

**Thursday, 13 August 2020**

**9:00 AM**

Tully Civic Centre  
Council Chambers Level 2  
38-40 Bryant Street  
Tully Q 4854



Cr Mark Nolan - Mayor  
Cr Barry Barnes - Division 1  
Cr Teresa Millwood - Division 2  
Cr Trudy Tschui - Division 3  
Cr Nicholas Pervan - Division 4  
Cr Jeff Baines - Division 5  
Cr Kylie Farinelli - Division 6

## **LOCAL GOVERNMENT MEETING**

### **UNCONFIRMED MINUTES**

#### **Welcome**

Cr M Nolan (Chairman) welcomed everyone and opened the Local Government Meeting at 9:00 am

#### **Present**

Crs M Nolan (Mayor), B Barnes (Deputy Mayor), T Millwood, T Tschui, N Pervan, J Baines and K Farinelli, Mr J Gott (Chief Executive Officer), Mr D Goodman (Director Infrastructure Services), Mr A Sadler (Director Delivery Services), Mr G Singh (Chief Financial Officer), Mr D Bradford (Business Opportunities and Improvement Lead), Ms J Williams (Senior Librarian), Mr M Fitzgerald (ICT Operations Customer Service Officer), Daniel Walker (ICT Operations Customer Service Officer) and Mrs M Clubb (Minutes Clerk)

#### **Acknowledgement of Country**

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

#### **Apologies**

Nil

## **Declaration of Material Personal Interest or Conflicts of Interest (including perceptions of Conflict of Interest)**

Cr M Nolan (Chairman) invited those present to use this opportunity to make public any Material Personal Interests and/or Conflicts of Interest (real or perceived) in respect of the Items in the Agenda.

Councillors should use this opportunity to disclose and/or comment on other Councillors and/or Staff interests in accordance with the Act and Regulations.

### **DECLARATION**

Cr K Farinelli declared that she had a Material Personal Interest (as defined in s173 of the Local Government Act 2009) in **Confidential Item No.10.4 - 2019 REPA Road Repairs Contracts** as Cr K Farinelli's husband is a casual employee for IMEC.

Cr T Millwood declared that there could be a Perceived Conflict Of Interest (as defined in s173 of the Local Government Act 2009) in **Item No. 8.3 - Application to purchase State Land - Lot 15 on Plan USL42297** as Cr T Millwood is a relative of the applicants.

## **1. CONFIRMATION OF MINUTES**

### **1.1 Minutes of the Local Government Meeting dated 23 July 2020**

#### **Executive Summary**

#### **Recommendation**

"That the Minutes of the Local Government Meeting held on 23 July 2020 be confirmed as a true and correct record."

Moved Cr T Tschui

Seconded Cr B Barnes

Resolution Number LG0756

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

## **2. BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil

## **3. MAJOR PROJECTS**

### **3.1 Port Hinchinbrook Sewerage Solution**

#### **Executive Summary**

Since August 2018 Cassowary Coast Regional Council, under an agreement with the Department of State Development, Tourism and Innovation (DSDTI) and with consent from the liquidator for The Passage Holdings, has been maintaining and operating the sewerage treatment plant for the Port Hinchinbrook Estate, just south of Cardwell.

---

In December 2019 Council resolved to financially contribute to a process to consider long-term solutions in relation to the Port Hinchinbrook sewerage treatment infrastructure. Council is in receipt of the report from Ganden Engineering (Ganden) containing options for a long-term solution for the sewerage treatment plant.

### **Recommendation**

#### **"That Council:**

- 1. reaffirms its commitment to facilitating a long-term solution for the ratepayers and residents of Port Hinchinbrook.**
- 2. writes to the Department of State Development, Tourism and Innovation informing that Cassowary Coast Regional Council:**
  - a. accepts the Ganden Report, rendering the project shovel ready;**
  - b. notes specific concerns relating to the process. Focus appears to be limited to the construction of a new sewerage treatment plant without due consideration for:**
    - i. the sourcing of suitable land for disposal by irrigation;**
    - ii. the need for additional works to critical infrastructure in the reticulation network to ensure sustainable operational reliability and environmental licencing compliance;**
  - c. requests advice from the State regarding their continued funding of the maintenance of the sewerage treatment facility beyond the expiry of the current agreement;**
  - d. requests advice from the State regarding the availability of further funding for critical infrastructure works;**
  - e. has the current position that any Council expenditure for a long-term sewerage solution for Port Hinchinbrook would be subject to funds being sourced through an appropriate mechanism such as grants or other external funding sources, special rates and charges, or other methods as set out in the Conformed Deed;**
  - f. on a case-by-case basis, will consider specific project funding through a separate resolution; and**
  - g. will commence community engagement with ratepayers and affected members of the community. This consultation includes the long-term operation of sewage treatment for the Port Hinchinbrook community, replacement sewerage treatment concept design and pursuant rates impacts upon residents.**

**Moved Cr T Millwood**

**Seconded Cr B Barnes**

**Resolution Number LG0757**

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

**FOR: Unanimous**

**CARRIED**

9:08am Ms M Johnstone (Corporate Governance Officer) entered the meeting  
9:15am Mr P McBride (Facilities Asset Manager) entered the meeting  
9:18am Mr R Blanchette (Tourism Coordinator) entered the meeting

---

## **4. COMMUNITY & CULTURE**

### **4.1 Libraries and Customer Service Report**

#### **Executive Summary**

This report is a period update on what has been happening in the Libraries and Customer Service team during the month of July. Highlights include the importance and value of libraries, the launch of The Next Chapter Book Club and impact of dog registration notices.

#### **Recommendation**

**"That the report be received and noted."**

**Moved Cr T Tschui**

**Seconded Cr K Farinelli**

**Resolution Number LG0758**

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

**FOR: Unanimous**

**CARRIED**

9:24am Mr D Goodman left the meeting

### **4.2 Libraries Public Internet Use Policy**

#### **Executive Summary**

This report presents the updated Libraries Public Internet Use Policy. This version includes the use of Council Wi-Fi and the role of libraries in providing the community with up-to-date computing facilities and information.

#### **Recommendation**

**"That the Libraries Public Internet Use Policy be adopted"**

**Moved Cr J Baines**

**Seconded Cr N Pervan**

**Resolution Number LG0759**

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

**FOR: Unanimous**

**CARRIED**

9:26am Ms J Williams and Ms M Johnstone left the meeting

9:27am Ms M Johnstone re-entered the meeting

---

## **5. ECONOMIC ACTIVATION & TOURISM**

### **5.1 Tourism Services Monthly Report – July 2020**

#### **Executive Summary**

This report represents Council involvement or interest in tourism initiatives of note within or affecting the Cassowary Coast Region. The report is a summary of key events, matters of interest and Council's interaction with the region's peak Local Tourist Organisation – Tropical Coast Tourism (TCT).

The items referred to in the report may serve as a catalyst for Councillors to raise tourism related matters through the Meeting for further formal consideration and resolution or for operational attention by staff.

Where practicable, the report will be presented to the Council and will cover the significant events during the preceding month.

#### **Recommendation**

**"That Council resolves to note the report."**

**Moved Cr K Farinelli**

**Seconded Cr T Tschui**

**Resolution Number LG0760**

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

**FOR: Unanimous**

**CARRIED**

9:28am Mr D Goodman re-entered the meeting

9:30am Mr P McBride left the meeting

9:31am Mr P McBride re-entered the meeting

9.46am Mr R Blanchette left the meeting

## **6. GOVERNANCE, ENVIRONMENT & FINANCE**

### **6.1 Quarterly Progress Review - Operational Plan 2019/20 as at 30 June 2020**

#### **Executive Summary**

The Council adopted its 2019/20 Operational Plan on 13 June 2019. The Operational Plan outlines the activities proposed to be undertaken during the 2019/20 financial year which will contribute to the achievement of the strategies outlined in the Corporate Plan.

