

**CARPENTARIA SHIRE**

*Outback by the Sea*

***ORDINARY MEETING***

***MINUTES***

***18 JULY, 2018***

**CONFIRMED MINUTES**

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## CONFIRMED MINUTES

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### 1 OPENING OF MEETING

The Mayor welcomed members and declared the meeting open at 9:20am.

### 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	

#### Staff

Mr Michael Hayward	Chief Executive Officer
Ms Angeline Pascoe	Executive Assistant
Mr Oliver Pring	Director Corporate Services
Mr John Martin	Director of Engineering

*The following officers attended the meeting as indicated in the minutes*

Mr Justin Hancock	Manager Finance and Administration
Mr Ben Hill	Foreman Water and Sewerage

### MOTION

#### COUNCIL RESOLUTION

Moved Cr Beard

Seconded Cr Hawkins

***That Cr Wells be granted leave of absence.***

**CARRIED 6/0**

***Resolution No. 0718/001***

### 3 CONDOLENCES

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

❖ Mr David Carter

Mr Carter was the previous Deputy Mayor of Richmond Shire Council and a valued and respected member of both town and country residents.

## CONFIRMED MINUTES

### 4 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

Confirmation of Minutes from the Ordinary Council Meeting held 20 June 2018, as previously circulated to councillors.

#### Item 8.4 - Host Placement of Bynoe Carpentry Apprentices

Cr Gallagher advise that resolution 0618/005 of the draft minutes of the Ordinary meeting held on 20 June 2018 should have included the basis on which the apprentice costs are to be apportioned as per Bynoe CACS Ltd correspondence dated 29 May 2018 and requested that the resolution be amended as follows:

#### Resolution 0618/005

#### From:

- That Council act as host employer for the two displaced Bynoe carpentry apprentices for a period of 12 months; and
- That Council be responsible for payment of 50% annual leave; and
- That Bynoe be responsible for payment of all other leave payments

#### To:

- 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
- That Council be responsible for payment of 50% annual leave; and
- That Bynoe be responsible for payment of all other leave payments.

#### MOTION

#### COUNCIL RESOLUTION

Moved Cr Bawden

Seconded Cr Beard

***That Resolution No. 0618/005 be amended to read:***

- 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 6/0**

***Resolution No. 0718/002***

#### COUNCIL RESOLUTION

Moved Cr Murphy

Seconded Cr Beard

***That the Minutes of the Ordinary Council Meeting held 20 June 2018 be confirmed.***

**CARRIED 6/0**

***Resolution No. 0718/003***

**CONFIRMED MINUTES**

**5 BUSINESS ARISING FROM PREVIOUS MEETINGS**

Nil

**6 RECEPTION OF PETITIONS & DEPUTATIONS**

The Mayor advised that representatives from Tourism and Events Queensland will be attending the meeting at 1.30pm to provide an update on TEQ activities and programs relevant to tourism in the region.

**7 MAYORAL MINUTES**

Topic:	<b>NWQROC Strategic Plan</b>
Discussion:	Cr Bawden presented the Draft North West Queensland Region of Councils Vision, Mission, Regional Priorities Action Plan for Council's consideration and endorsement.

**MOTION**

**COUNCIL RESOLUTION**

Moved Cr Bawden

Seconded Cr Murphy

***That Council endorse the NWQROC Vision, Mission, Regional Priorities Action Plan.***

**CARRIED 6/0**

***Resolution No. 0718/004***

Topic:	<b>Geological and Bioregional Assessment Program Meeting</b>
Discussion:	Cr Bawden informed Council that Mr David Thomas from the Department of Environment and Energy will be visiting Normanton on 24 July 2018 to meet with council to discuss the Geological and Bioregional Assessment Program. The meeting is scheduled to commence at 1.30pm and all available Councillors are invited to attend.

**ADJOURNMENT:**

The meeting adjourned for morning tea at **9:58am**

Council employee Mr Percy McLeod, his mother Evelyn and sisters Kiana and Tennille joined Council for morning tea.

During the recess, the Mayor acknowledged and congratulated Percy McLeod on the completion of his apprenticeship and formally presented him with his Cert III in Plumbing.

The meeting resumed at **10:21am**

## CONFIRMED MINUTES

### MATERIAL PERSONAL INTEREST

Cr Gallagher made the following declaration in relation to agenda item 8.1 – Revision of Water Charges – Assessment 00925-01000-000

“I declare that I have a material personal interest in this matter (as defined by Local Government Act 2009, section 175B) as follows:

1. Mr Michael Gallagher stand to gain a benefit or suffer a loss depending on the outcome of Councils consideration of this matter.
2. Mr Michael Gallagher stands to gain a benefit or suffer a loss because he stands to receive a monetary gain as a result of refund of overpaid excess water charges previously levied; and
3. My relationship with Mr Michael Gallagher is that he is my father.

