



***Minutes of the Ordinary Meeting of Council
7 November 2006
commencing at 10:38 am***

PRESENT

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

APOLOGY

Leave of absence was granted to Cr Sciacca who was out of the shire.

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), P T Gleeson (Manager Planning), J F Leu (Manager Community, Cultural & Economic), K Favas (Community Development Officer), S K Andrews (Corporate Support) and M L Paterson (Corporate Support).

06/1107/01 CONDOLENCES

Cr Berwick referred to the recent deaths of Shane John O'Donoghue and Alan MacDonald. 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

06/1107/01A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Davis

"That Council suspend standing orders to deal with an emergent issue resulting from discussion during the briefing session."

Carried unanimously



Moved Cr Berwick

Seconded Cr Davis

06/1107/01A(i) *“That staff undertake a consultation process to gauge the electoral community’s attitude towards divisions and the option of removing divisions, by way of information papers and referendum. The public consultation to comply with statutory timelines for electoral review in relation to the 2008 local government elections.”*

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

Against: Cr Egan

Carried

ATTENDANCE/WITHDRAWAL

The Manager Planning withdrew from the meeting at 10:56 am.

RESUMPTION OF STANDING ORDERS

With the agreement of the meeting standing orders were resumed.

06/1107/02 MINUTES

Moved Cr Berwick

Seconded Cr Davis

“That the minutes of the Ordinary Council Meeting held on 17 October 2006 be confirmed subject to:

- *On page 3 the attendance of Cr Egan referred to be moved prior to item 06/1019/01.”*

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Manager Planning re-attended the meeting at 10:58 am.

The Manager Building, Jeff Evans, attended the meeting at 10:58 am.



COMMUNITY & CORPORATE

06/1107/03 MOSSMAN SHIRE HALL – AIR CONDITIONING

Moved Cr Berwick

Seconded Cr Cox

“That Council refuse the request from Bodies in Motion Dance School to fund the cost of the provision of portable air-conditioning to the Mossman Shire Hall for Bodies in Motion Dance School’s annual concert.”

For: Cr Berwick, Cox, Davis, Bellerio

Against: Cr Pitt, Egan

Carried

06/1107/04 DOUGLAS SHIRE KUBIRRI VISITOR INFORMATION CENTRE

Moved Cr Davis

Seconded Cr Berwick

06/1107/04(i) *“That Council refuse the request from Douglas Shire Kubirri Visitor Information Centre Inc for seed funding towards operational costs at this stage.”*

06/1107/04(ii) *“That Council suggest to the Douglas Shire Kubirri Visitor Information Centre Inc the development of an informed business plan for the operation of a visitor information centre as an important first step which needs to be documented and that the services of Council’s community services staff be offered to advise on that process.”*

An amendment was moved:

Moved Cr Bellerio

Seconded Cr Egan

06/1107/04(iii) *“That Council suggest to the Douglas Shire Kubirri Visitor Information Centre Inc the development of an informed business plan for the operation of a visitor information centre as an important first step which needs to be documented and that the services of Council’s community services staff be offered to advise on that process.*

Subject to the receipt of a business plan acceptable to Council, further consideration be given to funding assistance at that time.”

The amendment was put:

Carried unanimously

The amendment became the motion and was put:

Carried unanimously



06/1107/05 DETAILS OF THE USE OF THE COUNCIL SEAL

Moved Cr Cox

Seconded Cr Berwick

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

Carried unanimously

06/1107/06 DECISIONS OF COUNCIL STATUS REPORT

Moved Cr Berwick

Seconded Cr Egan

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

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Manager Building, the Manager Community, Cultural and Economic and the Community Development Officer withdrew from the meeting at 12:00 noon.

DEVELOPMENT & ENVIRONMENT

06/1107/07 MCU 015/06 – LOT 422 ON RP 738673 – CAPE TRIBULATION ROAD, COW BAY

Moved Cr Berwick

Seconded Cr Cox

"That Council refuse the request to assess the application for a Material Change of Use MCU 015/06 under the Douglas Shire Superseded Planning Scheme."

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

Against: Cr Bellerio

Carried

06/1107/08 MCU 016/06 – LOT 353 ON RP 739002 – HICKORY ROAD, COW BAY

Moved Cr Cox

Seconded Cr Davis

"That Council refuse the request to assess the application for a Material Change of Use MCU 016/06 under the Douglas Shire Superseded Planning Scheme."

