



CARPENTARIA SHIRE

*Outback by the Sea*

***ORDINARY MEETING***

***MINUTES***

***12 OCTOBER, 2016***

## CONFIRMED MINUTES

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### **1 OPENING OF MEETING**

The Mayor welcomed members and declared the meeting open at 9.10am.

### **2 RECORD OF ATTENDANCE**

#### **Councillors**

Mayor: Cr LV Bawden  
Members: Cr AT Gallagher; Cr JD Beard; Cr BJ Hawkins; Cr AM Murphy;  
Cr PF Wells; Cr JC Young.

#### **Staff**

Acting Chief Executive Officer Mr Oliver Pring  
Director of Engineering Mr John Teague  
Manager Governance Executive Services Mr Phil Turner  
Executive Assistant Ms Angeline Pascoe.

### **3 CONDOLENCES**

Nil.

### **4 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

Confirmation of Minutes from the Ordinary Council Meeting held 21 September 2016, as previously circulated to councillors.

#### **COUNCIL RESOLUTION**

Moved Cr Beard

Seconded Cr Gallagher

***That the Minutes of the Ordinary Council Meeting held 21 September 2016 be confirmed.***

**CARRIED**

***Resolution No. 1016/001***

## **CONFIRMED MINUTES**

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Confirmation of Minutes from the Special Council Meeting held 29 September 2016, as previously circulated to councillors.

### **COUNCIL RESOLUTION**

Moved Cr Gallagher

Seconded Cr Murphy

***That the Minutes of the Special Council Meeting held 29 September 2016 be confirmed.***

**CARRIED**

**Resolution No. 1016/002**

## **5 BUSINESS ARISING FROM PREVIOUS MEETINGS**

Acting Chief Executive Officer

Quotation of scope of works from Bob Cobavie in regards to the geothermal works.

Lease of camping reserve at Koolatah.

### **MOTION**

### **COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Wells

***That Council advise the proponent that it does not wish to proceed with the granting of a lease over part of the camping reserve located at Koolatah, described as Lot 2 on CTH1.***

**CARRIED**

**Resolution No. 1016/003**

Acting Chief Executive Officer

Road access to Dinah Island.

Councillor Beard

Queried the gravel testing.

*The Director of Engineering advised that Erscon Consulting Engineers have been engaged to undertake these works using their internal geotechnical Engineer and that materials will be brought back to town as soon as suitable resources are in the area, as there are a number of proposed sites to investigate.*

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**6 PUBLIC QUESTION TIME**

There were no members of the public in the gallery.

**DEPUTATION: 9.30am – 9.56am** Dallas Leon from Gidgee Healing joined the meeting via teleconference and informed Gidgee Healing was successful in their tender submission to provide additional Primary Health Care and Maternal and Child Health services in the North West and the Lower Gulf, including Normanton.

**RECESS: 10.00am - 10.20am** The Mayor called a recess for morning tea.

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### 7 REPORTS FROM DIRECTOR OF ENGINEERING - ROADS & SERVICES

#### 7.1 WORKS REPORT - OCTOBER 2016

**Executive Summary:**

The following report provides a summary of the works undertaken in the previous month, along with works in progress.

**COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Beard

***That Council accept the report as presented.***

**CARRIED**

***Resolution No. 1016/004***

**MOTION**

**COUNCIL RESOLUTION**

Moved Cr Wells

Seconded Cr Young

***That Council award the contract to NCH Civil Constructions for Tender No. 16/0439 for the installation of M Creek culverts and associated concrete works for \$1,044,227.45.***

**CARRIED**

***Resolution No. 1016/005***

## **CONFIRMED MINUTES**

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### **7.2 NDRRA REPORT - OCTOBER 2016**

#### **Executive Summary:**

QRA 2014 restoration work is now complete and all close out reports submitted to QRA.

