



*Minutes of the Ordinary Meeting of Council
7 February 2006
Commencing at 8.30am*

PRESENT

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

Staff – T C Melchert (Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), R J Baade (General Manager Engineering), P Trotman (General Manager Development & Environment), J R Neely (Project Manager), P J Chapman (Workplace Health & Safety Officer) and Ms A M Rodgers (Manager Corporate Support)

06/07/02/00 LEAVE OF ABSENCE

An apology was received from Cr Cox advising of her inability to attend the Meeting due to a family illness.

It was resolved Cr Cox be granted leave of absence from the meeting.

It was noted Cr Egan advised of leave of absence from the meeting to be held on 21 February 2006.

06/0702/01 CONDOLENCES

Cr Berwick referred to the recent death of Doretta Murray. The Council stood and observed one minute's silence.

It was resolved to send a letter of condolence to the next of kin.

06/0702/02 MINUTES

Recommendation -

That the minutes of the Ordinary Council Meeting held on 24 January 2006 be confirmed.

Moved Cr Davis

Seconded Cr Berwick

"That the minutes of the Ordinary Council Meeting held on 24 January 2006 be confirmed subject to the removal of that section of the attachment 1 which was not read at the meeting."

For Crs Davis, Berwick

Against Crs Egan, Bellerio, Sciacca, Pitt

Lost



Moved Cr Berwick

Seconded Cr Bellerio

"That the minutes of the Ordinary Council Meeting held on 24 January 2006 be confirmed."

Carried unanimously

COMMUNITY & CORPORATE

06/0702/03 INFORMATION PAPERS FOR COUNCIL

Recommendation -

That Council receives and notes the information papers being presented to Council on 7 February 2006.

Moved Cr Egan

Seconded Cr Sciacca

"That Council adopts the recommendation."

Carried unanimously

06/0702/04 DETAILS OF THE USE OF THE COUNCIL SEAL

Recommendation -

That the report providing Details of the Use of the Council Seal be received and Council endorses the actions of the Chief Executive Officer and Mayor in executing on its behalf, under seal, the documents detailed therein.

Moved Cr Berwick

Seconded Cr Egan

"That Council adopts the recommendation."

Carried unanimously

DEVELOPMENT & ENVIRONMENT

06/0702/05 PDPV 001/06 – LOT 62 RP729079, PARISH OF SALISBURY

Recommendation –

That application 001/06 for a Permit to Damage Protected Vegetation be approved and the tree identified in the plan be removed subject to the conditions as recommended by the Environmental Officer in his report.

Moved Cr Sciacca

Seconded Cr Bellerio

"That Council adopts the recommendation."

Carried unanimously



06/0702/06 PDPV 002/06 – LOT 64 RP726589, PARISH OF SALISBURY

Recommendation –

That application 002/06 for a Permit to Damage Protected Vegetation be approved and the tree identified in the plan be removed subject to the conditions as recommended by the Environmental Officer in his report.

Moved Cr Egan

Seconded Cr Bellerio

“That Council adopts the recommendation.”

Carried unanimously

06/0702/07 MCU 3B 042/05 – LOTS 41 & 42 RP857614, PARISH OF SALISBURY

Recommendation –

06/0702/07(i) That Council approves the Material Change of Use 3B Application 042/05 for Shops and Offices on land described as Lots 41-42 on RP857614, Parish of Salisbury (located at 21-23 Warner Street, Port Douglas) subject to the conditions as recommended by the Assistant Planning Officer in her report; and

06/0702/07(ii) The approval is subject to the street trees on Warner Street, namely *Paduak Pterocarpus indicu*, being retained.

ATTENDANCE

The Manager Planning, Paul Gleeson, attended the meeting at 8.50am

Moved Cr Sciacca

Seconded Cr Bellerio

“That Council adopts the recommendation.”

An amendment to the Motion was moved by Cr Berwick and seconded by Cr Davis :-

“That the recommendation be adopted including a condition in relation to street lighting as determined by the Manager Planning Services.”

The amendment and the motion were withdrawn with the approval of the respective movers and seconders and it was determined to lie the matter on the table to allow officers to gather more information.



06/0702/08 MCU 3B 002/02 EXTENSION OF CURRENCY PERIOD – LOT 59 RP739766,
PARISH OF ALEXANDRA

Recommendation –

That Council approves the request by Gayler Cleland Towne to extend the currency period for the Material Change of Use for a Dwelling House (MCU 3B 002/02) for a period of twenty four (24) months, such that this application lapses on the 29th January 2008 unless the Building Work is completed in accordance with this Material Change of Use Development Permit.

