



LOCAL GOVERNMENT MEETING

12 May 2016

MINUTES

Cr John Kremastos	Mayor
Cr Glenn Raleigh	Division 1
Cr Rick Taylor	Division 2
Cr Wayne Kimberley	Division 3
Cr Mark Nolan	Division 4
Cr Jeff Baines	Division 5
Cr Ben Heath	Division 6

Please find attached, minutes for the Local Government Meeting to be held in the Innisfail Shire Hall - Level 2 Board Room, 70 Rankin Street, Innisfail commencing at 9.00am.

Terry Brennan
CHIEF EXECUTIVE OFFICER

MINUTES

10.00am – 10.30am	Morning Tea
12.15pm – 1.00pm	Lunch

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PRESENT:

Crs J Kremastos (Mayor), R Taylor (Deputy Mayor), G Raleigh, W Kimberley, M Nolan, J Baines and B Heath and Mr T Brennan (Chief Executive Officer), Mr P Cochrane (Director Corporate Services), Mr J W Pettigrew (Director Planning & Environmental Services), Mr D Trotter (Director Works), Ms L Trott (Communications Officer) and Ms J Cooksley (Minutes Clerk).

Mayor Kremastos acknowledged the Mamu people, the traditional owners and caretakers of the land on which the meeting is being held and paid his respects to the Mamu elders, both past and present.

MINUTE'S SILENCE

In light of the recent passing of John Hughes, the owner/editor of the Tully Times newspaper and well respected community member, the Mayor extended his condolences to John's Mother, his siblings and the Tully community on behalf of the Council and asked the Councillors and meeting participants to stand to observe a minute's silence.

1. CONFIRMATION OF MINUTES

1.1 CONFIRMATION OF MINUTES OF LOCAL GOVERNMENT MEETING, 21 APRIL 2016

Recommendation:

"That the Minutes of the Local Government Meeting held on 21 April 2016 be confirmed as a true and correct record."

Moved Cr M Nolan

Seconded Cr G Raleigh

Resolution Number 1253

"That the Recommendation be adopted."

FOR - Unanimous

2. RECEIPT OF MINUTES

Nil

3. BUSINESS FROM PREVIOUS MINUTES

3.1 CLOCK LOCATED ON THE FORESHORE IN THE MAIN CBD OF CARDWELL

Cr Raleigh provided an update in relation to his request on 25 February 2016 to have the clock located on the foreshore in the main CBD area of Cardwell repaired or removed. A member of Great Green Way Tourism Inc. (GGWTI) has advised Council that GGWTI does not own the clock which they advise was 'gifted' to the community by them. The Council will need to determine the cost/feasibility of repairing the clock, or if the costs are unreasonable, take steps to remove it.

4. MANAGEMENT

4.1 NORTH QUEENSLAND LOCAL GOVERNMENT ASSOCIATION (NQLGA) ANNUAL CONFERENCE - CALL FOR MOTIONS

Executive Summary:

Advice has been received that the North Queensland Local Government Association (NQLGA) Conference will be held in Cloncurry from 27 - 29 July 2016 (see attached).

The NQLGA holds one conference per year, hosted by a Member Council in its catchment area. The programme for the conference includes the General Meeting and the Annual General Meeting, and a number of presentations from guest speakers who provide information and discuss current topics of interest to Local Governments (including LGAQ).

Each Member Council is entitled to nominate two 'delegates' who will be the designated representatives for voting purposes during the AGM and General Meeting.

The Conference Programme will be available in mid to late May 2016.

In the meantime, the NQLGA are calling for agenda items for consideration at the conference with the deadline for receipt of motions being cob Friday, 17 June 2016.

Recommendation:

“That Council give consideration to whether it wishes to submit a motion/s to the NQLGA Conference being held in Cloncurry from 27 - 29 July 2016.”

Moved Cr M Nolan

Seconded Cr G Raleigh

Resolution Number 1254

"That the Chief Executive Officer's report dated 29 April 2016 be received and noted. Further, that Council give consideration to whether it wishes to submit a motion/s to the NQLGA Conference being held in Cloncurry from 27 - 29 July 2016 prior to the deadline for receipt of motions on 17 June 2016."