I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on”.

### ATTENDANCE

Cr Gallagher left the meeting room at 10:21am

### **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 Beard

Seconded Cr Young

***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 Revision of Water Charges - Assessment 00925-01000-000**  
***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.***

**CARRIED 6/0**

**Resolution No. 0718/005**

### CLOSURE OF MEETING:

The meeting was closed to the public at 10:22am

**CONFIRMED MINUTES**

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**COUNCIL RESOLUTION**

Moved Cr Beard

Seconded Cr Hawkins

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

**CARRIED 6/0**

***Resolution No. 0718/006***

**REOPENING OF MEETING:**

The meeting was reopened to the public at 10:40am

**8.1 REVISION OF WATER CHARGES - ASSESSMENT 00925-01000-000**

**Executive Summary:**

In accordance with S104 of the *Local Government Act 2009* and S172 of the *Local Government Regulation 2012*, Carpentaria Shire Council has adopted a Revenue Statement on an annual basis which outlines the levying of general rates, water, sewerage and garbage service charges.

**COUNCIL RESOLUTION**

Moved Cr Young

Seconded Cr Hawkins

***That Council:***

- ***Note the anomaly in the charging of excess water and waive the undercharged amount.***
- ***Council contact Mr Michael Gallagher and advise him of the previous anomaly and associated charging rates going forward.***

**CARRIED 6/0**

***Resolution No. 0718/007***

Action: Adjust excess water charges in line with council resolution.

Action: Advise Mr Michael Gallagher of the previous anomaly and associated charging rates.

**ATTENDANCE:**

Cr Gallagher entered the meeting room at 10:42am.



## CONFIRMED MINUTES

### CLOSED SESSION

#### COUNCIL RESOLUTION

Moved Cr Beard

Seconded Cr Murphy

*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:*

**8.2 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.*

**8.4 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.*

**8.5 Engagement of OKADK**

*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 6/0

Resolution No. 0718/008

### CLOSURE OF MEETING:

The meeting was closed to the public at 10:43am

### ATTENDANCE:

The Manager Finance and Administration left the meeting room at 11:12am

### MOTION TO OPEN

#### COUNCIL RESOLUTION

Moved Cr Gallagher

Seconded Cr Young

*That Council open the meeting to the public.*

CARRIED 6/0

Resolution No. 0718/009

## CONFIRMED MINUTES

### REOPENING OF MEETING:

The meeting was reopened to the public at 11:27am

### 8.2 APPLICATION FOR CONCEALED WATER LEAK REMISSION - L1 N14859 PARISH OF NORMAN

#### Executive Summary:

Carpentaria Shire Council provides assistance to qualifying residential and not-for-profit water customers who have excess water accounts due to the existence of a concealed leak. Provision of assistance is subject to conditions and the level of assistance is calculated using a defined methodology as contained in Council's Concealed Water Leak Policy.

#### COUNCIL RESOLUTION

Moved Cr Gallagher

Seconded Cr Hawkins

*That pursuant to Council Policy POL\_E\_CSF\_016 (Concealed Water Leak Policy):*

- *Council accepts that the application of Ms Heather Jensen of L1 N14859, Parish of Norman; and*
- *That a rates remission in the amount of \$750.00 be granted in respect to the forthcoming excess water charges to be levied towards L1 N14859, Parish of Norman for the period 30 June 2017 to 30 June 2018.*

CARRIED 6/0

Resolution No. 0718/010

Action: L1 N14859 (Jensen) - Rates remission in the amount of \$750.00

### 8.3 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.

#### COUNCIL RESOLUTION

Moved Cr Murphy

Seconded Cr Beard

*That Council*

- 1) *approve and instruct Recoveries and Reconstruction Pty Ltd to lodge a Statement of Liquidated Claim for the properties described as:*
  - *L52 K36415 (Assessment 00133-99000-000);*
  - *L8 SP136532 (Assessment 00782-98000-000);*
- 2) *instruct Recoveries and Reconstruction Pty Ltd to lodge a Statement of Liquidated Claim if a payment arrange does not commence by 31 July 2018, for the properties described as:*
  - *L1 RP808170 (Assessment 00849-96000-000);*
  - *L101-102 N1481 (Assessment 00457-00000-000); and*

## CONFIRMED MINUTES

- **L13 SP146628 (Assessment 00240-16000-000).**

**CARRIED 6/0**

**Resolution No. 0718/011**

Action: Instruct Recoveries and Reconstruction Pty Ltd to lodge Statement of Liquidated Claims in accordance with Council Resolution 0718/011.

