



LOCAL GOVERNMENT MEETING

19 January 2017

MINUTES

Cr J Kremastos	Mayor
Cr G Raleigh	Division 1
Cr R Taylor	Division 2
Cr W Kimberley	Division 3
Cr M Nolan	Division 4
Cr G Baines	Division 5
Cr B Heath	Division 6

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

James Gott
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 J Gott (Chief Executive Officer), Mr P Cochrane (Director Corporate Services), Mr D Trotter (Director Works), Mr B Jones (Senior Planner), Ms J Lightfoot (Communications Officer) and Ms J Cooksley (Minutes Clerk).

WELCOME TO COUNTRY:

The Mayor acknowledged the Gulnay People, the traditional owners and caretakers of the land on which the meeting is being held and paid his respects to the Gulnay elders, both past, present and emerging.

1. CONFIRMATION OF MINUTES

1.1 CONFIRMATION OF MINUTES OF LOCAL GOVERNMENT MEETING, 13 DECEMBER 2016

Recommendation:

“That the Minutes of the Local Government Meeting held on 13 December 2016 be confirmed as a true and correct record.”

Moved Cr J Baines

Seconded Cr G Raleigh

Resolution Number 1382

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

2. RECEIPT OF MINUTES

Nil

3. BUSINESS FROM PREVIOUS MINUTES

Nil

4. MANAGEMENT

4.1 COUNCIL MEETING DATES: FEBRUARY - JUNE 2017

Executive Summary:

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

Proposed meeting dates for February - June 2017 are listed hereunder, and if endorsed, are required to be advertised in the local newspapers, on Council's website and in public spaces within Council offices.

Committee meetings will be convened on the 2nd Thursday of the month followed by an Ordinary Meeting on the 4th Thursday of the month. All meetings will commence at 9.00am and are open to the public.

The following is a list of the proposed meeting dates and locations:

Meeting	Date	Location
1. Planning and Development and Environmental Services;	09/02/2017	Innisfail
2. Works and Infrastructure; and	09/03/2017	Tully
3. Corporate and Community Services	13/04/2017	Innisfail
	11/05/2017	Tully
	08/06/2017	Innisfail
Local Government Meeting	23/02/2017	Innisfail
	23/03/2017	Tully
	27/04/2017	Innisfail
	25/05/2017	Tully
	22/06/2017	Innisfail

On 27 October 2016, following consideration of a Notice of Motion submitted by Cr Glenn Raleigh, the Council passed a resolution to hold a Local Government meeting in the Cardwell and Mission Beach townships at least once every six (6) months in the calendar year.

Recommendation:

"That Council endorse the proposed Meeting Schedule for February - June 2017 as outlined in the CEO's report and determine which date it wishes to substitute so as to hold a meeting at an alternative location during this period."

Moved Cr G Raleigh

Seconded Cr J Baines

Resolution Number 1383

"That the Recommendation be adopted subject to the following amendments in relation to the proposed Meeting Schedule:

Meeting	Date	Location
Local Government Meeting	23/02/2017	Innisfail
	23/03/2017	Tully
	27/04/2017	Innisfail
	25/05/2017	Cardwell
	22/06/2017	Mission Beach"

FOR - Unanimous

CARRIED

5. WORKS

5.1 WORKS CAPITAL REPORT - DECEMBER 2016

Executive Summary:

The Works Department has adopted its Capital Works Program for the 2016-17 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 G Raleigh

Seconded Cr R Taylor

Resolution Number 1384

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

9.30am Messrs G Scott-Holland (Manager Community Strategy) and M Allpress (Manager Environmental Services) entered the meeting.

5.2 MANGO TREES CARDWELL

Executive Summary:

Council has received complaints from some residents in Cardwell with regard to Mango trees growing on Council controlled land and the amount of fruit that falls on the footpath and on private land. There has also been some concern expressed as to the potential for trees to impact private property in the event of a storm or cyclone.

This report is seeking direction from Council as to what mitigation measures, if any, should be undertaken for the mango trees adjacent to the Anglican Church in Liverpool Street, Cardwell, particularly given the potential for other customer requests regarding mango trees in the area.

