



*Minutes of the Ordinary Meeting of Council
16 May 2006
commencing at 10:50 am*

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), P J Cymbala (Manager Engineering), P Trotman (General Manager Development & Environment) and Ms M L Paterson (Administration Officer)

06/1605/01 CONDOLENCES

Cr Berwick referred to the recent deaths of Alice Mackay, Kina Joiner and Warren Dickey. 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

06/1605/02 MINUTES

Moved Cr Egan Seconded Cr Cox

"That the minutes of the Ordinary Council Meeting held on 2 May 2006 be confirmed subject to the following amendments:

page 11: after "below the threshold" insert "there is no material personal interest and there was no canvassing before the election on this issue"; after "and that" insert "I believe".

Carried unanimously

WITHDRAWAL

The General Manager Development & Environment, Paul Trotman, withdrew from the meeting at 10:55 am.



COMMUNITY & CORPORATE

SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Davis

06/1605/02a *"That standing orders be suspended to discuss the recording of today's meeting."*

For: Crs Berwick, Davis, Cox

Against: Crs Bellerio, Egan, Sciacca, Pitt

Lost

06/1605/03 ELECTED MEMBER UPDATE (06/1804/04)

Moved Cr Egan

Seconded Cr Berwick

06/1605/03(i) *"That Council adopt the recommendation and accept the proposal for an in house workshop as offered by the LGAQ and the workshop be held on a mutually convenient date. The suggested dates for the LGAQ be 7 or 21 June 2006."*

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

Cr Bellerio abstained from voting and was counted in the negative

Carried

Moved Cr Sciacca

Seconded Cr Berwick

06/1605/03(ii) *"That the workshop be held on 7 June 2006 commencing at 9:00 am."*

For: Crs Sciacca, Berwick, Davis, Pitt

Against: Crs Egan, Cox, Bellerio

Carried

06/1605/04 BOARDROOM FURNITURE (06/1804/08)

Moved Cr Davis

Seconded Cr Sciacca

"That the boardroom furniture be reconfigured to a modular circular and bar format and funding be provided in the 2006/2007 budget."

For: Crs Davis, Sciacca, Egan, Berwick

Against: Crs Pitt, Bellerio, Cox

Carried

ATTENDANCE

The General Manager Finance & Administration, Ian Barton, and the Manager Planning, Paul Gleeson, attended the meeting at 11:10 am.



06/1605/05 DRAFT POLICY – AUDIO RECORDING OF ORDINARY COUNCIL MEETINGS

Moved Cr Davis Seconded Cr Sciacca

06/1605/05 (i) *“That the policy governing audio recording of meetings be developed to allow access to the public and all media.”*

With the agreement of the mover and the seconder it was agreed to let the motion lie on the table.

Moved Cr Berwick Seconded Cr Pitt

06/1605/05(ii) *“That the motion lie on the table until the next meeting.”*

Carried unanimously

06/1605/06 DETAILS OF THE USE OF THE COUNCIL SEAL

Moved Cr Egan Seconded Cr Berwick

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

Carried unanimously

DEVELOPMENT & ENVIRONMENT

06/1605/06a DEVELOPMENT APPLICATION REPORTS

Moved Cr Berwick Seconded Cr Egan

“That in all development applications the cover page of the report include the purpose for which the application has been made .”

Carried unanimously

06/1605/07 PDPV 017/06 – LOT 65 ON RP 742802, PARISH OF ALEXANDRA

Moved Cr Egan Seconded Cr Pitt

“That Council adopt the recommendation and approve the application for a Permit to Damage Protected Vegetation 017/06 on land described as Lot 65 on RP 742802, Parish of Alexandra, and situated at Lot 65 Cape Kimberley Road, subject to the conditions as recommended by the Environmental Officer in his report, provided the MCU application is approved.”

Carried unanimously



06/1605/08 MCU 3B 008/06 – LOT 65 ON RP 742802, PARISH OF ALEXANDRA

Moved Cr Sciacca

Seconded Cr Pitt

“That Council adopt the recommendation and approve the application for a Material Change of Use of Premises MCU 3B 008/06 on land described as Lot 65 on RP 742802, Parish of Alexandra, more particularly Lot 65 Cape Kimberley Road, Cape Kimberley, subject to the conditions recommended by the Assistant Planning Officer in her report.”

