



*Minutes of the Ordinary Meeting of Council
21 February 2006
Commencing at 1.00pm*

PRESENT

Councillors - M P Berwick (Mayor), W J Bellerio, D G Pitt, J Sciacca and R Davis (present at 3.15pm)

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 Chapman (Workplace Health & Safety Officer), J F Leu (Manager Community Services), A M Rodgers (Manager Corporate Support), T Kadwell and R Weldon (EA Team employee representatives)

06/2102/00 LEAVE OF ABSENCE

Apologies were noted from Crs Cox and Egan advising of their inability to attend the Meeting.

Advice was received from Cr Davis that he would be late attending the meeting.

It was resolved Crs Egan and Cox be granted leave of absence from the Meeting.

06/2102/01 CONDOLENCES

Cr Berwick referred to the recent deaths of Herbert Roberts Diamond and Mary Jane West. The Council stood and observed one minute's silence.

It was resolved to send letters of condolence to the next of kin.

06/2102/02 MINUTES

Moved Cr Berwick

“That Council adopts the minutes of the Ordinary Council Meeting held on 7 February 2006 subject to amendment on Page 12 by the inclusion of the following statement by Cr Berwick “Cr Berwick indicated he believed Cr Bellerio’s motion was not lawfully enforceable.”

The motion lapsed for want of a seconder.



06/2102/02

Moved Cr Bellerio

Seconded Cr Sciacca

"That the minutes of the Ordinary Council meeting held on 7 February 2006 be confirmed."

For Crs Bellerio, Sciacca, Pitt

Against Cr Berwick

Carried

COMMUNITY & CORPORATE

06/2102/04 2006 ENTERPRISE AGREEMENT

Moved Cr Berwick

Seconded Cr Sciacca

"That Council adopts the recommendation and approves the draft agreement as presented for registration with the Australian and Queensland Industrial Relations Commissions."

Carried unanimously

WITHDRAWAL

Messrs Kadwell and Weldon withdrew from the meeting.

FINANCE & ADMINISTRATION

06/2102/03 PRESENTATION OF RESULTS 2004/2005 AUDIT

The General Manager Finance & Administration provided Council with a presentation in relation to the results of the 2004/2005 Audit by way of PowerPoint display (refer Attachment 1).

Moved Cr Berwick

Seconded Cr Pitt

"That Council receives and notes the audit report."

Carried unanimously



COMMUNITY & CORPORATE

06/2102/05 AUDIO RECORDING OF COUNCIL MEETINGS

Recommendation -

That no action be taken in respect of the suggestion that audio recording of Council meetings be applied.

Moved Cr Berwick

Seconded Cr Sciacca

"That the matter be left on the table for a briefing session."

Carried unanimously

06/2102/06 ANNUAL REPORT 2004/2005

Moved Cr Berwick

Seconded Cr Pitt

"That Council adopts the recommendation and adopts the contents of the Annual Report 2004/2005 in accordance with Section 531(2) of the Local Government Act 1993. Further, the Report and attachments be provided to the Minister as required and posted for public access on the Council's website."

Carried unanimously

06/2102/07 RADF 2006/2007 FUNDING

Moved Cr Pitt

Seconded Cr Sciacca

"That Council adopts the recommendations and -

06/2102/07(i) requests an increase of \$1,800 (from \$42,000 to \$43,800) from Arts Queensland for the 2006/2007 RADF program.

06/2102/07(ii) increases its contribution by \$1,200 (from \$28,000 to \$29,200) for the 2006/2007 RADF budget."

Carried unanimously



06/2102/08 ABC's TRIPLE J "ONE NIGHT STAND" CONCERT

Moved Cr Berwick

"That provided a community group is willing to stage the event Council support by providing venue free of charge."

The motion lapsed for want of a seconder.

Moved Cr Bellerio

Seconded Cr Pitt

"That Council adopts the recommendation and not support the submission as the estimated costs (approx \$30,000) to support the event are not provided for in the 2005/2006 budget.."

With the agreement of the mover and seconder the motion was left on the table until Cr Davis arrives at the meeting.

WITHDRAWAL

The Manager Community Services withdrew from the meeting.

06/2102/09 INFORMATION PAPERS FOR COUNCIL

Moved Cr Berwick

Seconded Cr Sciacca

"That Council adopts the recommendation receives and notes the information papers presented to Council on 21 February 2006."

