



***Minutes of the Ordinary Meeting of Council***  
***20 June 2006***  
***commencing at 10:50 am***

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**PRESENT**

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

**Staff** – T C Melchert (Chief Executive Officer), D G Carey (General Manager Community and Corporate), I B Barton (General Manager Finance and Administration), B Baade (General Manager Engineering), K Todd (A/General Manager Development and Environment) and Ms D L Street (Administration Officer)

**06/2006/00 LEAVE OF ABSENCE**

An apology was received from Cr Pitt advising of his inability to attend the meeting due to illness.

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

**06/2006/01 CONDOLENCES**

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

Moved Cr Berwick

Seconded Cr Egan

*“That Council send a letter of condolence to the next of kin.”*

**Carried** unanimously

**SUSPENSION OF STANDING ORDERS**

Moved Cr Berwick

Seconded Cr Davis

06/2006/01a *“That Council suspend standing orders to deal with emergent issues on the Land Transfer – Proposed Mossman Aged Person Facility, Operational Plan 2006/2007 and Small Balance Write Offs.*

**Carried** unanimously

**06/2006/06B LAND TRANSFER – PROPOSED MOSSMAN AGED PERSONS FACILITY**

Moved Cr Berwick

Seconded Cr Davis

- i That the Council approve the principles of option 2 as described in this report and its attachments for the sale of land for the purposes of construction of an aged persons residential/care facility;*
- ii That the Mayor and Chief Executive Officer be **given** delegated authority to finalise the details of the contract of sale;*
- iii That at the appropriate time the contract documentation be signed and sealed subject to the receipt of legal advice about council previously nominating Vitality Care Commissioning Pty Ltd as the preferred tender.*

**Carried** unanimously

**06/2006/06A DRAFT OPERATIONAL PLAN – 2006/2007**

Moved Cr Davis

Seconded Cr Cox

*“That council adopt the operational plan with opportunity to make amendments to the document later.”*

For: Crs Davis, Cox, Berwick and Bellerio

Against: Crs Egan and Sciacca

**Carried**

**06/2006/13B WRITE OFF RATES SMALL BALANCES AND PENSIONER REMISSIONS**

Moved: Cr Egan

Seconded: Cr Bellerio

- 1. That the Council write off rates small balances of \$716-10*
- 2. That the Council write off late pensioner remission applications of \$5,137.85*

**Carried** unanimously

**RESUMPTION OF STANDING ORDERS**

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

06/2006/02      MINUTES

Moved Cr Berwick

Seconded Cr Egan

*"That the minutes of the Ordinary Council Meeting held on 6 and 7 June 2006 be confirmed subject to the following amendments."*

- On page 12 under the heading "Provision of Lifeguard Services – Four Mile Beach" the wording 'no conflict of interest exists' be amended to read 'no material interest exists'.
- The header at the top of the page to be amended to read "Council Ordinary Meeting 6 and 7 June 2006."

**Carried** unanimously

06/2006/02a      DOCUMENTING COUNCILLORS AND STAFF MOVEMENTS IN AND OUT OF MEETINGS

Moved Cr Sciacca

Seconded Cr Berwick

*"That Councillors and General Managers are recorded withdrawing and reattending Council meetings."*

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

*"That only Councillors are recorded withdrawing and reattending Council meetings."*

**Carried** unanimously

**COMMUNITY and CORPORATE**

06/2006/03      SUGAR WHARF OCCUPANCY

Moved Cr Davis

Seconded Cr Cox

*"That Council continue community group use of the sugar wharf and make temporary fire safety provisions for on going use as waterfront consultation centre."*

For:                      Crs Davis and Cox

Against:              Crs Berwick, Egan, Bellerio and Sciacca

**Lost**

Moved Cr Berwick

Seconded Cr Egan

*"That Council put on hold community use of the sugar wharf building until minimal upgrades are completed to make it suitable for a place of public assembly and that the Manager Building Services be asked to provide appropriate costings."*

Moved Cr Egan

Seconded Cr Berwick

*"That the motion be put "*

For: Crs Berwick, Egan, Cox, Bellerio and Sciacca

Against: Cr Davis

**Carried**

#### 06/2006/04 MOSSMAN SHOWGROUND – PROPOSED LAND PURCHASE (2)

Moved Cr Sciacca

Seconded Cr Cox

*"That Council in conjunction with the Mossman Show Society and the various sporting bodies, investigate both the immediate and long term sporting and recreational needs of the Mossman community and identify the options including funding mechanisms to satisfy these needs and a further report be provided to Council."*

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

Moved Cr Egan

Seconded Cr Cox

*"That the matter lie on the table until a full Council is present"*

For: Crs Egan, Cox and Davis

Against: Crs Sciacca, Bellerio and Berwick

**Carried** on the casting vote of the Mayor

#### ADJOURNMENT

At 12:40 pm the meeting adjourned for lunch.

