

**Thursday, 28 October 2021**

**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 Renee McLeod - Division 6

# **LOCAL GOVERNMENT MEETING**

## **MINUTES**

### **Welcome**

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

### **Present**

Crs M Nolan (Mayor), B Barnes (Deputy Mayor), T Millwood, T Tschui and R McLeod, Mr A Graffen (Chief Executive Officer), Mr D Goodman (Director Infrastructure Services), Mr A Sadler (Director Delivery Services), Mr G Singh (Chief Financial Officer), Ms K Slattery (Governance Lead), Ms L Bradley (Manager Finance), Ms V Kerr (Governance Officer), Ms K Vick (Coordinator Rates), Mr B Vick (Coordinator Procurement), Mr D Walker (ICT Customer Support Officer) and Ms 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.

### **Opening Prayer**

The Mayor welcomed Pastor Mark Dewar of the Cassowary Coast Uniting Church to the meeting and invited Pastor Dewar to open the meeting prayer.

On completion of the blessing Pastor Dewar left the meeting.

### **Apologies**

Cr J Baines and Cr N Pervan

### **Declaration of Prescribed Conflicts of Interest or Declarable Conflicts of Interest**

Cr M Nolan (Chairman) invited those present to use this opportunity to make public any Prescribed Conflicts of Interest or Declarable Conflicts of Interest 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 R McLeod** stated that she had advised the CEO of her Declared Conflict of Interest in respect of **Confidential Item 7.2 COW000059 - Register of Prequalified Suppliers for Trade and Professional Services** as her husband works for one of the suppliers and she stated that she would leave the meeting for this Item.

Cr Millwood advised that the Minutes of 14 October 2021 are reflected differently to Cr N Pervan's Declaration of his Conflict of Interest, as in the live stream it is not clarified what his conflict of interest was and Cr Millwood asked that the Minutes be amended to reflect the actual declaration that was made on the day.

The CEO, Mr A Graffen advised that the amendment would be made.

## **1. CONFIRMATION OF MINUTES**

### **1.1 Minutes of the Local Government Meeting dated 14 October 2021**

#### **Recommendation**

**"That the Minutes of the Local Government Meeting held on 14 October 2021 be confirmed as a true and correct record."**

**Moved Cr B Barnes**

**Seconded Cr T Tschui**

**Resolution Number LG1122**

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

**FOR: Unanimous**

**CARRIED**

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

### **2.1 Item 6.3 COW000060 - Register of Prequalified Suppliers for Plant and Truck Hire - Minutes 14 October 2021**

Mr G Singh (Chief Financial Officer) advised that the section of the legislation that was referenced in the report which is 275 (1)(e) should have been section 254J (1)(3)(g) and offered his apologies for the oversight.

### **2.2 Item 5.13 Statement from the Mayor - Correction to Previous Statements Made About Legal Proceedings**

Cr T Millwood stated that she would like to clarify for the record that after watching and listening to the live stream while the Mayor felt the need to apologise on behalf Council, Councillors and the previous Council for the inaccuracies that have been made in previous statements, Cr Millwood would like to make it clear that she has not and is not involved in any of these inaccuracies provided and has not had these issues discussed with her at length. Cr Millwood stated that she was not a part of the Council which made the statement in September 2019 and the comments referred to that have been made since by the Council were in fact made by Mr Mayor and she does not want any responsibility for that.

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

#### **3.1 Quarterly Progress Review - Operational Plan 2021/22 as at 30 September 2021 Executive Summary**

The Council adopted its 2021/22 Operational Plan on 10 June 2021. The Operational Plan outlines the activities proposed to be undertaken during the 2021/22 financial year which will contribute to the achievement of the strategies outlined in the Corporate Plan.

The first quarter review of the 2021/22 Operational Plan has been completed and is attached.

