



LOCAL GOVERNMENT MEETING

21 January 2016

MINUTES

Cr Bill Shannon	Mayor
Cr Glenn Raleigh	Division 1
Cr Bryce Macdonald	Division 2
Cr Alister Pike	Division 3
Cr Mark Nolan	Division 4
Cr Ian Rule	Division 5
Cr Kylie Farinelli	Division 6

Please find attached, minutes for the Local Government Meeting to be held in the Council Chambers - Board Room, 38-40 Bryant Street, Tully commencing at 9.00am.

Terry Brennan
CHIEF EXECUTIVE OFFICER

MINUTES

10.00am – 10.30am	Morning Tea during which the Mayor will announce the launch of Council's Reconciliation Action Plan "Reflect Rap".
12.15pm – 1.00pm	Lunch

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PRESENT:

Crs B Shannon (Mayor), B Macdonald (Deputy Mayor), G Raleigh, A Pike, M Nolan, I Rule and K Farinelli and Mr T Brennan (Chief Executive Officer), Mr P Cochrane (Director Corporate Services), Mr J W Pettigrew (Director Planning & Environmental Services), Mr D Goodman (A/g Director Works), Ms M Darveniza (Director Community Services), Mr R Blanchette (Tourism Coordinator, Ms P Veen (Economic Development Officer), Ms G Visini (Engineer Civil Works) and Mrs D Vitali (Minutes Clerk)

APOLOGIES:

Nil

1. CONFIRMATION OF MINUTES

1.1 CONFIRMATION OF MINUTES OF LOCAL GOVERNMENT MEETING, 17 DECEMBER 2015

Recommendation:

“That the Minutes of the Local Government Meeting held on 17 December 2015 be confirmed as a true and correct record.”

Moved Cr I Rule

Seconded Cr G Raleigh

Resolution Number 1165

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

2. RECEIPT OF MINUTES

2.1 RECEIPT OF MINUTES OF CCRC AUDIT COMMITTEE MEETING, 2 DECEMBER 2015

Recommendation:

“That the Minutes of the CCRC Audit Committee Meeting held on 2 December 2015 be received and noted.”

Moved Cr B Macdonald

Seconded Cr G Raleigh

Resolution Number 1166

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

3. BUSINESS FROM PREVIOUS MINUTES

3.1 LOCAL GOVERNMENT MEETING - 17 DECEMBER 2015 - PAGE 4 -NAMING OF RINAUDO BRIDGE

Cr Nolan advised that he had been contacted by Mr Strano who was appreciative of the decision made by the Council to rename the bridge the Rinaudo La Rocca Brodge. He has advised he is proposing to hold a small function at his family property when the new signage is erected to mark the occasion.

3.2 AUDIT COMMITTEE MEETING - 2 DECEMBER 2015 - PAGE 2 - ITEM 4.1

Cr Macdonald asked if an amendment had been made to the wording of the statutory declaration in the conditions of contract relating to payments by contractors to sub contractors. The CEO advised that no change had been made to the existing wording at this time and it would require legal advice to come up with appropriate wording. He also highlighted that this requirement could not override the provisions of the relevant legislation concerning payment to contractors when claims for payment were lodged.

At 9.10am Ms J Lightfoot (Communications Officer), Ms A Nugent (Manager Strategic Planning), Mr M Haque (Graduate Planner) and Mr J Fischer (Manager Asset Engineering) entered the meeting.

At 9.15am Mr G Smart (Manager Water) entered the meeting

At 9.35am Mr D Horton (Manager Planning Services) entered the meeting

3.3 NOTICE OF MOTION - WITHDRAWAL OF FUNDING TO GREAT GREEN WAY TOURISM INC. CARRIED FORWARD FROM 17 DECEMBER 2015 COUNCIL MEETING

Executive Summary:

A Notice of Motion was submitted by Cr Alister Pike in relation to a proposal to withdraw funding from Great Green Way Tourism Inc. in Cardwell for the provision of visitor services.

Moved Cr A Pike

Seconded Cr G Raleigh

Resolution Number 1167

"That as per the Notice of Motion, Council resolve to withdraw funding to Great Green Way Tourism Incorporated (GGWTI) for the provision of visitor services at the southern entry to the Cassowary Coast region and that the funding be reinvested into an alternative visitor service provider for Cardwell."

FOR - Crs. B Shannon, B Macdonald, A Pike and G Raleigh

AGAINST - Crs M Nolan, I Rule and K Farinelli

CARRIED

4. MANAGEMENT

4.1 COUNCIL MEETING DATES - FEBRUARY/MARCH 2016

Executive Summary:

Under the *Local Government Regulation 2012*, Section 277(1) - Public Notice of Meetings, Council is required to advertise details of when its Local Government Meetings will be held.

