

CARPENTARIA SHIRE

Outback by the Sea

ORDINARY MEETING

MINUTES

20 JUNE, 2018

CONFIRMED MINUTES

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1 OPENING OF MEETING

The Mayor welcomed members and declared the meeting open at **9:22am**.

2 RECORD OF ATTENDANCE

Councillors

Cr LV Bawden	Mayor
Cr JC Young	Deputy Mayor
Cr AT Gallagher	
Cr JD Beard	
Cr BJ Hawkins	
Cr AM Murphy	
Cr PF Wells	

Staff

Mr Michael Hayward	Chief Executive Officer
Ms Angeline Pascoe	Executive Assistant
Mr Oliver Pring	Director Corporate Services
Mr John Martin	Director of Engineering
Mr Justin Hancock	Manager Finance and Administration

The following officers attended the meeting as indicated in the minutes

Mrs Lisa Ruyg	Manager Human Resources
Mrs Cherie Schafer	Manager Economic and Community Development

3 CONDOLENCES

A minute's silence was held for the passing of the following community members:

- ❖ Mr Tony Bond
- ❖ Mrs Nora Edwards

4 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

Confirmation of Minutes from the Ordinary Council Meeting held 16 May 2018, as previously circulated to Councillors.

MOTION

Moved Cr Beard

Seconded Cr Young

That the Minutes of the Ordinary Council Meeting held 16 May 2018 be confirmed.

CARRIED 7/0

Resolution No. 0618/001

CONFIRMED MINUTES

5 BUSINESS ARISING FROM PREVIOUS MEETINGS

Nil.

6 RECEPTION OF PETITIONS & DEPUTATIONS

Nil.

7 MAYORAL MINUTES

Topic:	Implementing Stage 1 of Belcarra Report
Discussion:	<p>Cr Bawden advised Council of the recent introduction of the Local Government Electoral (Implementing Stage 1 of Belcarra) and other Legislation Amendment Bill 2018.</p> <p>Council discussed the potential effect the legislation will have on the conduct of Council meetings and workshop.</p> <p>The Chief Executive Officer gave Council a brief on the effect of the new legislation and discussed possible amendments to Council's standing agenda to ensure that elected members are able to effectively manage the requirements of the new legislation.</p>

Topic:	Waste Levy
Discussion:	<p>Cr Bawden advised Council that one of the major issues discussed at the recent FNQROC meeting in Cairns was the introduction of the Waste Levy.</p> <p>Cr Bawden informed Council that the State Government has introduced the levy and that the levy is aimed at reducing the amount of interstate waste deposited in Qld landfill and to provide a revenue stream to explore methods to reduce the amount of waste going to landfill.</p> <p>At this stage the levy does not affect Councils in Far North Qld and most of Western Qld.</p>

CONFIRMED MINUTES

8 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 Murphy

Seconded Cr Beard

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

8.1 Supply & Delivery of Bulk Fuel

This item is classified CONFIDENTIAL under the provisions of clause 275(1)(h) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to 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.

8.2 Rates in Arrears - Update

This item is classified CONFIDENTIAL under the provisions of clause 275(1)(d) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to rating concessions.

8.3 Request for Rates Interest Remission - L13 SP146628 (Assessment 00240-16000-000)

This item is classified CONFIDENTIAL under the provisions of clause 275(1)(d) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to rating concessions.

8.4 Host Placement of Bynoe Carpentry Apprentices

This item is classified CONFIDENTIAL under the provisions of clause 275(1)(a) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the appointment, dismissal or discipline of employees.

CARRIED 7/0

Resolution No. 0618/002

CLOSURE OF MEETING:

The meeting was closed to the public at 9:30am.

ATTENDANCE DURING CLOSED SESSION:

The Manager Finance and Administration left the meeting at 10:05am.

The Manager Human Resources entered the meeting at 10:06am

The Manager Human Resources left the meeting at 10:09am.

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COUNCIL RESOLUTION

Moved Cr Gallagher

Seconded Cr Wells

That Council open the meeting to the public.

CARRIED 7/0

Resolution No. 0618/003

REOPENING OF MEETING:

The meeting was reopened to the public at **10:16am**

8.1 SUPPLY & DELIVERY OF BULK FUEL

Executive Summary:

Pursuant to Resolution Number 1015/031 made by the Council on Thursday 15 October 2015, Council entered into a contract with Gulf Engineering & Constructions Pty Ltd T/A Carpentaria Fuels for the bulk supply and delivery of fuels to Council's depots and job sites.

COUNCIL RESOLUTION

Moved Cr Gallagher

Seconded Cr Beard

That Council extend the Term of the bulk supply and delivery of fuels to Council's depots and job sites contractor for an additional three (3) years commencing on 1 November 2018 and ending on 31 October 2021 pursuant to Resolution Number 1015/031.

CARRIED 7/0

Resolution No. 0618/004

Action: Advise Carpentaria Fuels of contract extension and terms
Advise Accounts Payable of contract extension and terms

8.2 RATES IN ARREARS - UPDATE

Executive Summary:

Section 140 of the Local Government Regulation 2012 outlines the process a Local Government Entity must undertake when attempting to recover rates and charges in arrears via way of sale of land.

RESOLVED:

That the matter lay on the table for further consideration at the July 2018 Ordinary Meeting.

CONFIRMED MINUTES

8.3 REQUEST FOR RATES INTEREST REMISSION - L13 SP146628 (ASSESSMENT 00240-16000-000)

Executive Summary:

Council has received correspondence from Mr Ian Horsley, owner of 26-28 Col Kitching Drive, Karumba (L13 SP146628 – Assessment 00240-16000-000) seeking consideration from Council to suspend interest charges and enter into a payment arrangement to reduce the current rates in arrears.