Carried unanimously

DEVELOPMENT & ENVIRONMENT

06/2102/10 PDPV 005/06 – LOTS 904, 905 & 906 PTD 2092, PARISH OF SALISBURY

Cr Bellerio stated there may be a perceived conflict of interest because he has carried out work on this project, however he has no material personal interest in the matter. Cr Bellerio advised he would remain in the meeting to participate in all discussions and vote.

Recommendation -

That the application PDPV 005/06 for a Permit to Damage Protected Vegetation on land located at 27-29 Davidson Street, Port Douglas (Lots 904, 905, 906 PTD 2092 Parish of Salisbury) be approved subject to the conditions as recommended by the Environmental Officer in his report.



06/2102/10

Moved Cr Pitt

Seconded Cr Sciacca

"That Council approves the application including the removal of tree No 1 and trees 10 and 11 are to be permitted to be removed subject to approval of the neighbours."

For Crs Pitt, Sciacca, Bellero

Against Crs Berwick

Carried

06/2102/11 MCU 3B 042/05 – LOTS 41 & 42 RP857614 PARISH OF SALISBURY

Moved Cr Sciacca

Seconded Cr Pitt

"That Council grants approval to the application for Shops and Offices on land located at 21-23 Warner Street, Port Douglas and described as Lots 41-42 on RP857614, Parish of Salisbury subject to the conditions as recommended by the Assistant Planning Officer in her report and subject also to inclusion of the requirements that pavers similar to those used in Grant Street being used in the footpath construction."

Carried unanimously

06/2102/12 MCU 3B 036/05 – LOT 8 RP895020, PARISH OF VICTORY

Moved Cr Berwick

Seconded Cr Pitt

"That Council adopts the recommendation and grants approval to the reduction of the Equivalent Domestic Connection (EDC) rate in Condition 28 to 1 EDC per water and sewerage component and the security bond be reduced from \$15,000 to \$6,000. Further, a Negotiated Decision Notice be issued for MCU 3B 036/05 being an application for a Warehouse and Light Industry Use on Lot 8 RP895020, Parish of Victory (more particularly 16 Therese Drive, Mossman)."

Carried unanimously

06/2102/13 MCU 038/05 – LOT 1 RP724410, PARISH OF SALISBURY

Moved Cr Berwick

Seconded Cr Sciacca

"That Council adopts the recommendation and grants approval to the application for a Material Change of Use Development Permit to construct a Display House on land described as Lot 1 on RP724410 Parish of Salisbury (located at 2 Island Point Drive, Port Douglas) subject to the conditions as recommended by the Manager Planning Services in his report."

Carried unanimously



06/2102/14 MCU TPC 1238 – LOT 50 RP726590, PARISH OF SALISBURY

06/2102/14(i)

Moved Cr Sciacca

Seconded Cr Berwick

“That Council adopts the recommendation and grants approval to the application for a Development Permit for Material Change of Use to permit a Home Occupation (Sound Studio) on land described as Lot 50 on RP726590 Parish of Salisbury (situated at 22 Limpet Avenue, Port Douglas) subject to the conditions as recommended by the Planning Officer in her report.”

Carried unanimously

06/2102/14(ii)

Moved Cr Sciacca

Seconded Cr Pitt

“That staff in the planning department be requested to investigate the ability to implement an annual fee on home based businesses.”

For Crs Sciacca, Pitt, Bellerio.

Against Cr Berwick

Carried

06/2102/15 CA60 – LOT 10 SP121808, PARISH OF MOWBRAY

Moved Cr Sciacca

Seconded Cr Pitt

“That Council adopts the recommendation and grants approval to the request by Jakuma Pty Ltd to waive the requirement for referral coordination for Reconfiguring a Lot and a Material Change of Use for lot sizes of a minimum 1.35hectares in a Rural Agriculture Zone located at Lot 10 on SP121808, (situated at Captain Cook Highway, Oak Beach).”

Carried unanimously

06/2102/16 CA58/04 – LOT S 1,2 & 6 C2253, PARISH OF SALISBURY

Recommendations -

That Council approves the application for a Material Change of Use Development Permit on land described as Lots 1, 2 and 6 on C2253 (located at Mitre Street, Port Douglas) to -

- (a) Construct 106 Multiple Dwellings (Tourist) consisting of 42 x 1 bedroom, 33 x 2 bedroom, 23 x 3 bedroom and 8 x 4 bedroom units; and
- (b) a restaurant with a gross floor area of approximately 230m² for in-house guests; and



(c) a reception, restaurant ground floor and administration office for the resort with a gross floor area of approximately 170m².

A Reconfiguring a Lot Development Permit to create five allotments through a standard format subdivision with common property.