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

Against: Cr Bellerio

Carried



06/1107/09 MCU 017/06 – LOT 81 ON RP 738146 – ROSEWOOD ROAD, COW BAY

Moved Cr Cox Seconded Cr Berwick

“That Council refuse the request to assess the application for a Material Change of Use MCU 017/06 under the Douglas Shire Superseded Planning Scheme.”

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

Against: Cr Bellerio

Carried

06/1107/10 MCU 014/06 – LOT 125 ON RP 748410 – QUANDONG ROAD, COW BAY

Moved Cr Berwick Seconded Cr Davis

“That Council refuse the request to assess the application for a Material Change of Use MCU 014/06 under the Douglas Shire Superseded Planning Scheme.”

For: Cr Berwick, Cox, Davis

Against: Cr Egan, Bellerio, Pitt

The Mayor used his casting vote in favour of the motion

Carried

MATERIAL PERSONAL INTEREST

The Chief Executive Officer declared a material personal interest in the following matter as he has shares in a company involved with this application, and withdrew from the meeting at 12:18 pm.

The General Manager Engineering and the General Manager Development and Environment withdrew from the meeting at 12:19 pm.

The General Manager Engineering re-attended the meeting at 12.23 pm.

06/1107/11 MCU 3B 017/06 – LOTS 4 & 5 ON RP 804923 – TEAMSTERS CLOSE, PORT DOUGLAS

Moved Cr Davis Seconded Cr Berwick

“That Council approve the application for a Material Change of Use MCU 3B 017/06 to permit the development of a showroom and warehouse on land described as Lots 4 and 5 on RP 804923, Parish of Salisbury, and situated at Teamsters Close, Port Douglas, subject to the conditions recommended by the Manager Planning in his report, with the exclusion of Condition 5. Further, that the applicant be required to contribute to the landscaping on the road reserve.”

Carried unanimously



ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment re-attended the meeting at 12:28 pm.

06/1107/12 SUB 018/06 – LOT 45 ON RP 736631 – LIFU CLOSE, WONGA BEACH

Moved Cr Egan

Seconded Cr Cox

“That Council refuse the application for a Reconfiguring a Lot Development Permit SUB 018/06 on land described as Lot 45 on RP 736631, Parish of Whyanbeel, and situated at 10 Lifu Close, Wonga.”

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer re-attended the meeting at 12.31 pm.

The General Manager Community & Corporate withdrew from the meeting at 12:34 pm.

06/1107/13 TPC 1250 – LOTS 2 & 60 ON RP 843594 – COOK HIGHWAY & COOLALINGA DRIVE, KILLALOE

Moved Cr Cox

Seconded Cr Pitt

06/1107/13(i) *“That Council refuse the application for preliminary approval for a Material Change of Use (TPC 1250) from rural to rural residential over part of two rural lots on land described as Lots 2 and 60 on RP 843594, Parish of Victory, and situated at Captain Cook Highway and Coolalinga Drive, Killaloe.”*

Moved Cr Egan

Seconded Cr Bellerio

06/1107/13(ii) *“That the motion be put.”*

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

Against: Cr Davis

Carried

The motion was put:

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

Against: Cr Davis

Carried



ATTENDANCE/WITHDRAWAL

The General Manager Community & Corporate re-attended the meeting at 12:39 pm.

06/1107/14 REVIEW OF FEE AND CHARGES – NEW PLANNING SCHEME

Moved Cr Egan

Seconded Cr Berwick

“That Council adopt the changes to the fees and charges schedule 2006/2007 proposed in Attachment 1 of the report of the Manager Planning and Planning Officer.”

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

Against: Cr Bellerio

Carried

06/1107/15 POISONING OF VEGETATION ON COWRIE STREET ESPLANADE, PORT DOUGLAS

Moved Cr Egan

Seconded Cr Berwick

“That, further to resolution 06/1017/12A ‘Poisoning of Vegetation on Cowrie Street Esplanade’, Council take the following additional actions:

- *commit a total of \$5,000 as a limit to revegetation of the area, this amount includes the erection of a temporary fence and signage;*
- *install four ‘shaming signs’ at key locations, the cost of which is included in the \$5,000 allocated for revegetation.”*

Carried unanimously

WITHDRAWAL/ATTENDANCE

The Manager Planning withdrew from the meeting at 1:05 pm. The Manager Environmental Health, Paul Hoye, attended the meeting at 1:05 pm.

