



***Minutes of the Ordinary Meeting of Council  
4 & 5 July 2006  
commencing at 10:55 am***

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**PRESENT**

**Councillors** – M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellerio, M Cox, 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), K Todd (A/General Manager Development & Environment), J F Leu (Manager Community, Cultural & Economic) and M L Paterson (Corporate Support)

**06/0704/01**      **CONDOLENCES**

Cr Berwick referred to the recent death of Evelyn Rose Creek and Lou Equinox. The Council stood and observed one minute's silence.

Moved Cr Berwick

Seconded Cr Egan

*"That Council send letters of condolence to the next of kin."*

**Carried** unanimously

**06/0704/02**      **MINUTES**

Moved Cr Cox

Seconded Cr Berwick

*"That the minutes of the Ordinary Council Meeting held on 20 June 2006 be confirmed subject to the following amendments:*

- *06/2006/06B point ii (page 4) – before the words "delegated authority" add the word "given";*
- *06/2006/07 (page 8) – in the second record of voting amend "David" to "Davis";*
- *insert a reference to the re-attendance of the Chief Executive Officer prior to the closure of the meeting for commercial-in-confidence discussions relative to item 06/2006/09a Regional Waste Management Contract matter on page 10;*
- *page 13 – amend "declared a material interest" to read "declared a personal interest"."*

**Carried** unanimously

**06/0704/03 COUNCIL MEETING CYCLE REVIEW**

Moved Cr Egan

Seconded Cr Berwick

*"That Council agree to alter its meetings cycle, effective immediately, to provide for ordinary meetings of the Council to occur at three weekly intervals to be held on Tuesdays commencing at 10:30 am."*

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

Against: Cr Bellerio, Sciacca

**Carried**

**06/0704/04 LAND TRANSFER – PROPOSED MOSSMAN AGED PERSONS FACILITY**

Moved Cr Berwick

Seconded Cr Egan

*"That Council terminate the appointment of Vitality Care Commissioning as preferred tenderer on the basis that it has withdrawn its tender and that Council enter into a contract with Harvest Living Limited or its nominee for the sale of land and the construction of an aged care/residential facility in the terms of Annexure A submitted to the Council at its meeting of 20 June 2006."*

**Carried** unanimously

**06/0704/05 DETAILS OF THE USE OF THE COMMON SEAL**

Moved Cr Egan

Seconded Cr Berwick

*"That Council receive the report providing details of the use of the common seal and endorse the actions of the Chief Executive Officer and Mayor in executing under seal, on its behalf, the documents detailed therein."*

**Carried** unanimously

**06/0704/06 DECISIONS OF THE COUNCIL STATUS REPORT**

Moved Cr Davis

*"That Council reject the Decisions of the Council Status Report until such time as it embodies councillor requested feedback on the decisions."*

The motion lapsed for want of a seconder.

Moved Cr Egan

Seconded Cr Berwick

*"That Council receive and note the Decisions of the Council Status Report."*



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

WITHDRAWAL

J F Leu, Manager Community, Cultural & Economic, withdrew from the meeting at 11:33 am.

**DEVELOPMENT & ENVIRONMENT**

**06/0704/07 PDPV 025/06 – LOT 3 ON RP 728033 – 332 MOWBRAY RIVER ROAD, PORT DOUGLAS**

Moved Cr Egan

Seconded Cr Sciacca

*“That Council approve the application for a Permit to Damage Protected Vegetation, on land described as Lot 3 on RP 728033, Parish of Mowbray, more particularly 332 Mowbray River Road, Port Douglas, for the trees specified and subject to the conditions recommended by the Environmental Officer in his report.”*

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

**06/0704/08 PDPV 067/05 – LOT 27 ON RP 749732 – 16 HIBISCUS COURT, ROCKY POINT**

Moved Cr Sciacca

Seconded Cr Pitt

*“That, provided the MCU 3B application is approved, Council approve the application for a Permit to Damage Protected Vegetation, on land described as Lot 2 on RP 749732, Parish of Whyanbeel, more particularly 16 Hibiscus Court, Rocky Point, for the trees specified and subject to the conditions recommended by the Environmental Officer in his report.”*