The fourth quarter review of the 2019/20 Operational Plan has been completed and is attached.

---

**Recommendation**

**"That the quarterly review of the 2019/20 Operational Plan to 30 June 2020 be received and its contents noted."**

**Moved Cr J Baines**

**Seconded Cr N Pervan**

**Resolution Number LG0761**

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

**FOR: Unanimous**

**CARRIED**

9:47am Ms V Kerr left the meeting

**6.2 CCRC Audit Committee - Extension of Appointment of Independent Members**

**Executive Summary**

In accordance with s105 of the *Local Government Act 2009*, the Council is required to establish and maintain an Audit Committee comprising of up to five (5) members; two (2) Councillors, including the Mayor and a minimum of two (2) qualified members external to Council with one member who has significant experience and skills in financial matters.

The current Audit Committee independent positions were appointed on the 25 August 2016 after Expressions of Interest for Independent Membership of the Audit Committee were sought from interested persons throughout the region. The *CCRC Audit Committee Charter* allows Council to extend the term of appointment subject to the composition and skill requirement of the Committee.

**Recommendation**

**"That Council:**

- 1. Extend the appointment of Mark Andrejic, Chairperson of the Audit Committee and Partner - Audit and Assurance, Crowe Horwath (an affiliate of Findex) based in Townsville for a term of four (4) years; and**
- 2. Extend the appointment of Greg Archer, Principal, Findex – Accounting and Business Advisory (based in Innisfail and Cairns) as Independent Member of the Audit Committee for a term of twelve (12) months."**

**Moved Cr J Baines**

**Seconded Cr N Pervan**

**Resolution Number LG0762**

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

**FOR: Unanimous**

**CARRIED**

---

9:48am Mr P McBride left the meeting

### **6.3 Policy Review - Council Meeting Procedures**

#### **Executive Summary**

Regularly reviewing policies and procedures keeps Councillors, Council staff and other stakeholders up to date with regulations, technology, and industry best practices.

Policy review ensures that policies remain consistent, current, relevant and effective, while also providing clarity to the reader when dealing with accountability issues or activities that are of critical importance to Council such as, health and safety, legal liability, regulatory requirements or issues that have serious consequences.

This report provides the Council Meeting Procedures which have been recently reviewed.

#### **Recommendation**

**“That Council adopt the Council Meeting Procedures Policy ORG013.”**

**Moved Cr T Tschui**

**Seconded Cr B Barnes**

**Resolution Number LG0763**

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

**FOR: Unanimous**

**CARRIED**

9:50am Mr P McBride re-entered the meeting

### **6.4 Reviewed Councillor Portfolios**

#### **Executive Summary**

At its meeting of 14 May 2020 Council gave approval to the application of the following portfolios:

<b>Portfolio</b>	<b>Councillor</b>
Major Projects	Cr Mark Nolan
Planning & Regional Development	Cr Nicholas Pervan
Economic Development & Tourism	Cr Kylie Farinelli
Governance, Environment & Finance	Cr Jeff Baines
Community & Culture	Cr Trudy Tschui
Asset Sustainability	Cr Barry Barnes
Organisational Cultural Development	Cr Teresa Millwood

Fleshing out of the portfolios' descriptions has occurred and is provided in the schedule attached hereto at Annexure "A".

Now that the operation and implementation of the portfolio system has had time to mature somewhat it has become apparent that a change in portfolio structure may provide for greater clarity and balance.

To provide for this, consideration has been given to the removal of Organisational Cultural Development from Cr Teresa Millwood and its replacement with Waste Management and Waste Management Innovation.

Consideration has also been given to the installation of Organisational Cultural Development under Governance, currently within Cr Baines's purview.

### **Recommendation**

**"That Council give approval to application of the following portfolios:**

<b>Portfolio</b>	<b>Councillor</b>
Major Projects	Cr Mark Nolan
Planning & Regional Development	Cr Nicholas Pervan
Economic Development & Tourism	Cr Kylie Farinelli
Governance, Environment & Finance*	Cr Jeff Baines
Community & Cultural	Cr Trudy Tschui
Asset Sustainability	Cr Barry Barnes
Waste Management & Waste Management Innovation	Cr Teresa Millwood

***\* note that Governance will now include Organisational Cultural Development."***

**Moved Cr J Baines**

**Seconded Cr B Barnes**

**Resolution Number LG0764**

**"That the CEO's Recommendation be rejected on the basis that it does not provide for an organisational "best fit". "**

**FOR: Crs M Nolan, B Barnes, T Tschui, N Pervan, J Baines**

**AGAINST: Crs T Millwood, K Farinelli**

**CARRIED**

---



**Moved Cr K Farinelli**

**Seconded Cr T Millwood**

**Resolution Number LG0765**

**"That consideration of this issue be deferred until further discussion is held at a later date."**

**FOR: Unanimous**

**CARRIED**

## **7. ASSET SUSTAINABILITY**

### **7.1 Tully Multi-Use Sporting Complex and Grandstand - Status Update**

#### **Executive Summary**

This report is provided to keep the Council informed on the progress of the Tully Multi-Use Sporting Complex and Grandstand project. Works continue to progress well and practical completion of the project is imminent.

#### **Recommendation**

**"That the report be received and noted."**

**Moved Cr T Millwood**

**Seconded Cr B Barnes**

**Resolution Number LG0766**

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

**FOR: Unanimous**

**CARRIED**

### **7.2 Contract CCW000047 Bulgun Reservoir - Civil Works February 2020 Status Update**

#### **Executive Summary**

This report is provided to keep Council informed on the progress of Contract CCW000047 for the construction of the 4.5ML Bulgun Intake reservoir and associated works.

#### **Recommendation**

**"That the report be received and noted."**

**Moved Cr T Millwood**

**Seconded Cr N Pervan**

**Resolution Number LG0767**

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

**FOR: Unanimous**

**CARRIED**

---

10:14am Mr D Thomas (Planning Officer) entered the meeting

### **7.3 Infrastructure Services Capital Report - July 2020**

#### **Executive Summary**

The Infrastructure Services Department has adopted its Capital Works Program for the 2020-21 financial year. The status of individual projects is reported monthly.

#### **Recommendation**

**"That Council receive and note the report and acknowledge the status of Capital Works projects managed by the Infrastructure Services Department."**

**Moved Cr T Tschui**

**Seconded Cr T Millwood**

**Resolution Number LG0768**

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

**FOR: Unanimous**

**CARRIED**

---

## 8. PLANNING & REGIONAL DEVELOPMENT

### 8.1 17SP228135 - Lentini Road, Silky Oak - MCU for a Service Station

#### Executive Summary

<b>Applicant:</b>	IOR Petroleum
<b>Consultant:</b>	Milford Planning
<b>Application Date:</b>	11 May 2020
<b>Proposal:</b>	Material Change of Use for a Service Station (Diesel Fuel Stop)
<b>Real Property Description:</b>	Lot 17 on SP228135
<b>Property Address:</b>	Lentini Road, Silky Oak
<b>Land Area:</b>	8.9457ha
<b>FNQRP Zone:</b>	Regional Landscape and Rural Production Area
<b>Planning Instrument:</b>	Cassowary Coast Regional Council Planning Scheme 2015
<b>Zone</b>	Rural Zone
<b>Overlays</b>	Acid Sulfate Soils  Coastal Protection  Flood Hazard  Scenic Amenity  Waterway Corridors and Wetlands
<b>Referral Agencies:</b>	State Assessment and Referral Agency (SARA)
<b>Level of Assessment:</b>	Impact Assessable
<b>Land Use Codes:</b>	Industrial Activities Code
<b>Existing Use of Land:</b>	Sugar Cane
<b>Existing Approvals:</b>	DEV2014/0087 – Material Change of Use for Light Industry (Skip Bin Storage)
<b>No. of Submissions:</b>	Nil

Council is in receipt of an application for a Material Change of Use for a Service Station (Diesel Fuel Stop). The application was prepared by Milford Planning on behalf of IOR Petroleum for the establishment of a Service Station (Diesel Fuel Stop) within the Rural Zone on land described as Lot 17 on SP228135 situated at Lentini Road, Silky Oak.