### 8.4 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 August 2018 ordinary meeting..*

### 8.5 ENGAGEMENT OF OKADK

#### Executive Summary:

Works are required to be undertaken at the Les Wilson Barramundi Discovery Centre pond in order to rectify ongoing issues associated with the aeration and drainage of the pond.

#### COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Beard

- That pursuant to section 235(a) of the Local Government Regulation 2012; Council enter into a contractual arrangement with OKADK without first inviting written quotes to undertake horizontal drilling works at the Les Wilson Barramundi Discovery Centre pond.***
- Council is satisfied that that OKADK is the only supplier reasonably available to undertake the work within the required timeframe.***

**CARRIED 6/0**

**Resolution No. 0718/012**

**CONFIRMED MINUTES**

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**CHANGE IN STANDING ORDERS**

**COUNCIL RESOLUTION**

Moved Cr Gallagher

Seconded Cr Young

*That Council change the Standing Orders to commence dealing with the Director Corporate Services reports.*

**CARRIED 6/0**

**Resolution No. 0718/013**

**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 Gallagher

**That Council:**

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

**CARRIED 6/0**

**Resolution No. 0718/014**

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## CONFIRMED MINUTES

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### 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 Gallagher

Seconded Cr Young

##### *That Council:*

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

CARRIED 6/0

*Resolution No. 0718/015*

##### ADJOURNMENT:

The meeting adjourned for lunch at **12:40pm**

The meeting resumed at **1:40pm**

##### DEPUTATION:

##### **1:40pm – 2:26pm - Tourism and Events Queensland**

Matt Bron (Director) and Amy Merriweather (Leader Destinations – Outback and Country Queensland) from Tourism and Events Queensland attended the meeting and provided an update on TEQ activities and programs relevant to tourism in the region.

- Mr Bron advised Council of the Tourism Infrastructure Grants (\$36m) and that an additional \$10m in grants was available for the Outback only.
- Ms Merriweather provided Council with a brief overview of the Best of Queensland Program.

##### ATTENDANCE:

The Director of Engineering and Manager Water and Sewerage entered the meeting room at **2:26pm**.

## CONFIRMED MINUTES

### 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 Young

#### *That Council:*

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

CARRIED 6/0

*Resolution No. 0718/016*

#### ATTENDANCE:

The Executive Assistant left the meeting at 2:30pm.

### 9.3 NDRRA REPORT

#### Executive Summary:

Construction of QRA16 has completed with a total of \$54.4million of rectification work completed.

The final \$4million construction of the QRA16 Program will be rolled into the QRA18 package as the late wet season restricted 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). Seven local crews are currently working on Shire roads.

The first 2018 Submission (Glencoe to Miranda Downs - approx. \$2.9million total) was submitted to QRA in late-May with an outcome expected mid-July. Submission 2 (roll over roads) is being finalised and will be submitted to QRA in late-July. Other submissions are currently being compiled and will be submitted to QRA for approval progressively as they are completed.

#### COUNCIL RESOLUTION

Moved Cr Beard

Seconded Cr Young

#### *That Council:*

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

CARRIED 6/0

*Resolution No. 0718/017*

## CONFIRMED MINUTES

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### ATTENDANCE:

The Executive Assistant returned to the meeting at 2:48pm

#### 9.4 WATER AND WASTEWATER - JUNE 2018

##### Executive Summary:

Water and sewer facilities operated effectively throughout the month, Normanton STP is irrigating within water quality release limits once again.

##### COUNCIL RESOLUTION

Moved Cr Young

Seconded Cr Beard

##### *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 6/0

*Resolution No. 0718/018*

### ATTENDANCE:

The Manager Water and Sewerage left the meeting room at 2:56pm.

