



***Minutes of the Ordinary Meeting of Council
17 October 2006
commencing at 10:48 am***

PRESENT

Councillors – M P Berwick (Mayor), D P Egan (Deputy Mayor) – present at 10:50 am, R Davis, D G Pitt, J Sciacca and W J Bellerio – present at 10:51 am

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 F Leu (Manager Community, Cultural & Economic), D V Crees (Manager Rates & Finance Support), B Exelby (Manager Budget & Accounting), S Andrews and M L Paterson (Corporate Support)

APOLOGY

Leave of absence was granted to Cr Cox who is out of the shire to participate in a fundraising walk.

ATTENDANCE/WITHDRAWAL

Cr Egan attended the meeting at 10:50 am. (*Amended Ordinary Meeting 7-11-06*)

06/1017/01 CONDOLENCES

Cr Berwick referred to the recent death of John James Corcoran and Caroline Wasley. 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

ATTENDANCE/WITHDRAWAL

~~Cr Egan attended the meeting at 10:50 am.~~

06/1017/02 MINUTES

This item was dealt with after item 06/1017/02B.



06/1017/02A SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Egan

"That standing orders be suspended to allow Council to deal with Items 06/1017/22 and 06/1017/23 while the General Manager Finance & Administration is in attendance."

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Bellerio attended the meeting at 10:51 am.

06/1017/22 UNAUDITED FINANCIAL STATEMENTS 2005/06

Moved Cr Berwick

Seconded Cr Sciacca

"That Council accept the unaudited Financial Statements for 2005/06."

Carried unanimously

06/1017/23 PRIVATE AND OTHER USE OF COUNCIL VEHICLES

Moved Cr Berwick

Seconded Cr Egan

"That Council adopts the proposed 'Policy – Private and Other Use of Council Vehicles' as recommended by the General Manager Finance & Administration in his report."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The General Manager Finance & Administration and Manager Budget & Accounting withdrew from the meeting at 11:15 am.

06/1017/02B RESUMPTION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Egan

"That standing orders be resumed."

Carried unanimously

06/1017/02 MINUTES

Moved Cr Berwick

Seconded Cr Sciacca

"That the minutes of the Ordinary Council Meeting held on 26 September 2006 be confirmed."

With the agreement of the mover and the seconder the motion was amended to read:

"That the minutes of the Ordinary Council Meeting held on 26 September 2006 be confirmed, subject to the following amendment:

- *on page 11: item 06/0926/14 – inclusion of the words "Cr Davis assumed that Belle Property Mango House Pty Ltd is no longer involved in Mango House."*

For: Cr Berwick, Sciacca, Davis, Pitt

Against: Cr Bellerio, Egan

Carried

COMMUNITY & CORPORATE

ATTENDANCE/WITHDRAWAL

The Manager Planning attended the meeting at 11:15 am.

06/1017/03 COUNCIL AS A CONSTITUTIONAL CORPORATION

Moved Cr Berwick

Seconded Cr Pitt

"That the Council formally determine its status as being that of a trading corporation."

An amendment to the motion was moved:

Moved Cr Davis

"That a decision be deferred until clarity is gained on the operation of the Daintree ferry as a commercial enterprise and the views of the Councils staff are gauged."

The amendment lapsed for want of a seconder.

The original motion was put:

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

Against: Cr Davis

Carried

06/1017/04 PETITION – PROTECTION OF CASSOWARY POPULATIONS

Moved Cr Berwick

Seconded Cr Davis

“That the Council’s engineering staff be requested to co-ordinate, in consultation with the other groups/organisations mentioned in the petition, a considered response to the petition including identifying initiatives the Council can support to reduce traffic risks to cassowary populations.

Further, that the matter be the subject of a further report to the Council once these consultations have been carried out.”

For: Cr Berwick, Davis, Egan, Pitt,

Against: Cr Bellerio, Sciacca

Carried**06/1017/05 CHANGE TO MEETING SCHEDULE – JANUARY 2007**

Moved Cr Egan

Seconded Cr Berwick

“That the ordinary meeting of the Council scheduled for Tuesday January 9 2007 be cancelled due to the festive season and the Council’s meeting processes resume in the new year with the ordinary meeting scheduled for Tuesday January 30 2007.”