The proposed service station (diesel fuel stop) incorporates a self-bunded, aboveground fuel tank and will operate as an unmanned, cashless point of sale. Fuel pumps will be accessible to pre-approved IOR Petroleum customers only, with the customer base consisting of commercial heavy vehicle users. As a result, the facility will not be patronised with light vehicle traffic from the general public.

The service station (diesel fuel stop) will operate 24 hours a day, seven days a week, which is conducive to the unmanned cashless business model operating at various locations throughout Australia.

The proposed fuel stop is located to the west of the existing light industry use (skip bin storage facility) and includes a self-bunded fuel tank with dual fuel dispensers located to the western and

eastern sides of the tank. The fuel tank is located perpendicular to the fill point forecourt, with the dispenser points situated centrally within the forecourt. A canopy encompasses the full extent of the forecourt, providing cover to the refuelling area.

IOR Petroleum customers enter the service station, traverse the western side of the internal access and approach the fuel pump from the south, noting only two (2) vehicles can refuel at any one time. Following completion of the fuelling process, patrons leave via the loop driveway. An amenities block is provided adjacent to the fill point forecourt to the east, providing restroom facilities for fuel stop patrons. The facility will incorporate suitable signage and lighting to enable appropriate wayfinding and safety for patrons.

Approximately 70% of the subject site is utilised for the agricultural production of sugar cane. Existing use rights for an alternative industrial use and the proposal will be situated within close proximity to the Northern portion of the site. The proposed location has not historically been used for agricultural production and the new use will have no impact on the future viability of the land that is used for agricultural purposes. The consolidation of the industrial uses to the northern part of the site and agricultural production to the south ensure that the uses will be clearly separated. Due to limitations with some sites within the surrounding areas in relation to commercial vehicle access, the rural site is ideal as it is serviced by State-Controlled Roads and identified as a freight transport route. The proposed development promotes the existing dominant agricultural industry of the Cassowary Coast region, as well as providing alternative sectors.

The application is Impact Assessable and therefore public notification was required. No properly made submissions were received by Council.

The application triggered referral to the State Assessment and Referral Agency (SARA) due to the site's location on a state-controlled road. SARA issued a Referral Agency Response, shown as Attachment 3.

The subject site is located within the Regional Landscape and Rural Production Area as indicated in the Far North Queensland Regional Plan (FNQRP) 2009-2031.

The application is generally consistent with the provisions of the Cassowary Coast Regional Council Planning Scheme 2015 and therefore the application for a Material Change of Use for a Service Station (Diesel Fuel Stop) is recommended for approval subject to reasonable and relevant conditions.

### **Recommendation**

**"That a Development Permit be issued for a Material Change of Use for a Service Station (Diesel Fuel Stop) on land described as Lot 17 SP228135 situated at Lentini Road, Silky Oak subject to the following conditions:**

### **Assessment Manager's Conditions**

1. Approved Plans and Supporting Documentation	
Condition	Timing
The development must be undertaken generally in accordance with the application, documentation received by Council on 11 May and 23 June 2020 and plans in the table below, which forms part of this approval, except where varied by the following conditions.	At all times

Plan/Drawing Number	Plan Name	Date
19-132-P01 Rev B Sheet 1	Layout Plan	October 2019 Received by Council 11 May 2020
19-132-P02 Rev B Sheet 2	Fill Point Layout	October 2019 Received by Council 11 May 2020
19-132-P03 Rev A Sheet 3	Elevations Sheet 1 of 2	October 2019 Received by Council 11 May 2020
19-132-P04 Rev A Sheet 4	Elevations Sheet 2 of 2	October 2019 Received by Council 11 May 2020
19-132-P05 Rev C Sheet 5	Swept Turning Path Plan – Sheet 1	October 2019 Received by Council 23 June 2020
19-132-P06 Rev A Sheet 6	Swept Turning Path Plan – Sheet 2	October 2019 Received by Council 11 May 2020

## 2. Internal Access

Condition	Timing
<p>The applicant/owner must at no cost to Council, provide the following works internal to the subject site:</p> <ul style="list-style-type: none"> <li>All internal access and the forecourt area are to be imperviously sealed, designed and constructed in accordance with the approved plan (Layout Plan 19-132-P02 October 2020), to FNQROC Development Manual Standard and Queensland Workplace Health and Safety Standards;</li> <li>All entry and exits are to be appropriately signed to clearly identify the traffic flow on the site, to the satisfaction of Manager Planning Services.</li> </ul>	<p>Prior to the commencement of use and maintained at all times</p>

## 3. Landscaping

Condition	Timing
<p>The applicant/owner is to ensure that all landscaping works are carried out in accordance with the approved plan (Layout Plan – 19-132-P01 – October 2020) and Planning Scheme Policy SC6.4 Landscaping. All landscaping is to run the full length of the proposed use, be planted at a maximum spacing of 1 metre, grow to a height of at least 2 metres and grow to form a dense screen of no less than 2 metres.</p>	<p>Prior to the commencement of use and maintained at all times</p>

## 4. Waste Bins and Storage Area

Condition	Timing
<p>The applicant/owner must ensure that an imperviously sealed area is provided for a sufficient number of waste bins to service the development and patrons.</p>	<p>At all times</p>

5. Lighting	
Condition	Timing
The applicant/owner is to ensure that all lighting is designed and constructed to the satisfaction of the Manager Regulatory Services so as to ensure that light emitted from the subject site does not create environmental nuisance in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and <i>Environmental Protection Regulation 2019</i> .	At all times
6. Fuel Storage	
Condition	Timing
The applicant/owner is to ensure that all fuel storage areas are designed and constructed to Australian Standard <i>AS1940:2017 Storage and Handling of Flammable and Combustible Materials</i> .	At all times
7. Noise	
Condition	Timing
The applicant/owner is to ensure that noise from the site must not emanate from the subject land to a degree that would, in the opinion of the Manager Regulatory Services, create an environmental nuisance having regard to the provisions of the <i>Environmental Protection Act 1994</i> , <i>Environmental Protection (Noise) Policy 2019</i> and <i>Environmental Protection Regulation 2019</i> .	At all times
8. Odour	
Condition	Timing
The applicant/owner is to ensure that odour from the site must not emanate from the subject land to a degree that would, in the opinion of the Manager Regulatory Services, create an environmental nuisance having regard to the provisions of the <i>Environmental Protection Act 1994</i> and <i>Environmental Protection Regulation 2019</i> .	At all times
9. Advertising Devices	
Condition	Timing
The applicant/owner is to ensure that all advertising devices erected on site are in accordance with 9.4.1 Advertising Devices Code of the Cassowary Coast Regional Council Planning Scheme 2015. The brightness of the proposed advertising devices must not exceed a level of 8 lux.	At all times
10. Acid Sulfate Soils Investigation	
Condition	Timing
The applicant/owner is to ensure that if any acid sulfate soils are identified on site, that an Acid Sulfate Soils Management Plan is implemented to mitigate any potential hazards.	At all times
11. Declared Pests	
Condition	Timing
The applicant/owner is to ensure that the parcel of land is cleared of all Class 1, 2 and 3 declared pests in accordance with the Land Protection (Pest and Stock Route Management) Act 2002, to the satisfaction of the Manager Planning Services.	At all times