06/1107/16 APPLICATION FOR GENERAL LICENCE AND EXTENDED TRADING HOURS PERMIT – 38 MACROSSAN STREET, PORT DOUGLAS

Moved Cr Pitt

Seconded Cr Egan

06/1107/16(i) *“That Council offer no objections to the application for a general liquor licence permit at 38 Macrossan Street, Port Douglas.”*



06/1107/16(ii) *"That Council object to the application for an extended trading hours permit at 38 Macrossan Street, Port Douglas, for restricted trading hours past 2:00 am, as proposed by the Manager Environmental Health Services in his report."*

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

Against: Cr Davis

Carried

ATTENDANCE/WITHDRAWAL

The Manager Environmental Health and the General Manager Development & Environment withdrew from the meeting at 1:06 pm.

Cr Davis withdrew from the meeting at 1:09 pm.

ENGINEERING

06/1107/17 NAMING OF NEW ROAD OFF BORZI ROAD, SHANNONVALE

Moved Cr Egan

Seconded Cr Cox

"That Council name the access road to the new 'Shannon Vale Estate' subdivision, off Borzi Road, 'Thomson Low Drive'."

For: Cr Egan, Pitt, Cox

Against: Cr Berwick, Bellerio

Carried

ATTENDANCE/WITHDRAWAL

Cr Davis re-attended the meeting at 1:11 pm.

06/1107/18 UNNAMED ROAD BETWEEN SOMERSET AND SCOMAZZON ROADS

Moved Cr Davis

06/1107/18(i) *"That Council reinstate the road from Somerset Road to the northern boundary of land described as Lot 256 on SR 364, Parish of Whyanbeel, and shown in green on attached Council Plan A, as a public road."*

"That the existing temporary road closures from Somerset Road to the northern boundary of land described as Lot 256 on SR 364, Parish of Whyanbeel, remain in place."



The motion lapsed for want of a seconder.

Moved Cr Cox

06/1107/18(ii) *"That the status quo remain."*

The motion lapsed for want of a seconder.

Moved Cr Bellerio

Seconded Cr Egan

06/1107/18(iii) *"That both parties be invited to discuss the matter to reach a mutually acceptable resolution."*

Carried unanimously

FINANCE & ADMINISTRATION

06/1107/19 RATES SMALL BALANCE WRITE-OFF REPORT – OCTOBER 2006

Moved Cr Egan

Seconded Cr Davis

"That Council agree to write off the rates small balance of \$358.51."

Carried unanimously

NOTICES OF MOTION

OFFICER COMMENT PROVIDED

06/1107/20 RD3206M – ANNUAL CYCLONE CLEAN UP

Moved Cr Davis

06/1107/20(i) *"That Council restore the annual rubbish collection in preparation for next year's cyclone season."*

The motion lapsed for want of a seconder.

ATTENDANCE/WITHDRAWAL

The Manager Environmental Health attended the meeting at 1:21 pm.



Moved Cr Egan

Seconded Cr Bellerio

06/1107/20(ii)

"That Council hold a rubbish collection limited to eligible pension card holders only, the quantity of rubbish be limited to two cubic metres of material and not to include green waste."

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

Against: Cr Davis

Carried

ATTENDANCE/WITHDRAWAL

The Manager Environmental Health withdrew from the meeting at 1.24 pm.

06/1107/21 RD3806M – MASONIC BOND AHEAD OF THE PUBLIC INTEREST

Moved Cr Davis

"That councillors who are bound under the ethics, rules or brotherhood of the same Masonic Lodge refrain from voting on decisions concerning the career prospects of a fellow Mason, where the public could rightly suspect the councillor is putting the interests of his fellow Mason ahead of the public interest."

The motion lapsed for want of a seconder.

06/1107/22 RD4006M – ALGA CONFERENCE

Moved Cr Egan

Seconded Cr Pitt

"That no action be taken as the same motion was considered at the last meeting of Council and was lost."

For: Cr Egan, Pitt, Bellerio, Cox

Against: Cr Berwick, Davis

Carried

06/1107/23 RD4106M – INEPT INPUT OF THE STATE

Moved Cr Davis

Seconded Cr Cox

"That Council await the promised response from the Coordinator General's office and that if the response is not with Council by close of business on 10 November 2006, Council write to the local state member expressing its dissatisfaction with the way the state has failed to deliver useful and politically appropriate input to the consultation and planning processes at the Port Douglas waterfront. The



state be asked to account for their continued delay in responding with their offer or rejection of their coordinating assistance.”