**Carried** unanimously

**06/0704/09 MCU 3B 021/05 – LOT 27 ON RP 749732 – 16 HIBISCUS COURT, ROCKY POINT**

Moved Cr Egan

Seconded Cr Bellerio



*"That Council approve:*

- (a) the application for a Material Change of Use of Premises to allow a dwelling house on Residential Rural zoned land described as Lot 27 on RP 749732, Parish of Whyanbeel, more particularly 16 Hibiscus Court, Rocky Point, subject to the conditions recommended by the Assistant Planning Officer in her report; and*
- (b) the boundary dispensation to permit a setback of 3.5 m along the eastern boundary adjoining Lot 26."*

**Carried** unanimously

**06/0704/10      MCU 3B 005/06 – LOT 28 ON PTD 20910 – 13 WARNER STREET, PORT DOUGLAS**

Moved Cr Berwick

Seconded Cr Davis

*"That Council approve the application for a Material Change of Use Development Permit to create a caretaker's residence on land described as Lot 28 on PTD 20910, Parish of Salisbury, more particularly 13 Warner Street, Port Douglas, subject to the conditions recommended by the Assistant Planning Officer in her report."*

**Carried** unanimously

**ATTENDANCE**

P T Gleeson, Manager Planning, attended the meeting at 11:57 am.

**06/0704/11      SUB 007/06 – LOT 3 ON SR 399 & LOT 4 ON RP 720181 – MOSSMAN DAINTREE ROAD, LOWER DAINTREE**

Moved Cr Sciacca

Seconded Cr Egan

*"That Council approve the application for a Reconfiguration of Allotments by Boundary Realignment to realign the boundary between Lot 3 on SR 399 and Lot 4 on RP 720181, Parish of Whyanbeel, more particularly situated on Mossman-Daintree Road, Lower Daintree, subject to the conditions recommended by the Assistant Planning Officer in her report."*

**Carried** unanimously

**06/0704/12      SUB 008/06 – LOTS 5 & 6 ON RP 747567 – SYNDICATE ROAD, MIALLO**

Moved Cr Pitt

Seconded Cr Bellerio



*“That Council approve the application for a Reconfiguring a Lot Development Permit on land described as Lots 5 & 6 on RP 747567, Parish of Whyanbeel, more particularly situated on Syndicate Road, Miallo, subject to the conditions recommended by the Planning Officer in her report.”*

**Carried** unanimously

**06/0704/13 SUB 012/06 – LOT 7 ON RP 804941 & LOT 3 ON RP 745065 – ROCKY POINT SCHOOL ROAD/MOSSMAN DAINTREE ROAD, ROCKY POINT**

Moved Cr Sciacca

Seconded Cr Pitt

*“That Council approve the application for a Reconfiguring a Lot (Boundary Realignment) to realign the boundary between Lot 7 on RP 804941 and Lot 3 on RP 745065, Parish of Whyanbeel, more particularly situated at 10 Rocky Point School Road and 1131 Mossman-Daintree Road, Rocky Point, subject to the conditions recommended by the Assistant Planning Officer in her report.”*

**Carried** unanimously

**ATTENDANCE**

L A Stayte, Planning Officer, attended the meeting at 12:01 pm. P T Glesson, Manager Planning, withdrew from the meeting at that time.

**06/0704/14 TPC 1155 – LOT 1 ON RP 736902 – 22 DAVIDSON STREET, PORT DOUGLAS**

Moved Cr Davis

Seconded Cr Cox

06/0704/14(i) *“That the matter be dealt with after the lunch recess to allow discussion of relevant issues with Mr Bruce Gould, who will be attending on behalf of the Department of Main Roads.”*

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

Against: Cr Berwick

**Carried**

**DECLARATION OF INTEREST**

The Chief Executive Officer declared a personal interest in the following matter and withdrew from the meeting.

Cr Davis stated there may be a perceived conflict of interest but as no material or personal interest exists he will remain in the meeting to participate in the discussion and vote.



06/0704/15 TPC 1223 – LOT 2 ON RP 745166 – CAPTAIN COOK HIGHWAY, PORT DOUGLAS

Moved Cr Davis

Seconded Cr Sciacca

06/0704/15(i) *“That, in accordance with its decision of 20 June 2006, Council approve the application for a Material Change of Use Development Permit to establish a camping and caravan park incorporating cabins and ancillary facilities on land described as Lot 2 on RP 745166, Parish of Salisbury, more particularly situated on Captain Cook Highway, Port Douglas, subject to the conditions recommended by the Assistant Planning Officer in her report.”*

During discussion of this matter it was agreed to let it lie on the table to allow Council to receive a deputation from Mr Bruce Gould of the Department of Main Roads.