12. Erosion and Sediment Controls	
Condition	Timing
Effective erosion and sediment controls must be maintained during and after the construction, installation and maintenance of the site until there is adequate vegetation cover, paved or other controls to prevent any silt run-off from the site.	At all times

  

13. Stormwater Discharge	
Condition	Timing
The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge, such that stormwater does not adversely affect surrounding properties, to the satisfaction of the Manager Planning Services. The applicant/owner must ensure that the quality of all discharge of treated water is in accordance with the <i>Environmental Protection Act 1994</i> .	At all times

  

14. Public Infrastructure/Utilities	
Condition	Timing
Any relocation or alteration to any public utilities (including stormwater infrastructure) in association with building work must be undertaken as required by the relevant service provider and at no cost to Council.	At all times

**Concurrence Agency Conditions:**

**State Assessment and Referral Agency Response – (2005-16926 SRA) dated 6 July 2020.**

**Assessment Manager's Advice:**

1. Currency Period
<p>The currency period for the development approval (Material Change of Use) shall be six (6) years starting the day the approval is granted or takes effect. In accordance with section 85 of the <i>Planning Act 2016 (PA)</i>, the development approval for Material Change of Use lapses if the building work under the approval is not complete within the abovementioned currency period.</p> <p>An applicant may request Council extend the currency period provided that such request is made in accordance with section 86 of <i>PA</i> and before the development approval lapses under section 85 of <i>PA</i>.</p>
2. Further Approvals Required
<p>An application for a Development Permit for Building Work and Plumbing &amp; Drainage is required for the proposed development. This application/s are required to be approved prior to any works commencing on site.</p>
3. Cultural Heritage
<p>The applicant/owner is to ensure compliance with the requirements of the <i>Aboriginal Cultural Heritage Act 2003</i> and in particular 'the duty of care' that imposes landowners, developers and the like.</p>
4. Engineering Works
<p>The applicant/owner is to ensure that the engineering works involved in the proposed development are designed and constructed in accordance with the FNQROC Development Manual.</p>

#### 5. Compliance with Laws

The approval does not negate the requirement for compliance with all other relevant local Laws and other statutory legislation.

#### 6. Environmental Nuisance

The *Environmental Protection Act 1994* states a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.

Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.

**Moved Cr T Tschui**

**Seconded Cr N Pervan**

**Resolution Number LG0769**

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

**FOR: Unanimous**

**CARRIED**

10:20am Mr D Horton (Manager Planning Services) and Ms I Newman (Senior Planning Officer) entered the meeting

10:21am Mr B Jones (Senior Planner/Strategic Planner) entered and Mr J Fischer left the meeting

10:22am Mr G Singh left the meeting

---



## 8.2 MCU20/0018 – Development application for a Material Change of Use for Undefined Use (Short-Stay, Fully Self-Contained RV Park) on land described as Lot 107 on NR5465, situated at 3 River Avenue, Mighell

### Executive Summary

<b>Applicant:</b>	Campervan & Motorhome Club of Australia Limited (CMCA)
<b>Consultant:</b>	Casson Planning & Development Services
<b>Application Date:</b>	23 April 2020
<b>Proposal:</b>	Material Change of Use for Undefined Use (Short- Stay, Fully Self-Contained RV Park)
<b>Class of proposed building works:</b>	Class 10a (Shelter Shed & Storage Shed)
<b>Real Property Description:</b>	Lot 107 on NR5465
<b>Property Address:</b>	3 River Avenue, Mighell
<b>Land Area:</b>	16,971m <sup>2</sup>
<b>FNQRP Zone:</b>	Urban Footprint
<b>Planning Instrument:</b>	Cassowary Coast Regional Council Planning Scheme 2015
<b>Zone</b>	Township zone
<b>Local Plan</b>	Innisfail local plan
<b>Precinct</b>	Recreation
<b>Overlays</b>	Acid sulfate soils  Coastal protection  Environmental significance  Flood hazard  Heritage  Scenic amenity  Waterway corridors and wetlands
<b>Referral Agencies:</b>	State Assessment and Referral Agency (SARA)
<b>Level of Assessment:</b>	Impact Assessable
<b>Existing Use of Land:</b>	Recreation Reserve
<b>Existing Approvals:</b>	Nil
<b>No. of Submissions:</b>	Five (5)

Council is in receipt of an application for a Material Change of Use for an Undefined Use (Short- Stay, Fully Self-Contained RV Park). The application was prepared by Casson Planning & Development Services on behalf of the Campervan & Motorhome Club of Australia Limited (CMCA) for the establishment of the Short Stay, Fully Self-Contained RV Park within the Township Zone – Innisfail Recreation Precinct on land described as Lot 107 NR 5465, situated at 3 River Avenue, Mighell. Surrounding land uses include the Innisfail Conservatorium which adjoins the site to the south, the Innisfail Cemetery on the western side of River Avenue, the South Johnstone River which adjoins eastern side of the site, and the Endeavour Foundation to the North. The site is situated approximately 450 metres from the Innisfail Central Business District. The subject site is a recreation reserve known

as Haddrell Park, for which Council is trustee. At the current time, the site is used for passive recreation with a small area used for itinerant vendors (i.e. roadside stalls). The portion of the site utilised by the itinerant vendors (adjacent to the Bruce Highway) will remain unaffected by the proposal, except by way of an increased number of potential customers being present in the immediate area.

The site is proposed to be managed by the CMCA and utilised for recreational vehicles (RVs) for short time period only (no more than 5 nights in a 21 day period). Unlike commercial caravan parks, the proposed use will not supply facilities such as amenities blocks, washing machines and showers. Additionally, it will not provide facilities for families such as pools, tennis courts, kid's entertainment, cabins, etc. A strict policy under the CMCA will ensure that vehicles using the site are fully contained and self-serviced.

The proposed use will take up a large envelope of open space on the site, however public access to the site or the adjoining South Johnstone River will not be restricted. Minimal work is to be conducted on site. The proposal comprises the following elements:

- Internal access/driveway
- Shelter shed (open structure)
- Slab for a caretaker's caravan (with power, water, and sewer connection points)
- Dump point
- Small storage shed

The use will also include a site (concrete slab with water, power, and sewerage) for an on-site caretaker/custodian. CMCA caretakers are volunteers that potentially can stay on site from a week up to several months depending on the travel plans of the individual. The duties and responsibilities of the caretaker include:

- Taking bookings and payments (online only)
- Check in guests
- Ensure all vehicles meet the requirements of the CMCA Self-Contained Vehicle Policy
- Remind and ensure guest adhere to the Leave No Trace ® requirements
- Enforce the park rules of operation
- Implement emergency management procedures
- Coordinate any contractors on site
- Undertake grounds maintenance
- Provide tourism information to guests

The application is Impact Assessable and therefore public notification was required. Five (5) properly made submissions were received by Council. Issues raised in the submissions are addressed in the assessment report.

The application triggered referral to the State Assessment and Referral Agency (SARA) due to its location on a state-controlled road. SARA issued a referral agency response which outlined conditions in relation to the access to the site (Attachment 4).