Given the 2016 Local Government Elections are scheduled to be held on 19 March 2016, proposed meeting dates for 2016 are listed herewith and if endorsed, are required to be advertised in the local newspapers and in public spaces within Council Offices:

Local Government Meeting (Works & Community Services) Innisfail	Local Government Meeting (Planning & Environment and Corporate Services) Tully
11 February 2016	25 February 2016
Local Government Meeting (One only to be held in Innisfail)	
10 March 2016	

The meeting arrangements post the Local Government election will be determined following discussions by the new Council.

Recommendation:

“That the Council endorse the proposed meeting schedule for the Local Government Meetings for the period February - March 2016 as outlined in the CEO's report.”

Moved Cr I Rule

Seconded Cr B Macdonald

Resolution Number 1168

"That the Recommendation be **adopted**."

FOR Unanimous

CARRIED

At 9.43am Mr M Allpress (Manager Environmental Services) entered the meeting.

5. WORKS

5.1 FAR NORTH QUEENSLAND PRINCIPAL CYCLE NETWORK PLAN

Executive Summary:

The Department of Transport and Main Roads have presented the updated Far North Queensland Principal Cycle Network Plan and requests Council endorsement of the proposals in the CCRC area.

Following endorsement Council is able to apply for matching funds towards the delivery of the local cycling infrastructure projects.

Recommendation:

"That Council:

- 1. Endorse the CCRC section of the Far North Queensland Principal Cycle Network Plan; and**
- 2. Apply for funding through the 2016-2017 Cycle Network Local Government Grants Program for projects subject to the capacity of Council to match the funds."**

Moved Cr A Pike

Seconded Cr B Macdonald

Resolution Number 1169

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

Reconciliation Action Plan Launch

The Mayor referred to the development of a Reconciliation Action Plan (RAP) by Council staff and expressed his support for the document, which he was pleased to be able to launch today. The Director Community Services advised that the document is an Internal RAP which is regarded as the first stage in the development of a broader document in the future. She introduced the staff members who are members of the internal working group for the RAP.

10.05am - 10.35am The meeting adjourned for morning tea. It was noted when the meeting reconvened that Ms Darveniza, Ms Veen and Mr Blanchette were no longer in attendance.

5.2 WORKS CAPITAL REPORT - DECEMBER 2015

Executive Summary:

The Works Department has adopted its Capital Works Program for the 2015-16 financial year. The status of individual projects is reported monthly.

Recommendation:

“That Council receive the report and acknowledge the status of Capital Works projects managed by the Works Department.”

Moved Cr B Macdonald

Seconded Cr G Raleigh

Resolution Number 1170

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

5.3 NDRRA WORKS PROGRAM PROGRESS REPORT - DECEMBER 2015

Executive Summary:

The Natural Disaster Relief and Recovery Arrangements (NDRRA) Works Program is a substantial program to be delivered by 30 June 2016. Eligible works under the NDRRA Works Program are funded by the Commonwealth Government (75%) and the Queensland Government (25%) over and above the Council's trigger point.

Recommendation:

“That Council acknowledge the status of the NDRRA Works Program.”

Moved Cr A Pike

Seconded Cr G Raleigh

Resolution Number 1171

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

5.4 FLYING FISH POINT JETTY PILES

Executive Summary:

This report has been prepared in relation to the existing jetty piles at Flying Fish Point following a request made during the General Business session of the Local Government Meeting, 11 June 2015 (Item 10.3 - Eroding Pylons at Flying Fish Point).

The Flying Fish Point Jetty (also known as the Flying Fish Point Wharf) was originally constructed at the mouth of the Johnstone River in the 1930s and the piles which remain are in poor condition and not suitable for re-use. At present, they are not considered to significantly impact on users of the adjacent boat ramp, but do pose a minor public liability risk. It is recommended to notify MSQ of the potential shipping hazard and install signage on the shore advising of the dangers of climbing on / diving off the piles, with a long term plan of monitoring the piles as they deteriorate and collapse into the river.

Recommendation:

“That:

1. Council receive this report; and
2. Council officers notify MSQ of the potential shipping hazard and install signage on the shore advising of the dangers of climbing on / diving off the piles, with a long term plan of monitoring the piles as they deteriorate and collapse into the river.”

Moved Cr A Pike

Seconded Cr B Macdonald

Resolution Number 1172

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

At 10.55am Ms Visini exited the meeting and it was noted that Mr Fischer was no longer in attendance.