##### **Recommendation**

**"That the quarterly review of the 2021/22 Operational Plan to 30 September 2021 be received and its contents noted."**

**Moved Cr R McLeod**

**Seconded Cr T Millwood**

**Resolution Number LG1123**

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

**FOR: Unanimous**

**CARRIED**

9:09am Mr C Accatino (Asset Engineer) entered the meeting

9:10am Ms V Kerr (Governance Officer) left the meeting

#### **3.2 Finance Report - September 2021**

##### **Executive Summary**

The purpose of this report is to promote sound financial management and accountability by presenting to Council the Finance Report and Monthly Council Reporting Package as at 30 September 2021.

The Chief Financial Officer 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 McLeod**

**Seconded Cr T Millwood**

**Resolution Number LG1124**

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

**FOR: Unanimous**

**CARRIED**

### **3.3 Final Audit 2020-2021**

#### **Executive Summary**

The Queensland Audit Office has advised Council that it has received an unmodified audit opinion on Council's financial statements for the 2020-2021 financial year. Council's internal control environment was assessed as effective across each criteria. In addition, no significant deficiencies or standard deficiencies were identified during the final audit.

#### **Recommendation**

**"That the correspondence from Grant Thornton and the Queensland Audit Office in relation to the Final Management Report and the Closing Report for 2020-2021 for the Cassowary Coast Regional Council, be noted."**

**Moved Cr T Tschui**

**Seconded Cr B Barnes**

**Resolution Number LG1125**

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

**FOR: Unanimous**

**CARRIED**

9:20am Mr B Jones (Senior Planner/Strategic Planner) entered the meeting

## **4. ASSET SUSTAINABILITY**

### **4.1 CCRC Capital Report - September 2021**

#### **Executive Summary**

Council has adopted its Capital Works Program for the 2021-22 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 it."**

**Moved Cr T Tschui**

**Seconded Cr T Millwood**

**Resolution Number LG1126**

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

**FOR: Unanimous**

**CARRIED**

### **4.2 Asset Rationalisation Process – 2021/22 Implementation Update – Quarter 1**

#### **Executive Summary**

Cassowary Coast Regional Council's vision is to work collaboratively with community to ensure "We Love the Place We Live". One of Council's key initiatives to put downward pressure on rates and improve the financial sustainability of the region is the asset rationalisation project. This

project comes in response to a 2015 Queensland Treasury Corporation Report that identified Council's growing asset base had placed a significant financial burden on the regional community and recommended the rationalisation or disposal of assets that had been earmarked as surplus to requirements.

The following report provides an update on progress made with the implementation phase of the asset rationalisation. Whilst a lot of work has continued behind the scenes only a small portion of savings have been recognised in the first quarter. The current implementation plan provides that by the end of the second quarter; it is anticipated over 50% of the ongoing saving commenced.

**Recommendation**

**"That council receive the report and note the status of the asset rationalisation implementation."**

**Moved Cr T Tschui**

**Seconded Cr R McLeod**

**Resolution Number LG1127**

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

**FOR: Unanimous**

**CARRIED**

9:37am Mr J Fischer (Manager Asset Engineering) and Mr D Horton (Manager Planning Services) entered the meeting

9:40am Mr P Crosby (Chief People & Culture Officer) entered the meeting

9:41am Mr T Sanders left the meeting

## **5. PLANNING SERVICES**

### **5.1 MCU21/0040 - Material Change of Use for Medium Impact Industry (Cold Storage) on land described as Lot 4 on SP210308, situated at 46 Clifford Road, Goondi**

**Executive Summary**

Council is in receipt of an application for a Material Change of Use for a Medium Impact Industry (Cold Storage). The application was prepared by McPeake Town Planning on behalf of Auscool Property Pty Ltd for the establishment of Medium Impact Industry (Cold Storage) on land described as Lot 4 on SP210308, situated at 46 Clifford Road, Goondi QLD 4860.