RESOLVED:

That the matter lay on the table for further consideration at the July 2018 Ordinary Meeting.

8.4 HOST PLACEMENT OF BYNOE CARPENTRY APPRENTICES

Executive Summary:

A version of this report was originally presented to Council on 23 May 2018. This report provides further information regarding Council acting as host employer for two displaced carpentry apprentices from Bynoe CACS Limited.

COUNCIL RESOLUTION

Moved Cr Hawkins

Seconded Cr Murphy

- 1. That Council act as host employer for the two displaced Bynoe carpentry apprentices for a period of 12 months on a 50/50 basis as per Bynoe correspondence dated 29 May 2018; and*
- 2. That Council be responsible for payment of 50% annual leave; and*
- 3. That Bynoe be responsible for payment of all other leave payments.*

CARRIED 7/0

Resolution No. 0618/005

Action: Advise Bynoe of Council's decision.

ADJOURNMENT:

The meeting adjourned for morning tea at 10:23am

The meeting resumed at 11:03am

The Chief Executive Officer was not in attendance upon resumption of the meeting.

ATTENDANCE

The Chief Executive Officer entered the meeting room at 11:14.

CONFIRMED MINUTES

9 REPORTS FROM DIRECTOR OF ENGINEERING - ROADS & SERVICES

9.1 DOE REPORT

Executive Summary:

This report provides information and updates to Council on various activities and programs that are facilitated within the Acting Director Engineering portfolio.

COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Wells

That Council:

- 1. receive the Acting Director of Engineering Report; and***
- 2. that those matters not covered by resolution be noted.***

CARRIED 7/0

Resolution No. 0618/006

9.2 WORKS REPORT

Executive Summary:

Civil works within the Shire are progressing in accordance with program and budget including works completed by the Town Crew, RMPC, Capital Works, TIDS and R2R.

COUNCIL RESOLUTION

Moved Cr Murphy

Seconded Cr Beard

That Council:

- 1. accepts the Works Report as presented; and***
- 2. that those matters not covered by resolution be noted.***

CARRIED 7/0

Resolution No. 0618/007

ADJOURNMENT:

The meeting adjourned for lunch at **12:33pm**

The meeting resumed at **1:26pm**.

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9.3 NDRRA REPORT

Executive Summary:

A total of \$52.6 million (98% complete) of rectification work has been completed for the QRA16 Program.

The final \$4million construction of the QRA16 Program will be rolled into the QRA18 package as the late wet season is affecting access to the remaining roads (including \$3million of approved work on Inkerman Road and Dinah Island).

All QRA17 Program submissions have been approved with a total recommended value of \$18.5 million (\$14 million construction). Five local crews are currently working on Shire roads with one additional crew completing town street work.

The first 2018 Submission (Glencoe to Miranda Downs - approx. \$2.9million total) was submitted to QRA in late-May with an outcome expected by late-June. All other submissions are currently being compiled and will be submitted to QRA for approval progressively as they are completed.

COUNCIL RESOLUTION

Moved Cr Hawkins

Seconded Cr Murphy

That Council:

- 1. accepts the NDRRA Report as presented; and*
- 2. that those matters not covered by resolution be noted.*

CARRIED 7/0

Resolution No. 0618/008

9.4 WORKSHOP REPORT

Executive Summary:

The Workshop has been progressing well while working in conjunction with the Works Department.

There has been numerous breakdown repairs which were delayed due to parts availability and limited workshop staff. e.g. WTP needing a forklift operator many times a week.

We do have some vehicles which have constant issues which are mentioned in report. (2131)

Tibau Stephen, Council's Fitter Apprentice is currently away completing his last block of TAFE training.

COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Beard

That Council:

- 1. accepts the Workshop Report as presented; and*
- 2. that those matters not covered by resolution be noted.*

CONFIRMED MINUTES

CARRIED 7/0

Resolution No. 0618/009

9.5 WATER AND WASTEWATER - APRIL 2018

Executive Summary:

Water and sewer facilities operated effectively throughout the month, Normanton STP suspended irrigation after exceeding pH release limits on the 30th of May. The following items of interest were discussed in further detail within the report:

- Water consumption is close to peak capacity at 86.5ML.
- Water quality remains well above the required minimum standards.
- 2018 Water Connections Tour inspected Council's treatment facilities.
- DNRME completed a detailed systems audit on the WTP.
- The second phase of Vetiver grass pontoons are being installed at Normanton STP.
- Further upgrades to the Normanton STP irrigation system are ongoing.
- Karumba STP operated within EA requirements throughout the month.
- Commencement of investigations at Normanton landfill and Karumba Waste Transfer Station.

COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Gallagher

That Council:

1. *accepts the Water and Wastewater Report as presented for the period ending 30 May 2018; and*
2. *that those matters not covered by resolution be noted.*

CARRIED 7/0

Resolution No. 0618/010

9.6 ELECTRICAL TRADES UNIT REPORT

Executive Summary:

The purpose of this report is to provide Council with an update on activities and projects undertaken during the month by the Electrical Trades Unit.

COUNCIL RESOLUTION

Moved Cr Beard

Seconded Cr Murphy

That Council:

1. *accepts the Electrical Trades Unit Report; and*
2. *that those matters not covered by resolution be noted.*

CARRIED 7/0

Resolution No. 0618/011

CONFIRMED MINUTES

9.7 CARPENTER'S REPORT - APRIL AND MAY 2018

Executive Summary:

The purpose of this report is to provide Council with an update on activities and projects undertaken during the month by the Building Trades Unit.

COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Gallagher

That Council:

- 1. accepts the Building Trades Unit Report; and***
- 2. that those matters not covered by resolution be noted.***

CARRIED 7/0

Resolution No. 0618/012

9.8 PLUMBING REPORT

Executive Summary:

The purpose of this report is to provide Council with and update on activities and projects undertaken during the month by the Plumbing Unit.

COUNCIL RESOLUTION

Moved Cr Murphy

Seconded Cr Young

That Council:

- 1. accepts the Plumber's Report; and***
- 2. that those matters not covered by resolution be noted.***

CARRIED 7/0

Resolution No. 0618/013

9.9 BUILDING AND PLANNING REPORT

Executive Summary:

The report is to advise Council of relevant planning and building activities within the Shire for the month of May 2018.

COUNCIL RESOLUTION

Moved Cr Gallagher

Seconded Cr Wells

That Council note and accept the content of the Building and Planning Report as presented.

CONFIRMED MINUTES

CARRIED 7/0

Resolution No. 0618/014

9.10 RECONFIGURATION OF A LOT

Executive Summary:

Council is in receipt of an application for Reconfiguring a Lot at 29 Col Kitching Drive, Karumba. The site is more properly described as Lot 1 on SP223904, Parish of Norman, County of Norman. The application is Code Assessable.

COUNCIL RESOLUTION

Moved Cr Gallagher

Seconded Cr Beard

That Council resolve:

In accordance with the Planning Act 2016 as amended, that the applicant be notified that the application for a Development Permit for Reconfiguring a Lot (one (1) lot into two (2) lots) is approved, subject to the conditions detailed below:

A. ASSESSMENT MANAGER CONDITIONS (COUNCIL)

General

- 1. The development shall be undertaken substantially in accordance with the Survey Plan showing the proposed new reconfiguration, creating two (2) Lots.***
- 2. Any future building work on each newly created lot shall be carried out generally in accordance with any relevant Council requirements.***
- 3. This approval, granted under the provisions of the Planning Act 2016, shall lapse four (4) years from the day the approval takes effect in accordance with the Planning Act 2016, if the development has not been commenced.***

Site Access

- 4. The two new lots created, shall maintain vehicular access points, to each lot.***

Urban Services and On Street Works

- 5. All storm water and runoff from the new lots created is to drain to a lawful point of discharge and drain in such a way that it does not concentrate flow on any abutting properties, nor does it create ground erosion problems on adjoining properties.***
- 6. The applicant is to meet any cost of any connections or upgrades required to urban services for the approved development. If required, water supply, sewerage and on street works are to be constructed to the relevant standards stated in Schedule 1, Part 3 of the Shire of Carpentaria Planning Scheme.***
- 7. Any work associated with connecting to urban services and constructing on street works shall be undertaken in accordance with an approved plan and shall***

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be established and completed prior to the lawful commencement of the use and to the satisfaction of the Chief Executive Officer or delegate.

8. *Should any of the Council's assets be damaged during the construction of any crossovers and driveways servicing each lot, or associated works, the cost of the reinstatement of all such assets shall be met by the applicant and to the satisfaction of the Chief Executive Officer or delegate.*

Plan of Survey

9. *The Plan of Survey creating the two proposed lots must be lodged with Council for endorsement and then with the Department of Natural Resources Mines and Energy for registration, following completion, to Council specifications and standards, of any Urban Services and On Street Works required under Conditions 5, 6, 7 and 8 above.*

B. REFERRAL AGENCY CONDITIONS

- *Nil*

C. SUBMISSIONS

- *Nil*

D. FURTHER DEVELOPMENT PERMITS REQUIRED

- *Nil*

E. APPLICABLE CODES FOR SELF ASSESSABLE DEVELOPMENT

- *Shire of Carpentaria Planning Scheme*
- *Standard Building Regulation 1993*
- *Building Act*
- *Building Code of Australia*
- *Water and Sewerage Act 1949*

F. RIGHT OF APPEAL

- *Appeal Rights from the Planning Act 2016.*

CARRIED 7/0

Resolution No. 0618/015

Action: Issue Development Approval subject to the conditions listed.

CONFIRMED MINUTES

GENERAL BUSINESS – DIRECTOR OF ENGINEERING

Topic:	Karumba Boat Pontoon
Discussion:	Cr Wells advised that the bumper on the Karumba Pontoon has come loose and needs reattaching.

Action: Re-attach bumper to Karumba Pontoon.

Topic:	Water Meters
Discussion:	Cr Young advised there appears an abnormal number of discrepancies with water meter reading in Karumba as compared to previous years. The Director of Engineering advised that over the past 2 years not all water meters were read actually read and that Council is currently undertaking a comprehensive water meter reading program to identify and correct any inaccurate water meter readings.

Topic:	Gulf Development Road (Croydon to Georgetown)
Discussion:	Cr Beard advised the narrow sections of sealed pavement on the Gulf Development Road between Croydon and Georgetown are a traffic hazard and enquired if Council advocate to have the Department Transport and Main Roads provide funding to upgrade the narrow sections to double lane. Cr Bawden advised FNQROC, Advance Cairns and Gulf Savannah Development all support upgrading of the narrow sections and that representations continue to be made through these organisations to the Department Transport and Main Roads to have the road upgraded to double lane.

Topic:	Edwards Street Sign – Old Croydon Road
Discussion:	Cr Bawden informed the meeting that the “Edwards Street” sign on the Old Croydon Road is missing and requested that the sign be replaced.

Action: Order and install new “Edwards Street” sign on Old Croydon Road.

Topic:	Vehicular Crossovers
Discussion:	Cr Bawden raised the issue of the installation of vehicular crossovers in Council kerb & channel and advised that there appears to be some inconsistencies in who should pay for the cost of installation of new vehicular crossovers. The Chief Executive Officer advised that there is no clear process under Council Local Laws or Planning Scheme and recommended that Council consider developing a policy to provide guidance on installation of any future crossovers.