06/0704/15A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Egan

*“That standing orders be suspended to allow Council to receive the deputation involving Mr Bruce Gould of the Department of Main Roads at the time appointed on the agenda, and subsequently to deal with two emergent issues being the Mossman house fire relief appeal and the Douglas Shire Tourism Review.”*

For: Cr Berwick, Egan, Sciacca, Pitt

Against: Cr Cox, Davis, Bellerio

**Carried**

DEPUTATION

Mr Bruce Gould presented a deputation to Council which involved discussion of the following items:

1. AC surfacing of Alchera Drive;
2. Port Douglas Road;
3. the northern approach to Foxtan Bridge;
4. flooding at Raldini's on Mossman-Daintree Road;
5. Front Street reconstruction (particularly the width);
6. the intersection of Captain Cook Highway and Port Douglas Road;
7. the intersection of Front Street and Johnston Road;
8. DMR expenses caused by the groyne at Rocky Point;
9. the intersection of Port Douglas Road and Port Street and whether this should be a roundabout; and

10. DMR compliance with Council's signage policy, in particular advertising signage, eg. Sabaya sign on Captain Cook Highway.

#### ADJOURNMENT

At 12:40 pm the meeting stood adjourned for lunch.

#### RESUMPTION

The meeting resumed at 1:47 pm without the attendance of Cr Bellerio or the Chief Executive Officer. J F Leu, Manager Community, Cultural & Economic, L A Stayte, Planning Officer, and Vanessa Maruna of Williams Graham Carman, Solicitors, attended at this time.

As some informal discussions between councillors and Mr Gould occurred during the lunch recess, Mr Gould presented a brief summary of issues discussed.

#### WITHDRAWAL

The Mayor thanked Mr Gould for his attendance and Mr Gould withdrew from the meeting at 1:55 pm.

#### 06/0704/15B MOSSMAN HOUSE FIRE RELIEF APPEAL

Cr Egan advised that on 21 June, a house fire at 41 Mossman Street, Mossman, resulted in Ms Melissah Norris and her family losing their entire contents.

Ms Norris is a single mother with three children and this immense loss has been very difficult for her to deal with and she is now struggling to make ends meet.

Moved Cr Egan

Seconded Cr Berwick

*"That Council agree to put a collection box at the front counter to collect contributions to assist the victim of a recent house fire in Mossman."*

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

**Carried** unanimously

#### 06/0704/15C DOUGLAS SHIRE TOURISM ORGANISATIONAL REVIEW IMPLEMENTATION

The following recommendation was forthcoming from the briefing presented to Council by Mr Cam Charlton, of Kleinhardt Business Consultants, prior to the commencement of this meeting.

Moved Cr Berwick

Seconded Cr Davis

*"That Council give in principle agreement and endorse the draft recommendations as displayed in the briefing delivered 4 July 2006 by Mr Cam Charlton of Kleinhardt Business Consultants, subject to the drafting of a suitable contract between Douglas Shire Council and the proposed new tourism entity."*

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

**Carried** unanimously

#### ATTENDANCE

Cr Bellerio and the Chief Executive Officer re-attended the meeting at 1:57 pm. J F Leu, Manager Community, Cultural & Economic, withdrew at this time.

#### 06/0704/14 TPC 1155 – LOT 1 ON RP 736902 – 22 DAVIDSON STREET, PORT DOUGLAS

Moved Cr Davis

Seconded Cr Cox

06/0704/14(ii) *"That Item 06/0704/14 which is lying on the table be dealt with now."*

**Carried** unanimously

Moved Cr Davis

Seconded Cr Sciacca

06/0704/14(iii) *"That Council enter into more discussions with Department of Main Roads in respect of approving a "Mandalay-style" wall at the front of The Beach Club development."*