**Recommendation**

**"That a Development Permit be issued for a Material Change of Use for Medium Impact Industry (Cold Storage) on land described as Lot 4 on SP210308, situated at 46 Clifford Road, Goondi QLD 4860 subject to conditions in Annexure 1"**

**Moved Cr T Millwood**

**Seconded Cr B Barnes**

**Resolution Number LG1128**

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

**FOR: Unanimous**

**CARRIED**

9:43am Mr C Accatino left the meeting

## **5.2 Delegations Report and Current Applications**

### **Executive Summary**

The Planning Services Delegations report detailing approvals issued under Delegated Authority during the month of September 2021 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 September 2021 be noted and received."**

**Moved Cr B Barnes**

**Seconded Cr T Tschui**

**Resolution Number LG1129**

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

**FOR: Unanimous**

**CARRIED**

## **6. GENERAL BUSINESS**

### **6.1 LGAQ Conference (Cr R McLeod)**

Cr R McLeod advised that it was incredible to attend the 125th Local Government Association of Queensland Conference in Mackay, meeting with other Councils and listening to their struggles and achievements in what they are doing to make a positive change in their LGA's. Connections were also made with trading exhibitors and it was great to hear that most of them know the Cassowary Coast, have holidayed in the Cassowary Coast and are very keen to come back to the Cassowary Coast. Cr McLeod looks forward to continuing the relationships that she has formed and she is excited to bring all the information back to Council.

### **6.2 Port Hinchinbrook**

Cr T Millwood asked if there was any formal letter or agreement from the State or the Federal Government about Port Hinchinbrook. Mr A Graffen (CEO) advised that there has been a commitment for funding which requested that an application be submitted so an application has been submitted to the Federal Government for the \$6M commitment that was made. Council has

not yet received a draft agreement from the Federal Government in relation to that application and Council is continuing to work closely with the State around a number of agreements including the \$6.3M commitment from the State. The finer points of some of those other licenses, infrastructure agreements and funding agreements are currently being finalised and Officers would like to take a report to Council shortly to clarify all of those points. Cr Millwood also asked if at the present time the liquidator is still the person in charge of whatever goes on at Port Hinchinbrook to which the CEO replied to in the affirmative.

Cr B Barnes asked the CEO if there is an intention to bring an external consultant on board to manage this sewerage plant project. In his opinion Cr Barnes stated that this would look favourable to attracting Federal money and any negotiations with the Federal Government as he considers this to be very important. The CEO stated that a \$12.3M project, a very significant piece of infrastructure for the region so there is certainly a budget allocation within that \$12.3M that is currently being committed internally to allocate a project manager and that this project needs absolute focus from Council to deliver and ensure that Council deliver it the right way and without that impost on ratepayers.

Cr Barnes also enquired about the timing and whether it should be brought on now to attract Federal funding as he believes it would be advantageous or should we wait until we achieve that last amount of Federal funding. The CEO advised that the funding would need to come, that would be an additional position so the funding would pay for that. Council has resolved not to pay for that through general rates but Council does have a project control team together with a project control group, so this does certainly have a strong focus. The CEO, the Director of Infrastructure and a number of other key employees within Council, so this has got a focus but that role would be funded through that State and or Federal funding.

Cr Millwood asked if Council were to engage an external consultant that this position would be funded through the funds that would come from the State and the Federal Governments and that it would definitely not be funded through Council's ratepayer base. The CEO advised that the consideration would be taken to Council as it would be an additional position and that funding would need to be offset by Federal and State funding but it would be a key position to ensure successful delivery of such a significant project.

### **6.3 LGAQ Conference (Cr T Tschui)**

Cr T Tschui in support of Cr McLeod advised that it was a great opportunity to attend the LGAQ Conference and AGM. The Speakers were informative, innovative and at times inspirational. Cr Tschui touched base with various trade connections and will connect with local groups in regards to those that people that she met with about nature play, regional arts and galleries and the Drug and Sports Foundation which are keen to get sporting groups involved to discuss culture within their clubs and mental health and all that is relevant. It was great to talk to those people. It was also insightful to talk to other Councillors and share stories about each other's roles. Cr Tschui believes that it is important and beneficial for all Councillors to step outside and attend events that might enhance and provide an opportunity to learn and grow. Cr Tschui thanked Mackay Regional Council, LGAQ and our Council for making the event happen and making it possible for us to attend.