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Action: Prepare draft vehicular crossover policy for Council's consideration.

Topic:	Concrete footpath – Walker Street to Carron Street Footpath
Discussion:	Cr Wells queried the progress of the concrete footpath from Walker to Carron Street. The Director of Engineering advised that due to other commitments in the works program the footpath was not able to be constructed before 30 June 2018.

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10 REPORTS FROM THE CHIEF EXECUTIVE OFFICER

10.1 CEO REPORT

Executive Summary:

This report provides information and updates to Council on various activities and programs that are facilitated within the Chief Executive Officer's portfolio.

COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Hawkins

- 1. That Council receive the Chief Executive Officer's Report; and**
- 2. That those matters not covered by resolution be noted.**

CARRIED 7/0

Resolution No. 0618/016

10.2 LOCAL GOVERNMENT ELECTORAL (IMPLEMENTING STAGE 1 OF BELCARRA) AND OTHER LEGISLATION AMENDMENT BILL 2018

Executive Summary:

On 17 May 2018, the Queensland Parliament passed the following legislation:

- Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill 2018: and

The legislation:

- prohibits donations to elected members from property developers;
- strengthen requirements for how a Councillor must deal with a real or perceived conflict of interest or a material personal interest; and
- includes additional dismissal and suspension provisions

The purpose of this report is to inform Council of the effect that the new legislation will have on elected members

COUNCIL RESOLUTION

Moved Cr Murphy

Seconded Cr Young

That Council receive the report and that the contents be noted.

CARRIED 7/0

Resolution No. 0618/017

CONFIRMED MINUTES

10.3 LOCAL GOVERNMENT (COUNCILLOR COMPLAINTS) AND OTHER LEGISLATION AMENDMENT BILL 2018

Executive Summary:

On 17 May 2018, the Queensland Parliament passed the following legislation:

- Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018.

The legislation:

- provides for a simpler, more streamlined system for making, investigating and determining complaints about councillor conduct.

The purpose of this report is to inform Council of the effect that the new legislation will have on elected members and to seek feedback in relation to draft documentation developed by the Local Government Liaison Group designed to assist elected members and Council with implementing the new legislation.

COUNCIL RESOLUTION

Moved Cr Hawkins

Seconded Cr Beard

That Council receive the report and that the contents be noted.

CARRIED 7/0

Resolution No. 0618/018

10.4 LOCAL LAW MAKING PROCESS

Executive Summary:

Council has previously resolved to review Subordinate Local Law No: 2 (Animal Management) for the purpose of reducing the number of dogs allowed to be kept in designated town areas from a maximum of 4 dogs to a maximum of 2 dogs.

The Local Government Act 2009 allows council to decide its own process for making a local law.

The purpose of this report is to advise that Council does not currently have a process for making a local law and to recommend that Council adopt a formal local law making process.

COUNCIL RESOLUTION

Moved Cr Gallagher

Seconded Cr Young

Resolution:

That in accordance with the Local Government Act 2009, section 29, Council adopt the following process for making a local law:

LOCAL LAW MAKING PROCESS

Part A—Introduction

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For the purposes of section 29(1) of the Local Government Act 2009, the local government's process for making each local law of the local government is the process detailed below.

The process—

- (a) applies to the making of—***
 - (i) each local law that incorporates a model local law; and***
 - (ii) each local law that is a subordinate local law; and***
 - (iii) each other local law; but***
- (b) does not apply to a local law that is an interim local law.***

Part B—Making a local law that incorporates a model local law

The process (model local law making process) stated in this Part B must be used to make a local law that incorporates a model local law into the local laws of the local government.

- Step 1 — By resolution, propose to incorporate the model local law.***
- Step 2 — If the model local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.***
- Step 3 If there is an existing local law about a matter in the model local law that would be inconsistent with the matter in the model local law—amend or repeal the existing local law so that there is no inconsistency.***
- Step 4 — By resolution, incorporate the model local law.***
- Step 5 — Let the public know that the local law has been made, by publishing notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the Local Government Act 2009.***
- Step 6 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.***
- Step 7 — Within 14 days after the notice is published in the gazette, give the Minister—***
 - (a) a copy of the notice; and***
 - (b) a copy of the local law in electronic form; and***
 - (c) if the local law contains 1 or more anti-competitive provisions—***
 - (i) advice of each anti-competitive provision; and***

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(ii) *the reasons for their inclusion.*

Step 8 — *Update the local government's register of its local laws.*

Part C—Making an “other” local law

The process (other local law making process) stated in this Part C must be used to make a local law (a proposed local law) other than—

- (a) *a model local law; or*
- (b) *an interim local law; or*
- (c) *a subordinate local law.*

Step 1 — *By resolution, propose to make the proposed local law.*

Step 2 — *Consult with relevant government entities about the overall State interest in the proposed local law.*

Step 3 — *Consult with the public about the proposed local law for at least 21 days (the consultation period) by—*

- (a) *publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government's area; and*
- (b) *displaying the consultation notice in a conspicuous place at the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and*
- (c) *making a copy of the proposed local law available for inspection at the local government's public office during the consultation period; and*
- (d) *making copies of the proposed local law available for purchase at the local government's public office during the consultation period.*

The consultation notice must state the following—

- (a) *the name of the proposed local law; and*
- (b) *the purpose and general effect of the proposed local law; and*
- (c) *the length of the consultation period and the first and last days of the period; and*
- (d) *that written submissions by any person supporting or objecting to the proposed local law may be made and given to the local government on or before the last day of the consultation period stating—*

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- (i) *the grounds of the submission; and*
- (ii) *the facts and circumstances relied on in support of the grounds.*

If the local government decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial change, the local government may proceed to step 6 without satisfying step 3 or step 5.