Carried unanimously

06/1605/09 MCU 3B 033/05 – LOT 78 ON RP 733654, PARISH OF ALEXANDRA

Moved Cr Egan

Seconded Cr Bellerio

“That Council adopt the recommendation and approve the application for a Material Change of Use of Premises MCU 3B 033/05 on land described as Lot 78 on RP 733654, Parish of Alexandra, more particularly Lot 78 Forest Creek Road, Forest Creek, subject to the conditions recommended by the Assistant Planning Officer in her report.”

Carried unanimously

06/1605/10 MCU 003/06 – LOT 11 ON CP 846979, PARISH OF SALISBURY

Moved Cr Sciacca

Seconded Cr Bellerio

“That Council adopt the recommendation and approve the application for a Material Change of Use of Premises 003/06 on land described as Lot 11 on CP 846979, Parish of Salisbury, more particularly Mitre Street, Port Douglas, subject to the conditions recommended by the Manager Planning in his report.”

Carried unanimously

06/1605/11 SUB 010/06 – LOT 11 ON SP 132055, PARISH OF WHYANBEEL

Moved Cr Egan

Seconded Cr Berwick

“That Council adopt the recommendation and refuse the Request to Waive Referral Coordination for Reconfiguration Application SUB 010/06 for the reconfiguration of one (1) lot into forty-two (42) lots on land described as Lot 11 on SP 132055, Parish of Whyanbeel, more particularly 1407–1429 Mossman-Daintree Road, Rocky Point.”

Carried unanimously



06/1605/12 DRAFT MEMORANDUM OF UNDERSTANDING – FLYING FOX MANAGEMENT

Moved Cr Cox

Seconded Cr Berwick

"That Council adopt the recommendation and endorse the draft Memorandum of Understanding – Flying Fox Management and that the Memorandum of Understanding be referred to the Environmental Protection Agency for their support and for signing off between Douglas Shire Council and the Environmental Protection Agency."

Carried unanimously

ENGINEERING

06/1605/13 DAINTREE COAST COMMUNITY FERAL PIG TRAPPING PROGRAM

Moved Cr Bellerio

Seconded Cr Cox

"That Council adopt the recommendation and allocate \$10,000.00 additional funds to the 2006/2007 Pest Management budget for the continuation of the feral pig trapping program."

Carried unanimously

WITHDRAWAL

The Manager Planning, Paul Gleeson, withdrew from the meeting at 11:55 am.

06/1605/14 EXTENSION OF TOWN WATER SUPPLY TO OCEAN VIEW ROAD

Moved Cr Egan

Seconded Cr Berwick

"That Council adopt the recommendation and install the water supply system to Ocean View Road provided funding of \$200,000.00 is available in future budgets and provided that full cost recovery is received for each lot before being connected to town water.

Full cost per lot made up of:

- | | |
|---------------------------|----------------------------|
| 1. Connection cost | \$ 8,695.00 / lot |
| 2. Water meter connection | \$ 638.00 / lot |
| 3. Water headwork charges | \$ 5,330.00 / lot |
| TOTAL COST | \$14,663.00 / lot . |

Water rates to apply from date town water installed."

ATTENDANCE

The General Manager Development & Environment, Paul Trotman, attended the meeting at 12:12 pm.

With the agreement of the mover and the seconder an amendment to the motion was put:

Moved Cr Cox

Seconded Cr Sciacca

"That another survey be conducted to establish interest in the project prior to a final decision being made on the project, the survey to contain all the relevant information and options-to-pay including a payment plan over a three year (no interest) or five year (6% interest) period."

The amendment was put:

Carried unanimously

The amendment became the motion and was put:

Carried unanimously

06/1605/15 SALE OF DAINTREE RIVER FERRY

Moved Cr Davis

"That Council adopt the recommendation with the added proviso that tenders under \$300,000 not be accepted until planning for the western precinct has been completed."

The motion lapsed for want of a seconder.