FOR - Unanimous

CARRIED

4.2 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION: NATIONAL GENERAL ASSEMBLY, 19 - 22 JUNE 2016

Executive Summary:

Advice has been received that the National General Assembly (NGA) of the Australian Local Government Association (ALGA) will be held in Canberra from 19 - 22 June 2016.

The deadline for receipt of 'early bird' registrations to give Council's the opportunity to register their attendance at the special rate of \$929, as opposed to the standard rate of \$1,029, is close of business on 13 May 2016.

Recommendation:

"That Council nominate Mayor John Kremastos as its representative to attend the Australian Local Government Association's National General Assembly in Canberra from 19 - 22 June 2016 and his attendance expenses be met by Council."

Moved Cr W Kimberley

Seconded Cr M Nolan

Resolution Number 1255

"That Council nominate Mayor John Kremastos and Deputy Mayor, Cr Rick Taylor to represent it at the Australian Local Government Association's National General Assembly in Canberra from 19 - 22 June 2016 and their attendance expenses be met by Council."

FOR - Unanimous

CARRIED

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

5. WORKS

5.1 CONTRACT NO. 1516-024 - NYLETA HILL WATER RESERVOIR - CONSTRUCTION OF ACCESS ROAD AND BULK EARTHWORKS

Executive Summary:

The purpose of this report is for Council to consider submitted tenders and award Contract 1516-024 for the Nyleta Hill Water Reservoir - Construction of Access Road and Bulk Earthworks. The works associated with this contract include the construction of a concrete access road up Nyleta Hill and bulk earthworks to form the pad for a proposed 3.3ML water reservoir that is intended to be constructed in 2016/17.

It is proposed to award this lump sum contract to Rylsey Enterprises trading as Celtic Construction and Utility Services Pty Ltd who were the highest scoring tender following the assessment process.

Recommendation:

"That:

- 1. The lump sum conforming tender for Contract 1516-024 Nyleta Hill Water Reservoir - Construction of Access Road and Bulk Earthworks as submitted by Rylsey Enterprises trading as Celtic Construction and Utility Services Pty Ltd, being the most advantageous to Council, be accepted for the amount of \$1,381,995.07 (Incl. GST).**
- 2. It be noted that funding is available for this project and includes the State government subsidy of \$752,850 made available under the Local Governments Grants and Subsidies program (LGGSP)."**

Moved Cr M Nolan

Seconded Cr G Raleigh

Resolution Number 1256

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

9.25am Messrs P Cochrane and G Smart left the meeting.

5.2 WORKS CAPITAL REPORT - APRIL 2016

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 R Taylor

Seconded Cr J Baines

Resolution Number 1257

"That the Recommendation be adopted."

FOR - Unanimous

9.45am Ms M Darveniza (Director Community Services) entered the meeting accompanied by Mr P Cochrane (Director Corporate Services).

9.50am Mr G Singh (Manager Finance) entered the meeting.

5.3 WORKS DEPARTMENT - CAPITAL WORKS PROGRAM BUDGET REVIEW

Executive Summary:

This report is to inform Council of the progress of the Works Department Capital Works Program budget and to advise the reasons for significant variations in the budget allocations.

Recommendation:

“That the budget revisions for the Works Department Capital Works Programs and the relevant explanations for the significant budget variations be received and endorsed.”

Moved Cr G Raleigh

Seconded Cr B Heath

Resolution Number 1258

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

6. COMMUNITY

Nil

7. PLANNING & ENVIRONMENT

7.1 CONTRACT NO. 1516-026 - TULLY LANDFILL CAPPING OF CELLS ONE AND TWO - STAGE 1

The Director Planning & Environmental Services asked that the report, Contract No. 1516-026 - Tully Landfill Capping of Cells One and Two - Stage 1 be withdrawn to allow him to obtain further information about the evaluation process for the tenders received to ensure Council is able to make an informed decision about the awarding of the contract when the matter is considered at a future meeting.

The Councillors agreed to the withdrawal of the report.

8. CORPORATE

8.1 AMENDMENTS TO MEDIA AND COMMUNICATIONS POLICY

Executive Summary:

The purpose of this report is to seek Council's endorsement of the amendments to the Media and Communications Policy.