5.5 CONTRACT NO. 1516-020 TULLY CBD WATER MAIN UPGRADE

Executive Summary:

The purpose of this report is for Council to consider submitted tenders and award Contract 1516-020 for the Tully CBD Water Main Upgrade. The works associated with this contract involve the replacement of aging water mains in part of Curtis St, Richardson St, Hort St, and Still St, Tully. The mains being replaced are 70 year old, 100mm diameter cast iron pipes with significant problems with ferric nodule growth. The replacement pipes will be 150mm diameter. The renewal and upgrade will improve fire fighting capability in the CBD area and cater for all long term growth.

It is proposed to award this lump sum contract to Northern Civil Services Pty Ltd who were the lowest tenderer for the project.

Cr Macdonald noted the report contained an incorrect date in the final paragraph on page 65 of the agenda. The correct date is 8 January 2016.

Recommendation:

"That:

- 1. The lump sum conforming tender for Contract 1516-020 Tully CBD Water Main Upgrade as submitted by Northern Civil Services Pty Ltd be accepted for the amount of \$545,005.26 including GST.**
- 2. Additional funds of \$140,000 be allocated from reserves to project 101178 to cover the full project costs of this project estimated at \$591,000 (excluding GST) including survey, design, contract costs and contract supervision".**

Moved Cr A Pike

Seconded Cr B Macdonald

Resolution Number 1173

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

At 11.00am Mr A Page (Manager Finance) entered the meeting and Cr Pike exited the meeting.

6. COMMUNITY

6.1 DELEGATIONS COUNCIL TO CHIEF EXECUTIVE OFFICER

Executive Summary:

As per the *Local Government Act 2009*, Section 257, Council is required to update delegations from Council to the Chief Executive Officer (CEO) when amendments have been made to a particular Act or powers under an existing Act is required.

Recommendation:

"Pursuant to section 257 of the *Local Government Act 2009*, Council resolves to—

- 1. *Delegate the exercise of all powers contained in the Housing Regulation 2015 to the Chief Executive Officer.***
- 2. These powers must be exercised subject to any limitations as stated in the Instrument of Delegation 'Limitations and conditions to the Exercise of Power.'**

Moved Cr B Macdonald

Seconded Cr G Raleigh

Resolution Number 1174

"That the Recommendation be **adopted**."

Cr Pike was not in attendance for this item.

FOR - Unanimous

CARRIED

Delegable Powers under the Housing Regulation 2015 ("HOUR")

Status	New
Delete	Nil
Amended	Nil

Part 2 - Housing services requirements

Division 3 – Governance and service delivery

Entity power given to	Section of HOUR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Funded Provider	15(1)	Power to accept an application from a person for a social housing service.	Yes	Housing Coordinator (HC)		Refer Schedule 1 below.
Funded Provider	18(2)	Power to give the chief executive information, in the approved form, about each funded property for the service.	Yes	(HC)		Refer Schedule 1 below.
Funded Provider	19(3)	Power to comply with a request made under section 19(2) within the time stated in a notice provided under sub section.	Yes			Refer Schedule 1 below.

Table of Delegable Powers
Housing Regulation 2015

Current as at 1 September 2015

Part 5 - Miscellaneous

Entity power given to	Section of HOUR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Accommodation Provider	37(2)	Power to consult with the chief executive about the most appropriate method for transferring or otherwise disposing of a relevant asset.	Yes	Manager Community Development & Services (MCDS)		Refer Schedule 1 below.
Accommodation Provider	37(3)	Power to seek the Chief Executive's written consent to transfer or otherwise dispose of a relevant asset in a particular way.	Yes	MCDS		Refer Schedule 1 below.

Limitations and Conditions to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

At 11.05 Cr Pike re-entered the meeting.

7. PLANNING & ENVIRONMENT

7.1 DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION FOR CCRC TO JOIN A WET TROPICS HEALTHY WATERWAYS PARTNERSHIP

Executive Summary:

A request by Department of Environment and Heritage Protection for CCRC to join a Wet Tropics Healthy Waterways Partnership and participate in the roll out of regional waterway health report cards along the Great Barrier Reef coast.

Recommendation:

"That Council:

- a) agree "in principle" to support becoming a member of the Wet Tropics Healthy Waterways Partnership;**
- b) nominate the Manager of Environmental Services as Council's representative for the partnership;**
- c) Council's contribution be on an "in-kind" basis. If further requests are received they be considered at that time and in line with budget provisions."**

Moved Cr I Rule

Seconded Cr A Pike

Resolution Number 1175

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

At 11.15am Mr Smart exited the meeting.