### **6.4 Australia Day Nominations**

Cr T Tschui asked to remind our community that Australia Day is not far away and advised that online nomination forms are available on the Council website. If you know anybody or any groups, whether it be a young or more mature person that has been your local hero and it is your opportunity to shine a light on that person or that group there are various categories that you can

nominate people for. So if somebody has been outstanding this year they can be nominated for an Australian of the Year Award or if it is a long-term commitment that they have made to making our community a better place there is a lifetime achievement award. Cr Tschui added that not everybody can win but just to be nominated for this means that somebody thinks that you are doing a great job. Cr Tschui urges our community to get on board and nominate somebody for the Australia Day Awards.

### **6.5 Employee Recognition Awards**

Cr B Barnes advised that it was a great honour to do the presentation to the some of our workforce for 10 years service, 20 years service and the pinnacle of the awards was to Piero Tenni who has been in the workforce for 40 years. He started in the early 1980's under the Cardwell Shire Council. 40 years is a long time to work for one organisation and the event was very well represented by and enjoyed by staff.

### **6.6 Petition for Transfer Station**

Cr B Barnes mentioned that a petition has recently been received from Tully Heads and Hull Heads in relation to the transfer station. Cr Barnes believes that Council should move into a lot more engagement to gain some feedback with the farmers from the Lower Tully and Murray Upper areas and also constituents from Tully Heads and Hull Heads.

Cr T Millwood spoke about the petition that is involved and reminded Cr Barnes that there was a decision by Council in relation to what is going to happen at the two transfer stations and that it will be reviewed after 12 months with further consultation.

Mr A Graffen (CEO) confirmed Cr Millwood's information highlighting that Council did resolve on 25 February 2021 to reduce that service based on information provided by officers. Obviously that from that petition a report was taken back to Council on 24 June 2021 in relation to that petition and there was a resolution to review that post 12 months. Officers are collating data and that data will be used to inform Council to make any future decision on operations at that site.

Cr Barnes asked if the consultation is going to take place after the 12 months and not before. Mr Graffen advised that the Council resolution taken on 24 June was to review following 12 months and for officers to collect data on that and that data and any future item to go to Council to consider that matter and would obviously involve community consultation and engaging with the community in Tully Heads in particular.

### **6.7 Cardwell Barra Bonanza**

Cr B Barnes advised that the Barra Bonanza is being held in Cardwell and encouraged everyone to attend. There is an evening event at the Cardwell Community Hall and it would be great for the Councillors to see how many people travel from the Burdekin, Mareeba and other towns. Cr Barnes also mentioned the dredging of One Mile Creek and is embarrassed that people who do come to Cardwell try to use Meunga Creek where Council has cleaned the boat ramp. He believes that Council has done as much as it possibly can to attract the \$1.5M for the dredging and added that Council does not have the funds as some people are saying.

### **6.8 Capital Works Projects**

Cr B Barnes asked about projects that are due for completion by June 2022 and if Council is on schedule. Mr D Goodman (Director Infrastructure Services) advised that within the content of the Capital Works Report on page 80 Council identifies the projects that have external funding with funding deadlines attached to them. At this stage there are no projects which are of significant concern. There are some issues and one that would be of concern is the TMR Tourism, Balliol



Street, Cardwell project but all other projects are well in hand. Cr Barnes voiced his concerns about timing and the weather.

Mr Goodman for clarification, added that his team and the teams that are delivering these projects are very well aware of the climatic impact on capital works projects and are taking those into account into their planning in full delivery.

Mr Graffen added that the planning for those projects, particularly the three in Cardwell was sound. It is unusual to tender those works twice and see some of the responses that have come in, or lack of responses through that process and Council is working on a number of different strategies for delivery of some of these projects and if that is internal delivery, obviously our internal resources are finite and that may mean that other priorities need to be shuffled so that will be considered. Mr Graffen understands that it has only closed and unfortunately at the moment the market that Council is operating in is a challenging one.

#### **6.9 LGAQ Conference (Cr Nolan, Mayor)**

Cr M Nolan advised that he also had attended the LGAQ Conference and when the store presenters found out that he was from the Cassowary Coast, Bill Slater's name was mentioned and as he has been appointed the Queensland State of Origin coach the Mayor handed the QRL prize that he won to the new CEO, Mr Graffen (a NSW supporter), highlighting the name on the front of the book which states 'A fine line between winning and losing.'