Recommendation:

“That:

- 1. Council retain the mango trees adjacent to the Anglican Church in Liverpool Street, Cardwell, and manage risks through appropriate mitigation measures, which may include regular monitoring, pruning, etc. as deemed necessary by qualified persons engaged by Council;**

OR

- 2. Council remove the mango trees adjacent to the Anglican Church in Liverpool Street, Cardwell.”**
-

5.2 MANGO TREES CARDWELL (CONT'D...)

Moved Cr G Raleigh

Seconded Cr J Baines

Resolution Number 1385

"That the Officer's report dated 11 January 2017 be received. Further, that Council retain the mango trees in Liverpool Street, Cardwell and manage potential risks through appropriate mitigation measures, which may include regular monitoring, pruning, etc. as deemed necessary by qualified persons engaged by Council."

FOR - Unanimous

CARRIED

6. COMMUNITY

6.1 MISSION BEACH AQUATIC FACILITY - PROJECT UPDATE

Executive Summary:

The purpose of the report is to provide an update on the progress of the Mission Beach Aquatic Facility.

Recommendation:

"That the report be received and noted."

Moved Cr J Baines

Seconded Cr R Taylor

Resolution Number 1386

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

7. PLANNING & ENVIRONMENT

7.1 DELEGATIONS REPORT AND CURRENT APPLICATIONS

Recommendation:

"That the Delegations report listing Approvals issued by Planning Services for the Month of December 2016 and current applications be received and noted."

Moved Cr W Kimberley

Seconded Cr R Taylor

Resolution Number 1387

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

7.2 MONTHLY ACTIVITY REPORT FOR THE 2016 REGULATORY SERVICES PROGRAM - DECEMBER QUARTER

Executive Summary:

Monthly activity report for the 2016 Regulatory Services Program - December Quarter.

Recommendation:

"That the report be received and noted."

Moved Cr G Raleigh

Seconded Cr M Nolan

Resolution Number 1388

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

7.3 MONTHLY ACTIVITY REPORT FOR THE 2016 WASTE PROGRAM FOR THE DECEMBER QUARTER

Executive Summary:

Monthly activity report for the 2016 Waste Program for the December Quarter.

Recommendation:

"That the report be received and noted."

Moved Cr G Raleigh

Seconded Cr R Taylor

Resolution Number 1389

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

7.4 PUPPY FARM LEGISLATION INTRODUCTION

Executive Summary:

Advice has been received from Local Government Association Queensland (LGAQ) on the introduction of legislation to manage Puppy farms in Queensland. Traditionally Local Government has not been responsible for Animal Welfare issues however in the amendments to the *Animal Management (Cats & Dogs) Act 2009* (AM(C&D)A) Local Government will be administering a Breeder/Supplier process that oversees the welfare of animals. The new legislation is to commence on May 26 2017.

Recommendation:

"That Council resolve to provide comments to the LGAQ regarding its disappointment in the following:

- 1) The role of enforcing a breeder control process being imposed on Local Government. This is seen as a measure to address an animal welfare issue when Local Government's role is in animal management;**
- 2) The rush to implement the package leaving little genuine time for proper consultation and engagement with Local Government; and**
- 3) The package not being supported with a funding package to resource Local Government to implement the administration of a Breeder Management system."**

Moved Cr G Raleigh

Seconded Cr R Taylor

Resolution Number 1390

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

7.5 PROPOSAL FOR E-WASTE RECYCLING

Executive Summary:

Proposal for the adoption of E-waste recycling through the Stoters Hill Transfer Station.

Recommendation:

"That the Manager Environmental Services be authorised to pursue and adopt a fixed term agreement to collect E-waste from the Cassowary Coast Region."

Moved Cr W Kimberley

Seconded Cr J Baines

Resolution Number 1391

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

10.35am - 11.00am The meeting adjourned for morning tea. It was noted when the meeting reconvened that G Scott-Holland was no longer in attendance.

8. CORPORATE

8.1 CORPORATE SERVICES FINANCIAL REPORT DECEMBER 2016

Executive Summary:

The purpose of this report is for Council to receive the Financial Report for the period ending 31 December 2016 prepared on 10 January 2017.

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

Recommendation:

"That the report be received and noted."

Moved Cr R Taylor

Seconded Cr M Nolan

Resolution Number 1393

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

9. NOTICE OF MOTION

9.1 NOTICE OF MOTION - PROPOSED UPGRADE TO CURRENT INFRASTRUCTURE IN THE INNISFAIL CBD

Executive Summary:

The Notice of Motion was submitted by Cr Mark Nolan in relation to allocating funds to upgrade the current infrastructure in the Innisfail CBD.

Recommendation:

"That Council refer a request to allocate funds to restore the steel poles and banners located in the Innisfail CBD and the clock tower located in Canecutter Court to the Director Corporate Services for inclusion in the 2017/18 budget deliberations for consideration by the Council."