## **Recommendation**

**“That a Development Permit be issued for MCU20/0018 - Material Change of Use for an Undefined Use (Short- Stay, Fully Self-Contained RV Park) on land described as Lot 107 on NR5465, situated at 3 River Avenue, Mighell subject to the following conditions:**

---

## Assessment Manager's Conditions:

1. Approved Plans and Supporting Documentation	
Condition	Timing
The development must be undertaken generally in accordance with the application and documentation received by Council on 20 April & 12 May 2020 and plans in the table below, which forms part of approval MCU20/0018, except where varied by the following conditions.	At all times

Plan/Drawing Number	Plan Name	Date
Unnumbered Rev 2	Proposal Plan	Received by Council on 2 June 2020
Supporting Documentation		
CMCA Self Contained Vehicle (SCV) Policy		

2. Limitations of Use	
Condition	Timing
All recreational vehicles attending the park must be fully self-contained in accordance with the CMCA Self-Contained Vehicle (SCV) Policy (except for the caretaker's caravan). The use is not to involve any camping in tents, or the construction of cabins or any other buildings including amenities blocks, recreational facilities, kiosks etc. Overnight stays are limited to a maximum of 7 nights in a 21 day period.	At all times

3. Setbacks	
Condition	Timing
All structures, infrastructure and vehicles must be located a minimum distance of 3 metres from the existing riverbank vegetation and all property boundaries.	At all times

4. Internal Access	
Condition	Timing
The applicant must, at no cost to Council, construct an internal all-weather gravel driveway with a minimum width of 4 metres, in the location shown on the approved plan.	Prior to the commencement of the use and maintained at all times

5. Flood Risk Management Plan	
Condition	Timing
The applicant must develop a suitable Flood Risk Management Plan for the monitoring of flood heights and the planned and proactive management of patrons in the lead up to flood events. The plan must also detail how any installed assets will be designed and managed to mitigate damage by flooding. The Flood Risk Management Plan must be provided to Council for endorsement and made available to the caretaker at all times.	Prior to the commencement of the use and at all times

6. Site Management Plan	
Condition	Timing
In order to manage the <del>trafficability</del> of the site during and after periods of wet weather, the applicant must undertake an assessment of ground conditions and develop a Site Management Plan that allows for the controlled use of the site based on existing ground conditions. The plan must also include a site upgrade details which outline works and timeframes to improve the bearing capacity of the site to allow for the full utilisation of the site during wet weather. A copy of the Site Management Plan must be provided to Council for its records.	Prior to the commencement of the use and at all times

7. Landscaping	
Condition	Timing
The applicant is to establish a landscaping strip adjacent to and for the full length of the proposed bollards, except for that of the vehicle access and where vegetation already exists. The landscaping shall incorporate shrubs, clumping palms and/or compact trees that: <ul style="list-style-type: none"> <li>a) Are planted a maximum spacing of 1 metre; and</li> <li>b) Will grow to a height of at least 2 metres.</li> </ul>	Prior to the commencement of use and maintained at all times

8. Reticulated Sewerage	
Condition	Timing
The applicant must submit a Sewer Minor Works Application with certified design plans showing a 150mm diameter sewer connection from the proposed dump point to the existing manhole 1070301, with the minimum grade to be 1 in 100. A connection and jump-up is also to be allowed for the connection to the caretaker's caravan site. The sewer connection works are to be undertaken at no cost to Council. Fees for the Sewer Works Application and Inspection of Works will apply in accordance with Council's Schedule of Fees and Charges at the time of application.	Prior to the commencement of the use

9. Reticulated Water	
Condition	Timing
The applicant is to apply to Council's Water Section of the Infrastructure Services Department for the installation of a suitable water service for the development, at no cost to Council.	Prior to the commencement of the use

10. Access to River	
Condition	Timing
The applicant must ensure that public access to the South Johnstone River which adjoins the eastern side of the site remains clear and accessible.	At all times

11. On-site caretaker	
Condition	Timing
Overnight stays at the RV Park are not permitted without the presence of the on-site caretaker.	At all times

12. Maximum Occupancy	
Condition	Timing
The applicant is to ensure that the maximum number of recreation vehicles contained in the park at any one point in time is capped at fifty (50) vehicles.	At all times

13. Noise	
Condition	Timing
<p>The applicant must ensure that the use of generators is restricted to the hours of 8:00am and 8:00pm and that each guest is limited to 4 hours of generator usage per day and a maximum of 2 hours continuous use. The on-site caretaker must manage and ensure compliance with these requirements, at all times.</p> <p>The applicant is to ensure that noise from the site must not emanate from the subject land to a degree that would, in the opinion of the Manager Regulatory Services, create an environmental nuisance having regard to the provisions of the <i>Environmental Protection Act 1994</i>, <i>Environmental Protection (Noise) Policy 2019</i> and <i>Environmental Protection Regulation 2019</i>.</p>	At all times

14. Vegetation	
Condition	Timing
<p>The applicant must ensure that no clearing is undertaken of the native vegetation, including the vegetation along bank of the South Johnstone River.</p> <p>All structures, infrastructure and vehicles must be located a minimum distance of 3 metres from the existing riverbank vegetation</p>	At all times

### 15. Night Lighting

Condition	Timing
The applicant/owner is to ensure that all night lighting is designed and constructed to the satisfaction of the Manager Regulatory Services so as to ensure that light emitted from the subject site does not create environmental nuisance in accordance with the provisions of the <i>Environmental Protection Act 2019</i> and <i>Environmental Protection Regulation 2019</i> .	At all times

### 16. Erosion and Sediment Control

Condition	Timing
Effective sediment and erosion control must be maintained at all times during and after construction work until there is adequate vegetation cover, paved areas or other controls to prevent any silt run-off from the site to the satisfaction of the Manager Planning Services.	At all times

### 17. Stormwater Discharge

Condition	Timing
The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge, such that stormwater does not adversely affect surrounding properties, to the satisfaction of the Director Infrastructure Services.	At all times

### 18. Public Infrastructure/Utilities

Condition	Timing
Any relocation or alteration to any public utilities (including stormwater infrastructure) in association with building work must be undertaken as required by the relevant service provider and at no cost to Council.	At all times

### 19. Waste Bins and Storage Area

Condition	Timing
The applicant must ensure that any areas used for the storage of materials, equipment and rubbish are visually screened from the open view of any public roads and that refuse receptacles are maintained in a clean, tidy and good working condition, to the satisfaction of the Director Delivery Services.	At all times

### 20. Advertising Devices

Condition	Timing
The applicant/owner is to ensure that all advertising devices erected on site are in accordance with 9.4.1 Advertising Devices Code of the Cassowary Coast Regional Council Planning Scheme 2015.	At all times

**Concurrence Agency Conditions:**

The State Assessment and Referral Agency (SARA) issued a Referral Agency Response, shown as Attachment 4.

**Assessment Manager's Advice:**

**1. Currency Period**

The currency period for the development approval (Material Change of Use) shall be six (6) years starting the day the approval is granted or takes effect. In accordance with section 85 of the *Planning Act 2016 (PA)*, the development approval for Material Change of Use lapses if the building work under the approval is not complete within the abovementioned currency period.

An applicant may request that Council extend the currency period provided that such request is made in accordance with section 86 of *PA* and before the development approval lapses under section 85 of *PA*.

**2. Further Approvals Required**

An application for a Development Permit for Building Work and a Permit for Sewer Minor Works is required for the proposed development. This application/s are required to be approved prior to any works commencing on site.

**3. Cultural Heritage**

The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act 2003* and in particular 'the duty of care' that imposes landowners, developers and the like.