7.2 APPLICATION FOR CONVERSION OF TWO TERM LEASES TO FREEHOLD, CORAL SEA DRIVE, CARDWELL

Executive Summary:

Council is in receipt of correspondence requesting Council's views and/or requirements in relation to an application for the conversion of the following two leases to freehold:

- Term Lease 212061 described as Lot 27 on CWL2281 and situated at Coral Sea Drive, Cardwell; and
- Term Lease 209689 described as Lot 26 on CWL2281 and situated at Coral Sea Drive, Cardwell.

The application as it relates to Lot 27 is only for part of the lot to be converted to freehold. The Department of Natural Resources and Mines are also seeking Council's views in relation to the conversion of the balance area to road reserve.

Recommendation:

"That the Department of Natural Resources and Mines be advised that:

- 1. Council will not support the conversion of Term Lease 212061 and Term Lease 209689 to freehold until:**
 - (a) any current unlawful uses being undertaken on Lot 26 and Lot 27 on CWL2281 ceases;**
 - (b) compliance with the current leases is achieved in relation to the use of the subject lots; and**
 - (c) all outstanding rates payable for the subject lots have been paid.**
- 2. Should the Council requirements in 1. above be met and part of Lot 27 CWL2281 be converted to freehold, Council has no objection to the balance of Lot 27 becoming road reserve and forming part of Meunga Creek Boat Ramp Road."**

Moved Cr A Pike

Seconded Cr M Nolan

Resolution Number 1176

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

7.3 SUBMISSION ON PROPOSED PLANNING LEGISLATION AND ASSOCIATED STATUTORY DOCUMENTS

Executive Summary:

The State Government has been undertaking a planning reform process which will result in the repeal of the *Sustainable Planning Act 2009* and the introduction of new planning legislation. A number of versions of this new planning legislation have been released and Council has made submissions on each version.

The *Planning and Development (Planning for Prosperity) Bill 2015 (P&D Bill)* was introduced to Parliament as a Private Member's Bill on 4 June 2015. Consultation on the P&D Bill was commenced by the Infrastructure, Planning and Natural Resources Committee and Council made a submission on the P&D Bill on 9 July 2015. However, consultation on the P&D Bill was subsequently suspended to allow concurrent consideration with the State government's proposed Planning Bills.

On 12 November 2015 the *Planning Bill 2015 (Planning Bill)* was introduced to Parliament. Therefore, concurrent consultation was undertaken by the Infrastructure, Planning and Natural Resources Committee in relation to the Planning Bill and P&D Bill. Submissions were due on 18 January 2016.

Due to the timing of the public consultation over the Christmas break and the timeframe for making a submission, Council officers had to proceed to make a submission on the Planning Bill and P&D Bill prior to its endorsement by Council. The purpose of this report is to inform Council as to the content of the submission that was made in relation to the Bills and seek Council's retrospective endorsement of that submission.

While this consultation on the Bills was occurring, the Department of Infrastructure, Local Government and Planning (**DILGP**) released the following statutory documents associated with the Planning Bill for comment:

- Planning Regulation 2016;
- Draft Statutory Instrument 01/XX: Development Assessment Rules;
- Draft Statutory Instrument 01/XX: Plan Making Rules;
- Draft Infrastructure Designation: Statutory Guideline for Local Government; and
- Draft Infrastructure Designation: Statutory Guideline for Ministerial Designations.

Submissions on these statutory documents are due by 5 February 2016. The purpose of this report is also for Council to make a submission on these statutory documents.

7.3 SUBMISSION ON PROPOSED PLANNING LEGISLATION AND ASSOCIATED STATUTORY DOCUMENTS CONT.

Recommendation:

“That Council:

- 1. Endorse the content of the submission on the Planning Bill 2015 and Planning and Development (Planning for Prosperity) Bill 2015 in Attachment 1 of this report;**
 - 2. Note the lodgement of the submission on the Planning Bill 2015 and Planning and Development (Planning for Prosperity) Bill 2015 in Attachment 1 of this report prior to the due date for submissions on 18 January 2016; and**
 - 3. Make the submission in Attachment 2 of this report on the Planning Regulation 2015 and associated statutory documents.”**
-

Moved Cr G Raleigh

Seconded Cr A Pike

Resolution Number 1177

“That the Recommendation be adopted.”