#### 9.5 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 Gallagher

Seconded Cr Young

##### *That Council:*

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

CARRIED 6/0

*Resolution No. 0718/019*

## CONFIRMED MINUTES

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### 9.6 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 Beard

Seconded Cr Gallagher

#### *That Council:*

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

CARRIED 6/0

*Resolution No. 0718/020*

### 9.7 PLUMBING 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 Plumbing Unit.

#### COUNCIL RESOLUTION

Moved Cr Beard

Seconded Cr Hawkins

#### *That Council:*

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

CARRIED 6/0

*Resolution No. 0718/021*

### 9.8 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 June 2018.

#### COUNCIL RESOLUTION

Moved Cr Murphy

Seconded Cr Young

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

CARRIED 6/0

*Resolution No. 0718/022*



## CONFIRMED MINUTES

### 9.9 MATERIAL CHANGE OF USE - SHOP (EXPANSION OF AN EXISTING SHOP)

#### Executive Summary:

The Council is in receipt of an Application for Material Change of Use (MCU) for a Shop – (Expansion of an existing Shop), located on the corner of 26-28 Landsborough Street and Noel Street, Normanton, described as Lot 39 SP100800.

The application is Code Assessable and Public Notification is not required.

The Application required referral through the State Assessment Referral Agency (SARA) and approval was granted with no conditions.

The application is generally in accordance with the Carpentaria Shire Planning Scheme and is recommended for approval, subject to conditions.

#### COUNCIL RESOLUTION

Moved Cr Hawkins

Seconded Cr Murphy

#### *That Council resolves:*

*In accordance with the Planning Act 2016 as amended, the applicant be notified that the application for a Development Permit for a Material Change of Use for Shop – (Expansion of an existing Shop) located on the corner of 26-28 Landsborough Street and Noel Street, Normanton, described as Lot 39 SP100800 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 submitted Site Plan and Plans: TNC Engineering Pty Ltd, dated 12 March 2018 an Numbered: WSS 180814 - (pages 2-10) and the supporting Submission and other documentation, except as modified by this approval and to the satisfaction of the Chief Executive Officer or delegate.*
- 2. Any future building work on-site shall be carried out generally in accordance with any relevant Council requirements and the Building Code of Australia and to the satisfaction of the Chief Executive Officer or delegate.*
- 3. This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of section 85 of the Planning Act 2016, if the development has not been commenced.*

##### Maintenance of the Site

- 4. The applicant shall ensure the site is cleaned up in association with the new development to remove rubbish, debris and other redundant items littered around the external areas of the site. Following development the site is to be maintained in a clean and tidy condition at all times, to the satisfaction of the Chief Executive Officer or delegate.*

##### Drainage

## CONFIRMED MINUTES

5. *The site is required to drain to a lawful point of discharge, to the satisfaction of the Chief Executive Officer or delegate.*

### **Urban Services**

6. *The development is required to be connected to all urban services. The applicant/proponent is to meet the cost of any connections or upgrades required to any urban services for the approved development and water supply and sewerage are to be constructed to relevant standards stated in Schedule 1, Part 3 of the Planning Scheme and to the satisfaction of the Chief Executive Officer or delegate.*
7. *Any work associated with connecting to urban services shall be undertaken in accordance with an approved plan and shall 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 associated works, the cost of the reinstatement of all such assets shall be met by the applicant/proponent and to the satisfaction of the Chief Executive Officer or delegate.*

### **On-Street Works**

9. *The following on-street works are required:*
- (a) *a concrete crossover in Noel Street to access the onsite car parking area.*

### **Car Parking and Vehicular Circulation**

10. *A minimum of 7 car parking spaces are required to be provided on-site, in association with the development. The car parking and driveway area is to be of handstand and profiled to avoid ponding. The 7 car parking spaces are to be delineated within the parking area by coppers logs or similar and to the satisfaction of the Chief Executive Officer or delegate.*
11. *All car parks on site are to be configured to ensure all vehicles exit the site in forward gear to the satisfaction of the Chief Executive Officer or delegate.*

### **Lighting**

12. *Any lighting proposed in association with the development must ensure there is no light spillage onto adjoining properties or roads, to the satisfaction of the Chief Executive Officer or delegate.*

### **Signage**

13. *Any signage associated with the development is required to comply with the Advertising Devices Code in the Carpentaria Shire Planning Scheme and must not contain any product advertising, to the satisfaction of the Chief Executive Officer or delegate.*

### **Landscaping**

14. *The existing screen planting located along the Landsborough Street site frontage is to be protected during construction and retained. Should the screen planting be damaged during construction it is required to be replaced, prior to commencement of the use of the new building with*

## CONFIRMED MINUTES

*advanced trees and shrubs, to ensure the new building is screened from public view within 12 months of erection, to the satisfaction of the Chief Executive Officer or delegate.*