#### RESUMPTION

The meeting resumed at 1:25 pm.

#### 06/2006/05 DECISIONS OF COUNCIL STATUS REPORT

*"That the Council receive and note the Decisions of Council Status Report – subject to the following items be clarified."*

Page 39 – Daintree River Toilet Block

Moved Cr Sciacca

Seconded Cr Bellerio

*“That the Council contact the Environmental Protection Agency and request that it respond within 21 days to Council’s letter dated 10 May 2006, and emphasise that delays in completing the construction of the toilet block are causing damage to Councils asset and furthermore Council is concerned to ensure that adequate facilities are available for the current tourist season.”*

For: Crs Sciacca, Bellerio, Davis, Egan

Against: Crs Berwick and Cox

**Carried**

06/2006/06 DETAILS OF THE USE OF THE COUNCIL SEAL

Moved Cr Egan

Seconded Cr Cox

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

**Carried** unanimously

**DEVELOPMENT and ENVIRONMENT**

ATTENDANCE

The Manager Planning, Paul Gleeson, attended the meeting. 2.00pm.

MATERIAL PERSONAL INTEREST

The Chief Executive Officer declared a material interest in the following matter and withdrew from the meeting at 2.00pm.

06/2006/07 CA 61 – LOT 83 ON SR 724 – OWEN STREET, CRAIGLIE

Cr Davis declared he may be perceived to have a conflict of interest in the following matter due to the funding of two airfares for the Douglas Shire Tsunami appeal. He stated that no conflict of interest exists and he will therefore stay in the meeting for all discussion and voting.

Moved: Cr Egan

Seconded: Cr Sciacca

*“That the Council approve the application for:*

- i a reconfiguration of a lot permit to create proposed Lots 1 to 23; and*
- ii a material change of use development permit for Lot 2 to 21 to be used in accordance with the requirements of Special Management Area 3 (Service*

*Industry Precinct – Craiglie) in the Port Douglas and Environs Locality Code of the Draft Planning Scheme; and*

- iii a material change of use preliminary approval for Intensive Animal Husbandry (Cattery and Kennel) and associated Caretaker’s Residence on proposed Lot 1;*

*to facilitate the proposed development on land described as Lot 83 on SR 724, more particularly Owen Street, Craiglie, subject to the conditions as recommended by the Planning Officer in her report.”*

For: Crs Davis Cox and Sciacca  
Against: Crs Egan, Berwick and Bellerio  
**Lost** on the casting vote of the Mayor

Moved: Cr Berwick

Seconded: Cr Davis

*“That the Council approve the application for:*

- i a reconfiguration of a lot permit to create proposed Lots 1 to 23; and*  
*ii a material change of use development permit for Lot 2 to 21 to be used in accordance with the requirements of Special Management Area 3 (Service Industry Precinct – Craiglie) in the Port Douglas and Environs Locality Code of the Draft Planning Scheme; and*

*to facilitate the proposed development on land described as Lot 83 on SR 724, more particularly Owen Street, Craiglie, subject to the conditions as recommended by the Planning Officer in her report, but amending condition 29 to include landscaping along the Captain Cook Highway.”*

For: Crs Berwick, David Davis, Cox, Sciacca and Bellerio  
Against: Cr Egan  
**Carried**

Moved: Cr Berwick

Seconded: Cr Bellerio

*“That Council refuse the application for a material change of use preliminary approval for Intensive Animal Husbandry (Cattery and Kennel) and associated Caretaker’s Residence on proposed Lot 1on the following grounds:*

- the site considered unsuitable*
- the proximity of the site to the Captain Cook highway*
- the proximity to the site of nearby residential development*

For: Crs Berwick, Bellerio and Sciacca  
Against: Crs Cox, Davis, and Egan  
**Carried** on the casting vote of the Mayor

Moved: Cr Berwick

Seconded: Cr Sciacca

*That Council agreed to the urgent need for relocation of Paws and Claws Animal Refuge, and that the applicant Waks Development Pty Ltd be requested to negotiate a more suitable site with the Homeless Animal Society and Boarding Kennels Inc (i.e. Paws & Claws)."*

An amendment to the motion was put.