Moved Cr Egan

Seconded Cr Pitt

“That Council adopts the recommendation.”

Carried unanimously

06/0702/09 SUB 023/05 RECONFIGURATION OF A LOT – LOTS 1 & 2, PARISH OF VICTORY

Recommendation -

That Council approves the application for a Reconfiguring a Lot (Boundary Realignment) Development Permit by HM and VV Christie to create two (2) allotments (proposed Lots 1 & 2) from the existing allotments described as Lots 1 & 2 on RP724709 located at Connolly Street, Mossman subject to the conditions as recommended by the Planning Officer in her report.

Moved Cr Bellerio

Seconded Cr Pitt

“That Council adopts the recommendation.”

Carried Unanimously

WITHDRAWAL

The Manager Planning Services withdrew from the meeting.

ENGINEERING

06/0702/10 PORT DOUGLAS SEWAGE TREATMENT ODOUR CONTROL

Recommendation -

06/0702/10(i) That Council notes the action being taken at the Port Douglas Sewage Treatment Plant; and

06/0702/10(ii) That *The Odour Unit Pty Ltd* be commissioned to develop a concept design for the upgrade to the odour control system at the Port Douglas Sewage Treatment Plant.



Moved Cr Sciacca

Seconded Cr Egan

"That Council adopts the recommendation."

Carried unanimously

06/0702/11 LOCAL DISASTER MANAGEMENT GROUP – APPOINTMENT OF MEMBERS

Recommendation -

That Council ratify the Local Disaster Management Group membership as detailed in Attachment 1 and appoint a Councillor as chairperson of the Evacuation sub-committee.

Moved Cr Egan

Seconded Cr Berwick

"That Council adopts the recommendation and Cr Egan be nominated as chairperson of the Evacuation sub-committee."

Carried unanimously

COUNCILLOR MEMORANDA

06/0702/13 NOTICE OF MOTION – VESSEL LOADING AND UNLOADING DAINTREE RIVER

The General Manager Engineering tabled photographs of the proposed footpath for the area (Attachment 1).

Moved Cr Davis

Seconded Cr Berwick

"That Council repeal the motion made at the Ordinary Council Meeting held on 7th December 2005 which reads as follows:-

The vessel loading/unloading ramp on the Northern Side of the Daintree River – Upstream from the Ferry Crossing be closed until Council can provide funding for provision of a ramp on the northern side of the river at least 50 metres upstream; and

That tourist vessel operators and the public be given four (4) weeks notice of the ramp closure."

For Crs Davis, Berwick Bellerio

Against Crs Egan, Sciacca, Pitt

The Mayor used his casting vote in support of the motion

Carried



Moved Cr Berwick

Seconded Cr Davis

“That a report be requested from staff to be provided to the Meeting in two (2) weeks time advising Council in relation to the introduction of a master plan dealing with the river tourism industry and the transport of passengers across the Daintree River and the master plan include the northern and southern banks, a business plan and budget and a timeline for the preparation of the master plan.”

An amendment to the Motion was moved by Cr Sciacca and seconded by Cr Berwick :-

“That a report be requested from staff to be provided to the Meeting in two (2) weeks time advising Council in relation to the introduction of a master plan dealing with the river tourism industry and the transport of passengers across the Daintree River. The master plan include the northern and southern banks, a business plan and budget, and a timeline for the preparation of the master plan. Further, the northern passing lanes and the bus parking bays and investigation of the litigation and legal obligations be also included in the master plan.”

The amendment was put -

For Crs Berwick, Sciacca, Pitt, Bellero, Davis.

Against Crs Egan

Carried

The amendment became the motion and was put –

For Crs Berwick, Sciacca, Pitt, Bellero, Davis.

Against Crs Egan

Carried

ADJOURNMENT

The meeting adjourned for morning tea at 10am.

RESUMPTION

The Meeting resumed at 10.15am.

06/0702/14 SETBACKS ON WATERCOURSES

Recommendation - General Manager Development & Environment

That Council determine whether a report is to be provided to the next Council meeting to be held on 21 February 2006.

Moved Cr Egan

Seconded Cr Berwick

“That Council request a report to be provided to the next Council meeting to be held on 21 February 2006.”

Carried unanimously



Moved Cr Davis

"That the Council -

- (i) abide by its own laws, and those of the EPA when sitting its own buildings alongside rivers.*
- (ii) notify EPA of the location of the toilet block*
- (iii) propose steps to correct the situation*
- (iv) explain to the public why it has located the building in a position it would not allow anyone else to build"*

The motion lapsed for want of a seconder.