Carried unanimously**06/1017/06 LEASE OF CRAIGLIE INDUSTRIAL LAND****MATERIAL PERSONAL INTEREST**

The Chief Executive Officer declared a material personal interest in this matter, as he holds shares in a hardware company which trades in this area, and withdrew from the meeting at 11:33 am.

Moved Cr Berwick

Seconded Cr Egan

06/1017/06(i) *“That the following tenders be accepted:*

Lot 401 CP2251 Old Port Road	Boral Resources Qld Pty Ltd	\$25,000 per annum for two (2) years	For use as a concrete batching plant
Lot 403 CP 2251 Old Port Road	Majacorp Pty Ltd	\$12,270 per annum for two (2) years	For use as hardware retail sales

06/1017/06(ii) *That leases are documented and approval granted to affix the common seal of the Council at the appropriate time.”*

Moved Cr Egan

Seconded Cr Sciacca

06/1017/06(iii) *"That the motion be put."*

Carried unanimously

The motion was put:

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

Against: Cr Davis

Carried

06/1017/07 **PROPOSED MOSSMAN AGED CARE FACILITY**

ATTENDANCE/WITHDRAWAL

Cr Bellerio withdrew from the meeting at 11:37 am.

The Manager Community, Cultural & Economic read aloud to the meeting a letter received today from the committee of the Mossman District Nursing Home Inc, which had been referred to in her report.

ATTENDANCE/WITHDRAWAL

Cr Bellerio re-attended the meeting at 11:48 am.

Moved Cr Egan

Seconded Cr Sciacca

06/1017/07(i) *"That Council engage an experienced aged care consultant to determine the most appropriate options for meeting the residential high care needs of the aged community in the Douglas Shire for the next 10 – 15 years. This study to encompass an updated aged care needs analysis and a feasibility/business plan with a detailed set of recommendations to best meet identified needs, and involve consultation with Douglas Shire Council, the Mossman Nursing Home Committee and other stakeholders.*

At the same time, Council also call for "Expressions of Interest" to assess the interest of any party who may be interested in purchasing the subject land (Lot 1 on SP 150474, Parish of Victory) for \$500,000 for the purpose of building, constructing and operating an aged care facility, with a minimum of 40 high care residential places."

SUSPENSION OF STANDING ORDERS

Moved Cr Pitt

Seconded Cr Davis

06/1017/07A

“That Council suspend standing orders to allow Mrs Marj Norris and Mrs Shirley Vico of Mossman District Nursing Home Inc to address Council and provide further information in relation to the proposed aged care facility.”

Carried unanimously

Mrs Norris and Mrs Vico addressed the Council.

ATTENDANCE/WITHDRAWAL

The Manager Community, Cultural & Economic withdrew from the meeting at 11:58 am to locate advice received previously from solicitors for the proposed purchasers of the land indicating their clients withdrawal from further negotiations on the contract of sale.

The matter was left on the table pending provision of the advice by the Manager Community, Cultural & Economic. The item was completed after the lunch adjournment.

RESUME STANDING ORDERS

With the agreement of the meeting standing orders were resumed.

ATTENDANCE/WITHDRAWAL

Cr Egan withdrew from the meeting at 12:03 pm.

06/1017/08 COMMUNITY GARDEN PROJECT

Moved Cr Berwick

Seconded Cr Sciacca

“That Council permit the use of the existing vacant area on land described as Lot 147 on SP 102150, and situated at 11a Maxwell Street, Mossman, by Douglas Shire Seniors Inc for use as a community garden.

This use to be permitted subject to either Douglas Shire Council requiring the land for any future purpose, or the Douglas Shire Homes for the Aged Inc requiring the land for future expansion of the aged care units.”

Carried unanimously

06/1017/09 **DETAILS OF THE USE OF THE COUNCIL SEAL**

Moved Cr Sciacca

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

ATTENDANCE/WITHDRAWAL

The Manager Community, Cultural & Economic re-attended the meeting at 12:03 pm. Cr Egan re-attended at 12:04 pm.