Moved: Cr Davis

Seconded: Cr Egan

*"Council allow subdivision of Lot 22."*

For: Crs Egan and Davis

Against: Crs Berwick, Bellerio, Cox and Sciacca

**Lost**

The motion was then put

For: Crs Berwick, Sciacca, Cox and Bellerio

Against: Crs Egan and Davis

**Carried**

#### WITHDRAWAL

The Manager Planning Services, Paul Gleeson, declared a material interest in the following matter and withdrew from the meeting.

#### ATTENDANCE

The Manager Environmental Health, Paul Hoyer, attended the meeting at 3.15pm

#### 06/2006/08 TPC 1223 – LOT 2 ON RP 745166 – CAPTAIN COOK HIGHWAY

Cr Davis declared he may be perceived to have a conflict of interest in the following matter due to the funding of two airfares for the Douglas Shire Tsunami appeal. He stated that no conflict of interest exists and he will therefore stay in the meeting for all discussion and voting.



Moved: Cr Davis

Seconded: Cr Cox

*'That the Council approve the application subject to conditions on the basis that the proposed development is a well designed facility which is located immediately adjacent to Port Douglas and can be connected to reticulated water supply and sewerage services. Further, the proposed facility will cater for an apparent growing demand for caravanning and camping facilities in the Shire, at the same time as existing facilities are being lost to redevelopment, specifically within Port Douglas.'*

For: Crs Davis, Sciacca, Cox and Bellerio

Against: Crs Egan and Berwick

**Carried**

Moved: Cr Davis

Seconded: Cr Sciacca

*"That condition of the approval to be brought back to the next Council meeting.*

For: Crs Davis, Sciacca, Cox and Bellerio

Against: Crs Egan and Berwick

**Carried**

**06/2006/09 REGULATED PARKING – REVIEW OF PARKING INFRINGEMENT NOTICES**

Moved Cr Sciacca

Seconded Cr Egan

*"That the Council adopt the policy."*

**Carried unanimously**

**WITHDRAWAL**

Cr Sciacca withdrew from the meeting at 3.36pm.

**RE-ATTENDANCE**

**The Chief Executive Officer re-attended the meeting 3.36pm**

**CLOSURE OF THE MEETING TO THE PUBLIC**

Moved: Cr Berwick

Seconded: Cr Egan

*"That the Council meeting be closed to members of the public to allow for Commercial in confidence discussions relating to the Regional Waste Management Contract."*

For: Crs Berwick, Egan Cox and Davis

Against: Cr Bellerio

**Carried**



OPENING OF THE MEETING TO THE PUBLIC

Moved: Cr Berwick

Seconded: Cr Davis

*"That the meeting be re-opened to the public."*

**Carried** unanimously

REATTENDANCE

Cr Sciacca re-attended the meeting at 4.06pm.

06/2006/09a REGIONAL WASTE MANAGEMENT CONTRACT

Moved: Cr Berwick

Seconded: Cr Davis

06/2006/09a(i) *"That the Council determine to be a Participating Council in Waste Management Contract 1396;"*

06/2006/09a(ii) *"That the Cairns City Council be requested to alter the Participation Deed to strengthen Douglas Shire Council's position so that variations to the contract in the future require the consent of all councils who are signatories to the Deed."*

For: Crs Berwick, Davis, Cox and Egan

Against: Crs Sciacca and Bellerio

**Carried**

06/2006/9b EXTENSION OF MEETING

Moved: Cr Egan

Seconded: Cr Davis

*"That as the time is 4.00 pm the meeting be extended until the agenda is completed"*

For: Crs Egan, Sciacca, Davis and Bellerio

Against: Crs Berwick and Cox

**Carried**

WITHDRAWAL

The Manager Environmental Health, Paul Hoye, withdrew from the meeting at 4.33pm.