**B. REFERRAL AGENCY CONDITIONS**

**Concurrence Agency:** Department of Transport and Main Roads (DTMR)

**C. SUBMISSIONS** N/A

**D. FURTHER DEVELOPMENT PERMITS REQUIRED**

- *carrying out building works;*
- *carrying out drainage works; and*
- *carrying out plumbing works.*

**E. APPLICABLE CODES FOR SELF ASSESSABLE DEVELOPMENT**

- *Shire of Carpentaria Planning Scheme*
- *Standard Building Regulation 1993*
- *Building Act 1975*
- *Building Code of Australia*
- *Water and Sewerage Act 1949*

**F. RIGHT OF APPEAL**

*Appeal Rights from the Planning Act 2016.*

**CARRIED 6/0**

**Resolution No. 0718/023**

Action: Issue Development Permit for a Material Change of Use for Shop – (Expansion of an existing Shop).

## CONFIRMED MINUTES

### 9.10 MATERIAL CHANGE OF USE - BUSINESS (CAFE/TAKEAWAY)

#### Executive Summary:

The Council is in receipt of an Application for Material Change of Use (MCU) for a Business – (Café/Takeaway), on part of the Bynoe site at 35 Old Croydon Road, Normanton, being part of Lot 51 CP901159.

The Application did not require referral through the State Assessment Referral Agency (SARA) however, the application is Impact Assessable and Public Notification was required. During the Public Notification period no submissions were received.

The application is generally in accordance with the Carpentaria Shire Planning Scheme and is recommended for approval, subject to conditions.

#### COUNCIL RESOLUTION

Moved Cr Hawkins

Seconded Cr Beard

#### *That Council resolves:*

*In accordance with the Planning Act 2016 as amended, the applicant be notified that the application for a Development Permit for a Material Change of Use for Business – (Café/Takeaway) located on part of 35 Old Croydon Road, Normanton, described as Lot 51 CP901159 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 annotated photographs attaching to the supporting town planning report prepared by – Property & Resource Planning Pty Ltd, dated 14 May 2018, except as modified by this approval and to the satisfaction of the Chief Executive Officer or delegate.*
2. *Any future building work on-site shall be carried out generally in accordance with any relevant Council requirements and the Building Code of Australia and to the satisfaction of the Chief Executive Officer or delegate.*
3. *The commercial kitchen is required to be operated in compliance with a current licence issued by Council and to the satisfaction of the Chief Executive Officer or delegate.*
4. *This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of section 85 of the Planning Act 2016, if the development has not been commenced.*

##### Maintenance of the Site

5. *The applicant shall ensure the building and area around the development is maintained in a clean and tidy condition at all times, to the satisfaction of the Chief Executive Officer or delegate.*

##### Drainage

## CONFIRMED MINUTES

6. *The site is required to drain to a lawful point of discharge, to the satisfaction of the Chief Executive Officer or delegate.*

### **Urban Services**

7. *The development is required to be connected to all urban services. The applicant/proponent is to meet the cost of any connections or upgrades required to any urban services for the approved development and water supply and sewerage are to be constructed to relevant standards stated in Schedule 1, Part 3 of the Planning Scheme and to the satisfaction of the Chief Executive Officer or delegate.*
8. *Any work associated with connecting to urban services shall be undertaken in accordance with an approved plan and shall be established and completed prior to the lawful commencement of the use and to the satisfaction of the Chief Executive Officer or delegate.*
9. *Should any of the Council's assets be damaged during the construction of any associated works, the cost of the reinstatement of all such assets shall be met by the applicant/proponent and to the satisfaction of the Chief Executive Officer or delegate.*

### **Car Parking and Vehicular Circulation**

10. *Prior to commencement of the use, a minimum of 4 car parking spaces are required to be provided on-site, in association with the development. The car parking and driveway area is to be of handstand and profiled to avoid ponding. The 4 car parking spaces are to be setback 3 metres from the site frontage and delineated within a parking area, adjacent to the building, by copper logs or similar and to the satisfaction of the Chief Executive Officer or delegate.*
11. *All car parks on site are to be configured to ensure all vehicles exit the site in forward gear, to the satisfaction of the Chief Executive Officer or delegate.*
12. *All service and delivery vehicles must load and unload on-site adjacent to the commercial kitchen and exit the site in forward gear, to the satisfaction of the Chief Executive Officer or delegate.*

### **Lighting**

13. *Any lighting proposed in association with the development must ensure there is no light spillage onto adjoining properties or roads, to the satisfaction of the Chief Executive Officer or delegate.*