06/1017/10 **DECISIONS OF COUNCIL STATUS REPORT**

Moved Cr Berwick

Seconded Cr Sciacca

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

Carried unanimously

DEVELOPMENT & ENVIRONMENT

06/1017/11 **IPA IMPROVEMENT PROJECT**

Moved Cr Berwick

Seconded Cr Bellerio

"That:

- (i) Council accept the recommendations provided by Planning Services in relation to the IPA improvement project;*
- (ii) with regard to "proposed improvement" 3.1, Council "supports" regional planning but is concerned about the resource implications for local government, which need further detailing; and*
- (iii) Council send a response to Department of Local Government, Planning, Sport and Recreation (DLGPSR) by the closing date 3 November 2006."*

Carried unanimously

06/1017/12 CLEARING OF NATIVE VEGETATION – 903, 904 & 905 DAVIDSON STREET, PORT DOUGLAS

Moved Cr Berwick

Seconded Cr Davis

“That a compliance notice be issued under Local Law 58 Roads to the developer directing that the area be reinstated with native vegetation and a revised landscape plan be prepared showing the use of native species to Council’s satisfaction.”

Carried unanimously

06/1017/12A POISONING OF VEGETATION – COWRIE STREET ESPLANADE, PORT DOUGLAS

Moved Cr Berwick

Seconded Cr Davis

“That Council:

- (i) commit to revegetation of the area;*
- (ii) offer a reward of \$5,000 for evidence leading to a conviction subject to the money being donated;*
- (iii) write to all the residents along Cowrie and Baler Streets informing them that it is an offence to interfere with vegetation on the esplanade and asking for anyone with information to come forward;*
- (iv) immediately investigate the option of installing a camera, either discreetly or obviously with signage; and*
- (v) require a report prior to any action being taken on the camera, fencing or signage.”*

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

Against: Cr Bellerio

Carried

06/1017/13 TPC 1246 – LOT 2 ON PTD 2095 – 26 MURPHY STREET, PORT DOUGLAS

Moved Cr Egan

Seconded Cr Sciacca

“That Council approve the application for a Development Permit for a Material Change of Use to permit the development of two (2) x three (3) bedroom multiple dwelling units, two (2) x two (2) bedroom multiple dwelling units and a caretaker’s residence on land described as Lot 2 on PTD 2095, Parish of Salisbury, and situated at 26 Murphy Street, Port Douglas, and subject to the conditions recommended by the Planning Officer in her report.”

Carried unanimously

06/1017/14 TPC 1257 – LOT 3 ON RP 748882 – CAPTAIN COOK HIGHWAY, KILLALOE

POTENTIAL CONFLICT OF INTEREST

Cr Bellerio declared a potential conflict of interest in this matter, as he is related to the applicant, and withdrew from the meeting at 12:30 pm.

PERSONAL INTEREST

The Chief Executive Officer declared a personal interest in this matter, as he socialises with the applicant, and also withdrew from the meeting at 12:30 pm.

Moved Cr Berwick

Seconded Cr Davis

“That Council refuse the application for a Development Permit for Material Change of Use to construct a 288 square metre contractor’s depot on land described as Lot 3 on RP748882, Parish of Victory, and situated at Captain Cook Highway, Killaloe.”

Carried unanimously

ADJOURNMENT

At 12:33 pm the meeting stood adjourned for lunch.

RESUMPTION

The meeting resumed at 1:20 pm without the attendance of the Chief Executive Officer.

06/1017/07 PROPOSED MOSSMAN AGED CARE FACILITY

Moved Cr Egan

Seconded Cr Sciacca

06/1017/07(i) *“That Council engage an experienced aged care consultant to determine the most appropriate options for meeting the residential high care needs of the aged community in the Douglas Shire for the next 10 – 15 years. This study to encompass an updated aged care needs analysis and a feasibility/business plan with a detailed set of recommendations to best meet identified needs, and involve consultation with Douglas Shire Council, the Mossman Nursing Home Committee and other stakeholders.*

At the same time, Council also call for “Expressions of Interest” to assess the interest of any party who may be interested in purchasing the subject land (Lot 1 on SP 150474, Parish of Victory) for \$500,000 for the purpose of building, constructing and operating an aged care facility, with a minimum of 40 high care residential places.”