For: Cr Davis, Sciacca, Cox

Against: Cr Berwick, Egan, Bellerio, Pitt

**Lost**

Moved Cr Egan

Seconded Cr Pitt

06/0704/14(iv) *"That Council refuse the application to remove Condition No. 4.2(c) from the Development Approval TPC 1155 for development on land described as Lot 1 on RP 736902, Parish of Salisbury, more particularly 22 Davidson Street, Port Douglas ('The Beach Club')."*

06/0704/14(v) *"That Council amend Condition No. 4.2(c) to read as follows:*

*'A noise barrier fence is to be constructed in accordance with the Department of Main Roads (DMR) Condition 3(b)(i), attached to the Development Approval. The applicant shall submit designs of*



*the fence to the General Manager Development & Environment prior to construction commencing to ensure compliance with the DMR conditions of approval.'"*

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

Against: Cr Davis, Sciacca

**Carried**

**06/0704/15 TPC 1223 – LOT 2 ON RP 745166 – CAPTAIN COOK HIGHWAY, PORT DOUGLAS**

Moved Cr Berwick

Seconded Cr Egan

06/0704/15(ii) *"That Item 06/0704/15 which is lying on the table be dealt with now."*

**Carried** unanimously

**DECLARATION OF INTEREST**

The Chief Executive Officer declared a personal interest in this matter and withdrew from the meeting at 2:07 pm.

Cr Davis stated there may be a perceived conflict of interest but as no material or personal interest exists he will remain in the meeting to participate in the discussion and vote.

**WITHDRAWAL**

R J Baade, General Manager Engineering, withdrew from the meeting at 2:24 pm.

Moved Cr Davis

Seconded Cr Sciacca

06/0704/15(i) *"That, in accordance with its decision of 20 June 2006, Council approve the application for a Material Change of Use Development Permit to establish a camping and caravan park incorporating cabins and ancillary facilities on land described as Lot 2 on RP 745166, Parish of Salisbury, more particularly situated on Captain Cook Highway, Port Douglas, subject to the conditions recommended by the Assistant Planning Officer in her report but with the word 'commencement' being changed to 'completion' in Condition 22 (c)."*

An amendment was moved:

Moved Cr Berwick

Seconded Cr Egan

06/0704/15(iii) *"That, in accordance with its decision of 20 June 2006, Council approve the application for a Material Change of Use Development Permit to establish a camping and caravan park incorporating cabins and ancillary facilities on land described as Lot*

2 on RP 745166, Parish of Salisbury, more particularly situated on Captain Cook Highway, Port Douglas, subject to the conditions recommended by the Assistant Planning Officer in her report but with the word 'commencement' being changed to 'completion' in Condition 22 (c);

and, further,

that the conditions be amended to bring them into line with the 33 1/3% ratio of on-site vans and relocatable homes to camp sites as set down in Douglas Shire Council Local Law No. 42."

For: Cr Berwick, Egan

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

**Lost**

The original motion was put:

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

Against: Cr Berwick, Egan

**Carried**

#### WITHDRAWAL

L A Stayte, Planning Officer, withdrew from the meeting at 2:45 pm. The Chief Executive Officer re-attended at this time.

#### RESUMPTION OF STANDING ORDERS

With the agreement of the meeting, standing orders were resumed.

### 06/0704/16 REVIEW OF DOUGLAS SHIRE COUNCIL LOCAL LAWS

Discussion took place as to whether Cr Bellerio had any material interest in the amendment of Douglas Shire Council Local Law No. 49. Cr Bellerio declared he would remain in the meeting while information was presented but would not participate in any subsequent discussion and would withdraw from the meeting during the vote.

Ms Vanessa Maruna of Williams Graham Carman, Solicitors, then presented a powerpoint briefing on proposed amendments to Douglas Shire Council Local Laws No. 49 and No. 3.

#### DECLARATION OF INTEREST

Cr Bellerio declared a material personal interest in this matter and withdrew from the meeting.

Moved Cr Berwick

Seconded Cr Davis

06/0704/16(i) *“That Council make Douglas Shire Council Extractive Industries Local Law No. 5 2006 which repeals Local Law No. 49 – Extractive Industries.”*

**Carried** unanimously

#### ATTENDANCE

Cr Bellerio re-attended the meeting.