### **Signage**

14. *Any signage associated with the development is required to comply with the Advertising Devices Code in the Carpentaria Shire Planning Scheme and must not contain any product advertising, to the satisfaction of the Chief Executive Officer or delegate.*

### **Landscaping**

15. *Prior to commencement of the use, large landscape planters are to be provided along the length of building between the patio/outdoor dining area and the perimeter mesh fence, spaced every 2 metres and planted with large shrubs or other plants that screen the outdoor dining area from the road, to*

**CONFIRMED MINUTES**

	<i>improve amenity for diners in this industrial area, to the satisfaction of the Chief Executive Officer or delegate</i>	
<b>B.</b>	<b>REFERRAL AGENCY CONDITIONS</b>	
	Concurrence Agency	N/A
<b>C.</b>	<b>SUBMISSIONS</b>	None
<b>D.</b>	<b>FURTHER DEVELOPMENT PERMITS REQUIRED</b>	
	<ul style="list-style-type: none"> <li>• <i>carrying out building works;</i></li> <li>• <i>carrying out drainage works; and</i></li> <li>• <i>carrying out plumbing works.</i></li> </ul>	
<b>E.</b>	<b>APPLICABLE CODES FOR SELF ASSESSABLE DEVELOPMENT</b>	
	<ul style="list-style-type: none"> <li>• <i>Shire of Carpentaria Planning Scheme</i></li> <li>• <i>Standard Building Regulation 1993</i></li> <li>• <i>Building Act 1975</i></li> <li>• <i>Building Code of Australia</i></li> <li>• <i>Water and Sewerage Act 1949</i></li> </ul>	
<b>F.</b>	<b>RIGHT OF APPEAL</b>	
	<i>Appeal Rights from the Planning Act 2016.</i>	
<b>CARRIED 6/0</b>		<b>Resolution No. 0718/024</b>

Action: Issue Development Permit for a Material Change of Use for Business – (Café/Takeaway).

**GENERAL BUSINESS – DIRECTOR OF ENGINEERING**

Topic:	<b>Concrete Footpath from Carron to Walker Street, Karumba</b>
Discussion:	Cr Young enquired when the Carron Street footpath was to be constructed. The Director of Engineering advised that allowance for the works has been included in the 2018/2019 capital works program.

Topic:	<b>Access to the Sewerage Ponds during wet season</b>
Discussion:	Cr Gallagher advise the wet weather access road to the Normanton Sewerage Ponds (through Lilyvale Gravel) has been impacted by recent quarry works and enquired about future access to the Sewerage Ponds during the wet season. The Director Engineering advised that rectifications works will be undertaken to re-establish access prior to the wet season.

## CONFIRMED MINUTES

Topic:	<b>Regulated parking – Yappar Street, Karumba</b>
Discussion:	<p>Cr Murphy advised that the Clarina Street carpark is not being fully utilised with a majority of boat operators parking their vehicles and boat trailers along Yappar Street.</p> <p>The Chief Executive Officer advised that Council has the ability to regulate carparking under its Local Laws.</p>

Action: Investigate restricted parking options along Yappar Street.

Topic:	<b>Gulf Christian College Sewer Main</b>
Discussion:	<p>Cr Beard noted that a sewage blockage had recently occurred in the vicinity of the new Gulf Christian College Sports Complex and enquired if the recent construction had contributed to the cause of the blockage.</p> <p>The Director Engineering advised that the cause of the blockage was due to material entering the manhole during construction. The Director Engineering further advised that Council officers will be undertaking a CCTV inspection of sections of the sewerage mains network and the main running under the Gulf Christian College Sports Complex will be inspected at this time to see if any damage to the system was incurred during construction.</p>

Action: Inspect sewer main under Gulf Christian College Sports Complex and provide report to Council

Topic:	<b>Town Common Fence</b>
Discussion:	<p>Cr Beard enquired if regular inspections of the Normanton Town Common fence are being carried out and if the fence is being maintained to prevent stock straying into the town area.</p> <p>The Director Engineering advised that no recent inspections have been carried and that an inspection of the common will be carried prior to the next meeting and report on the condition of the fence will be presented to the next Council meeting.</p>

Action: Inspect Town Common Fence and provide report to council

Topic:	<b>John Henry Memorial Oval Sign</b>
Discussion:	<p>Cr Beard requested that the John Henry Memorial Oval sign be turned around so that group photos could be taken at the upcoming Gulf Cluster games.</p>

Action: Turn the John Henry Memorial Oval sign around.