Moved Cr Egan

Seconded Cr Sciacca

06/1017/07(ii) *"That the motion be put."*

Carried unanimously

The motion was put:

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

Against: Cr Bellerio

Carried

SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Egan

06/1017/14A *"That Council suspend standing orders to deal with an emergent issue, being the independent monitor's report of the investigation commissioned by the Minister for Local Government into the operations of the Douglas Shire Council."*

Carried unanimously

06/1017/14B INDEPENDENT MONITOR'S REPORT OF INVESTIGATIONS INTO DOUGLAS SHIRE COUNCIL

ATTENDANCE/WITHDRAWAL

The Chief Executive Officer re-attended the meeting at 1:32 pm.

Moved Cr Egan

Seconded Cr Sciacca

"That Council adopt the recommendations of Mr Gary Kellar contained in his confidential report (pages 27 – 28), and agree to cooperate with David Spearritt, and that the balance of the report remain confidential."

With the agreement of the mover and the seconder the motion was amended to read:

"That Council accept the recommendations of the investigation commissioned by the Minister for Local Government and agree to cooperate with David Spearritt, who has been appointed by the minister as an independent monitor, to advance the recommendations of the Orion report."

An amendment was moved:

Moved Cr Berwick

"That Council seek the approval of the authors of the report to make the report a public document."

The amendment lapsed for want of a seconder.

With the agreement of the mover and the seconder the motion was further amended to read:

06/1017/14B *“That Council accept the recommendations of the investigation commissioned by the Minister for Local Government and agree to cooperate with David Spearritt, who has been appointed by the minister as an independent monitor, to advance the recommendations of the Orion report. Further, that Council write to the minister advising that Council does not support the investigator’s report being made public.”*

For: Cr Egan, Sciacca, Pitt, Bellerio

Against: Cr Berwick, Davis

Carried

06/1017/14C RESUMPTION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Pitt

“That standing orders be resumed.”

Carried unanimously

06/1017/15 TPC 1267 – LOTS 1 AND 2 ON RP 742906 – CAPE TRIBULATION ROAD

Moved Cr Berwick

Seconded Cr Davis

06/1017/15(i) *“That Council approve the request to waive the requirement for referral coordination for Material Change of Use for an interpretive museum (indoor recreation), elevated walkway (outdoor recreation) and restaurant/bar to operate in conjunction with Mason’s Store on land described as Lots 1 and 2 on RP742906, Parish of Noah, and situated at Cape Tribulation Road, Cape Tribulation.”*

For: Cr Berwick, Davis

Against: Cr Egan, Pitt, Bellerio, Sciacca

Lost

Moved Cr Sciacca

Seconded Cr Pitt

06/1017/15(ii) *“That Council refuse the request to waive the requirement for referral coordination for Material Change of Use for an interpretive museum (indoor recreation), elevated walkway (outdoor recreation) and restaurant/bar to operate in conjunction with Mason’s Store on land described as Lots 1 and 2 on RP742906, Parish of Noah, and situated at Cape Tribulation Road, Cape Tribulation.”*

For: Cr Egan, Pitt, Bellerio, Sciacca

Against: Cr Berwick, Davis

Carried

06/1017/16 TPC 1274 – LOT 40 ON N 157650 AND LOT 3 ON RP 706363 –
CONNOLLY ROAD, MOWBRAY

MATERIAL PERSONAL INTEREST

Cr Egan declared a material personal interest in the matter, as he is related to a former employee of the applicant.

The Chief Executive Officer declared a material personal interest in this matter, as his wife is an employee of a related company, and withdrew from the meeting at 2:10 pm.

Moved Cr Berwick

Seconded Cr Davis

“That Council approve the request to waive the requirement for referral coordination for a place of outdoor recreation in accordance with Material Change of Use TPC 1274 on land described as Lot 3 on RP 706363 and Lot 40 N 157650, County of Solander, and situated at Connolly Road, Mowbray.”

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Cr Egan and Chief Executive Officer re-attended the meeting at 2:18 pm.

06/1017/17 MCU 001/06 – REQUEST FOR APPLICATION TO BE ASSESSED
UNDER THE SUPERSEDED PLANNING SCHEME

Moved Cr Berwick

Seconded Cr Pitt

“That Council approve the request to assess application MCU 001/06 under the Douglas Shire Transitional Planning Scheme.”