Moved Cr M Nolan

Seconded Cr J Baines

Resolution Number 1395

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

11.25am Mr G Scott-Holland re-entered the meeting.

10. GENERAL BUSINESS

10.1 REGIONAL JOBS STIMULUS PACKAGE

Cr John Kremastos announced that the Cassowary Coast Regional Council has been allocated \$3.77 million, based on our population and local unemployment rate, from the Regional Jobs Stimulus Package announced by the State Government yesterday. The Mayor said the Jobs Stimulus Package was designed to help regional areas to diversify economies, stimulate long-term economic growth and deliver sustainable employment outcomes. This initiative should prove to be very beneficial for the Cassowary Coast region.

10.2 COUNCIL CHAMBERS - AUDIO SYSTEM

Cr Mark Nolan expressed concern that during Council meetings it is apparent that members of the public gallery and the press sometimes have trouble hearing what is being said, highlighting the need for Council to consider installing audio systems in both its Council Chambers in Innisfail and Tully. This matter to be referred to the Manager Information Services with a request that he review the options available to enable Council to provide good sound quality that is cost effective and simple to operate in our Council Chambers and include an allocation for this equipment in the 2017/18 budget deliberations.

10.3 SUPPORT FOR MULTI SPORT EVENTS IN THE REGION

Cr Ben Heath advised the meeting that the Cassowary Coast Multi Sport Club will have its sign on, including a bike ride on 5 March 2017. Also, a triathlon event is likely to be held at Etty Bay on 14 May 2017. Cr Heath asked for Council's support of this kind of event in the region, especially with road closures which have proven challenging in the past because of State legislative requirements. This matter to be referred to the Manager Assets to review and provide feedback to the Council.

MOVE INTO COMMITTEE - 11.25am

Moved Cr G Raleigh

Seconded Cr W Kimberley

Resolution Number 1396

"That in relation to agenda item 11.5, I move, pursuant to Section 275 of the Local Government Regulation 2012, that the meeting be closed to the public so that the Council can discuss the Mission Beach Aquatic Facility - Tender Submissions Outcomes Review."

FOR - Unanimous

CARRIED

MOVE OUT OF COMMITTEE - 12.05pm

Moved Cr G Raleigh

Seconded Cr R Taylor

Resolution Number 1397

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

FOR - Unanimous

CARRIED

11. CONFIDENTIAL

11.4 MISSION BEACH AQUATIC FACILITY - TENDER SUBMISSIONS OUTCOME REVIEW

Executive Summary:

The purpose of this Report is to review the six (6) tender proposals from five (5) organisations for construction of the Mission Beach Aquatic Facility (MBAF) project and to review the Preliminary Options.

Recommendation:

“That Council:

a) Acknowledge that six (6) tender submission proposals have been received for construction of the Mission Beach Aquatic Facility (MBAF) project; and

b) Progress with:

1) Option A as defined in the report.

OR

2) Option B1 or B2 as defined in the report.

OR

3) Option C as defined in the report.”

Moved Cr W Kimberley

Seconded Cr R Taylor

Resolution Number 1401

"That the Officer's report dated 16 January 2017 be received. Further, that:

- 1. Council proceed to secure an additional allocation of funds to provide for completion of the MBAF project; and**
- 2. Council accept the tender submitted by A J Homes for construction of the facility at a cost of \$7.74 million (excluding GST); and**
- 3. Council exercise its right, pursuant to the *Local Government Act 2009* and Regulations to negotiate savings and separable items with the successful tenderer but not so as to alter the major scope of the project; and**
- 4. Council continue its role within the contractual funding arrangements between the only lawful funding partners; namely the Federal and State governments and the Cassowary Coast Regional Council; and**
- 5. Council insists that it be kept abreast of the progress of the project at Councillor level."**

FOR - Unanimous

CARRIED

Cr Kimberley asked that it be recorded in the minutes, "*his strongest regret that Councillors did not receive further and better information throughout the process, especially to the extent that Council might have had earlier knowledge of the magnitude of costs in excess of expectations, amongst other things, including full quantity survey details.*"

MOVE INTO COMMITTEE - 12.25pm

Moved Cr G Raleigh

Seconded Cr W Kimberley

Resolution Number 1398

"That in relation to agenda items 11.1, 11.3 and 11.4, I move, pursuant to Section 275 of the Local Government Regulation 2012, that this meeting be closed to the public so that the Council can discuss proposed acquisition of land, Warrina Innisfail in relation to a water leak and the Organisational Structure Review."