Step 4 — *If the proposed local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti- competitive provisions. For avoidance of doubt, step 3, and this step 4, may be undertaken contemporaneously.*

Step 5 — *Accept and consider every submission properly made to the local government.*

A submission is properly made to the local government if it —

- (a) *is the written submission of any person about the proposed local law; and*
- (b) *states—*
 - (i) *the grounds of the submission; and*
 - (ii) *the facts and circumstances relied on in support of the grounds; and*
- (c) *is given to the local government on or before the last day of the consultation period.*

Step 6 *By resolution, decide whether to—*

- (a) *proceed with the making of the proposed local law as advertised; or*
- (b) *proceed with the making of the proposed local law with amendments; or*
- (c) *make the proposed local law as advertised; or*
- (d) *make the proposed local law with amendments; or*
- (e) *not proceed with the making of the proposed local law.*

If the local government resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, the local government may again —

- (a) *consult with the public at step 3; and*
- (b) *accept and consider every submission properly made to the local government at step 5.*

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply

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with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

- Step 7 —** *Let the public know that the local law has been made, by publishing notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the Local Government Act 2009.*
- Step 8 —** *As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.*
- Step 9 —** *Within 14 days after the notice is published in the gazette, give the Minister—*
- (a) a copy of the notice; and*
 - (b) a copy of the local law in electronic form; and*
 - (c) if the local law contains 1 or more anti-competitive provisions—*
 - (i) advice of each anti-competitive provision; and*
 - (ii) the reasons for their inclusion.*
- Step 10—** *Update the local government's register of its local laws.*

Part D—Making a subordinate local law

The process (subordinate local law making process) stated in this Part D must be used to make a subordinate local law (a proposed subordinate local law).

The local government may start the process for making a subordinate local law even though the process for making the local law (including a model local law) on which the subordinate local law is to be based (the proposed authorising law) has not finished.

The local government may use steps 1 to 5 of the subordinate local law making process (other than actually making the subordinate local law) before the proposed authorising law is made if—

- (a) in making the proposed authorising law, the local government has to satisfy—*
 - (i) the model local law making process; or*
 - (ii) the other local law making process; and*
- (b) if the proposed authorising law is made under the other local law making process— the notice about the subordinate local law under step 2 of the subordinate local law making process is published no earlier than the notice about the proposed authorising law under step 3 of the other local law making process is published.*

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For the avoidance of doubt, a subordinate local law made by the local government using the process detailed in this Part D may provide for the local government to, from time to time, by resolution, reference or incorporate information.

For example, under the Local Government Regulation 2012, the competition policy guidelines for the identification of anti-competitive provisions are a document made by the department and available for inspection on the department's website.

Step 1 — By resolution, propose to make the proposed subordinate local law.

Step 2 — Consult with the public about the proposed subordinate local law for at least 21 days (the consultation period) by—

- (a) publishing a notice (also a consultation notice) about the proposed subordinate local law at least once in a newspaper circulating generally in the local government's area; and***
- (b) displaying the consultation notice in a conspicuous place in the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and***
- (c) making a copy of the proposed subordinate local law available for inspection at the local government's public office during the consultation period; and***
- (d) making copies of the proposed subordinate local law available for purchase at the local government's public office during the consultation period.***

The consultation notice must state the following—

- (a) the name of the proposed subordinate local law; and***
- (b) the name of—***
 - (i) the local law allowing the proposed subordinate local law to be made; or***
 - (ii) if the local government has started the process for making a subordinate local law even though the process for making the proposed authorising law on which the subordinate local law is to be based has not finished — the proposed authorising law; and***
- (c) the purpose and general effect of the proposed subordinate local law; and***
- (d) the length of the consultation period and the first and last days of the period; and***
- (e) that written submissions by any person supporting or objecting to the proposed subordinate local law may be***

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made and given to the local government on or before the last day of the consultation period stating—

- (i) the grounds of the submission; and*
- (ii) the facts and circumstances relied on in support of the grounds.*

If the local government decides, by resolution, that the proposed subordinate local law only amends an existing subordinate local law to make an insubstantial change, and the amendment does not affect an anti-competitive provision, the local government may proceed to step 5 without satisfying any of step 2 to step 4 inclusive.

Step 3 — *If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 2, and this step 3, may be undertaken contemporaneously.*

Step 4 — *Accept and consider every submission properly made to the local government.*

A submission is properly made to the local government if it—

- (a) is the written submission of any person about the proposed subordinate local law; and*
- (b) states—*
 - (i) the grounds of the submission; and*
 - (ii) the facts and circumstances relied on in support of the grounds; and*
- (c) is given to the local government on or before the last day of the consultation period.*

Step 5 — *By resolution, decide whether to—*

- (a) proceed with the making of the proposed subordinate local law as advertised; or*
- (b) proceed with the making of the proposed subordinate local law with amendments; or*
- (c) make the proposed subordinate local law as advertised; or*
- (d) make the proposed subordinate local law with amendments; or*
- (e) not proceed with the making of the proposed subordinate local law.*

If the local government resolves to proceed with the making of the proposed subordinate local law with amendments, and the amendments are substantial, the local government may again —

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- (a) *consult with the public at step 2; and*
- (b) *accept and consider every submission properly made to the local government at step 4.*

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

Step 6 — *Let the public know that the subordinate local law has been made, by publishing notice of the making of the subordinate local law in accordance with the requirements of section 29B(1) to (4) inclusive of the Local Government Act 2009.*

Step 7 — *As soon as practicable after the notice is published in the gazette, ensure that a copy of the subordinate local law may be inspected and purchased at the local government's public office*