**4. Engineering Works**

The applicant/owner is to ensure that the engineering works involved in the proposed development are designed and constructed in accordance with the FNQROC Development Manual.

**5. Compliance with Laws**

The approval does not negate the requirement for compliance with all other relevant local Laws and other statutory legislation.

**6. Environmental Nuisance**

The *Environmental Protection Act 1994* states a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.

Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste



## **7. Adopted Infrastructure Charges**

The applicant must contribute in accordance with Council's Infrastructure Charges Resolution (No.1) 2019, made under the Planning Act 2016. The adopted infrastructure charge is payable prior to the commencement of the use. Payment is to be made to Council in accordance with the Adopted Infrastructure Charges Notice attached to the decision notice.

**Moved Cr T Millwood**

**Seconded Cr N Pervan**

**Resolution Number LG0770**

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

**FOR: Unanimous**

**CARRIED**

10:31am Mr P McBride left the meeting

10:32am Mr P McBride re-entered the meeting

**10:35am - The meeting adjourned for morning tea and reconvened at 10:49am**

### **Declaration of Perceived Conflict of Interest – 10:49am**

Cr T Millwood declared a perceived conflict of interest (as defined in s173 of the Local Government Act 2009) in **Item 8.3 Application to Purchase State Land – Lot 15 on Plan USL 42297** due to her family connections with the applicants.

**Moved Cr T Tschui**

**Seconded Cr N Pervan**

**Resolution Number LG0771**

**"That Cr T Millwood remain in the meeting to take part in the discussion and vote."**

**FOR: Crs M Nolan, B Barnes, T Tschui, N Pervan, J Baines, K Farinelli**

**ABSTAINED: Cr T Millwood**

**CARRIED**

## **8.3 Application to Purchase State Land - Lot 15 on Plan USL42297**

### **Executive Summary**

Council is in receipt of further correspondence requesting Council's amended views and/or requirements in relation to an application to purchase State land, being Lot 15 on Plan USL42297.

On 12 March 2020 Council advised Department of Natural Resources, Mines and Energy that:

a) it objected to the application to purchase State land, being Lot 15 on Plan USL42297 on the following grounds:

Council's Planning Scheme mapping shows that the site is located within the proposed future Tully Bypass route;

---



The Bruce Highway in this area already experiences times of congestion and the businesses on the western side have already been restricted to left in - left out only;

The site adjoins a strip of industrial land to the east and in the future may be used to construct a road to provide an alternative all movement access to these sites or provide for larger or next generation vehicles; and

The site provides a north-south link with other road reserves from the Bruce Highway through to Pollard Street.

On 13 July 2020 Council received further representations on the matter from the applicant's consultant, this included information from the Department of Transport and Main Roads (DTMR) regarding the proposed future Tully Bypass (western alignment) and access arrangements in the vicinity of Lot 15 on Plan USL42297.

DTMR have advised that:

The proposed future Tully Bypass (western alignment) seeks to bypass the town of Tully. The proposed alignment is located approximately 100m from the existing highway and generally follows an existing road reserve and unallocated State land;

The proposed future Tully Bypass (western alignment) should be reclassified from Category B (Planning-in-Progress) to Category A (Unprotected Planning) because its alignment is not suitable for the following reasons:

In accordance with Council's Planning Scheme, the western alignment would still have parts of the town on both sides of the alignment (including the airport and recreational areas);

The proposed alignment would have a negative effect on a few of the commercial businesses due to their own land requirements;

A more suitable alignment is available to the east which would affect far fewer businesses and allow for town development (including airport and recreational areas) to be contained on just one side of the bypass.

DTMR would not permit a direct access onto the Bruce Highway from Lot 15 on Plan USL42297. This property has direct access to Pratt Street. Pratt Street is connected to Andersen Street, which has a direct access to the Bruce Highway. This intersection has a channelized right turning lane. Also a direct access from Lot 15 would be too close to the school access, would be located on the inside of a bend and create an additional access onto the highway when the lot already has a direct access to a local road. Additional accesses to the Bruce Highway will reduce the safety and efficiency of the highway.

Therefore, in light of the additional information provided, it is recommended that Council provide an amended view and/or requirements in relation to an application to purchase State land, being Lot 15 on USL42297 on the following grounds:

As the proposed future Tully Bypass (western alignment) is now being removed from DTMR Forward Planning and is not planned to be delivered by DTMR, Council apply to the State Government to remove the proposed future Tully Bypass (western alignment) route during future Planning Scheme amendments;

---

DTMR have confirmed that an intersection at the southern end of Lot 15 on Plan USL42297 will not be permitted, all movement access to the north and south will not be facilitated by any road constructed in this area; and

DTMR have confirmed that an intersection at the southern end of Lot 15 on Plan USL42297 will not be permitted, so a future road link through to Pollard Street through Lot 15 on Plan USL42297 will not function as planned.

**Recommendation**

**"That after an assessment of the additional information supplied by the applicant on 13 July 2020, the Department of Natural Resources, Mines and Energy be advised that Council has no objection to the application to purchase State land, being Lot 15 on Plan USL42297 subject to the following conditions:**

- a. Easements must be registered over Lot 15 on Plan USL42297 in favour of Council for existing sewerage infrastructure for maintenance and access purposes;**
- b. The easements are to be a minimum width of 6 metres wide for the trunk sewer rising main from Mission Beach and a minimum width of 3 metres wide for the other rising main; and**
- c. The purchaser is responsible for undertaking the survey to locate existing sewerage infrastructure relative to the property boundaries."**

**Moved Cr K Farinelli**

**Seconded Cr N Pervan**

**Resolution Number LG0772**

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

**FOR: Unanimous**

**CARRIED**

10:52am Ms N Pirini left the meeting

10:53am Ms N Pirini re-entered the meeting

## **8.4 Delegations Report and Current Applications**

### **Executive Summary**

The Planning Services Delegations report detailing approvals issued under Delegated Authority during the month of July 2020 is presented for Councillors Information.

Additionally I wish to outline that you can view documents related to any proposed development and make a submission using Council's MyCouncil Platform via Councils website.

MyCouncil features are as follows:

Provides self-service options for the community 24/7 i.e.:

- Lodge a CR (Customer Request)
  - Lodge a development Application (planning, building or plumbing & drainage)
  - Submit a planning & development or building records search request
  - Track a CR or development application
-

- Make a submission on a development application on public notification
- Conduct a land parcel search
- View copies of Decision notices for development applications

**Recommendation**

**"That the Delegations report listing statistics on Approvals issued by Planning Services from July 2020 be received and noted."**

**Moved Cr K Farinelli**

**Seconded Cr T Millwood**

**Resolution Number LG0773**

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

**FOR: Unanimous**

**CARRIED**

10:56am Mr G Singh re-entered the meeting

10:57am Mr D Bradford re-entered the meeting

**9. GENERAL BUSINESS**

**9.1 Possible Formation of a History Group in Mission Beach**

Cr T Tschui extended an invitation to members of the public to attend a community discussion in respect of the possible formation of a Mission Beach history group. Meeting will be held Monday, 24 August at 3pm at the Mission Beach Progress Hall.

**9.2 Meeting with Members of World Rafting Committee**

Cr B Barnes advised fellow Councillors and Council Officers of a meeting with members of the World Rafting committee today.

**9.3 Cool Burn Program**

Cr B Barnes made mention that our region is currently mid-way through the cool burn program.

**9.4 Unsealed Road Maintenance**

Cr B Barnes mentioned that the grading program is 3-4 days ahead of schedule.

**9.5 Petition Innisfail Estate Dalrymple Park walking Path**

Cr J Baines tabled a petition which was handed to the CEO for further action.