Carried unanimously



06/1017/18 MCU 3B 009/05 – NEGOTIATED DECISION NOTICE – LOTS 21 & 22
ON PTD 20925 – 4 WHARF STREET, PORT DOUGLAS

Moved Cr Berwick

Seconded Cr Egan

“That Council:

(i) refuse the request to delete Conditions 4.29(d), 4.29(e) and 4.30;

(ii) amend Condition 4.16 to read:

‘(a) The approved development may be constructed with a minimum setback of 1.2 metres from an existing sewer main. All structures located within the zone of influence of the sewer main will need to have foundations piered and approved by a registered engineer so as not to place a load either horizontally or vertically on the sewer main.

(b) The applicant/owner shall be fully responsible for any structures located closer than 2 metres from the existing sewer main as part of any on-going maintenance or repairs to the sewer main.’; and

(iii) amend Condition 4.29(a) to read:

‘The applicant shall construct the following works internal and external to the site in accordance with Council’s adopted standards:

(a) 3 metre wide stormwater easement along and within the south-western boundary of the site adjoining 1 Island Point Road and 2 Murphy Street.’

in the Decision Notice for Development Approval MCU 3B 009/05 and issue a Negotiated Decision Notice pursuant to section 3.5.17 of the Integrated Planning Act 1997.”

For: Cr Berwick, Egan, Davis, Pitt

Against: Cr Bellerio, Sciacca

Carried

ATTENDANCE/WITHDRAWAL

The General Manager Community & Corporate withdrew from the meeting at 2:31 pm.



06/1017/19 **MCU 3B 006/06 – LOT 2 ON RP 746466 – MOWBRAY RIVER ROAD, MOWBRAY**

Moved Cr Berwick

Seconded Cr Egan

“That Council approve the application for a Development Permit for Material Change of Use MCU 3B 006/06 to permit the development of a dwelling house on land described as Lot 2 on RP 746466, Parish of Mowbray, and situated at Lot 2 Mowbray River Road, Mowbray, subject to the conditions recommended by the Planning Officer in her report.”

Carried unanimously

06/1017/20 **MEMORANDUM OF UNDERSTANDING – WATER ENVIRONMENT PROTECTION (WATER) POLICY**

Moved Cr Berwick

Seconded Cr Egan

“That Council agree to sign the Memorandum of Understanding to extend Council’s powers to enforce Sections 31 and 32 of the Environmental Protection (Water) Policy 1997, for a one year period to 31 December 2007.”

Carried unanimously

06/1017/21 **CONTRACT NO. 2–06/07 – SUPERVISION OF COW BAY TRANSFER STATION**

Moved Cr Egan

Seconded Cr Sciacca

“That Council award contract number 2–06/07 to Killaloe Resource Recovery Pty Ltd.”

Carried unanimously

ENGINEERING

Nil reports

FINANCE & ADMINISTRATION

06/1017/22 UNAUDITED FINANCIAL STATEMENTS 2005/06

06/1017/23 PRIVATE AND OTHER USE OF COUNCIL VEHICLES

These items were dealt with after Item 06/1017/01.

06/1017/24 DONATION – PORT DOUGLAS YACHT CLUB INC

Moved Cr Davis

Seconded Cr Pitt

"That Council make a donation to the Port Douglas Yacht Club Inc equivalent to 75% of the net general rates levied, to be made on the basis that the club continues to provide access to its facilities to users of the mooring piles."

Carried unanimously

NOTICES OF MOTION

OFFICER COMMENT PROVIDED

06/1017/25 RD3306M – BANANA SALES AT FERRY

Moved Cr Davis

Seconded Cr Pitt

"That Council move the ferry banana sales close to the ferry ramp bus stop."

With the agreement of the mover and seconder the motion was amended to read:

"That the ferry banana sales remain in the current location."

Carried unanimously

06/1017/26 BB0506M – ROADSIDE STALL – NORTH SIDE OF DAINTREE RIVER

No motion was put in respect of this matter as the previous resolution rendered it unnecessary.



06/1017/27 RD3406M – DAINTREE GATEWAY PLANNING

06/1017/28 RD3506M – FOUR MILE BEACH – DESTRUCTION OF VEGETATION

06/1017/29 RD3606M – MASONIC INFLUENCE – PUBLICLY ACCOUNTABLE DECISIONS

Cr Davis advised the Council that he wished to withdraw items 06/1017/27 to 06/1017/29. The Council objected, however chose not to deal with them.