QRA 2016 inspections and damage records have been complete for all Council and State Controlled Roads. Submission 1 (Principal Roads) and Submission 2 (associated access roads) have been approved with an overall program budget of approximately \$33million. Submission 3 (Southern Rural Roads) "in-field assessment" has been completed with the adjustments re-submitted and awaiting final approval. Submission 4 (Northern Roads) and Submission 5 (Town Streets) in field assessments will be completed in October/November.

The "Scope Variation" for imported gravel along Dunbar-Kowanyama Road has now been approved by QRA however the "Recommended Value" is considered low. As all work will be paid based on actual construction costs and QRA have requested so ongoing monthly reporting on expenditure to ensure no surprises.

TMR 2016 damage submission has been submitted to TMR for final approval

#### **COUNCIL RESOLUTION**

Moved Cr Murphy

Seconded Cr Gallagher

***That Council accepts the report as presented***

**CARRIED**

***Resolution No. 1016/006***

### **7.3 DTMR WORKS - OCTOBER 2016**

#### **Executive Summary:**

This report provides a brief update on Council's current Department of Transport and Main Roads (DTMR) contract works.

#### **COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Gallagher

***That Council accept the report as presented.***

**CARRIED**

***Resolution No. 1016/007***



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### 7.4 PLANT REPLACEMENT - VEHICLE 1672 - GXL LANDCRUISER

**Executive Summary:**

Council has approved as part of their budget deliberations the replacement of plant number 1672 – GXL Landcruiser Wagon, however with model changes a number of required features have been removed. In order to provide a fit for purpose vehicle it is recommended that it be replaced with a VX Landcruiser.

**COUNCIL RESOLUTION**

Moved Cr Wells

Seconded Cr Murphy

***That Council replace the Landcruiser with a VX model as a fit for purpose vehicle at the changeover price of \$42,988.***

**CARRIED**

***Resolution No. 1016/008***

### 7.5 GLENORE WEIR PROGRESS REPORT - OCTOBER 2016

**Executive Summary:**

This report provides an update on the progress of the construction contract for the Glenore Weir Upgrade project as prepared by the Superintendent Blake Haslam from PDR Engineers.

**COUNCIL RESOLUTION**

Moved Cr Beard

Seconded Cr Hawkins

***That Council accept the report as presented***

**CARRIED**

***Resolution No. 1016/009***

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**7.6 BUILDING AND PLANNING REPORT - OCTOBER 2016**

**Executive Summary:**

The report is to advise Council of relevant planning and building activities within the Shire for the month of September 2016.

**Planning Applications Received**

Nil.

**Planning Applications Approved**

Nil.

**Building Applications Received**

DA No.	Address	Application Type	Value
I/1627	35 Old Croydon Road, Normanton	Shelter	\$5,000
I/1628	2 Carron Street, Karumba	Extension to Shed	\$12,000
I/1629	Burke Development Road, Normanton	Alterations to existing dwelling	\$143,000

**Building Permits Issued**

DA No.	Address	Application Type	Value
I/1627	35 Old Croydon Road, Normanton	Shelter	\$5,000

**Applications pending waiting on further information (Applicants advised)**

Nil.

**COUNCIL RESOLUTION**

Moved Cr Gallagher

Seconded Cr Beard

***That Council note and accept the content of the report as presented.***

**CARRIED**

***Resolution No. 1016/010***

## **CONFIRMED MINUTES**

**PERCEIVED CONFLICTS OF INTEREST:** Councillor Ashley Gallagher declared a perceived conflict of interest in report 7.7 due to his children's attendance at the school. Cr Gallagher dealt with the perceived conflict of interest by stating it was his determination that his personal interest is not of significance that it would lead to him making a decision on this matter that is contrary to the public interest. Councillor Gallagher participated in the discussion and voting on this matter.

Councillor Andrew Murphy declared a perceived conflict of interest in report 7.7 due to his children's attendance at the school.

Cr Murphy dealt with the perceived conflict of interest by stating it was his determination that his personal interest is not of significance that it would lead to him making a decision on this matter that is contrary to the public interest. Councillor Murphy participated in the discussion and voted on this matter.

Councillor Lyall Bawden declared a perceived conflict of interest in report 7.7 due to his partner's employment at the school.