**9.6 COVID-19**

Mayor Nolan addressed the meeting as follows:

*"During these trying times, the social wellbeing of the community is at the forefront of our minds. Council will always promote the health, safety and wellbeing of the Cassowary Coast community."*

*I want to congratulate regional residents on their efforts containing the COVID-19 virus. Easing restrictions has provided a small measure of relief, however this is not the time to be complacent."*

---

*We must remain vigilant, continue social distancing and hygiene practices and work together to ensure our community remains free of the virus.*

*Stay home if you are sick. No matter how mild your symptoms are, you should still make arrangements to be tested. I also cannot stress enough the value of receiving the influenza vaccine.*

*The Cairns and Hinterland Hospital and Health Service have opened a drive-through fever clinic at Innisfail Hospital and to help stop the spread of COVID-19, anyone with cold or flu-like symptoms should get tested.*

*In the meantime, please reach out and keep connected to each other at a distance, stay well and stay safe and take the time to keep informed on latest updates on via Queensland Health."*

### **9.7 Statement in Relation to 100 day Milestone Snapshot**

The Mayor addressed the meeting as follows:

*"My fellow Councillors and I recently reached a significant milestone – the first 100 days in office.*

*Since the swearing in ceremony on April 23, Council has made strides towards many goals including improving efficiency and creating savings for ratepayers, innovation and adaptability, investing in our youth and future workforce requirements and ensuring a focus on safety.*

*To commemorate this milestone we have prepared a snapshot of the first 100 days detailing some of the exciting achievements and initiatives this Council has had a hand in identifying, setting in motion and/or bringing to fruition.*

*Some of my favourites from the list include:*

- *The funding and completion of the Innisfail State College drop and go facility.*
- *The Go Local, Grow local campaign launched to support businesses and community organisations in recovering from COVID-19.*
- *Council helps to clear 1.34 Tonnes of rubbish as part of the Cowley Beach clean-up initiative.*

*The list will be unveiled via Council's social media over the next few days and will later be available in full on the website."*

### **9.8 75th Anniversary of the end of World War II**

Cr J Baines made mention of Victory in the Pacific Day the 75th anniversary of the end of World War II this Saturday, 15 August 2020 and the bells throughout the region will be rung at midday for 2 minutes.

Cr T Millwood added that there will also be a celebration held on Tuesday, 18 August 2020 at 10:00am at the Mission Beach Cenotaph for Vietnam Veterans Day.

---

**MOVE INTO COMMITTEE - 11:09am**

**Moved Cr J Baines**

**Seconded Cr B Barnes**

**Resolution Number LG0774**

**"That in relation to Agenda Items 10.1, 10.2, 10.3, 10.4, 10.5, and 10.6, I move, pursuant to Section 275(1)(e), (f) and (h) of the Local Government Regulation 2012, that the meeting be closed to the public so that Council can discuss (e) contracts proposed to be made by it, (f) stating or defending legal proceedings involving the local government; and (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage."**

**FOR - Unanimous**

**CARRIED**

11:15am Mr J Gott left and re-entered the meeting

**Declaration of Material Personal Interest - 11:28am**

Cr K Farinelli declared that she had a Material Personal Interest in **Item 10.4 2019 REPA Road Repairs Contracts** (as defined in s173 of the Local Government Act 2009) due to her husband's casual employment with IMEC and she left the meeting room and took no part in the discussion.

11:44am Cr K Farinelli re-entered the meeting

11:46am Mr D Goodman left and re-entered the meeting

11:48am Crs T Tschui and B Barnes left the meeting

11:50am Crs T Tschui and B Barnes re-entered the meeting

11:51am Mr P McBride left the meeting

11:53am Mr P McBride re-entered the meeting

12:07pm Mr T Sanders left the meeting

12:08pm Mr T Sanders re-entered the meeting

12:10pm Mr P McBride left the meeting

**MOVE OUT OF COMMITTEE - 12:07pm**

**Moved Cr N Pervan**

**Seconded Cr B Barnes**

**Resolution Number LG0775**

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

**FOR: Unanimous**

**CARRIED**

---

## **10. CONFIDENTIAL REPORTS**

### **10.1 Contract No. CCW000041 Management Services Contract - Mission Beach Aquatic Centre**

#### **Executive Summary**

The purpose of this report is to inform Council of additional details regarding the outcome of Tender CCW000041. The tender was awarded on 20 July 2020 under delegation by the Director Infrastructure Services following the evaluation of tenders that were received as part of the public tender process which closed on 8 July 2020.

#### **Recommendation**

**"That Council note the decision of the Director Infrastructure Services to award the Management Services Contract for the Mission Beach Aquatic Centre to Grimsey Aquatics Pty Ltd under delegated authority."**

**Moved Cr T Tschui**

**Seconded Cr T Millwood**

**Resolution Number LG0776**

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

**FOR: Unanimous**

**CARRIED**

### **10.2 Outstanding Rates and Charges Report**

#### **Executive Summary**

This report is presented for Council information regarding the status of rates and charges to 30 June 2020 or as stated. An update regarding legal action is provided also.

#### **Recommendation**

**"That the *Outstanding Rates and Charges Report* be received and noted."**

**Moved Cr J Baines**

**Seconded Cr N Pervan**

**Resolution Number LG0777**

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

**FOR: Unanimous**

**CARRIED**

---

### 10.3 Outstanding Sundry Debtors Report

#### Executive Summary

This report is presented for Council's information highlighting the current status of sundry debtors excluding rates and charges.

#### Recommendation

"That the *Outstanding Sundry Debtors Report* be received and noted."

Moved Cr T Millwood

Seconded Cr N Pervan

Resolution Number LG0778

"That the Recommendation be adopted."

FOR: Unanimous

CARRIED

#### Declaration of Material Personal Interest - 12:11pm

Cr K Farinelli declared that she had a Material Personal Interest in **Confidential Item 10.4 - 2019 REPA Road Repairs Contracts** (as defined in s173 of the Local Government Act 2009) due to her husband's casual employment with IMEC and she left the meeting room and took no part in the vote.

### 10.4 2019 REPA Road Repairs Contracts

#### Executive Summary

Through the Queensland Reconstruction Authority (QRA), Council have secured \$5.63 million of Restoration of Essential Public Assets (REPA) funding. In this round of REPA Road works, Council had a total of seven packages that Contractors were invited to tender on for the 2019 REPA Road Program.

Eight Contractors tendered in total, with each package receiving five or more submissions. These tenders were evaluated by a panel of Council officers and a Consultant. The recommendations of the tenderer to award each Contracts too, forms the basis of this report.

The works are programed to be completed before 31 December 2020.