Step 8 — *Within 14 days after the notice is published in the gazette, give the Minister—*

- (a) *a copy of the notice; and*
- (b) *a copy of the subordinate local law in electronic form; and*
- (c) *if the subordinate local law contains 1 or more anti-competitive provisions—*
 - (i) *advice of each anti-competitive provision; and*
 - (ii) *the reasons for their inclusion.*

Step 9 — *Update the local government's register of its local laws.*

CARRIED 7/0

Resolution No. 0618/019

Action: Include Local Law making procedure in Policy Register

This space left blank intentionally

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10.5 ANIMAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO: 1) 2018

Executive Summary:

At the ordinary meeting of Council held on 24 January 2018, Council resolved to undertake a review of Subordinate Local Law No: 2 (Animal Management) for the purpose of prohibiting the keeping of more than 2 dogs in designated town areas.

King & Company (Solicitors) have been engaged to assist with the drafting of the amendment to *Subordinate Local Law No. 2 (Animal Management) 2015*.

COUNCIL RESOLUTION

Moved Cr Hawkins

Seconded Cr Gallagher

Council resolved that this item be held over for consideration at the July 2018 Ordinary Meeting.

CARRIED 7/0

Resolution No. 0618/020

10.6 DRAFT LOCAL LAW NO. 6 (WASTE MANAGEMENT) 2018

Executive Summary:

Council currently regulates waste management under Chapter 5A of the *Environmental Protection Regulation 2008* ("Regulation") and section 7 of the *Waste Reduction and Recycling Regulation 2011*. Those sections expire on 1 July 2018 as the State Government contemplated, local governments regulating waste management under its local laws.

The new local law principally replicates the provisions that will expire in the *Environmental Protection Regulation 2008* and the *Waste Reduction and Recycling Regulation 2011* to ensure Council can contribute to and manage risks associated with the supply, storage, removal and treatment of waste, and have designated areas for waste and recycling collection, within its local government area.

COUNCIL RESOLUTION

Moved Cr Murphy

Seconded Cr Hawkins

That Council resolves:

- (a) to propose to adopt Local Law No.6 (Waste Management) 2018 to replace the waste management provisions contained within Chapter 5A of the Environmental Protection Regulations 2008 and Section 7 of the Waste Reduction and Recycling Regulation 2011 in accordance with the requirements of chapter 3, Part 1 of the Local Government Act 2009 (Qld) ("the Act");***
- (b) to adopt the anti-competitive provisions report for the proposed Local Law; and***
- (c) pursuant to section 257 of the Act, to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act to decide the consultation***

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process and how the process is to be used in the Review, and to commence a State Interest Check.

CARRIED 7/0

Resolution No. 0618/021

Action: Advertise proposed Local Law No. 6 (Waste Management) in accordance with Local Law making procedure.

10.7 KARUMBA REGULATED PARKING AREA

Executive Summary:

At the ordinary meeting of Council held 15 November 2017, Council identified that part of Karumba were parking restrictions are to apply and subsequently resolved to amend Subordinate Local Law No: 5 (Parking) to include a map showing the declared traffic areas.

The purpose of this report is to advise that no further action needs to be taken in relation to the resolution as a review of the relevant local law and subordinate local law has identified that all designated town areas within the shire are already declared as traffic areas and that the area of Karumba identified at the November 2017 meeting is already incorporated in the mapped area.

COUNCIL RESOLUTION

Moved Cr Wells

Seconded Cr Beard

That Council receive the report and that the contents be noted.

CARRIED 7/0

Resolution No. 0618/022

10.8 HUMAN RESOURCES REPORT

Executive Summary:

This report provides information on activities occurring within the Human Resources Section of Council.

COUNCIL RESOLUTION

Moved Cr Gallagher

Seconded Cr Beard

That Council accepts the Human Resources Report for information.

CARRIED 7/0

Resolution No. 0618/023

ADJOURNMENT:

The meeting adjourned for afternoon tea at **3:23pm**

The meeting resumed at **3:38pm**.

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The Manager of Finance and Administration and the Manager of Economic and Community Development entered the meeting at 3:55pm

11 REPORTS FROM DIRECTOR OF CORPORATE & COMMUNITY SERVICES

11.1 DCS REPORT

Executive Summary:

This report provides information and updates to Council on various activities and programs that are facilitated within the Director of Corporate Services portfolio.

COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Beard

That Council:

- 1. receive the Director of Corporate Services Report; and***
- 2. that those matters not covered by resolution be noted.***

CARRIED 7/0

Resolution No. 0618/024

11.2 VIEWS REQUEST: APPLICATION FOR RENEWAL OF TERM LEASE - LOT 2255 ON PH2033

Executive Summary:

Council has received correspondence from the Department of Natural Resources, Mines and Energy (DNRME) seeking Council's views on the application for the renewal of a Term Lease.

COUNCIL RESOLUTION

Moved Cr Murphy

Seconded Cr Hawkins

That Council advise the Department of Natural Resources, Mines and Energy that it has no objections or requirements on the application for Renewal of Term Lease described as Lot 2255 on PH2033 - Subject to the applicant being required to regularize any off-alignment or undedicated roads within the proposed leases

CARRIED 7/0

Resolution No. 0618/025

Action: Advise DNRME that Council has no objections or requirements on the application for Renewal of Term Lease described as Lot 2255 on PH2033.

CONFIRMED MINUTES

11.3 VIEWS REQUEST: APPLICATION FOR RENEWAL OF TERM LEASE - LOT 11 ON CP847169

Executive Summary:

Council has received correspondence from the Department of Natural Resources, Mines and Energy (DNRME) seeking Council's views on the application for the renewal of a Term Lease.