Moved Cr Berwick

Seconded Cr Cox

06/0704/16(ii) *“That Council instruct Williams Graham Carman to liaise with Planning Far North and prepare an amendment of Douglas Shire Council Local Law No. 3 – Encroachments and Projections for insertion into the IPA Planning Scheme.”*

**Carried** unanimously

#### WITHDRAWAL

The Mayor thanked Ms Maruna for her attendance and Ms Maruna withdrew from the meeting at 3:22 pm.

#### 06/0704/16A SUSPENSION OF STANDING ORDERS

Moved Cr Bellerio

Seconded Cr Pitt

*“That standing orders be suspended to bring forward the Notice of Motion dealing with Item 06/0704/22 – Cockatoo Hill.”*

**Carried** unanimously

#### 06/0704/22 BB0406M – COCKATOO HILL –TPC 954

Moved: Cr Bellerio

Seconded: Cr Egan

*“That if the owner of “Cockatoo Hill” can validate the transfer/purchase of the bed rights in the area north of the Daintree River, Council indicate it would be prepared to consider an application for the extension of the development as a 14 bed forest stay/boutique resort and any payment of Council fees for the recision of the bed rights be credited to the development application, stemming from the application made in 1999.”*

**Carried** unanimously

#### 06/0704/16B RESUMPTION OF STANDING ORDERS

With the agreement of all councillors present, standing orders were resumed.



## **ENGINEERING**

### **06/0704/17 TENDER NO. 91-05/06 – SALE OF FERRY**

Moved Cr Egan

Seconded Cr Berwick

06/0704/17(i) *“That Council not accept the only tender received, from Foreshore Marine, with a proposed sale price of \$10,000.”*

06/0704/17(ii) *“That Council engage a marine broker to secure a purchaser for the ferry.”*

**Carried** unanimously

### **ATTENDANCE**

R J Baade, General Manager Engineering, re-attended the meeting at 3:42 pm.

### **06/0704/18 PROPOSED PERMANENT ROAD CLOSURE – PART OF LOT 2 ON RP 808242 – MOWBRAY RIVER ROAD**

Moved Cr Berwick

Seconded Cr Sciacca

*“That Council request the dimensions of the proposed Lot 3 be reconfigured as shown by the outline on Attachment A of the officer’s report.”*

**Carried** unanimously

### **06/0704/19 INSTRUMENT OF DELEGATION TO CHIEF EXECUTIVE OFFICER – ACCEPTANCE OF TENDERS AND QUOTATIONS**

Moved Cr Berwick

Seconded Cr Egan

*“That Council delegate the power to accept tenders or quotations under \$100,000 for annual supply contracts for services and materials to the Chief Executive Officer, under the provisions of Section 472 of the Local Government Act 1993.”*

For: Cr Berwick, Egan, Cox, Davis

Against: Cr Bellerio, Sciacca, Pitt

**Carried**

### **06/0704/20 STORMWATER PIPES – WHYANBEEL ROAD**

Moved Cr Egan

Seconded Cr Berwick

*“That Council replace the existing pipe.”*



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

06/0704/20A EXTENSION OF MEETING TIME

Moved Cr Berwick

Seconded Cr Pitt

*"That the meeting be extended by one half hour."*

**Carried** unanimously

DECLARATION OF INTEREST

The Chief Executive Officer, General Manager Finance & Administration, General Manager Engineering and Cr Bellerio declared personal interests in the following matter and withdrew from the meeting.

06/0704/21 YEARLY TENDERS 2006/07

Moved Cr Berwick

Seconded Cr Cox

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

**Carried** unanimously

ATTENDANCE

The Chief Executive Officer, General Manager Finance & Administration, General Manager Engineering and Cr Bellerio re-attended the meeting at 4:05 pm.

**FINANCE & ADMINISTRATION**

No items

**NOTICES OF MOTION**



**OFFICER COMMENT PROVIDED**

**06/0704/22      BB0406M – COCKATOO HILL –TPC 954**

This item was dealt with prior to Item 07/0704/17. (Refer page 14.)

**06/0704/23      MB0306M – PUBLIC NOTIFICATION OF DEVELOPMENT APPLICATIONS**

Moved: Cr Berwick

Seconded: Cr

*"That Council advertise development applications, for the duration of the public consultation period, on Council's website and noticeboard in the Port Douglas & Mossman Gazette."*

The motion was withdrawn.