Moved Cr Egan

Seconded Cr Berwick

"That Council adopt the recommendation and

- *accept the draft tender documents subject to the Engineering Department providing the information required by McCullough Robertson to finalise the document;*
- *not accept the tender until such time as Council is certain that Norris's ferry service is operating satisfactorily;*
- *advertise the ferry sale in The Australian, The Courier Mail, The Cairns Post and on the Douglas Shire Council website."*

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

Against: Cr Davis

Carried

06/1605/16 FAR NORTH QUEENSLAND REGIONAL ROAD GROUP – LOCAL ROADS OF REGIONAL SIGNIFICANCE – FIVE YEAR WORKS PROGRAM

Moved Cr Egan

Seconded Cr Davis

"That Council adopt the recommendation and agree to the works program as submitted."

Carried unanimously



ADJOURNMENT

At 12:25 the meeting stood adjourned for lunch.

RESUMPTION

The meeting resumed at 1:30 pm.

06/1605/17 CONFIDENTIAL REPORT – VESSEL LOADING/UNLOADING RAMP
ON NORTH SIDE OF THE DAINTREE RIVER UPSTREAM FROM
FERRY CROSSING

The following motion is lying on the table:

Moved Cr Davis

Seconded Cr Cox

06/0205/18 *“That Council repeal the resolution made at the ordinary meeting held on 18 April 2006 which reads:*

‘That Council adopts the recommendation regarding public liability risk exposure and the ramp be closed.’”

Moved Cr Davis

Seconded Cr Cox

06/1605/17(i) *“That the motion lie on the table until the risk assessment questions raised at the meeting of 18 April 2006 are answered.”*

With the agreement of the mover and the seconder the motion was left on the table.

Moved Cr Davis

Seconded Cr Berwick

06/1605/17(ii) *“That the legal advice be made publicly available.”*

For: Cr Davis

Against: Crs Berwick, Sciacca, Cox, Pitt, Bellerio, Egan

Lost

Moved Cr Davis

Seconded Cr Cox

06/1605/17(i) *“That the motion lie on the table until the risk assessment questions raised at the meeting of 18 April 2006 are answered.”*

For: Crs Davis, Cox, Berwick

Against: Crs Sciacca, Egan, Pitt, Bellerio

Lost

Moved Cr Egan

Seconded Cr Sciacca

06/1605/17(iii) *"That the motion lie on the table until the risk assessment questions raised at the meeting of 18 April 2006 are answered and on the basis that when the matter comes back to the table Council's lawyers be available on speaker phone to advise Council at a set time."*

Carried unanimously

Moved Cr Berwick

Seconded Cr Davis

06/1605/17(iv) *"That Council outsource the Daintree Gateway Master Plan in order to speed up the process."*

For: Crs Berwick, Davis, Cox

Against: Crs Sciacca, Egan, Bellerio, Pitt

Lost

FINANCE & ADMINISTRATION

06/1605/18 PROPOSED FEES FOR COUNCIL'S OLD SUGAR WHARF (EXCLUDING ANY BUILDING AREA)

Moved Cr Egan

Seconded Cr Davis

"That Council adopt the following proposed fee structure for use of the 'Old Sugar Wharf':

- *Daily rate expires at midnight*
- *Small private functions – permit fee of \$200.00 (no GST payable)*
- *Up to 50 people \$500.00 GST inclusive*
- *Over 50 people \$750.00 GST inclusive*
- *Security deposits, terms and conditions in accordance with those for other Council halls and reserves."*

Carried unanimously

06/1605/19 DONATION TO CYCLONE LARRY APPEAL

Moved Cr Davis

Seconded Cr Cox

"That Council adopt the recommendation and

- *donation be made to the Premier's Disaster Relief Fund on the proviso the funds do not go to government infrastructure;*
- *agree to the proposed funding arrangement."*

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

Against: Crs Egan

Carried

Cr Egan advised he voted against the motion because of the amount of the donation.

06/1605/20 REQUEST FOR DONATION

Moved Cr Cox

Seconded Cr Egan

"That Council adopt the recommendation and not provide a donation."

Carried unanimously

NOTICES OF MOTION

**06/1605/21 INVITE WET TROPICS MANAGEMENT AUTHORITY AND
THE HONOURABLE BOB BALDWIN MP**

Moved: Cr Pitt

Seconded: Cr Bellerio

"That Council request a visit by Wet Tropics Ministerial Council members, in particular Hon Bob Baldwin MP, Parliamentary Secretary to the Minister for Industry, Tourism and Resources, for an inspection of environmental issues in the wet tropics area between Daintree River and the Bloomfield River, including in particular road works, to reduce the environmental impact. The inspection to include an invitation to councillors, relevant council staff and press."