COUNCIL RESOLUTION

Moved Cr Bawden

Seconded Cr Murphy

That Council advise the Department of Natural Resources, Mines and Energy that it has no objections or requirements on the application for Renewal of Term Lease described as Lot 11 on CP847169 - Subject to the applicant being required to regularize any off-alignment or undedicated roads within the proposed leases.

CARRIED 7/0

Resolution No. 0618/026

Action: Advise DNRM&E that Council has no objections or requirements on the application for Renewal of Term Lease described as Lot 11 on CP847169.

11.4 WORK FOR QUEENSLAND (W4Q) 2017-19 PROGRAM - UPDATE

Executive Summary:

Carpentaria Shire Council were allocated a further \$1,710,000.00 under the 2017-19 Works for Queensland (W4Q) Program. Council nominated four (4) projects as part of this program with all works to be completed prior to 30 June 2019.

COUNCIL RESOLUTION

Moved Cr Bawden

Seconded Cr Hawkins

That Council amend the current 201-19 Works for Queensland (W4Q) Program as per the following schedule:

<i>Project Title</i>	<i>Project Description</i>	<i>Project Budget</i>
<i>Barramundi Hatchery Upgrade</i>	<i>Undertake significant infrastructure upgrade at Council's Barramundi Hatchery to ensure secure and sterile breeding environment is attained. This will provide a perfect complement for the LW Barramundi Interpretive Centre as well as promote sustainability in the fishing industry for the region.</i>	<i>\$900,000</i>

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<i>Gilbert Street Boat ramp Parking Overflow</i>	<i>Sealing of the Gilbert Boat ramp Carpark that will allow year round access and resilience of the facility</i>	<i>\$400,000</i>
<i>Link Karumba Walkway Upgrade</i>	<i>Upgrade unsealed sections of the pathway to concrete/bitumen that will add longevity to a vital piece of community infrastructure that provides connectivity along with promote healthy lifestyles.</i>	<i>\$Nil</i>
<i>School Dam Water/Family Precinct</i>	<i>Make use of existing dam facility in the town area and look at providing open-space water activities like swimming, boating and other water-sport activities.</i>	<i>\$410,000</i>
<i>Totals</i>		<i>\$1,710,000</i>
CARRIED 7/0		Resolution No. 0618/027

Action: Amend 2018/19 Works for Queensland (W4Q) Program as per resolution 0618/027 and advise DLGP of amended program.

11.5 2017/2018 ANNUAL OPERATIONAL PLAN - MARCH 2018 REVIEW

Executive Summary:

The *Local Government Act 2009* requires that a local government must for each financial year prepare and by resolution adopt an Annual Operational Plan. A report on the Operational Plan is to be prepared and presented to Council on a quarterly basis outlining the year to date progress against key performance indicators for all operational activities.

RESOLVED

That the March 2018 review of the 2018 Operational Plan be received.

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11.6 NORMANTON WATER SUPPLY PIPELINE (ROAD CLOSURE/OPENING)

Executive Summary:

In November 2010, Council engaged AUSNORTH Consultants (ANC) to assist with the identification and resolution of various long-standing land boundary property encroachment and asset infrastructure issues generally along the alignment of the Glenore-Normanton-Karumba Water Supply Pipeline including along and adjacent to the Old Croydon Road.

The purpose of this report is to advise that a letter of offer has been received from Department Natural Resources and Mines in response to an application lodged by ANC in 2013 for the simultaneous Road Closure & Opening on land owned by Mr JP Gallagher.

Field survey works to regularise that section of pipeline off alignment will commence upon acceptance of the offer by the land owner.

COUNCIL RESOLUTION

Moved Cr Hawkins

Seconded Cr Beard

Council pay the Department Natural Resources & Mines, the amount of \$464.00 being Stamp Duty and Plan Lodgement fees in respect of Agreement to Offer a Simultaneous Road Closure and Road Opening for area abutting Lot 1 on RP723652: Parish Norman.

CARRIED 7/0

Resolution No. 0618/028

Action: Facilitate signing of acceptance letter by land owner and return signed acceptance letter and fees to DNR&M

11.7 LAND BOUNDARY RESOLUTION PROJECT (NORMANTON WATER SUPPLY PIPELINE)

Executive Summary:

Commencing from November 2010 under instruction from the Carpentaria Shire Council, AUSNORTH Consultants (ANC) has been assisting Council with the identification and resolution of various long-standing land boundary property encroachment and asset infrastructure issues generally along the alignment of the Glenore-Normanton-Karumba Water Supply Pipeline including along and adjacent to the Old Croydon Road.

The purpose of this report is to provide Council with a generalised project synopsis to-date as well as identifying properties where land tenure resolution is yet to be achieved.

COUNCIL RESOLUTION

Moved Cr Murphy

Seconded Cr Bawden

The matter be held over for further consideration at the July 2018 Ordinary Meeting.

CARRIED 7/0

Resolution No. 0618/029

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11.8 ANNUAL VALUATION

Executive Summary:

The purpose of this report is to advise that correspondence has been received from the Valuer-General seeking Council's opinion on whether a valuation of the Carpentaria Shire should be undertaken this year

The last valuation of the Shire was undertaken in 2016.

COUNCIL RESOLUTION

Moved Cr Wells

Seconded Cr Gallagher

That Council request the Valuer-General to not undertake a valuation of the Carpentaria Shire area to be effective on 30 June 2019.

CARRIED 7/0

Resolution No. 0618/030

Action: Advise Valuer-General that Council request no valuation of the Carpentaria Shire area be undertaken to be effective on 30 June 2019.