Council is committed to providing timely, accurate and consistent information and this policy outlines the principles and process to achieving this objective.

Recommendation:

"That the amended Media and Communications Policy be approved."

Moved Cr M Nolan

Seconded Cr G Raleigh

Resolution Number 1260

"That the Recommendation be adopted subject to an additional amendment to the Media and Communications Policy as follows:

While the Mayor is the official Councillor spokesperson, other Councillors are likely to be approached by the media. Councillors can make public comment, as a Committee Chairperson, on matters that relate to their (DELETE) portfolio area and (INSERT) Committee provided the comments reflect established policy or decisions made by Council as a whole."

FOR - Unanimous

CARRIED



Media and Communications Policy

Policy Number: 2.32

1. Authority

Local Government Act 2009

2. Policy Statement

The Cassowary Coast Regional Council is committed to providing timely, accurate and consistent information to the community.

3. Principles

This policy outlines the formal process to ensure all media releases, statements and enquiries about Cassowary Coast Regional Council issues are managed professionally and appropriately.

It has been developed to:

- (a) Establish protocols and methods for managing communication with the media to provide a professional presence;
- (b) Ensure that all communication with the media is well-informed, timely and appropriate;
- (c) Ensure Council is continually presenting a consistent message across any particular topic or issue;
- (d) Help to maximise publicity opportunities for Council;
- (e) Ensure Council's media statements are communicated in an easy-to-understand format; and
- (f) Ensure Council's corporate integrity is maintained through media relations.

4. Scope & Responsibility

This policy applies to Councillors and to all individuals employed or contracted by the Cassowary Coast Regional Council. It sets out the Council's commitment to a consistent and practical system.

5. Definitions

Media Releases: Information/statements that Council sends to media outlets on corporate letterhead.

Public comment: Public speaking engagements, comment to radio, television, print media, online media outlets, views expressed in letters to newspapers, journals, notices where it might be expected that the publication of the comment will spread to the community at large.

6. POLICY

6.1 Media and Communications Officer's Role

The Media and Communications Officer will liaise with the media on behalf of Council. This officer has expertise in media affairs and is well-versed in handling enquiries from print and electronic media.

If staff members receive an enquiry from the media, they are not to respond directly to the request except as authorised within this document. The request must be directed to the Media and Communications Officer.

This officer will determine the nature of the enquiry and the most appropriate method of response, and will liaise with relevant staff and undertake any research necessary to prepare a response.

The Media and Communications Officer will issue media releases that have been authorised by the Mayor and Chief Executive Officer, on issues of direct benefit to the Council as a whole.

If the Media and Communications Officer is absent, media requests should be forwarded to the Chief Executive Officer's Executive Secretary.

6.2 Official Spokespersons

The Mayor and the Chief Executive Officer are the official spokespersons for Council.

The Mayor is an official spokesperson for all matters relating to Council policy and decision-making, and is the only Councillor authorised to make official public comment in relation to Council's overall operations. The Mayor is also responsible for communicating Council's political responses and responses to, or on behalf of, community advocacy issues.

The Chief Executive Officer is the official Council spokesperson on all matters relating to Council's operations including staff, administration, election and industrial matters. The Chief Executive Officer should be consulted if there is any doubt about handling a media issue.

While the Mayor is the official Councillor spokesperson, other Councillors are likely to be approached by the media. Councillors can make public comment, as a **Committee Chairperson**, on matters that relate to their portfolio area provided the comments reflect established policy or decisions made by Council as a whole. Councillors can comment on other issues as long as they specify that they are speaking on their own behalf, rather than Council's behalf, and they distinguish between their personal opinions and resolutions of Council or agreed Council decisions.

It is the Councillor's responsibility to ensure that any comment made to the media in their capacity as Councillor is accurate, not prejudicial to Council's legal standing, and is not in any way defamatory to other Councillors, officers or other persons.

For significant issues Councillors should, as a matter of courtesy, advise the Mayor, Chief Executive Officer or Media and Communications Officer if they have provided comment to the media. This will assist in Council providing relevant and accurate responses.

6.3 Staff as Delegated Spokespersons

The Chief Executive Officer may, from time to time, give delegated authority to a specific employee, such as a Director or an officer with specialist expertise, to make a statement to the media. These statements will be coordinated through the Media and Communications Officer.