Cr Bawden dealt with the perceived conflict of interest by stating it was his determination that his personal interest is not of significance that it would lead to him making a decision on this matter that is contrary to the public interest. Councillor Bawden participated in the discussion and voting on this matter.

### **7.7 GULF CHRISTIAN COLLEGE, REQUEST TO BUILD OVER COUNCIL'S SEWER**

#### **Executive Summary:**

PDR Engineers on behalf of Gulf Christian College have requested approval to construct a structure over Council's sewer on the corner of Thompson and Brown Streets in Normanton within the following lots;

- Lot 22 N14811
- Lot 35 N14811
- Lot 36 N14811

The structure is a covered basketball court with open sides.

#### **COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Gallagher

***That Council approves the request to build over the existing sewer with the following conditions:***

#### **Sewer Assets Easement**

- 1. The Applicant acknowledges that structures are intended not to be built over and within the zone of influence of pre-existing and operational sewer assets owned by Council on the land. The Applicant will grant, prior to commencement of construction, a Public Utilities Easement in favour of the Council for the***

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***purposes of providing rights of access and the ability to inspect, maintain, repair or replace the sewer assets at all times with or without machinery, on terms satisfactory to the Chief Executive Officer. All costs associated with accessing the sewer including "break in costs" will be at the Applicant's expense. The Council will not be liable for any reinstatement costs once the works are completed. The Easement will be a minimal width of 6 metres and include all sewer assets located on the site. The Easement will be prepared by Council's solicitors at the Applicant's cost, including registration fees.***

### ***New Sewer Assets***

- 2. The Applicant must construct a new sewer manhole on the Thompson Street side of the building to permit access to the existing sewer at their own cost, to the satisfaction of the Chief Executive Officer.***

### ***Foundations***

- 3. Foundations being founded at the same level as the existing sewer.***

### ***Development Deed***

- 4. Prior to commencement of construction, the Applicant will enter into a Development Deed with Council relating to the pre-existing and operational sewer assets within the land, on terms satisfactory to the Chief Executive Officer.***

***The Development Deed will amongst other things:-***

- (a) acknowledge the existence and location of sewer assets;***
- (b) confirm that Council has the right to inspect, maintain, repair, upgrade or replace the sewer assets at any time without notice in its absolute discretion;***
- (c) confirm that all costs associated with accessing the sewer asset including "breaking into" the sewer asset by removing or demolishing any structures (i.e. slabs/ foundations/load bearing or non-load bearing walls which may be constructed on the land) as reasonably necessary, at Council's absolute discretion, to gain access to the sewer assets will be met by the Applicant/Owner;***
- (d) waive the Applicant's/Owners' right to make a claim against Council for any damages of any nature whatsoever arising from any works performed, including reinstatement works;***
- (e) indemnify the Council from any claim or demand which may be made by any lessee, licensee or occupant of the premises for any interruption to business or other activity of the lessee, licensee or occupant including the***

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*complete loss of the ability to access parts of the land during maintenance, repair or replacement works for any period deemed necessary by Council;*

- (f) require that the Applicant/Owner enter into a Deed of Novation relating to the Development Deed in the event that the property is transferred to a third party to ensure the third party remains bound by the Development Deed;*
- (g) the Applicant/Owner will be responsible for the Council's reasonable legal costs associated with preparation and execution of the Development Deed and any Deed of Novation that may be required in the future in the event the ownership of the land changes.*
- (h) all costs will be evidenced by a certificate signed by the Chief Executive Officer.*

### **Rates Notation**

- 5. Council will include notation on the rates record for the property maintained by Council relating to the existence of the Development Deed and its general terms all to the satisfaction of the Chief Executive Officer or delegate.**

**CARRIED**

**Resolution No. 1016/011**

## **7.8 WATER AND WASTEWATER REPORT - SEPTEMBER 2016**

### **Executive Summary:**

The purpose of this report is to provide Council with town water and wastewater supply, usage and quality information to assist in ensuring that the water and wastewater are appropriately managed.