#### Recommendation

"That Council:

1. Award the following Contracts:

**CCW000097, 2019 REPA Road Repairs Submission 6 as submitted by CCUS (Celtic Construction & Utility Services) being the most advantageous to Council, be accepted for the amount of \$1,156,047.69 (Excl. GST);**

---

**CCW000098, 2019 REPA Road Repairs Submission 7 as submitted by IMEC being the most advantageous to Council, be accepted for the amount of \$323,440.36 (Excl. GST);**

**CCW000099, 2019 REPA Road Repairs Submission 8 as submitted by CCUS being the most advantageous to Council, be accepted for the amount of \$1,327,093.89 (Excl. GST);**

**CCW000100, 2019 REPA Road Repairs Submission 9 as submitted by Cheshire Contractors Pty Ltd being the most advantageous to Council, be accepted for the amount of \$895,322.26 (Excl. GST);**

**CCW000101, 2019 REPA Road Repairs Submission 10 as submitted by IMEC being the most advantageous to Council, be accepted for the amount of \$823,401.00 (Excl. GST);**

**CCW000103, 2019 REPA Road Repairs Submission 8A as submitted by IMEC being the most advantageous to Council, be accepted for the amount of \$197,402.02 (Excl. GST); and**

**CCW000104, 2019 REPA Road Repairs Submission 8B as submitted by CCUS being the most advantageous to Council, be accepted for the amount of \$194,186.00 (Excl. GST).**

**2. Council delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into a contract, negotiate, finalise and execute any and all matters associated with or in relation to the contract subject to Council's normal procurement policies and practices; and**

**3. A Monthly Status Report will be provided to Council covering matters including, but not limited to program schedule, costs, quality and risks.**

**Moved Cr N Pervan**

**Seconded Cr T Millwood**

**Resolution Number LG0779**

**"That the following contracts be awarded:**

**CCW000097, 2019 REPA Road Repairs Submission 6 as submitted by CCUS (Celtic Construction & Utility Services) being the most advantageous to Council, be accepted for the amount of \$1,156,047.69 (Excl. GST);**

**CCW000098, 2019 REPA Road Repairs Submission 7 as submitted by IMEC being the most advantageous to Council, be accepted for the amount of \$323,440.36 (Excl. GST);**

**CCW000099, 2019 REPA Road Repairs Submission 8 as submitted by CCUS being the most advantageous to Council, be accepted for the amount of \$1,327,093.89 (Excl. GST);**

**CCW000101, 2019 REPA Road Repairs Submission 10 as submitted by IMEC being the most advantageous to Council, be accepted for the amount of \$823,401.00 (Excl. GST);**

**CCW000103, 2019 REPA Road Repairs Submission 8A as submitted by IMEC being the most advantageous to Council, be accepted for the amount of \$197,402.02 (Excl. GST); and**

**CCW000104, 2019 REPA Road Repairs Submission 8B as submitted by CCUS being the most advantageous to Council, be accepted for the amount of \$194,186.00 (Excl. GST);**

**and contract**

**CCW000100, 2019 REPA Road Repairs be awarded to IMEC."**

---



**FOR: Crs T Millwood, N Pervan**

**AGAINST: Crs M Nolan , B Barnes, T Tschui, J Baines**

**LOST**

**Moved Cr B Barnes**

**Seconded Cr J Baines**

**Resolution Number LG0780**

**"That Council:**

**1. Award the following Contracts:**

**CCW000097, 2019 REPA Road Repairs Submission 6 as submitted by CCUS (Celtic Construction & Utility Services) being the most advantageous to Council, be accepted for the amount of \$1,156,047.69 (Excl. GST);**  
**CCW000098, 2019 REPA Road Repairs Submission 7 as submitted by IMEC being the most advantageous to Council, be accepted for the amount of \$323,440.36 (Excl. GST);**  
**CCW000099, 2019 REPA Road Repairs Submission 8 as submitted by CCUS being the most advantageous to Council, be accepted for the amount of \$1,327,093.89 (Excl. GST);**  
**CCW000100, 2019 REPA Road Repairs Submission 9 as submitted by Cheshire Contractors Pty Ltd being the most advantageous to Council, be accepted for the amount of \$895,322.26 (Excl. GST);**  
**CCW000101, 2019 REPA Road Repairs Submission 10 as submitted by IMEC being the most advantageous to Council, be accepted for the amount of \$823,401.00 (Excl. GST);**  
**CCW000103, 2019 REPA Road Repairs Submission 8A as submitted by IMEC being the most advantageous to Council, be accepted for the amount of \$197,402.02 (Excl. GST); and**  
**CCW000104, 2019 REPA Road Repairs Submission 8B as submitted by CCUS being the most advantageous to Council, be accepted for the amount of \$194,186.00 (Excl. GST).**

**2. Council delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into a contract, negotiate, finalise and execute any and all matters associated with or in relation to the contract subject to Council's normal procurement policies and practices; and**

**3. A Monthly Status Report will be provided to Council covering matters including, but not limited to program schedule, costs, quality and risks.**

**FOR: Crs M Nolan , B Barnes, T Tschui, J Baines**

**AGAINST: Crs T Millwood, N Pervan**

**CARRIED**

12:13pm Cr K Farinelli re-entered the meeting

---

## **10.5 Waste Direction: 2021 and onwards**

### **Executive Summary**

Contracts for the management of landfills, transfer stations, waste transfer from Tully and Stoters Hill to external waste facility, weighbridge management at Stoters and Tully landfills as well as the receipt and disposal of wet waste from the Cassowary Region all expire on the 31st July 2021.

The alignment of expiry dates has provided Council with an opportunity to review and consider future directions over the coming 5 – 7 years for a whole of waste operation for the region.

Contract management of waste in the region has provided security in the delivery of waste services however at a premium. Initial analysis has demonstrated that managing waste in the region could benefit by a day labour system with council directly managing all concepts of waste management.

Investigations have reviewed the plant required to operate all facilities, staffing required to provide efficient service delivery, methods of resource recovery along with a number of governance issues relative to the commencement of a waste day labour system. Initial investigations show a considerable saving when the program is considered over a ten year period. Continued detailed investigations are required to fully identify all savings and develop strategies to commence a day labour system at the conclusion of existing waste contracts, on the 1st August 2021.

### **Recommendation**

**"That from the 1st August 2021, Council commence a day labour system to undertake:**

- **Management of all landfills,**
  - **Management of all transfer stations**
  - **Management of waste transfer from Tully and Stoters Hill transfer stations to external waste facility.**
  - **Management of weighbridge at Tully and Stoters Hill transfer station.**
  - **Management of all miscellaneous and interlocking aspects of waste management in the Cassowary region.**
- **Bi monthly progress reports will be provided to Council."**

**Moved Cr T Tschui**

**Seconded Cr K Farinelli**

**Resolution Number LG0781**

**"That consideration of the matter be deferred pending provision of further information to Councillors."**

**FOR: Unanimous**

**CARRIED**

---

## **10.6 Upper Daradgee Road Realignment - Notice of Intention to Resume Land for Roads Purposes**

### **Executive Summary**

Council is seeking to secure ongoing and safe access for residents of Upper Daradgee Road following the closure to one lane of the road due to erosion and undermining of the river bank of the Johnstone River. A multi criteria analysis undertaken by Council officers determined that the most beneficial approach was to realign the road well clear of the river and to design the alignment to improve road safety. Three of the four affected property owners are supportive of the road realignment, however one property owner, Mr Michael Treston has lodged a formal objection to Council's Notice of Intention to Resume Land for Roads Purposes. After full consideration of the contents of the objection and Mr Treston's further material and submissions received at the Objection Hearing, the option to realign the road well clear of the river remains the preferred approach.

### **Recommendation**

**"That Council:**

- 1. Receive the report and confirm that it has considered the contents, including the contents of both the Objection received and the Objection Report;**
- 2. Dismiss the objection; and**
- 3. Proceed to make a formal application to the Minister administering the *Acquisition of Land Act 1967* for the taking of 11746 square meters shown on Preliminary Survey Plan SP321481 for roads purposes."**

**Moved Cr N Pervan**

**Seconded Cr J Baines**

**Resolution Number LG0782**

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

**FOR: Unanimous**

## **11. MEETING CLOSURE**

**12:16pm There being no further business, the Mayor declared the meeting closed.**

**CONFIRMED AS A TRUE AND CORRECT RECORD THIS 27TH DAY OF AUGUST 2020**

---

**Cr M Nolan, Mayor**