If staff members receive an enquiry directly from the media, they are to direct it to the Media and Communications Officer.

6.4 Media Releases:

Media releases, where appropriate, will include statements and input from the Mayor and from the **Committee Chairperson** and/or divisional Councillors, or recognised delegated spokespersons.

Media releases will be drafted, where appropriate, in conjunction with staff and Councillors, and will be distributed in formal form to all Councillors at the time they are distributed to media outlets. They will also be distributed to relevant Council officers.

Staff members are encouraged to contact the Media and Communications Officer to advise of activities or issues that could be publicised. The Media and Communications Officer will advise, if necessary, on the most appropriate forms of publicity (i.e. media release, advertising, flier).

Date last reviewed:

Resolution Number:

Policy Review: Every two years or as determined by Council or the CEO.

Date of Review

8.2 DELEGATIONS COUNCIL TO CHIEF EXECUTIVE OFFICER

Executive Summary:

In order to enable local governments to focus on strategic issues and reduce the amount of meeting time required, local governments are able to delegate many decisions resulting in more timely, consistent outcomes for the community.

The *Local Government Act 2009* allow local governments to delegate their powers by resolution to:

Mayor	<p>Mayors are able to delegate their powers to another Councillor. However, Mayors are not able to delegate:</p> <ul style="list-style-type: none"> • The power to direct the Chief Executive Officer or Senior Executive employees to another Councillor; and • A power delegated by the local government if the local government has directed the Mayor not to further delegate the power.
Chief Executive Officer	<p>Chief Executive Officers are able to delegate their powers to an appropriately qualified employee or contractor of their local governments. However, Chief Executive Officers are not able to delegate:</p> <ul style="list-style-type: none"> • A power delegated by the local government if the local government has directed the Chief Executive Officer not to further delegate the power; and • The power to keep Registers of Interest for Councillors and senior Executive employees.

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

Recommendation:

“Pursuant to section 257 of the *Local Government Act 2009*, Council resolve to:

1. Repeal all prior delegations to the Chief Executive Officer made under the:

Water Supply (Safety and Reliability) Act 2008

Water Act 2000

Building Act 1975

Sustainable Planning Act 2009

Local Government Regulation 2012

Public Health Act 2005

Environmental Protection Act 1994

Liquor Act 1992

Environmental Protection Regulation 2008”

8.2 DELEGATIONS COUNCIL TO CHIEF EXECUTIVE OFFICER (CONT'D...)

- 2. Delegate the exercise of all powers contained in the following Acts to the Chief Executive Officer:**

Water Supply (Safety and Reliability) Act 2008

Water Act 2000

Building Act 1975

Sustainable Planning Act 2009

Local Government Regulation 2012

Public Health Act 2005

Environmental Protection Act 1994

Liquor Act 1992

Environmental Protection Regulation 2008

- 3. 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 J Baines

Seconded Cr B Heath

Resolution Number 1261

"That the officer's report dated 27 April 2016 be deferred for consideration at a future meeting to allow the Councillors the opportunity to workshop the information concerning the delegations under various pieces of legislation."

FOR - Unanimous

CARRIED

The Director Corporate Services introduced Mr Gurbindar Singh, Council's new Manager Finance to the Mayor and Councillors. The Mayor welcomed Mr Singh to the meeting.

8.3 QUARTERLY PROGRESS REVIEW - CCRC OPERATIONAL PLAN 2015/16 AS AT 31 MARCH 2016

Executive Summary:

The Council adopted its 2015/16 Operational Plan on 28 May 2015. The Operational Plan outlines the activities proposed to be undertaken during the 2015/16 financial year which will contribute to the achievement of the strategies outlined in the Corporate Plan.

The third quarter review of the 2015/16 Operational Plan has been completed and a copy is provided 'under separate cover' due to its size.

Recommendation:

“That the quarterly review of the 2015/16 Operational Plan to 31 March 2016 be received and its contents noted.”

Moved Cr G Raleigh

Seconded Cr R Taylor

Resolution Number 1262

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

10.30am - 10.55am The meeting adjourned for morning tea. It was noted when the meeting reconvened that Mr D Goodman (Manager Civil Works) had entered the meeting.