#### **6.10 Mission Beach CBD Upgrade - Village Green**

Cr M Nolan stated that this is a legacy piece for this Council in this term 2020 - 2024. It commences today and the press release has gone out. Mr Shane Knuth contacted the Mayor for the details of the project ASAP. All the details around the scope of works, costings were provided. The Mayor advised that the Katter Party and the local member are working on funding around Stage Two. The Mayor spoke to the funding to implement stage one and advised that there will be a workforce installing 56 car parks including 2 disabled bays and 3 bays suitable for caravans or trailers.

"Council is very pleased to begin this project as it will improve safety in the area, provide improved access to the local businesses and improve drainage.

"Unfortunately, Council was unsuccessful in receiving funding from the fifth round of Building Better Regions by the Federal Government which was hoped to part fund Stage Two of the project.

"There are other funding opportunities out there including a sixth round of Building Better Regions and we are reconsidering all options to make sure this project goes ahead. This will be a legacy piece for this Council - no doubt.

"In the interim, Council will continue to provide the community with updates as they occur," said Councillor Nolan.

Stage One of the Mission Beach Masterplan is fully funded by Council and with additional works now being undertaken, the total project is anticipated to be \$696,000.

During the works there will be limited disruptions to the community, with no full road closures anticipated.

Works will occur from Monday to Saturday, 7:00am to 5:00pm each day. The project is expected to be complete by 17 December, pending site and weather conditions.

The Mayor then presented the 'Gold Shovel' sod turning material to Cr Trudy Tschui as part of the media launch today.

#### **6.11 LGAQ Conference (Cr T Millwood)**

Cr Millwood asked if Council presented or supported a motion at the LGAQ Conference. Cr M Nolan (Mayor) advised that Cassowary Coast Regional Council did not present any motions or submissions but fully supported the 109 motions that were presented. All of the motions were productive and positive moves forward in terms of revision of the regional plan, the shortage of accommodation and other social justice outcomes that a lot of the indigenous communities put forward. The Mayor believes that the next conference will be held in Cairns and has discussed with the CEO that a Councillor Information Session (CIS) be held well in advance of the next conference to ensure that we submit motions for that conference.

#### **MOVE INTO CLOSED SESSION - 10:11am**

**Moved Cr T Millwood**

**Seconded Cr T Tschui**

#### **Resolution Number LG1130**

**"That in relation to Agenda Item 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 I move, pursuant to Section 254J(1)(3)(d), (g), (e), (e), (g) and (g) of the Local Government Regulation 2012, that the meeting be closed to the public so that Council can discuss (d) rating concessions, (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government; (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government; (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government; (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government; and (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government."**

**FOR - Unanimous**

**CARRIED**

10:12am Mr D Horton, Mr B Jones, Mr J Fischer & Ms K Slattery left the meeting

10:20am Mr J Fischer re-entered the meeting

10:20am Mr P Cassell (Senior Contracts Administrator) entered the meeting

10:26am Ms Z Holmes (Communications Advisor) entered the meeting

#### **10:34am**

**Councillor McLeod, having earlier informed the meeting of a Declarable Conflict of Interest in Item 7.2 COW000059 Register of Prequalified Suppliers for Trade and Professional Services and her decision to not participate in the decision left the meeting and took no part in the discussion.**

10:38am Cr R McLeod re-entered the meeting

10:41am Ms K Slattery re-entered the meeting

**MOVE OUT OF CLOSED SESSION - 10:57am**

**Moved Cr B Barnes**

**Seconded Cr T Millwood**

**Resolution Number LG1131**

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

**FOR - Unanimous**

**CARRIED**

**7. CONFIDENTIAL REPORTS**

**7.1 Gifting of Land to Council - Mourilyan Harbour**

**Executive Summary**

This report is presented for Council's consideration in relation to a request for a rating concession and gifting of land at Lot 804 on M2931.