FOR - Unanimous

CARRIED

7.4 APPLICATION FOR THE TEMPORARY CLOSURE OF PART OF LEO ROAD, EL ARISH

Executive Summary:

Council has received a request for Council's views in relation to the proposed temporary closure of part of Leo Road, El Arish. The section of Leo Road proposed to be closed is adjacent to Lot 345 NR7151, which is a banana farm. The proposed use of the area, if the road closure is approved, is to block and wash down traffic coming onto Lot 345 in support of biosecurity measures related to Panama TR4 disease.

Recommendation:

“That Council object to the temporary closure of part of Leo Road adjacent to Lot 345 NR7151, for the following reasons:

- (a) Council reviewed and amended its Road Closure Applications Policy on 29 October 2015; and**
 - (b) in accordance with the Road Closure Applications Policy adopted by Council on 29 October 2015, Council will object to an application for a temporary road closure where the proposed closure may result in the contamination of the subject road, including contamination that may cause or exacerbate a biosecurity risk; and**
 - (c) the proposed use of the area, if the temporary road closure is approved, is to wash down traffic, which has the potential to cause or exacerbate a biosecurity risk.”**
-

7.4 APPLICATION FOR THE TEMPORARY CLOSURE OF PART OF LEO ROAD, EL ARISH CONT.

Moved Cr G Raleigh

Seconded Cr A Pike

Resolution Number 1178

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

7.5 SPS2015/0002 - REQUEST FOR APPLICATION OF SUPERSEDED PLANNING SCHEME

Executive Summary:

Council is in receipt of a request for assessment of a development proposal under the Superseded Planning Scheme (Johnstone Shire Council Planning Scheme - 2005). Under *Section 95 of the Sustainable Planning Act 2009(1) a person may, by written notice given to a local government, ask the local government -*

(b) to assess and decide a proposed development application under a superseded planning scheme.

At this stage, Council is only required to determine whether or not the application will be permitted to be lodged under the superseded scheme. No assessment of the application with regard to its merits has occurred or is required at this time.

If council allows the application to be considered under the superseded scheme, then a formal application must be made within 6 months (Section 99(2) of SPA) and will then be fully assessed, including public notification for impact assessable applications.

The applicant has outlined in the Request to apply the superseded planning scheme - Sustainable Planning Act form 2 that Council determine whether they are prepared to assess and decide an application for Reconfiguration of a Lot (6 Lots into *** Lots) on land described as Lot 3 & 7 on RP703989, Lot 4 on RP703043, Lot 13 on SP100463, Lot 8 on NR5553 and Lot 11 on SP186147 and situated at Flying Fish Point Road, Eaton, Flying Fish Point Road, Innisfail Estate and Reynolds Road, Eaton under the Superseded Planning Scheme (Johnstone Shire Council Planning Scheme 2005).

An email was sent on 7 January 2016 to the applicant (RPS) requesting confirmation on the actual request being lodged for assessment and a confirmation email was received by Council on 12 January 2016 outlining that the intent was only for the three (3) lots (Lot 3 & 7 on RP703989 and Lot 13 on SP100463).

7.5 SPS2015/0002 - REQUEST FOR APPLICATION OF SUPERSEDED PLANNING SCHEME CONT.

This request is being made with claimed support as follows:

- Our strategy, developed in consultation with officers from Cassowary Coast Regional Council provided for the preparation of an overall development master plan for all of the land owned by various parties within the 3 different development consortiums.
- An agreed strategy was embarked upon in late 2014/early 2015 producing a master plan for the overall development that received "in principle" support from Senior Council officers in late May 2015.
- Following receipt of this "in principal" support; we proceeded with the preparation of a detailed "Reconfiguration of a Lot" proposal plan for the entire Masterplan area. At the same time, the project engineers continued their task of and preparing strategies for the delivery of the range of service infrastructure (sewer/water, stormwater drainage etc) required to service the overall development.
- These works continued over mid-to-late 2015 and resulted in the finalisation of these documents in late November 2015.

Recommendation:

"In accordance with Sections 96 & 97 of the Sustainable Planning Act 2009, Council issue a Notice of Decision stating that a proposed application for Reconfiguring a Lot on land described as Lots 3 & 7 on RP703989 & Lot 13 on SP100463, situated at Flying Fish Point Road, Eaton and Flying Fish Point Road, Innisfail Estate will be assessed and decided under the Superseded Johnstone Shire Council Planning Scheme 2005 only if the proposed application is generally in accordance with the proposed Future Development Master Plan - Project No. 123446, dated April 2015."