### **COUNCIL RESOLUTION**

Moved Cr Beard

Seconded Cr Murphy

***That Council accepts the report as presented.***

**CARRIED**

**Resolution No. 1016/012**

## **CONFIRMED MINUTES**

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### **GENERAL BUSINESS – DIRECTOR OF ENGINEERING**

- Councillor Wells  
Queried the process and access of mulch to the community.  
*The Director of Engineering advised that the tree mulch was being mixed with organic waste at the Transfer Station to produce a compost that is being used in Council's gardens. At this stage there only small quantities are being made as it breaks down substantially and therefore not available to the public at this time.*
- Councillor Young  
Shades for the swimming pool  
*The Director of Engineering advised that prices were being obtained for the Karumba Swimming Pool and the smaller shade/seat structures have been ordered.*
- Councillor Murphy  
Walkway at the Bang Bang stop  
*The Director of Engineering advised that Council had been waiting for other quotes to come in, however instructions had been issues this week for the works to be completed as the toilets have been closed while the works are undertaken.*
- Councillor Gallagher  
Queried the shoulders between the Flinders River and the completed section on the Cloncurry road.  
*The Director of Engineering advised that shoulder resheeting was listed in the forward works program for the RMPC and that Department of Transport and Main Roads were aware of the situation but have not committed any further funds for these works.*
- Councillor Bawden  
Concerns with access roads off Council's maintained roads.  
*The Director of Engineering informed station owners to contact the foreman.*

**ADJOURNMENT: 12.30pm – 1.51pm** The Mayor adjourned the meeting for lunch. Upon resumption all members were present.

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**TELECONFERENCE:** The Manager Human Resources, Mrs Lisa Ruyg and the Manager Economic and Community Development, Mrs Cherie Schafer joined the meeting via teleconference.

### **8 REPORTS FROM THE CHIEF EXECUTIVE OFFICER**

#### **8.1 HUMAN RESOURCES REPORT**

**Executive Summary:**

This report provides information on recent and upcoming activities within the Human Resources Section of Council.

**COUNCIL RESOLUTION**

Moved Cr Murphy

Seconded Cr Beard

***That Council accepts the report as presented.***

**CARRIED**

***Resolution No. 1016/013***

#### **8.2 GOVERNANCE REPORT**

**Executive Summary:**

The report provides information to Council on activities and programs within the Governance and Executive Services portfolio.

***Recommendation:***

***For Council information only.***

**RECESS:** *3.00pm – 3.10pm* The Mayor called a recess for afternoon tea.

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### 8.3 REQUEST FROM MOBIL TO EXTEND THE TERM OF THE LEASE

#### Executive Summary:

Council has received correspondence from Mobil Oil Australia Pty Ltd seeking to exercise the option to extend the lease term for a period of 5 years until 30 June 2022 on the same terms as the current lease.

#### COUNCIL RESOLUTION

Moved Cr Gallagher

Seconded Cr Murphy

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

- 1. is satisfied that s236 (c)(iii) of the Local Government Regulation 2012 applies to the disposal of a non-current asset contract being the renewal of a lease interest in land, more accurately described as Lease C on SP136518 in Lot 50 on SP202656; and***
- 2. delegates the power to the interim Chief Executive Officer to sign the acknowledgement letter received from Mobil Oil Australia Pty Ltd agreeing to the exercise of the first renewal option under the Lease.***

**CARRIED**

***Resolution No. 1016/014***

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### 9 REPORTS FROM DIRECTOR OF CORPORATE & COMMUNITY SERVICES

#### 9.1 COMMUNITY DEVELOPMENT

**Executive Summary:**

This report provides information and updates to Council on various activities and programs that are facilitated within the Community, Cultural Services and Economic Development portfolio.

**COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Beard

*That Council accepts the report as presented;*

**CARRIED**

*Resolution No. 1016/015*

#### 9.2 MONTHLY FINANCIAL REPORT - SEPTEMBER 2016

**Executive Summary:**

The Monthly Financial Report has been prepared for the period ending 30 September 2016. The Background section provides a summary of major variances and points to note.