11.9 2017/2018 BUDGET REVIEW

Executive Summary:

Council adopted the Budget for the 2017/18 financial year in July 2017 along with long term financial forecasts based on the activities in the operational plan and other key strategic documents. During the course of the year variances may occur and Council may decide to vary its budget by resolution.

The 2017/18 budget has been reviewed based on actual results to the end of March 2018 and a number of changes are proposed to reflect the operational changes and those capital expenditure projects that are not now anticipated will be completed within the 2017/18 financial year. The revised operating result forecast for the 2017/18 financial year is a deficit of \$3,470,000 compared to the original budgeted deficit of \$3,225,000 The capital works program has a net increase by \$484,500 to \$13.18 million, which reflects works expected to be carried out in the 2017/18 financial year, with inclusion of the capital Works 4 Queensland projects (\$1.71 million) and pushing out of some projects into 2018/2019 financial year.

COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Hawkins

That in accordance with sections 169 and 170 of the Local Government Regulation 2012 Carpentaria Shire Council adopt the following amendments to the budget and as attached to the Minutes at Schedule 1

1. The Amended 2017/2018 Statement of Comprehensive Income

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2. *The Amended 2017/2018 Statement of Financial Position*
3. *The Amended 2017/2018 Statement of Cash Flow*
4. *The Amended 2017/2018 Statement of changes in equity*
5. *The Amended 2017/2018 Key Financial Sustainability Ratios*
6. *Revised Capital Works program 2017/2018*

CARRIED 7/0

Resolution No. 0618/031

Action: Update financial system to record amended budget figure.

CHANGE IN STANDING ORDERS

COUNCIL RESOLUTION

Moved Cr Beard

Seconded Cr Hawkins

That Council change the order of business and that Agenda item 11.13 (Community Development Report) be the next item for consideration.

CARRIED 7/0

Resolution No. 0618/032

11.13 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 of Council.

COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Beard

That Council:

1. *receive the Community Development Report; and*
2. *that those matters not covered by resolution be noted.*

CARRIED 7/0

Resolution No. 0618/033

The Manager Economic and Community Development left the meeting at 5:05pm.

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11.10 MONTHLY FINANCIAL REPORT - MAY 2018

Executive Summary:

The Monthly Financial Report has been prepared for the period ending 31 May 2018.

COUNCIL RESOLUTION

Moved Cr Hawkins

Seconded Cr Beard

That Council:

- 1. accepts the Monthly Financial Report for the period ending 31 May 2018 as presented; and*
- 2. that those matters not covered by resolution be noted.*

CARRIED 7/0

Resolution No. 0618/034

11.11 2018/2019 CARPENTARIA SHIRE COUNCIL SCHEDULE OF FEES AND CHARGES

Executive Summary:

The attached document titled 2018/2019 Carpentaria Shire Council Schedule of Fees and Charges provides a comprehensive schedule of all proposed regulatory and commercial fees and charges for 2018/2019 Financial Year, including cost recovery fees and other charges.

Under Section 98 of the *Local Government Act 2009*, Council must adopt and maintain a register of its cost recovery fees.

COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Hawkins

That Council:

- Adopts the 2018/2019 Carpentaria Shire Council Schedule of Fees and Charges;*
- Provide a fourteen (14) day amnesty period for animal registration renewals (excluding Restricted and Regulated Dogs); and*
- Notify Avdata of the increase of Landing and Passenger Fees effective as at 1 October 2018.*

CARRIED 7/0

Resolution No. 0618/035

- Action: Update Council records and website to record 2018/2019 Fees & Charges
Action: Public Notice for animal registration renewals and 14 day amnesty period
Action: Notify Avdata of the increase in landing and passenger fees

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11.12 COUNCIL'S INTERNAL AUDIT

Executive Summary:

Prior to the change in legislation all local governments were required to establish an Audit Committee.

After amendment, Section 105 (2) of the Local Government Act 2009 now states that:

- Each large local government must also establish an Audit Committee. A large local government is one that is remuneration band 3 (Level 3 Councils) or above.

Carpentaria Shire Council is not required to have an Audit Committee, though Council had established one when it was required to do so in the past. The Carpentaria Shire Council Audit Committee has not met for some time, and is not currently performing the legislative requirements. An option exists for Council to disband its Audit Committee.

Under Section 150 (1) each local government must establish an efficient and effective Internal Audit function. This requirement applies to all Councils, irrespective of their size. Carpentaria Shire Council is compliant with this requirement of the legislation.

The Local Government Regulation, Section 207 requires that each financial year Council must, among other things, prepare an Internal Audit Plan. A draft Strategic Internal Audit Plan prepared for Carpentaria Shire Council is attached for review and endorsement.

COUNCIL RESOLUTION

Moved Cr Murphy

Seconded Cr Wells

That Council:

- Disband the Carpentaria Shire Audit Committee.*
- Advise the members of the Committee of disbandment and provide letter of thanks for their involvement.*
- Rescind Council's Audit Committee Policy.*
- Endorse the Strategic Internal Audit Plan to enable the internal audit function to continue as required by legislation.*

CARRIED 7/0

Resolution No. 0618/036

Action: Advise Audit Committee members of Council's decision to disband committee

Action: Rescind Council's Audit Committee Policy

12 GENERAL BUSINESS

Topic:	Mobile Blackspot
Discussion:	Cr Gallagher advised that during the recent Normanton Rodeo there was limited mobile coverage available at the Normanton Rodeo Grounds.

Action: Liaise with Telstra to improve bandwidth at Normanton Rodeo Grounds


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13 CLOSURE OF MEETING

The Chair of the meeting, Cr Lyall Bawden, Mayor, declared the meeting closed at 5:50pm.

MINUTES CERTIFICATE

These Minutes are Confirmed.



Councillor LV Bawden
Mayor

20 / 06 / 2018

Date