Moved Cr I Rule

Seconded Cr G Raleigh

Resolution Number 1179

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

Resignation of Manager Strategic Planning

The Mayor and Councillors congratulated the Manager Strategic Planning, Ms Aletta Nugent, on her recent appointment in a Director level role at another Council and thanked her for the excellent work she had undertaken in the strategic planning area, including development of the CCRC Planning Scheme, and wished her well in her future career.

At 12.00 noon Ms Nugent, Mr Haque and Mr Horton left meeting and Mr Smart returned to the meeting.

Resignation - Manager Finance

The Mayor noted that the Manager Finance, Mr Andrew Page, had accepted a position with another Council to advance his career in local government and thanked him for the excellent work he had undertaken whilst with CCRC. He extended his best wishes to Mr Page for the future in his new role.

8. CORPORATE

8.1 CORPORATE SERVICES FINANCIAL REPORT DECEMBER 2015

Executive Summary:

The purpose of this report is for Council to receive the Financial Report for the period ending 31 December 2015 prepared on 6 January 2016.

The Director Corporate Services and Manager Finance will be available at the Council meeting to answer any questions Councillors may have

Recommendation:

“That the report be received and noted.”

Moved Cr B Macdonald

Seconded Cr A Pike

Resolution Number 1180

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

9. PETITION

9.1 WATER CHARGES CARDWELL - PETITION

Executive Summary:

Council has received a petition signed by a number of residents in Cardwell requesting a moratorium on water charges pending the outcome of an independent full cost price analysis.

Council has submitted to the Water Regulator (DEWS) a substantial amount of financial data that is summarised in the *Water Section - Performance Report 2014-2015* and which is available on Council's web site. The data included in the performance report refutes the claims in the petition and in emails by the Principal Petitioner that the water charges for Cardwell are too high and cannot be justified.

Further communication may be needed with the community to outline the basis for water charging particularly in relation to the increases impacting the southern area.

Recommendation:

“That Council:

1. Advise the Principal petitioner that:

- an independent analysis of water charges for the Cardwell Water Supply Scheme is not proposed to be undertaken;
- financial information on water operations has been supplied to the Water Regulator (DEWS) and is publically available on Council's website;
- the case for any further increases in water charges will be subject to Council deliberations prior to the next budget cycle and will take into account all relevant factors, including concerns about increases to charges.

2. Develop further information for release on water charges to better communicate the basis for the charging arrangements and increases.”

Moved Cr K Farinelli

Seconded Cr B Macdonald

Resolution Number 1181

"That the Recommendation be **adopted**."

FOR - Crs. B Shannon, B Macdonald, A Pike, M Nolan, I Rule & K Farinelli

AGAINST - Cr G Raleigh

CARRIED

10. NOTICE OF MOTION

Nil

11. GENERAL BUSINESS

11.1 POSSIBLE FIRE RISK

Cr Raleigh advised that the heavily overgrown vacant land/easement situated at the end of Bowen Street near the Coast Guard building is a possible fire risk. Fire Wardens have requested permission from Council for a permit to burn the overgrown easement but to date have not received a response.

11.2 2015/16 BUDGET ALLOCATION FOR SPECIFIC PROJECTS

Cr Nolan enquired as to how the Dog Audit was progressing as money was allocated in the 2015/16 budget for this purpose. Mr Pettigrew advised that he understood Stage One will be commencing shortly at Mission Beach and East Innisfail.

Cr Nolan also asked how the Proposed Drug testing program is progressing. Mr Brennan advised that a draft of an updated Drug and Alcohol Policy had been finalised and awaiting any feedback from the LGAQ. Once this had occurred the policy will be considered by the employee Joint Consultative Committee for endorsement.

11.3 OPENING OF NEW INNISFAIL COMMERCIAL WHARF

Cr Nolan enquired as to whether Council had made any arrangements for a government representative to open the wharf and if a date had been allocated. The Mayor advised that Council is proposing to write to the Minister for State Development to invite him to undertake the opening.

11.4 LINE MARKING ON COOLIBAH STREET

Cr Pike advised that he believes there is a small piece of line marking required along a section of Coolibah Street that he feels is dangerous. The CEO advised that the Works Department have inspected the site and in their opinion it does not require line marking at this time.

Cr Macdonald advised that the road does have an unusual alignment and that the intersection is not entirely square.

It was agreed the Works Department would review the intersection and the need for line marking.

11.5 ABSENCE FROM COUNCIL

Cr Rule advised that he would be unavailable from next week for a period of three weeks as he will be having a major operation on his knee.

Cr Pike advised that he would not be in attendance for the Confidential section of the meeting Agenda as he has a prior engagement.