Moved: Cr Egan

Seconded: Cr Berwick

*"That a precis of each impact assessable application be included in the Council Noticeboard in the Port Douglas & Mossman Gazette, and on council's webpage, when received."*

**Carried** unanimously

**06/0704/24      JS0506M – WESTERN PRECINCT TICKETING BOOTH FOR COMMERCIAL OPERATORS**

Moved: Cr Sciacca

Seconded: Cr Pitt

*"That for the 2006/07 budget Council implement the following:*

- (a) Design and cost to provide five removable ticketing booths on the road reserve.*
- (b) Council draw up a lease agreement/permit to occupy the ticketing booth and for the use of the pontoon.*
- (c) Council draw up an agreement for commercial operations to build removable ticketing booths to Council design.*
- (d) Council design and cost a plan for parking facilities on the road reserve for cars, buses and boat trailers.*

With the agreement of the mover and the seconder the motion was left on the table pending a briefing session being convened involving General Manager Development & Environment and other relevant general managers.

**06/0704/24A      EXTENSION OF MEETING TIME**

With the agreement of all councillors present, the meeting was further extended to allow Council to continue to deal with the business before it.

**06/0704/25 JS0606M – RATEPAYERS NEWSLETTER**

Moved: Cr Sciacca

Seconded: Cr Davis

*"That the production of a newsletter be referred to the Communications Strategy which has been identified in the 2006/07 Operational Plan, scheduled for the first quarter, subject to funding."*

**Carried** unanimously

**CHIEF EXECUTIVE OFFICER REPORTS**

**06/0704/26 APPOINTMENT OF AUTHORISED PERSONS**

Moved Cr Berwick

Seconded Cr Egan

*" That Council delegate to the Chief Executive Officer the power under Section 1084 of the Local Government Act to appoint council employees and other persons prescribed by regulation as authorised persons for any purpose of chapter 15, part 5, of the Local Government Act 1993."*

**Carried** unanimously

**06/0704/27 LOCAL GOVERNMENT ASSOCIATION QUEENSLAND –  
"CONFERENCE 2006"**

Moved Cr Berwick

Seconded Cr Davis

*" That Council:*

*(a) authorise the Mayor, Deputy Mayor (as Chair of the North Queensland Local Government Association), a councillor and the Chief Executive Officer to attend the Local Government Association Queensland "Conference 2006" to be held in Toowoomba from 28 to 31 August 2006;*

*(b) not nominate to host the 2008 conference; and*

*(c) submit the motion in relation to electoral campaign donations."*

**Carried** unanimously

**06/0704/27A CLOSURE OF MEETING TO THE PUBLIC**

Moved: Cr Berwick

Seconded: Cr Egan

*“That the Council be resolved into committee of the whole pursuant to section 463 of the Local Government Act 1993, for discussion of a confidential matter associated with the employment of the Chief Executive Officer.”*

**Carried** unanimously

There were no recommendations forthcoming from discussions held while the meeting was closed to the public.

### **ADJOURNMENT**

The meeting was adjourned at 5:30 pm.

### **RESUMPTION**

The meeting resumed at 12:45 pm on Wednesday 5 July 2006.

### **PRESENT**

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

**Staff** – T C Melchert (Chief Executive Officer)

#### **06/0704/27B CLOSURE OF MEETING TO THE PUBLIC**

With the agreement of all councillors present, Council resolved to go into committee pursuant to section 463 of the Local Government Act 1993, for discussion of a confidential staff matter.

#### **06/0704/27C OPENING OF MEETING TO THE PUBLIC**

At 12:50 pm, with the agreement of all councillors present, Council resolved to re-open the meeting to the public.

There were no recommendations forthcoming from discussions held while the meeting was closed to the public.

#### **07/0407/27D PROPOSED PURCHASE OF LAND SITUATED BEHIND MOSSMAN SHOWGROUNDS (CORONATION PARK) FROM DRUMSARA PTY LTD**

Moved Cr Egan

Seconded Cr Berwick

*“That Council purchase the section of land bounded by the rear boundary of the showgrounds and Marrs Creek for the sum of \$200,000 with funding to be provided*



*from the proceeds of the sale of council owned land which is being developed for aged care and nursing home purposes."*

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

Against: Cr Davis, Sciacca

**Carried**

#### ATTENDANCE

K Todd (A/General Manager Development & Environment), P T Gleeson (Manager Planning), G Scott (The 20/20 Group), E Taylor (Planning Far North) and M Hartley (Department of Local Government and Planning) attended the meeting.