A Material Change of Use Preliminary Approval for a dwelling house on proposed Lots 1-4

The approval is subject to the conditions as recommended by the Manager Planning Services in his report.

The Manager Planning Services advised the applicant has requested the matter be removed from the Agenda.

Moved Cr Sciacca

Seconded Cr Pitt

"That Council leave the application lie on the table as requested by the applicant."

Carried unanimously

06/2102/17 PROVISION OF DISABLED FACILITIES AT MOSSMAN BICENTENNIAL POOL

Recommendations –

Moved Cr Pitt

Seconded Cr Sciacca

"That Council adopts the recommendations and

06/2102/17(i) approves the request and redirect \$1,000 from the project titled "ramp for disabled at the Mossman Hall" for plan and quotation preparation and submission to the State for a funding application.

06/2102/17(ii) notes when advice is received from the State regarding the level of funding available, a further report will be submitted to Council for consideration."

Carried unanimously



ENGINEERING

06/2102/18 DETERMINATION OF CONTRIBUTIONS FOR WATER SUPPLY AND SEWERAGE HEADWORKS AND WORKS EXTERNAL

Moved Cr Berwick

Seconded Cr Pitt

"That Council adopts the recommendation and resolves to adopt:

- *The Explanatory Statement to Determination of Contributions for Water Supply and Sewerage Headworks and Works External (Amendment) Transitional Planning Scheme Policy (No.1) 2005; and*
- *The Water Supply and Sewerage Headworks Update Report and Schedules Douglas Shire Council, October 2005.*
- *In accordance with Schedule 3, Part 1, Item 1 (1) of the Integrated Planning Act 1997, Council hereby resolves to propose to make Determination of Contribution for Water Supply and Sewerage Headworks and Works External (Amendment) Transitional Planning Scheme Policy (No. 1) 2005 ('the proposed amendment policy') which amends the existing Determination of Contributions for Water Supply and Sewerage Headworks and Works External Local Planning Policy (November 2002).*
- *Council hereby resolves to delegate to the Chief Executive Officer, the power pursuant to Schedule 3, Part 2, Item 4 of the Integrated Planning Act 1997 to consider every properly made submission about the proposed amendment policy."*

06/2102/18

An amendment to the motion was Moved by Cr Pitt and seconded by Cr Bellerio

"That Council obtain the services of Pat Flanagan to address the water supply and sewerage charges to see if there is any other mechanism to spread a more equitable charge across the Shire."

For Crs Pitt, Sciacca, Bellerio

Against Cr Berwick

Carried

The amendment became the motion and was put -

For Crs Pitt, Sciacca, Bellerio

Against Crs Berwick

Carried

Moved Cr Berwick

"That Council puts the Water and Sewerage Headworks Policy on public display while the consultancy process occurs and that Pat Flangan's information session includes a briefing on the process of the introduction of the infrastructure charges code."

The motion lapsed for want of a seconder.



COUNCILLOR MEMORANDA

06/2102/20 REQUEST FOR FUNDING – MOSSMAN MUSIC FESTIVAL 2006

Moved Cr Pitt

Seconded Cr Sciacca

“That Council agrees to provide \$6,000.00 sponsorship for the 2006 Mossman Music Festival.”

Carried unanimously

WITHDRAWAL

General Manager Finance & Administration withdrew from the meeting at 2.40pm.

06/2102/21 LIPS LEASE SUGAR WHARF

Moved Cr Berwick

Seconded Cr Pitt

“That Council adopts the recommendation and invites representatives of LIPS to meet with a committee comprising appropriate Council officers and the Divisional Councillors to discuss this matter with a further report being presented to the Council in the near future.”

With the agreement of the mover and seconder the following amendment was made –

“That Council adopts the recommendation and invites representatives of LIPS to meet with a committee comprising appropriate Council officers and the Divisional Councillors to discuss this matter with a further report being presented to the Council in the near future. Further, that a report come back to Council for consideration prior to 22 March 2006 at which time Council will make a decision in relation to the continuation of the lease.”

Carried unanimously

Moved Cr Sciacca

“That the lease LIPS have been granted for the use of the Sugar Wharf be revoked and the Douglas Shire Council call new tenders for the lease.”

Cr Sciacca’s motion was withdrawn.



06/2102/22 ROAD AUDIT – CAPE TRIBULATION TO BLOOMFIELD

Moved Cr Sciacca

Seconded Cr Bellerio

“That funding be provided in the 2006/07 budget for a road audit from Cape Tribulation to the Bloomfield River.”

The motion was left on the table and a further report providing advice regarding the cost of a road audit is to be provided by General Manager Engineering.