**Recommendation**

**"That Council:**

- 1. Accept the gift of land described as Lot 804 on M2931 from the owner and commence the property transfer process with costs associated with the transaction to be paid by the property owner:**
- 2. Approve the rating concession for property described as Lot 804 on M2931 to the value of \$794.51 for the current rates levied for the period 1 July 2021 to 31 December 2021 as the owner requested to surrender the land on 6 September 2021."**

**Moved Cr T Tschui**

**Seconded Cr R McLeod**

**Resolution Number LG1132**

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

**FOR: Unanimous**

**CARRIED**

**10:59am Councillor McLeod, having earlier informed the meeting of a Declarable Conflict of Interest in Item 7.2 COW000059 Register of Prequalified Suppliers for Trade and Professional Services and her decision to not participate in the decision left the meeting and took no part in the discussion or vote.**

## **7.2 COW000059 Register of Prequalified Suppliers for Trade and Professional Services**

### **Executive Summary**

A tender was advertised in August 2021 to establish a Register of Prequalified Suppliers (ROPS) for Trade and Professional Services which will allow Council staff to engage suitable prequalified suppliers of trade and professional services within the Cassowary Coast Local Government Area.

### **Recommendation**

**"That Council accept the Register of Prequalified Suppliers for trade and professional services within the Cassowary Coast Local Government Area for the contract term and as detailed in this report subject to the suppliers meeting all procurement requirements."**

**Moved Cr T Millwood**

**Seconded Cr T Tschui**

**Resolution Number LG1133**

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

**FOR: Unanimous**

**CARRIED**

11:00am Cr McLeod returned to the meeting

## **7.3 Contract No. CCW000164 Mission Beach Waste Transfer Station Redevelopment**

### **Executive Summary**

The purpose of this report is for Council to consider submitted tenders and award Contract CCW000164 for Mission Beach Waste Transfer Station Redevelopment. Contract works include Earthworks, Construction of new entry - exit accesses, Roadworks, Sealed Carpark, Stormwater lines and pits, Works will also entail the removal of the existing structures, Construction of new concrete pads, kerb & channel, concrete retaining, water and sewer connections. Supply and construction of tip shop shed including slab & footings and Installation of Principal supplied amenities building. The works are programmed to be completed by end of February 2022.

It is proposed to award this lump sum contract for award Contract CCW000164 for the Mission Beach Waste Transfer Station Redevelopment to Allan Sultana Constructions Pty Ltd.

### **Recommendation**

**"That:**

**1. The lump sum conforming tender for Contract CCW000164 for the Mission Beach Waste Transfer Station Redevelopment as submitted by Allan Sultana Constructions Pty Ltd (ASC) being the most advantageous to Council, be accepted for the amount of \$894,590.95 (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."**

**Moved Cr B Barnes**

**Seconded Cr T Millwood**

**Resolution Number LG1134**

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

**FOR: Unanimous**

**CARRIED**

**7.4 Contract No. CCW000165 Stoters Hill Landfill Cell 1 & 2 Sidewall Liner Construction Lifts 3 & 4**

**Executive Summary**

The purpose of this report is for Council to consider submitted tenders and award Contract CCW000165 for Stoters Hill Landfill Cell 1 & 2 Sidewall Liner Construction Lifts 3 & 4. The works associated with this contract entails clearing, earthworks, drainage works, supply and installation LLDPE Geomembrane, GCL, Cushion Geotextile and placement of protection material over geosynthetic liner system.

The works will be constructed as a single contract with works to be completed in 24 weeks.

It is proposed to award this lump sum contract CCW000165 for Stoters Hill Landfill Cell 1 & 2 Sidewall Liner Construction lifts 3 & 4 to Rylsey Enterprises Pty Ltd T/A Celtic Construction & Utility Services.