Carried unanimously

06/1107/24 RD4206M – PORT DOUGLAS WATERFRONT HIATUS

Moved Cr Davis

“That Council terminate the six-month hiatus and inactivity in progressing the planning and consultation at the Port Douglas waterfront, and that the Waterfront Steering Committee be reconvened immediately with work to recommence regardless of the state’s failure to perform.”

The motion lapsed for want of a seconder.

06/1107/25 RD4306M – DAINTREE GATEWAY PLANNING

Moved Cr Davis

06/1107/25(i) *“That Council provide a funding mechanism within the current quarterly budget review to provide professional assistance for all councillors to assist them to sit and agree on an overall layout and business plan for the Daintree Gateway.”*

The motion lapsed for want of a seconder.

Moved Cr Berwick

Seconded Cr Davis

06/1107/25(ii) *“That Council facilitate a master planning exercise that involves the employment of the appropriate expertise subject to finding an alternative source of revenue to assist in the existing process. As a first step council seek to renegotiate the balance of funding from WTMA for this purpose.”*

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

Against: Cr Bellerio

Carried

06/1107/26 RD4406M – THE NEGOTIATED SETTLEMENT

Moved Cr Davis

Seconded Cr Cox

06/1107/26(i) *“That Council ask the Chief Executive Officer if he is prepared to enter into negotiation regarding separation.”*

With the agreement of the meeting the motion was withdrawn.



Moved Cr Davis Seconded Cr Berwick
06/1107/26(ii) *"That council seek clarification on the process of performance management ahead."*

Moved Cr Egan Seconded Cr Pitt
06/1107/26(iii) *"That the motion is out of order."*

For: Cr Egan, Pitt
Against: Cr Berwick, Davis, Bellerio, Cox
Lost

Debate on the substantive motion continued.

The motion was put:

For: Cr Davis, Berwick
Against: Cr Egan, Pitt, Bellerio, Cox
Lost

06/1107/27 MBO8O6M – ELECTORAL REFORM

Moved Cr Berwick Seconded Cr Davis
06/1107/27(i) *"That Council resolves:*

- 1. to set up and promote on the council website, a register so that councillors, prospective candidates and third parties can make it known to the electorate any sources of electoral funding they may have received before the next election;*
- 2. that on the website on the Monday before an election, candidates be given an opportunity to declare that they will not accept any further donations for the next twelve months and that they have not accepted anonymous donations; and*
- 3. that the Mayor write to the Minister for Local Government, Planning and Sport to express his disappointment that the full set of recommendations made by the Crime and Misconduct Commission regarding electoral reform was not adopted."*

Moved Cr Berwick Seconded Cr Egan
06/1107/27(A) *"With the agreement of the mover and the seconder the matter was left on the table pending receipt of legal advice."*



06/1107/28 MB0906 – FLUORIDATION IN RETICULATED WATER SUPPLY

Moved Cr Berwick

06/1107/28(i) *“That Council survey Douglas Shire ratepayers and residents to gauge their opinion as to whether Council should add fluoride to the reticulated water supply.”*

With the agreement of the meeting the motion was withdrawn.

Moved Cr Davis

Seconded Cr Berwick

06/1107/28(ii) *“That Council promote informed debate about fluoridation in the shire.”*

Carried unanimously

06/1107/29 BB0806M – FINISH TOILET BLOCK AT DAINTREE RIVER

Moved Cr Bellerio

“That Council finish the construction of the toilet block located on the south side of the Daintree River without any delays.”

With the agreement of the meeting the matter was left on the table as further legal advice is pending.

OFFICER COMMENTS PENDING

06/1107/30 RD3706M – ADVERTISE THE CHIEF EXECUTIVE OFFICER’S POSITION

Moved Cr Davis

“That Council advertise the Chief Executive Officer’s position.”

With the agreement of the meeting the motion was withdrawn.

REPORTS – CHIEF EXECUTIVE OFFICER

Nil

TERMINATION

The meeting was closed at 2:20 pm.

Presented to and confirmed by Council on the *twenty-eighth* day of *November* 2006.

M P Berwick
Chair