For: Crs Pitt, Bellerio, Sciacca, Cox, Egan

Against: Crs Berwick, Davis

Carried

06/1605/22 PLANNING SCHEME AND COMMUNITY MEETINGS

Moved Cr Sciacca

Seconded Cr Bellerio

06/1605/22(i) *"That, prior to Council adopting the Planning Scheme, the General Manager Development & Environment be asked to prepare a program to inform the public of the minister's decision, in conjunction with Council's media consultant and Gaye Scott of The 20/20 Group."*

For: Crs Sciacca, Bellerio, Egan

Against: Crs Berwick, Cox, Davis

Cr Pitt abstained from the vote and was counted in the negative

Lost

Moved Cr Cox

Seconded Cr Davis

06/1605/22(ii) *"That, after Council adopts the Planning Scheme, the General Manager Development & Environment be asked to prepare a program to inform the public of the minister's decision, in conjunction with Council's media consultant and Gaye Scott of The 20/20 Group."*

For: Crs Cox, Davis, Berwick, Sciacca, Pitt

Against: Crs Egan, Bellerio

Carried

Moved Cr Berwick

Seconded Cr Pitt

06/1605/22(iii) *"That Council, having formed the view that The 20/20 Group, given its previous work on the draft planning scheme, is the best equipped to carry out the task, engage the firm without calling tenders or quotes in accordance with the relevant provisions of the Local Government Act."*

Carried unanimously

06/1605/23 SEALING SOUTHERN END OF POWER STREET, DAINTREE

Moved: Cr Bellerio

Seconded: Cr Pitt

"That Council give consideration to including the sealing of Power Street, Daintree, in the Indicative Roads Construction Priority List."

Carried unanimously

06/1605/24 SIGNING THE MEMORANDUM OF UNDERSTANDING

Moved: Cr Davis

"That the Douglas Shire adopts and signs the Memorandum of Understanding 'Working together effectively, the Councillors and the CEO'."

At the request of the mover the motion was withdrawn.

06/1605/25 WATER QUALITY IMPROVEMENT PROGRAM

Moved: Cr Sciacca

Seconded: Cr Bellerio

"Council be provided with an update on the activity and ongoing performance of the Water Quality Improvement Program, including any groundwater monitoring results."

Carried unanimously

06/1605/26 LIFEGUARD BEST PRACTICE

Moved: Cr Davis

Seconded: Cr Berwick

"That Council look to improve the utilisation of lifeguards in bad weather when the beach net is closed and examine the management of the enclosure net."

For: Cr Davis, Berwick, Cox

Against: Cr Pitt, Egan, Bellerio, Sciacca

Lost



06/1605/27 PLANT MORE TREES IN GRANT STREET

Moved: Cr Davis

Seconded: Cr Berwick

"That Council investigate the planting of shade trees in 'Eat Street', Grant Street."

Carried unanimously

EXTENSION OF MEETING

Moved: Cr Berwick

Seconded: Cr Cox

06/1605/27a *"That the meeting be extended by one half hour."*

Carried unanimously

REPORTS – CHIEF EXECUTIVE OFFICER

06/1605/28 CONFIDENTIAL REPORT – LOCUM RELIEF

Moved: Cr Egan

Seconded: Cr Pitt

06/1605/28(i) *"That Council adopt the recommendation and approve Mr Ken Todd of Victor Feros Planning Consultants as the locum relief for the General Manager Development & Environment for a period of seven weeks from 15 June 2006 ."*

Carried unanimously

Moved: Cr Cox

Seconded: Cr Pitt

06/1605/28(ii) *"That Council, having formed the view that Ken Todd of Victor Feros Planning, given his previous work in the Department of Planning Services, is best equipped to carry out the task, engage his services without calling tenders or quotes in accordance with the relevant provisions of the Local Government Act."*

Carried unanimously

BUDGET MEETING

Moved: Cr Berwick

Seconded: Cr Cox

06/1605/29 *"That the budget meeting to be held on Monday 22 May 2006 commence at 8:30 am."*

Carried unanimously

CLOSE OF MEETING

The meeting was closed at 3:46 pm.

Presented to and confirmed by Council on the *sixth* day of June 2006.

M P Berwick
Chair