**Recommendation**

**"That:**

**1. The lump sum schedule of rates conforming tender for Contract CCW000065 for Stoters Hill Landfill Cell 1 & 2 Sidewall Liner Construction Lifts 3 & 4 as submitted by Rylsey Enterprises Pty Ltd Trading as Celtic Construction & Utility Services being the most advantageous to Council, be accepted for the amount of \$1,690,738.86 (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."**

**Moved Cr T Millwood**

**Seconded Cr T Tschui**

**Resolution Number LG1135**

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

**FOR: Unanimous**

**CARRIED**

**7.5 Contract No. CCW000171 Construction of Barbwire Creek Bridge**

**Executive Summary**

The purpose of this report is for Council to consider submitted tenders and award Contract CCW000171 for the Construction of Barbwire Creek bridge. Works for this Contract entail demolition and removal of the existing bridge, earthworks to the design profiles for the construction of the bridge abutments, placement of principal supplied steel piles, construction of the reinforced concrete abutments, placement of the principal supplied deck units, civil works for

connection of approaches to the road network and rock protection to the creek bed.  
It is proposed to award this lump sum Contract to NQ Civil Contractors Pty Ltd who submitted the highest scoring tender submission following the assessment process.

**Recommendation**

**"That:**

- 1. The lump sum tender for Contract CCW000171 Construction of Barbwire Creek bridge as submitted by NQ Civil Contractors being the most advantageous to Council, be accepted for the amount of \$566,429.50 (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."**

**Moved Cr T Tschui**

**Seconded Cr R McLeod**

**Resolution Number LG1136**

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

**FOR: Unanimous**

**CARRIED**

**7.6 Contract No. CCW000166 Cowley Beach Culvert Upgrades**

**Executive Summary**

The purpose of this report is for Council to consider submitted tenders and award Contract CCW000166 for the Cowley Beach Road Culvert Upgrades. The works associated with this contract entails making side tracks, removal of existing culverts and end structures, placement of Principal supplied pipes and construction of cast in-situ end structures.

It is proposed to award this lump sum Contract to QDAC Services Pty Ltd who submitted the highest scoring tender submission following the assessment process.

**Recommendation**

**"That:**

- 1. The lump sum tender for Contract CCW000166 Cowley Beach Culverts Upgrade as submitted by QDAC being the most advantageous to Council, be accepted for the amount of \$476,643.00 (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."**

**Moved Cr T Millwood**

**Seconded Cr R McLeod**

**Resolution Number LG1137**

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

**FOR: Unanimous**

**CARRIED**

**8. MEETING CLOSURE**

11:08am There being no further business, the Mayor declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 11TH DAY OF NOVEMBER 2021

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Cr M Nolan, Mayor

**Item 5.1 - Annexure 1****Assessment Manager's Conditions**

<b>1. Approved Plans and Supporting Documentation</b>	
<b>Condition</b>	<b>Timing</b>
The development must be undertaken generally in accordance with the application, documentation received by Council on 20 September 2021 and plans in the table below, which forms part of this approval, except where varied by the following conditions.	At all times

<b>Plan/Drawing Number</b>	<b>Plan Name</b>	<b>Date</b>
<b>Drawing No. 0018.21 A101</b>	<b>Site Plan</b>	<b>Drawn: 28/08/2021  Received by Council: 20/09/2021</b>
<b>Drawing No. 0018.21 A102</b>	<b>Ground Floor</b>	<b>Drawn: 28/08/2021  Received by Council: 20/09/2021</b>
<b>Drawing No. 0018.21 A103</b>	<b>Elevations</b>	<b>Drawn: 28/08/2021  Received by Council: 20/09/2021</b>
<b>Drawing No. 0018.21 A104</b>	<b>Sections</b>	<b>Drawn: 28/08/2021  Received by Council: 20/09/2021</b>
<b>Drawing No. 0018.21 A105</b>	<b>Roof Plan</b>	<b>Drawn: 28/08/2021  Received by Council: 20/09/2021</b>



## 2. Water Connection

Condition	Timing
The applicant/owner must ensure the development is connected to Council's reticulated water network in accordance with the FNQROC Development Manual. The applicant/owner is to apply to Council's Water Section of the Infrastructure Services Department to install a water service fitted with an appropriate sized water meter at no cost to Council. The fee/charge for the water service connection and any associated upgrades required to be carried out by Council, are as per Council's Register of Regulatory Fees at the rate applicable on application are required to be paid and the works undertaken.	Prior to the commencement of the use