06/0702/15 TOILETS AT DAINTREE RIVER BOAT RAMP

Moved Cr Pitt

Seconded Cr Sciacca

"That Council agrees to a media release of the facts surrounding the western precinct toilets at Daintree."

Carried unanimously

06/0702/16 MOTION 1 – CHAMBER OF COMMERCE

Moved Cr Davis

"That the Chamber of Commerce be given a report from the Shire's management consultants on the practicalities and constraints facing the DSC's upper management's functional ability, whilst overlaid with stress limitation and holiday catch up needs."

The motion lapsed for want of a seconder.

Moved Cr Berwick

Seconded Cr Davis

That the Council advise the Port Douglas Chamber of Commerce that -

- The Chief Executive Officer has returned to work under an agreed return to work arrangement, which addresses both the causes and the symptoms of his work, related injury. Essentially this program provides for him attending work on a full time basis and fully performing the functions of Chief Executive Officer with no limitations apart from limiting the number of hours worked per week to forty (40).*
- The Chief Executive Officer has been invited by the Mayor to advise of his thoughts on how he sees the functions of Chief Executive Officer being performed given requirements to utilise accrued annual leave between now and 30 June 2007, and also any possible limitations associated with his injury management.*

The return to work coordination committee is confident, however, that the Chief Executive Officer's injury can be managed with little interference with the performance of the functions of Chief Executive Officer. However a more definitive assessment of the situation will be able to be undertaken once the Chief Executive Officer's thoughts on the matter are known.



- *In respect to the Council's commitment to the organisational review the Council and the Chief Executive Officer are fully committed to the review process, its implementation and all of its implications in terms of competent management of the Council into the future.*

With the agreement of the Mover and Seconder the motion was withdrawn to facilitate further discussion in closed session.

06/0702/17 MOTION 2 – CHAMBER OF COMMERCE

Moved Cr Davis

Seconded Cr Berwick

“That staff report to Council on the budget and/or organisational changes needed to address the Chamber of Commerce's concerns over lagging park, garden and engineering issues.”

An amendment to the Motion was moved by Cr Berwick -

“That staff report to Council on the budget and/or organisational changes needed to address the Chamber of Commerce's concerns over lagging park, garden and engineering issues and Council also express its concern regarding the Chamber's advertisement and its contents.”

The amendment lapsed for want of a seconder.

The motion was put -

For Crs Davis, Berwick, Pitt

Against Crs Sciacca, Egan, Bellerio

The Mayor used his casting vote in favour of the motion.

Carried

CLOSE OF MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Egan

“That the meeting be closed to the public pursuant to Sections 463(1)(b) and (f) of the Local Government Act 1993 for discussions regarding a staff matter and legal action by Council.”

Carried unanimously

WITHDRAWAL

The General Manager Finance & Administration, General Manager Development & Environment, the Manager Corporate Support and the Project Manager withdrew from the Meeting at 11.20am

ATTENDANCE

The Manager Engineering, Peter Cymbala, attended the meeting at 11.20am to assist with discussions in relation to Item 06/0702/12.



WITHDRAWAL

The General Manager Engineering and the Manager Engineering withdrew from the meeting at 11.35am.

The Chief Executive Officer withdrew from the meeting at 11.55am.

REOPEN MEETING TO THE PUBLIC

At 12.32pm it was resolved the meeting be reopened to the public.

06/0702/12 CONFIDENTIAL – “DEED OF SETTLEMENT” – ESI WATER SEWERAGE CONTRACTS

Recommendation -

That Council accepts the offer to settle all outstanding matters under the Daintree Water Treatment Plants' contract and the Sewerage Treatment Plant contract for \$280,000 plus GST (Council to pay) on the basis of the relative merits of each party's legal position and the anticipated costs of resolving the dispute through litigation if the matter is not resolved commercially.

Moved Cr Egan

Seconded Cr Berwick

“That Council adopts the recommendation.”

Carried unanimously

RETURN TO WORK PROGRAM - CHIEF EXECUTIVE OFFICER

Moved Cr Berwick

Seconded Cr Davis

“That Council agrees to remove the restriction on the Chief Executive Officer talking to the media subject to the Chief Executive Officer providing confirmation, in writing, that he feels confident such contact will not adversely impact his rehabilitation into the workplace.”