06/1017/30 MB0506M – DEVELOPMENT APPROVAL IN STORM SURGE PRONE AREAS

Moved Cr Berwick

Seconded Cr Davis

"That Council create policy to suitably address development approvals granted in areas subject to storm surge and tidal inundation."

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

06/1017/31 MB0606M – ALGA NGA DATE CLASH

Moved: Cr Berwick

Seconded: Cr Davis

"That Council move the meeting scheduled for 28 November 2006 to a mutually convenient date to allow councillors to attend the Australian Local Government Association (ALGA) National General Assembly Conference from 27 – 30 November 2006."

ATTENDANCE/WITHDRAWAL

Cr Davis withdrew from the meeting at 3:01 pm.

For: Cr Berwick

Against: Cr Egan, Sciacca, Bellerio, Pitt

Lost

06/1017/32 MB0706M – CAPE TRIBULATION ROAD AND CAMELOT CLOSE

Moved Cr Berwick

Seconded Cr Pitt

"That Council consider the following items in the 2007/08 budget:

- 1 (a) *That between Cape Tribulation and PK's the footpath be separated from the traffic by means of guide posts and a painted white line. Funds to be provided in the next budget to replace with concrete kerb. In the interim, Council to repaint the white line.*
- (b) *That a grass verge be created between Cape Tribulation shop and Coconut Beach Resort using existing safety audit funds.*
2. *Upgrading sections between Cape Tribulation and Cape Tribulation Beach House to bitumen standard with separate footpath.*
3. *That additional signage be installed at Cape Tribulation carpark turnoff.*
4. *That 'Gravel road ahead' signage be erected in advance of end of bitumen until such time as road is sealed."*

The matter was left on the table pending the provision of a detailed costing by the General Manager Engineering.

06/1017/33 DE0106M – VISITOR INFORMATION CENTRE

Moved Cr Egan

Seconded Cr Berwick

"That Council endorse the need for a showcase sustainable building in the shire and request the Sustainability Officer to prepare terms of reference for a project to achieve this at no, to minimal, cost to the shire."

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Manager Planning withdrew from the meeting at 3:09 pm.

06/1017/34 GP0706M – DAINTREE BUYBACK

Moved Cr Pitt

Seconded Cr Egan

"That Council write to the Queensland Premier, the Honourable Peter Beattie, seeking confirmation of his comments on the John MacKenzie talk back radio show prior to the last election regarding a fairer compensation package for people who lost their development rights in the Daintree."

With the agreement of the mover and seconder the motion was amended to read:

"That Council write to the Queensland Premier, the Honourable Peter Beattie, seeking confirmation of his comments on the John MacKenzie talk back radio show prior to the last election regarding a fairer compensation package for people who lost their development rights in the Daintree. Further, that Council obtain transcripts from the show to assist the writer in preparing the advice to the premier."

With the agreement of the mover and seconder the motion was further amended to read:

"That Council obtain the transcript from the John MacKenzie talk back radio show prior to the last election in which the Premier, the Honourable Peter Beattie, made comments regarding a fairer compensation package for people who lost their development rights in the Daintree."

Carried unanimously

REPORTS – CHIEF EXECUTIVE OFFICER

06/1017/35 SWIMMING POOL INSPECTION PROGRAM

Moved Cr Berwick

Seconded Cr Sciacca

"That Council delegate authority to the Chief Executive Officer to initiate legal proceedings in the Magistrates Court in circumstances where pool owners fail to comply with building code requirements for swimming pool fencing subsequent to reasonable notice for compliance being issued in accordance with the following:

- *initial inspection by pool compliance officer;*
- *enforcement notice issued, twenty (20) business days to reasonably comply with the notice and to consider owners' representations;*
- *reinspection of matters raised in the enforcement notice, generally within fourteen (14) days of the notice expiring;*
- *consideration of application of on-the-spot penalty for non-compliance (\$525);*
- *follow-up letter detailing outstanding areas of non-compliance extending compliance period by fourteen (14) days;*
- *reinspection within approximately twenty-one (21) days;*
- *if still non-compliant, a "Complaint – General Purposes – Made, and Summons" and on-the-spot penalty be issued."*

Carried unanimously

REPORTS – PROJECT MANAGER

Nil reports

TERMINATION

The meeting was closed at 3:11 pm.

Presented to and confirmed by Council on the *seventh* day of *November* 2006.

M P Berwick
Chair