At 12.35pm - 1.13pm The meeting adjourned for lunch. It was noted when the meeting reconvened that Ms N Gassin (Corporate Governance Coordinator) and Mr Smart were in attendance and Cr Pike, Mr Goodman and Mr Page had left the meeting.

Moved Cr B Macdonald

Seconded Cr G Raleigh

Resolution Number 1182

"That in accordance with Section 275 (1) of the Local Government Regulation 2012, Council close the meeting to the public to discuss the following confidential reports listed in the Agenda:

11.1 STOTERS HILL QUARRY LEASE - INVITATION TO TENDER

Reason for Confidentiality

This report is CONFIDENTIAL in accordance with Section 275(1)(e) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it**

11.2 OUTSTANDING RATES AND CHARGES

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(f) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (f) starting or defending legal proceedings involving it

11.3 OUTSTANDING RATES AND CHARGES - LEGAL ACTION

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(f) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (f) starting or defending legal proceedings involving it

11.4 SCOTTY'S BEACH HOUSE - CREDIT FOR TRADE WASTE CHARGES

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(d) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (d) rating concessions

11.5 CEO - PERFORMANCE REVIEW FOR 2015

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 275(1)(b) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

- (b) industrial matters affecting employees

FOR - Unanimous

CARRIED

At 1.30pm Ms K Vick entered the meeting in order to discuss two Confidential Reports relating to outstanding rates and at 1.35pm Ms Gassin and Mr Smart left the meeting.

At 2.05pm Mr Pettigrew, Mr Cochrane, Ms Vick and Mrs Vitali left the meeting during discussion of the report on the CEO's performance review.

Moved Cr G Raleigh

Seconded Cr I Rule

Resolution Number 1183

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

FOR - Unanimous

CARRIED

At 2.10pm Mrs Vitali re-entered the meeting.

12. CONFIDENTIAL

12.1 STOTERS HILL QUARRY LEASE - INVITATION TO TENDER

Executive Summary:

Council sent out Invitation to Tender No.1415-011 under Chapter 6 of the *Local Government Regulation, 2012* for the Lease from Council of its Stoter's Hill quarry site on 24 September 2014.

The successful Tenderer will conduct the quarry operation on a commercial basis on the final terms of the lease entered into between Council and the successful Tenderer. The terms and conditions of the lease will be in the form of the lease as per Attachment A.

Only one Tender submission was received by 21 November 2014, being from Pan Property Holdings Pty Ltd (now trading as Hastings NQ). Nineteen (19) requests for tender documentation were received during the tender period, with eighteen failing to provide a tender submission.

Although there were a few requests for documents made primarily out of interest, most found the requirements of the Tender in relation to the preparation of a Quarry Management Plan and End of Lease Plan and the associated conditions too onerous and expensive to proceed.

The unusual nature and complexity of a waste facility located in the immediate proximity to a quarry has given rise to significant and complex issues which up until this time, have not been addressed in the current lease for the long term future of either site. Such negotiations have required both parties to seek expertise and advice internally and externally to address these issues and to come to a mutually agreeable position. It is understandable therefore, that Council's negotiations with Hastings NQ have been somewhat protracted, seeing normal timelines for such negotiations take longer than would normally be expected, with due diligence practices being a priority.

12.1 STOTERS HILL QUARRY LEASE - INVITATION TO TENDER CONT.

Recommendation:

“That:

1. Council accept the tender from Hastings NQ as the Lessee for the Stoters Hill Quarry for a period of ten (10) years with an Option to Renew for a further five (5) years if all conditions met.
2. The Chief Executive Officer be authorised to finalise negotiations in terms of the final conditions of the lease agreement and the Quarry Management Plan.”

Moved Cr I Rule

Seconded Cr G Raleigh

Resolution Number 1184

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

12.2 OUTSTANDING RATES AND CHARGES

Executive Summary:

This report is presented for Council information regarding the current status of the rates and charges. An update regarding legal action currently underway is provided.

Recommendation:

“That the report be received and noted.”

Moved Cr I Rule

Seconded Cr G Raleigh

Resolution Number 1185

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

12.3 OUTSTANDING RATES AND CHARGES - LEGAL ACTION

Executive Summary:

The Council has been undertaking recovery action on a number of properties to recoup the outstanding rates. It is proposed to commence sale of land proceedings and debt recovery action in accordance with the provisions of the *Local Government Regulation 2012*.

Recommendation:

“That Council proceed to commence the sale of land for the properties detailed in the schedule for overdue rates and charges in accordance with Section 140 of the *Local Government Regulation 2012*.”