Carried unanimously

Moved Cr Egan

Seconded Cr Sciacca

“That the Mayor, Deputy Mayor, Chief Executive Officer, Workplace Health and Safety Officer, General Manager Community & Corporate (in an advisory capacity) and the treating Doctor form the Rehabilitation Coordination Committee with full decision making authority being granted to the Committee and ongoing reporting for information only to the Council being made.”

For Crs Egan, Sciacca, Bellerio, Pitt.

Against Crs Berwick, Davis

Carried



Moved Cr Bellerio

Seconded Cr Sciacca

“That the Council agrees no further discussion on the Chief Executive Officer’s injury and its management be undertaken by the Council for three (3) months in order to allow the agreed rehabilitation arrangements to take effect with minimal hindrance.”

For Crs Egan, Sciacca, Bellerio, Pitt.

Against Crs Berwick, Davis

Carried

ADJOURNMENT

The meeting adjourned for lunch at 12.46pm.

RESUMPTION

The Meeting resumed at 1.47pm. The General Manager Development & Environment, Manager Planning Services, General Manager Engineering, Manager Engineering and the Chief Executive Officer re-attended the meeting at this time.

RE-ATTENDANCE

The Manager Corporate Support re-attended the Meeting at 1.55pm

06/0702/07 MCU 3B 042/05 – LOTS 41 & 42 RP857614, PARISH OF SALISBURY

Recommendation –

06/0702/07(i) That Council approves the Material Change of Use 3B Application 042/05 for Shops and Offices on land described as Lots 41-42 on RP857614, Parish of Salisbury (located at 21-23 Warner Street, Port Douglas) subject to the conditions as recommended by the Assistant Planning Officer in her report; and

06/0702/07(ii) The approval is subject to the street trees on Warner Street, namely *Paduak Pterocarpus indicu*, being retained.

Moved Cr Berwick

Seconded Cr Davis

“That Council adopt the recommendation with the addition of the following conditions : -

Street lighting

The applicant shall provide street and intersection lighting along the frontages of the allotment in accordance with the requirements of section D8.07 “Road Lighting” of the Far North Queensland Regional Organisation of Councils Development Manual. The applicant is also to provide bollard lighting at 4metre centres behind the kerb along the full frontage. The design of these bollards is to be in accordance with Council’s approved design (refer to Engineering Services).

All works are to be designed and submitted for approval at Operational Works stage for this application.



Electricity

All overhead power lines along the frontages of the site are to be relocated underground.

Road works

The applicant is to construct the following road works external to the site:

(a) Warner Street –

- (i) *Kerb and channel along the full frontage and bitumen widening from the edge of the existing carriageway to the proposed new kerb & channel.*
- (ii) *Two (2) on road car parking spaces are required to be constructed and an enhanced pedestrian area.*

All works are to be designed and submitted for approval at Operational Works stage for this application."

An amendment to the motion was moved by Cr Berwick and seconded Cr Egan -

"That the application lie on the table for further investigation by staff."

Carried unanimously

The amendment became the motion and was **Carried** unanimously.

06/0702/16 MOTION 1 – CHAMBER OF COMMERCE

Moved Cr Egan

Seconded Cr Berwick

That the Council advise the Port Douglas Chamber of Commerce that -

- *The Chief Executive Officer has returned to work under an agreed return to work arrangement, which addresses both the causes and the symptoms of his work, related injury. Essentially this program provides for him attending work on a full time basis and fully performing the functions of Chief Executive Officer with no limitations apart from limiting the number of hours worked per week to forty (40). It should be noted the Award requires attendance at work for only 36.25 hours per week.*
- *The Chief Executive Officer has submitted to the Council his thoughts on how he sees the functions of Chief Executive Officer being performed given requirements to utilise accrued annual leave between now and 30 June 2007, and also any possible limitations associated with his injury management.*

The Chief Executive Officer's advice is yet to be considered by the Council however the Council is confident the Chief Executive Officer's injury can be managed with little interference with the performance of the functions of Chief Executive Officer.



- *In respect to the Council's commitment to the organisational review, the Council and the Chief Executive Officer are fully committed to the review process, its implementation and all of its implications in terms of competent management of the Council into the future.*

For Crs Egan, Berwick, Davis.

Against Crs Sciacca, Bellerio, Pitt.

The Mayor used his casting vote in favour of the motion.

Carried

CLOSE OF MEETING

The Meeting was closed at 2.05pm.

Presented to and confirmed by Council on the *Twenty-first* day of *February* 2006.

M P Berwick
Chair