8.4 NINE MONTHLY BUDGET REVIEW TO 31 MARCH 2016

Executive Summary:

A budget review has been carried out for the nine month period ending 31 March 2016.

The purpose of the review is to promote sound financial management and accountability by having each Director and Manager review in detail the components of the budgets within their areas of responsibility.

A detailed review of the Operating Budget and Capital Budget has confirmed that some adjustments are required.

Recommendation:

“That the Budget Review for the nine months to 31 March 2016 be received and noted.”

Moved Cr G Raleigh

Seconded Cr J Baines

Resolution Number 1263

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

9. NOTICE OF MOTION

09.1 NOTICE OF MOTION - PROPOSED AMENDMENT TO THE TRANSPORT INFRASTRUCTURE LEVY

Executive Summary:

The attached Notice of Motion was submitted by Cr Wayne Kimberley for Council's consideration.

Recommendation:

"That during the 2016/17 budget deliberations, Council amend the wording and criteria of the current Transport Infrastructure Levy to read:

Council will levy a separate charge to all rateable assessments for the purpose of local road construction, road renewal, road resealing and footpath/bikeway construction and renewal."

Moved Cr W Kimberley

Seconded Cr M Nolan

Resolution Number 1263

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

10. GENERAL BUSINESS

10.1 ACCESS TO BOAT RAMPS IN THE CARDWELL AREA

Cr Glenn Raleigh raised concerns about access to boat ramps in the Cassowary Coast Region, in particular the Port Hinchinbrook and Meunga Creek boat ramp facilities. As a result of climatic influences on waterways and creeks, silt has built up to the extent that access is minimised anywhere below a 0.8m tide rendering it near impossible to access these boat ramps. Cr Raleigh asked that Council write to the Department of Transport & Main Roads (DTMR) requesting the department take steps to ensure that waterways providing accesses to boat ramps within the region are maintained, including dredging where required. The Mayor agreed that Council liaise with DTMR in relation to this issue.

11.40am Ms M Darveniza and Ms L Trott left the meeting and Ms C Santariga (A/g Rates Supervisor) entered the meeting.

MOVE INTO COMMITTEE - 11.40AM

Moved Cr J Kremastos

Seconded Cr M Nolan

Resolution Number 1264

"That in relation to agenda item 11.1 - Outstanding Rates and Charges - Legal Action, I move, pursuant to Section 275 of the Local Government Regulation 2012 that the meeting be closed to the public to discuss:

(f) starting or defending legal proceedings involving Council."

FOR - Unanimous

CARRIED

MOVE OUT OF COMMITTEE - 12.00PM

Moved Cr M Nolan

Seconded Cr W Kimberley

Resolution Number 1265

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

FOR - Unanimous

CARRIED

11. CONFIDENTIAL

11.1 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 of this report for overdue rates and charges in accordance with Section 140 of the Local Government Regulation 2012."

Moved Cr M Nolan

Seconded Cr G Raleigh

Resolution Number 1266

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

Property No.	Property Address	Balance as at 12/05/16 (includes current rates & interest)	Land Use
118360	Lot 8 on F27020	\$15,517.95	Single Unit Dwelling
151570	Lot 5 on RP749264	\$19,287.87	Single Unit Dwelling
172810	Lot 22 on RP705549	\$15,296.22	Single Unit Dwelling
182910	Lot 24 on RP710113	\$16,238.12	Single Unit Dwelling
219960	Lots 22 and 23 on SP218539	\$21,390.62	Vacant Urban Land
219990	Lot 27 on SP218539	\$13,527.10	Vacant Urban Land
232770	Lot 3 on K8952	\$9,644.14	Single Unit Dwelling
236350	Lot 50 on RP748824	\$16,192.44	Large Homesite -Dwelling
255980	Lot 1 on SP158704	\$12,611.48	Vacant Urban Land
267480	Lot 13 on RP732786	\$15,753.98	Guest House Private Hotel
267690	Lot 6 on RP732786	\$16,458.23	Large Homesite -Dwelling

12.00pm **There being no further business, the Mayor declared the meeting closed.**

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 26th DAY OF MAY 2016.

Mayor