Schedule

Property No.	Valuation	Current Balance	Land Use	Area (Ha)
107200	\$62,000	\$15,684.04	Single Unit Dwelling	0.1265
118360	\$101,000	\$13,570.99	Single Unit Dwelling	0.0809
120510	\$104,000	\$9,283.23	Large homesite-vacant	1.073
122690	\$81,000	\$18,727.79	Single Unit Dwelling	0.08
132140	\$54,000	\$12,588.03	Single Unit Dwelling	0.1012
148170	\$58,000	\$14,944.77	Single Unit Dwelling	0.1214
151570	\$56,000	\$16,807.18	Single Unit Dwelling	0.0845
155880	\$89,000	\$18,955.28	Single Unit Dwelling	0.1619
161830	\$300,000	\$41,044.62	Shop Single - Single Unit Dwelling	0.0599
164580	\$275,000	\$20,217.25	Single Unit Dwelling	0.0632
170910	\$290,000	\$40,859.00	Large homesite - Dwelling	3.602
172800	\$43,500	\$10,616.79	Single Unit Dwelling	0.1012
172810	\$46,000	\$13,217.26	Single Unit Dwelling	0.1012
177090	\$33,000	\$10,801.80	Single Unit Dwelling	0.1012
182910	\$49,000	\$14,516.72	Single Unit Dwelling	0.0812
194110	\$350,000	\$62,361.21	Livestock grazing	233.4
209780	\$275,000	\$46,841.48	Livestock grazing	255.311
215380	\$170,000	\$11,402.39	Outbuildings	12.02
217470	\$128,000	\$14,183.80	Vacant Urban Land	0.1012
218060	\$112,000	\$7,837.96	Large Homesite - Vacant	6.112
219960	\$115,000	\$18,347.09	Vacant Urban Land	0.076 & 0.0829
219990	\$80,000	\$11,510.75	Vacant Urban Land	0.0972
232770	\$42,500	\$8,187.72	Single Unit Dwelling	0.1
236350	\$123,000	\$13,931.45	Large Homesite - Dwelling	1.011
237970	\$100,000	\$11,640.92	Large Homesite - Dwelling	0.99
242920	\$92,000	\$9,091.88	Large homesite - Dwelling	4.39
255980	\$60,000	\$11,074.00	Vacant Urban Land	0.06
267480	\$152,500	\$12,885.37	Guest House Private Hotel	0.9
267690	\$135,000	\$14,218.08	Large Homesite - Dwelling	0.57

12.3 OUTSTANDING RATES AND CHARGES - LEGAL ACTION CONT.

Moved Cr G Raleigh

Seconded Cr M Nolan

Resolution Number 1186

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

12.4 SCOTTY'S BEACH HOUSE - CREDIT FOR TRADE WASTE CHARGES

Executive Summary:

Council has received a request from the owners of Scotty's Beach House requesting reimbursement of trade waste charges from 2011 based on lower trade waste volumes now arising from dedicated trade waste submeters. The trade waste volume charge for this business is substantially reduced from that based on the previous methodology in which the trade waste volume was calculated by offsets from measured water consumption.

The previous charging mechanism from 2011 was based on trade waste charging systems of a number of other authorities including Cairns and major authorities in South East Queensland. As Council was using industry norms to establish its charges, there is no case for reimbursement of trade waste payments other than the credit arrangement that was endorsed on the introduction of the revised Trade Waste Environmental Management Plan in June 2014.

Recommendation:

"That,

1. The owners of Scotty's Beach House be advised that the charging mechanism applied to their business from 2011 to the introduction of trade waste submetering in 2015 was consistent with industry norms and that no further credit other than as outlined herein will be supported.
2. Based on trade waste payments received to date and the credit as noted from the calculations herein, that a credit be applied against the full amount of the debt payable for the period June 2014 to December 2014 (\$3254.99) and January 2014 to June 2014 (\$1800.37) and the trade waste charge of \$278.60 for the period June 2015 to January 2016 be waived."

Moved Cr M Nolan

Seconded Cr B Macdonald

Resolution Number 1187

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

12.5 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW FOR 2015

Executive Summary:

A review of the Chief Executive Officer's performance over the past 12 months has recently been completed. This is in accordance with the requirements of his current contract of employment with the Council.

Recommendation:

“That the report of the Performance Review Panel be received and the outcomes of the review of the CEO's performance be endorsed.”

Moved Cr B Shannon

Seconded Cr B Macdonald

Resolution Number 1187

"That the Recommendation be **adopted**."

FOR - Unanimous

CARRIED

At 2.15pm There being no further business, the Mayor declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 11TH DAY OF FEBRUARY 2016

Mayor