**COUNCIL RESOLUTION**

Moved Cr Murphy

Seconded Cr Gallagher

*That Council accepts the following reports for the period ending 30 September 2016 as presented:*

- *Income Statement*
- *Statement of Financial Position*
- *Statement of Cash Flow*
- *30 Day Cash Flow Estimate*
- *Accounts Summary*

**CARRIED**

*Resolution No. 1016/016*

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### 11 GENERAL BUSINESS

Manager Economic & Community  
Development

Fee for the Normanton Gym.  
*Council informed that the annual fee will be \$60.*

Informed that to date limited applications for the Flexible hardship funding had been received and wanted Council's direction on it.  
*Council requested that application forms be put out again.*

Requested feedback for the Australia day celebrations for 2017.

#### MOTION

#### COUNCIL RESOLUTION

Moved Cr Hawkins

Seconded Cr Beard

***That Council resolved that:***

- 1. Pursuant to Section 264 of the Local Government Regulation 2012, Council advertises for calling of committee members for Australia Day.***
- 2. That Council progresses with a single Australia Day function.***

**CARRIED**

***Resolution No. 1016/017***

Councillor Gallagher

Rubbish at camps

Councillor Beard

Queried the baiting of dogs in town.  
*The Manager Governance & Executive Services informed that the only confirmed poisoning is believed to be caused by insecticide.*  
*Council will contact the Queensland Police Service in regards to what is currently being done and what can be done.*

Acting Chief Executive Officer

Email received from Cloncurry Shire in regards to training.

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Acting Chief Executive Officer

Request from Liz Illingsworth and Stewart Carter for the process to build a hangar at the end of the parking bay at the Normanton Airport.

*Council requested further information to be brought back to a future council meeting.*

**MATERIAL PERSONAL INTEREST: 4.35pm** Councillor Murphy declared a material personal interest in the discussion of the Les Wilson Barramundi Discovery Centre Construction Tender as Councillor Murphy was approached by the tenders in submitting a price for plumbing works.

Councillor Murphy did not participate in the discussion or vote and left the meeting.

### **10 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION**

In accordance with the *Local Government Act 2009*, and the *Local Government Regulation 2012*, in the opinion of the General manager, the following business is of a kind as referred to in clause 275(1) of the Regulation, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

#### **COUNCIL RESOLUTION**

Moved Cr Beard

Seconded Cr Gallagher

***That Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with clause 275(1) of the Local Government Regulation 2012 as the items listed come within the following provisions***

#### **10.1 Les Wilson Barramundi Discovery Centre Construction Tender**

***This item is classified CONFIDENTIAL under the provisions of clause 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to contracts proposed to be made by it.:***

**CARRIED**

**Resolution No. 1016/018**

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### MOTION

#### COUNCIL RESOLUTION

Moved Cr Beard

Seconded Cr Wells

***That Council open the meeting to the public.***

**CARRIED**

***Resolution No. 1016/019***

**ATTENDANCE** 5:29pm Councillor Murphy returned to the meeting.

### 10.1 LES WILSON BARRAMUNDI DISCOVERY CENTRE CONSTRUCTION TENDER

#### Executive Summary:

To provide Council with sufficient information to recommend a tender received for the Construction of the Les Wilson Barramundi Discovery Building at Karumba.

#### COUNCIL RESOLUTION

Moved Cr Beard

Seconded Cr Young

***That Council tables the review and consideration for the awarding of the construction of the Les Wilson Barramundi Development tender until the December Ordinary Meeting and advise all tenderers of this decision.***

**CARRIED**

***Resolution No. 1016/020***

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<b>12 CLOSURE OF MEETING</b>
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*The Chair of the meeting, Cr Lyall Bawden, Mayor, declared the meeting closed at 5.30pm.*

### **MINUTES CERTIFICATE**

*These Minutes are Confirmed*

.....

**Councillor LV Bawden**

**Mayor**

...../...../.....

**Date**