FOR - Unanimous

CARRIED

MOVE OUT OF COMMITTEE - 1.20pm

Moved Cr G Raleigh

Seconded Cr R Taylor

Resolution Number 1399

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

FOR - Unanimous

CARRIED

11.1 ACQUISITION OF LAND - EASEMENT FOR WATER SUPPLY - FRONTAGE OF LOTS 2RP747524, 4NR6257 AND 3NR6257 BRUCE HIGHWAY COMMON LOOP

Executive Summary:

It is proposed to commence the process of acquiring an easement along the frontage of Lots 2RP747524, 4NR6257 and 3NR6257 Bruce Highway (just north and south of Common Loop Road, Mourilyan), to allow the construction of a new water main to replace the existing trunk water main. The proposed construction would allow Department of Transport and Main Roads (DTMR) to recommence work on safety improvement works of Bruce Highway North of Mourilyan Harbour road.

The existing road verge is constrained by other services and the easement will allow construction of the water main to link with the existing sections of trunk main on Bruce Highway, Mourilyan.

Recommendation:

"That:

- 1. Council acquire easements for water main infrastructure purposes along the frontages of Lot 2RP747524, 4NR6257 and 3NR6257 Bruce Highway, Mourilyan as detailed on plan Q164091-001-SK12;**
- 2. the Chief Executive Officer take action to acquire the easement in accordance with Council's decision, the *Local Government Act 2009* and the *Acquisition of Land Act 1967* (as amended), including the negotiation of payment of compensation and hearing of any objections;**
- 3. should negotiations be unsuccessful, the Council proceed to compulsorily acquire the easements in accordance with the *Acquisition of Land Act 1967* (as amended).**
- 4. Reasonable costs associated with this acquisition will be reimbursed by DTMR who are paying for the relocation of the impacted sections of water main."**

Moved Cr G Raleigh

Seconded Cr R Taylor

Resolution Number 1398

"That the Recommendation be adopted."

FOR - Unanimous

CARRIED

11.2 WARRINA INNISFAIL - REQUEST FOR ASSISTANCE - WATER LEAK

Executive Summary:

Consideration is given to a request from Peter Roberts, Chief Executive Officer of Warrina Innisfail for additional concession regarding very high water consumption. The water leak is the second in a five (5) year period.

Recommendation:

"That Council confirm its previous advice to Warrina Innisfail that it is unable to provide any additional concession for high water usage due to a considerable leak in the internal plumbing."

Moved Cr M Nolan

Seconded Cr G Raleigh

Resolution Number 1399

"That consideration of the report be deferred to allow the Council the opportunity to examine the proposed amendments to the Water Concession Policy prior to making a decision on this matter."

FOR - Unanimous

CARRIED

Perceived Conflict of Interest

Crs J Kremastos, R Taylor, G Raleigh, W Kimberley, M Nolan, J Baines and B Heath and the CEO, James Gott declared that they may have a perceived conflict of interest in the following matter, as defined in section 173 of the *Local Government Act 2009*, due to their previous business dealings with David Crisafulli, a former Minister of the Queensland LNP Government and Director of Davis Consulting.

They determined that their personal interest was not of sufficient significance that it would lead them to making a decision on the matter that is contrary to the public interest. The Mayor, Councillors and the CEO honestly believe that they will best perform their responsibility of serving the overall public interest of the whole-of-Council's area by participating in the discussion and voting on the matter.

11.3 REVIEW OF COUNCIL'S ORGANISATIONAL STRUCTURE

Executive Summary:

Council received fifteen (15) Expressions of Interest from individuals and organisations for the purpose of undertaking a review of Council's Organisational Structure. Council is undertaking an assessment process in order to determine the most appropriate person or organisation to undertake this review.

Recommendation:

"That Council further assess the five (5) short-listed Expressions of Interest to determine the most appropriate individual or organisation to undertake the review of Council's organisational structure."

Moved Cr W Kimberley

Seconded Cr B Heath

Resolution Number 1400

"That the Officer's report dated 13 January 2017 be received. Further, that Council accept the quotation from Davis Consulting to undertake a review of Council's organisational structure at a cost of between \$35,720 and \$48,886 (excluding GST) subject to the quotation containing the completion of a skills audit."

FOR - Unanimous

CARRIED

1.35pm There being no further business, the Mayor declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 23rd DAY OF FEBRUARY 2017.

Mayor