#### 06/0704/27E DOUGLAS SHIRE DRAFT PLANNING SCHEME

Moved Cr Sciacca

Seconded Cr Pitt

*"That Council resolve to advise the Minister that it is not prepared to adopt the Planning Scheme because in Council's opinion, insufficient funds have been provided by the State Government to fund the implementation of the Alternative Planning Strategy for the Daintree Lowlands."*

Councillor Sciacca and Councillor Pitt agreed to withdraw their motion.

Moved Cr Berwick

Seconded Cr Davis

06/0704/27E(i) *"That Council resolve to include consideration of the draft Planning Scheme and the advice of the Minister at this Council Meeting, 5 July 2006."*

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

Against: Cr Egan, Cox

**Carried**

Moved Cr Sciacca

Seconded Cr Pitt

06/0704/27E(ii) *"That Council resolve to advise the minister that it is not prepared to adopt the Planning Scheme because in Council's opinion, insufficient funds have been provided by the State Government to fund the implementation of the Alternative Planning Strategy for the Daintree Lowlands."*

For: Cr Sciacca, Pitt, Bellerio

Against: Cr Egan, Berwick, Davis, Cox

**Lost**

Moved Cr Berwick

Seconded Cr Davis

06/0704/27E(iii) *“That Council note the minister’s approval to conditionally adopt the Planning Scheme, and resolve to amend the Planning Scheme accordingly, subject to:*

*the Table of Assessment for the Rural Areas and Rural Settlements Locality be amended for a House in the Rural Planning Area to classify a House as Self Assessable and include self assessable criteria relating, where appropriate, to:*

- *colour and/or*
- *height and/or*
- *size of buildings and/or*
- *extent of excavation or filling and/or*
- *extent of clearing,*

*into the relevant Codes.”*

For: Cr Berwick, Cox, Davis

Against: Cr Egan, Bellerio, Pitt, Sciacca

**Lost**

Moved Cr Egan

Seconded Cr Bellerio

06/0704/27E(iv) *“That Council note the minister’s approval to conditionally adopt the Planning Scheme, and resolve to amend the Planning Scheme accordingly, subject to:*

*the Table of Assessment for the Rural Areas and Rural Settlement Locality be amended for a House in the Rural Planning Area and the Rural Settlement Planning Area to classify a House as Self Assessable and include self assessable criteria relating, where appropriate to:*

- *colour and/or*
- *height and/or*
- *size of buildings and/or*
- *extent of excavation or filling and/or*
- *extent of clearing,*

*into the relevant Codes.”*

For: Cr Egan, Bellerio, Pitt, Sciacca

Against: Cr Berwick, Cox, Davis

**Carried**

#### WITHDRAWAL

K Todd (A/General Manager Development & Environment), P T Gleeson (Manager Planning), G Scott (The 20/20 Group), E Taylor (Planning Far North) and M Hartley (Department of Local Government and Planning) withdrew from the meeting.



ADJOURNMENT

At 1:15 pm the meeting stood adjourned for lunch.

RESUMPTION

The meeting resumed at 2:20 pm without the attendance of Cr Sciacca.

ATTENDANCE

R J Baade (General Manager Engineering), P J Chapman (Workplace Health & Safety Officer) and M L Paterson (Corporate Support) attended the meeting at this time.

07/0407/27F VESSEL LOADING/UNLOADING RAMP

Moved Cr Berwick

Seconded Cr Davis

*"That Council:*

- a) agree to re-open the ramp subject to the conditions of opening proposed by the General Manager Engineering (including agreement on the contents of the Memorandum of Understanding) and to the prompt provision of additional infrastructure proposed by the General Manager Engineering; and*
- b) request options for funding of the infrastructure for consideration."*

For: Cr Berwick, Davis, Egan, Pitt, Bellerio, Cox  
**Carried** unanimously

TERMINATION

The meeting closed at 3:00 pm.

Presented to and confirmed by Council on the *twenty-fifth* day of *July* 2006.

**M P Berwick**  
**Chair**