**ENGINEERING****06/2006/10 SALE OF TREES TO MOSSMAN AGRICULTURAL SERVICES/CANE FARMERS**

Moved: Cr Davis

Seconded: Cr Egan

*"That the Council approve the sale at cost plus a small margin of native trees to Mossman Agricultural Services/individual farmers as shade trees for cocoa plantation and native tree revegetation purposes."*

**Carried unanimously****06/2006/11 CREB TRACK**

Moved: Cr Egan

Seconded: Cr Davis

*"That Council form a steering committee comprising all relevant stakeholders, interested parties and government department representatives (by public advertisement for expressions of interest) to determine the best way forward to improve the current status of the CREB track as per the agreement from Council's stakeholder deputation received 7 April 2005."*

**Carried unanimously****06/2006/13 VESSEL LOADING/UNLOADING RAMP ON THE NORTH SIDE OF THE DAINTREE RIVER**

Moved Cr Sciacca

Seconded Cr Egan

*"That the matter lie on the table until a full council is present."*

For: Cr Sciacca, Egan and Bellerio

Against: Cr Cox, Davis and Berwick

**Lost** on the casting vote of the Mayor**06/2006/13b NOTICE OF RESCISSION - VESSEL LOADING/UNLOADING RAMP ON THE NORTH SIDE OF THE DAINTREE RIVER**

Moved Cr Berwick

Seconded Cr Davis

*"That Council repeal the resolution made at the meeting held on 18 April 2006 which reads:-*

*"That Council adopts the recommendation regarding public liability risk exposure and the ramp be close."*

The Mayor enquired as to support for the motion and in the absence of a clear majority and with the approval of the seconder it was resolved the motion lie on the table

#### WITHDRAWAL

The General Manager Engineering, Bob Baade, declared a **material personal** interest in the following matter and withdrew from the meeting at 5.04pm.

#### 06/2006/12 DAINTREE RIVER FERRY

Moved Cr Davis

Seconded Cr Berwick

*"That Council agree to dry hire the Daintree River ferry to Sirron Ent (Qld) Pty Ltd (C and C Norris) from 1 July 2006 for a period of up to six (6) weeks at a price of \$5,138-68 per week."*

For: Crs Davis, Berwick, Cox, Sciacca and Egan

Against: Cr Bello

**Carried**

### **FINANCE and ADMINISTRATION**

#### 06/2006/13a RELEASE OF ADDITIONAL FUNDS TO PORT DOUGLAS DAINTREE TOURISM ASSOCIATION

Moved: Cr Berwick

Seconded: Cr Davis

- i "That to ensure continuity with marketing activity Council release \$100,000 of the additional funds set aside for tourism activities to PDDTA in July 2006."*
- ii "That no other commitment of funds is provided until such time as final outcome of report is received and Council adopts its Budget."*

**Carried unanimously**

### **NOTICES OF MOTION**

#### OFFICER COMMENT PROVIDED

#### 06/2006/14 RD2006M – CAT, DOG AND POULTRY POLICY

Moved: Cr Davis

Seconded: Cr Egan

*"That Council staff prepare the following documents for Council review:*

- i A policy statement on the control of dogs, cats and poultry in sensitive areas;*



- ii *A draft local law (or amendment of existing ones) on the same subject; and if appropriate:*
- iii *An explanation of how the planning scheme can be used to reinforce the proposed local law*

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

#### **OFFICER COMMENT PENDING**

##### **06/2006/15 MB0206M – "DIXIE'S SHED", PORT DOUGLAS**

Moved: Cr Berwick Seconded: Cr Cox

*"That the Council support the Douglas Shire Historical Society by assisting in the coordination of a built heritage audit of Douglas Shire."*

**Carried unanimously**

Moved Cr Berwick Seconded Cr Davis

06/2006/15a *"That the Council seek further advice on any proposals which may affect the future of Dixie's Shed from the Department of Natural Resources and strongly recommend it not be moved until the Waterfront Plan is completed."*

**Carried unanimously**

##### **06/2006/16 MB0106M – PUBLIC BRIEFING/INFORMATION SESSION REQUEST**

Moved Cr Berwick Seconded Cr Davis

*"That the Council convene a public briefing session regarding the future direction of Natural Resource Management and the link between Natural Resource Management groups and Local Government."*

**Carried unanimously**

#### **TERMINATION**

The meeting was closed at 5.36pm

Presented to and confirmed by Council on the *fourth* day of July 2006.

**M P Berwick**  
*Chair*