Government Act 1993* the following statement was the grounds provided by the Councillors as their reasons for not accepting the Officer's recommendation: that Councillors want to be more involved in Council's decision-making processes.

07/1120/36

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



ATTENDANCE/WITHDRAWAL

Cr Sciacca withdrew from the meeting at 3:18 pm.

07/1120/37 DECISIONS OF COUNCIL STATUS REPORT

Moved Cr Berwick

Seconded Cr Egan

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

Carried unanimously

TERMINATION OF THE MEETING

The meeting was closed at 3:19 pm.

Presented to and confirmed by Council on the *eleventh* day of *December* 2007.

M P Berwick
Chair

Continued