## 3. Sewerage Connection

Condition	Timing
The applicant/owner must ensure the development is connected to Council's reticulated sewerage network in accordance with the FNQROC Development Manual.	Prior to the commencement of the use

## 4. Car Parking

Condition	Timing
<p>The applicant/owner is to ensure that the development provides a minimum of Eight (8) carparks on the subject site inclusive of 1 space for accessible car parking.</p> <p>All Circulation and turning areas, queuing and set down areas, parking bays, manoeuvring areas, driveways, and vehicle loading and unloading bays are designed and constructed in accordance with Australian Standard AS2890.1 – <i>Parking Facilities (off-street car parking)</i> and Australian Standard AS2890.2 – <i>Parking Facilities (off street commercial vehicle facilities)</i>.</p> <p>All car parking spaces, accesses and loading bays must be sealed and drained to a lawful point of discharge.</p>	Prior to the commencement of the use and maintained at all times

## 5. Vehicle Access

Condition	Timing
The applicant/owner must apply to Council's Asset Engineering Section of the Infrastructure Services Department, for approval of Two (2) Six (6) metre wide commercial vehicle access crossovers for this development in accordance with the approved Site Plan (Drawing No. 0018.21 A101, Site Plan, Dated 28/08/2021) and FNQROC Development Manual from Clifford Road to the property boundary. Future maintenance of the access is the responsibility of the land owner.	Prior to the commencement of the use and maintained at all times

## 6. Landscaping

Condition	Timing
The applicant/owner is to ensure that all landscaping works are carried out in accordance with the approved Site Plan (Drawing No. 0018.21 A101, Site Plan, Dated 28/08/2021) and Planning Scheme Policy SC6.4 Landscaping to the satisfaction of the Manager Planning Services.	Prior to the commencement of the use and maintained at all times

## 7. Fencing

Condition	Timing
The applicant/owner is to provide a Two (2) metre high security fence in accordance with the approved Site Plan (Drawing No. 0018.21 A101, Site Plan, Dated 28/08/2021) to the satisfaction of the Manager Planning Services.	Prior to the commencement of the use and at all times

## 8. 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 to the satisfaction of the Manager Planning Services.	At all times

## 9. 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.	At all times

## 10. Waste

Condition	Timing
The applicant/owner is to ensure that waste from the site must not emanate from the subject land to a degree that would, in the opinion 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

## 11. Building Material

Condition	Timing
All buildings and structures associated with the use must be constructed from materials that are consistent with the character of the surrounding environment. Where materials are not consistent and/or require painting, they must be painted or similarly treated with paint or pigment of a low reflective quality which does not cause excessive glare (including flashing, guttering and downpipes), to the satisfaction of the Manager Planning Services.	At all times

## 12. Waste Bins and Storage Area

Condition	Timing
The applicant/owner must provide a dedicated waste area for the storage of waste. The waste storage area must be imperviously sealed, appropriately designed and ventilated of the building and be located so it cannot be seen from the street by locating the area to the rear of the buildings or applying landscaping and fencing treatments to visually screen the area to the satisfaction of Manager Planning Services.	Prior to the commencement of the use and maintained at all times

## 13. 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

## 14. 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 to the satisfaction of the Manager Planning Services.	At all times

## 15. Street Numbering

Condition	Timing
The applicant/owner is to ensure that the street numbers are erected to be clearly identifiable from Clifford Road to the satisfaction of the Manager Planning Services.	Prior to the commencement of the use and maintained at all times

16. 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

17. Excavating and Filling	
Condition	Timing
The applicant/owner is to ensure that all excavating and filling works are carried out in accordance with 9.4.3 Excavating and Filling Code of the Cassowary Coast Regional Council Planning Scheme 2015, to the satisfaction of the Manager Planning Services.	At all times

### **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
An application for a Development Permit for Building Works and Plumbing/Drainage 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 <i>Aboriginal Cultural Heritage Act 2003</i> 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 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.

## **7. Adopted Infrastructure Charges**

The applicant/owner must contribute in accordance with Council’s Infrastructure Charges Resolution (No.1) 2019, which came into effect on and from 16 December 2019. The adopted infrastructure charge is payable prior to the commencement of the use on the site.