**CONFIRMED MINUTES**

Topic:	<b>Channel 7 Repeater at Lotusvale Station</b>
Discussion:	Cr Young advised that the Channel 7 Repeater at Lotusvale Station was not working due to the repeater being overgrown with rubber vine and trees shading the solar panel. The Director Engineering advised that an inspection of the facility will be undertaken to remove the rubber vine and to make the facility operational.

Action: Inspect Channel 7 Repeater at Lotusvale and make operational.

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**CONFIRMED MINUTES**

**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 Officers portfolio.

Topic:	<b>Special Meeting – 2018/2019 Budget</b>
Discussion:	A workshop is scheduled for Thursday 19 July 2018 to review and finalise the draft budget. Section 170 of the Local Government Regulation 2012 requires that a local government must adopt its budget for a financial year before 1 August in the financial year.

**MOTION**

Moved Cr Bawden

Seconded Cr Beard

***That Council hold a Special Meeting on Friday 27 July 2018 commencing at 4:00pm for the purpose of adopting the 2018/2019 Budget.***

**CARRIED 6/0**

***Resolution No. 0718/025***

**COUNCIL RESOLUTION**

Moved Cr Murphy

Seconded Cr Young

***That Council:***

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

**CARRIED 6/0**

***Resolution No. 0718/026***

**10.2 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*.

**CONFIRMED MINUTES**

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**RESOLUTION:**

*Council resolved that this item lay on the table.*

**ADJOURNMENT FOR NEXT DAY**

**COUNCIL RESOLUTION**

Moved Cr Bawden

Seconded Cr Young

*That Council adjourn the meeting at 4.57pm to resume on Thursday 19 July 2018 at 8.30am.*

**CARRIED 6/0**

***Resolution No. 0718/027***

**CONFIRMED MINUTES**

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**Thursday  
19 July 2018**

**1 OPENING OF MEETING**

The Mayor welcomed members and declared the meeting open at **8:36am**.

**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	

**Staff**

Mr Michael Hayward	Chief Executive Officer
Ms Angeline Pascoe	Executive Assistant
Mr Oliver Pring	Director Corporate Services
Mrs Lisa Ruyg	Manager Human Resources
Mrs Cherie Schafer	Manager Economic and Community Development

**10.3 HUMAN RESOURCES REPORT**

**Executive Summary:**

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

**COUNCIL RESOLUTION**

Moved Cr Beard

Seconded Cr Young

***That Council accepts the Human Resources Report for information.***

**CARRIED 6/0**

***Resolution No. 0718/028***

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**CONFIRMED MINUTES**

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**10.4 REVIEW OF DRUG AND ALCOHOL POLICY**

**Executive Summary:**

The Drug and Alcohol Policy has been reviewed in accordance with operational requirements.

**COUNCIL RESOLUTION**

Moved Cr Gallagher

Seconded Cr Murphy

***That Council adopt the reviewed Drug and Alcohol Policy as presented.***

**CARRIED 6/0**

***Resolution No. 0718/029***

Action: Amend Drug and Alcohol Policy and update Policy Register

**ATTENDANCE:**

The Manager Human Resources left the meeting room at 8:50am.

This space left blank intentionally

**CONFIRMED MINUTES**

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**11 REPORTS FROM DIRECTOR OF CORPORATE & COMMUNITY SERVICES**

**11.2 MONTHLY FINANCIAL REPORT - JUNE 2018**

**Executive Summary:**

The Monthly Financial Report has been prepared for the period ending 30 June 2018.

**COUNCIL RESOLUTION**

Moved Cr Murphy

Seconded Cr Young

***That Council:***

- 1. accepts the Monthly Financial Report for the period ending 30 June 2018 as presented; and***
- 2. that those matters not covered by resolution be noted.***

**CARRIED 6/0**

***Resolution No. 0718/030***

**ATTENDANCE:**

The Manager Economic & Community Development entered the meeting at 9:01am.

The Director of Engineering entered the meeting at 9:14am.