06/2102/23 CONFERENCE – NATIONAL SEA CHANGE TASKFORCE

Recommendations -

That Council –

- allows the use of provide Rex Smeal Park at no cost to the NSCTF for the purpose of hosting the Conference dinner.
- agrees to provide the two roving observer tickets to representatives from Douglas Shire Sustainability Action Group and the Port Douglas Chamber of Commerce.
- meets the costs for any Councillor registrations to attend the NSCTF Conference should attendance be above the six (6) complimentary registrations issued to Douglas Shire Council.

06/2102/23(i)

Moved Cr Bellerio

Seconded Cr Sciacca

“That Council seeks advice on how to provide equitable access for all community groups to attend the conference.”

Carried unanimously

06/2102/23(ii)

Moved Cr Berwick

Seconded Cr Pitt

~~*“That Council allows the use of provide Rex Smeal Park at no cost to the NSCTF for the purpose of hosting the Conference dinner and agrees to meet the costs for any Councillor registrations to attend the NSCTF Conference should attendance be above.”*~~ *“That Council allows the use of Rex Smeal Park at no cost to the NSCTF for the purpose of hosting the Conference Diner and agrees to meet the cost for any Councillor registrations to attend the NSCTF Conference should attendance be above the six (6) complimentary registrations issued.” (AMENDED 7/3/06 PG 2)*

Carried unanimously



REPORTS – CHIEF EXECUTIVE OFFICER

06/2102/24 TRIAL OF MOVE-ON POWERS – CARNIVALE

Moved Cr Berwick

Seconded Cr Sciacca

“That Council adopts the recommendation and, in accordance with the decision of Council of 19 April 2005, approves a trial of move-on powers in Port Douglas for the 2006 Carnivale..”

Carried unanimously

ADJOURNMENT

The meeting adjourned for afternoon tea at 3.00pm.

WITHDRAWAL

The General Manager Development and Environment withdrew from the meeting at 3.00pm.

RESUMPTION

The meeting resumed at 3.15pm.

ATTENDANCE

Cr Davis attended the meeting at 3.15pm.

COMMUNITY & CORPORATE

06/2102/08 ABC’s TRIPLE J “ONE NIGHT STAND” CONCERT

A representative of the community group, Kim Hurley, was provided with the opportunity to address Council in relation to the community’s support of the concert. She advised the group is only seeking Council’s approval to use the oval as they are confident the event, if they are successful in securing the concert, will be run completely with community support.

Moved Cr Bellerio

Seconded Cr Pitt

“That Council adopts the recommendation and not support the submission as the estimated costs (approx \$30,000) to support the event are not provided for in the 2005/2006 budget..”

With the agreement of the mover and seconder the motion was withdrawn.

06/2102/08

Moved Cr Berwick

Seconded Cr Pitt

“That Council agrees to support the event through provision of the grounds at no cost.”

Carried unanimously



WITHDRAWAL

At 3.30pm, the Manager Community Services withdrew from the meeting. The community representatives thanked Council for the opportunity and withdrew from the meeting.

CLOSE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Pitt

"That Council agrees to close the meeting to the public under Section 463(1)(e) of the Local Government Act for discussions in relation to the contract for the Daintree River Ferry."

Carried unanimously

REOPEN MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Pitt

"That Council reopen the meeting to the public."

Carried unanimously

ENGINEERING

06/2102/19 "IN COMMITTEE" – DAINTREE RIVER FERRY CONTRACT DISCUSSION

06/2102/19(i)

Moved Cr Bellerio

Seconded Cr Davis

"That an external, independent investigation be carried out into the reasons for the delay in issuing the ferry tender and subsequent delay in issuing the ferry contract."

Carried unanimously

06/2102/19(ii)

Moved Cr Bellerio

Seconded Cr Davis

"That Council include in the investigation the differences in the clauses in the tender documentation and the contract documentation in relation to the back up arrangements for ferry breakdowns."

Carried unanimously



06/2102/19(iii)

Moved Cr Sciacca

Seconded Cr Bellerio

“That Council include in the investigation the reasons for the term of the contract.”

Carried unanimously

06/2102/19(iv)

Moved Cr Bellerio

Seconded Cr Pitt

“That the General Manager Community & Corporate be nominated as the officer to deal with all matters in relation to the ferry contract.”

For Crs Bellerio, Pitt, Sciacca, Davis

Against Cr Berwick

Carried

CLOSE OF MEETING

The Meeting was closed at 5.10pm.

Presented to and confirmed by Council on the *Seventh* day of *March* 2006.

M P Berwick

Chair