**11.3 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.

Topic:	<b>Matilda Way Committee</b>
Discussion:	<p>The Matilda Way committee was formed several years ago to promote tourism on the Matilda Way. The committee is made up of representative from each of the shires on the Matilda Way.</p> <p>The Manager Economic and Community Development advised that the Committee has written to Council seeking a contribution in the amount of \$1,100 towards continuation of the committee.</p>

**CONFIRMED MINUTES**

Topic:	<b>Drive North West Qld</b>
Discussion:	<p>Cr Bawden advised that he has received correspondence from the Cr John Wharton, Mayor Richmond Shire Council regarding the continuation of the North West Drive promotion.</p> <p>Cr Wharton has recommended that the North West Drive promotion continue for a further 12 months and has asked all shire involved to contribute \$1,500 towards the continuation of the program.</p>

<b>MOTION</b>	
Moved Cr Young	Seconded Cr Hawkins
<b><i>That Council:</i></b>	
<ol style="list-style-type: none"> <li><b><i>1. contribute \$1,100 to the Matilda Way Committee; and</i></b></li> <li><b><i>2. contribute \$1,500 to Drive North West Qld.</i></b></li> </ol>	
<b>CARRIED 6/0</b>	<b><i>Resolution No. 0718/031</i></b>

Topic:	<b>Normanton Pool</b>
Discussion:	The Manager Economic and Community Development advised that the Normanton Pool has a number of maintenance issues that need addressing and requested that Council give consideration to closing the pool to allow the maintenance works to be carried out..

<b>MOTION</b>	
Moved Cr Murphy	Seconded Cr Beard
<b><i>That Council close the Normanton Pool for the purpose of carrying out maintenance and the pool closing dates will be subject to the availability of a suitably qualified contractor to undertake the maintenance works.</i></b>	
<b>CARRIED 6/0</b>	<b><i>Resolution No. 0718/032</i></b>

Action: Engage contractor to carry out maintenance works at Normanton Swimming Pool

<b>COUNCIL RESOLUTION</b>	
Moved Cr Beard	Seconded Cr Hawkins
<b><i>That Council:</i></b>	
<ol style="list-style-type: none"> <li><b><i>1. receive the Community Development Report; and</i></b></li> <li><b><i>2. that those matters not covered by resolution be noted.</i></b></li> </ol>	
<b>CARRIED 6/0</b>	<b><i>Resolution No. 0718/033</i></b>

## CONFIRMED MINUTES

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### DECLARATION OF INTEREST

**Cr Ashley Gallagher declared a conflict of interest in relation to agenda item 11.4.**

I declare that I have a conflict of interest in this matter (as defined the Local Government Act 2009, section 175D) as follows:

I have a relationship with;

- (i) Shannon Gallagher; and
- (ii) The nature of my relationship with Shannon Gallagher is she is my wife; and
- (iii) The nature of Shannon Gallagher's interest in the matter is that she is on the board of directors of the Gulf Christian College.

I have determined that this personal interest is not of sufficient significance that it will lead me to making a decision on the matter that is contrary to the public interest. I will best perform my responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, I acknowledge that the remaining Councillors must now determine, pursuant to section 175E(4) of the Local Government Act 2009:-

- (a) Whether I have a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (b) If so, whether:-
  - (i) I must leave the meeting while this matter is discussed or voted on; or
  - (ii) I may participate in the meeting in relation to the matter, including by voting on the matter

### RESOLVING A CONFLICT OF INTEREST

<b>MOTION</b>
<b>COUNCIL RESOLUTION</b>
Moved Cr Bawden <span style="float: right;">Seconded Cr Hawkins</span>
<i><b>That Councillor Ashley Gallagher does not have either a real conflict of interest or perceived conflict of interest in the matter and is accordingly free to participate in the meeting while this matter is discussed, including by voting on the matter.</b></i>
<b>CARRIED 6/0</b> <span style="float: right;"><b>Resolution No. 0718/034</b></span>

## CONFIRMED MINUTES

### 11.4 COMMUNITY DONATIONS AND SUPPORT

#### Executive Summary:

Council receives numerous requests for donations throughout the year. The applications listed in the recommendation are applications that have been received outside of the grant funding round.

#### COUNCIL RESOLUTION

Moved Cr Beard

Seconded Cr Hawkins

*That Council approves the following requests for donation and support :*

1. ***Normanton State School - Awards Night. Request for fee waiver on hire of Normanton Shire Hall, tables and chairs.***
2. ***Normanton State School - School Fete. Request for fee waiver on hire of all tables, chairs and stage (including delivery).***
3. ***Normanton Police Station – Reels on Wheels. Donate BMX bike.***
4. ***Karumba State School - Awards Night. Request for fee waiver of the Karumba Civic Centre, tables and chairs.***
5. ***Karumba State School - Festival of Sports. Request for marking of the hockey fields and a general tidy up of the Karumba Sports Centre courts.***
6. ***Karumba State School P&C – Movie nights. Request for fee waiver use of the Karumba Civic Centre each month until January to host movie nights.***
7. ***Gulf Christian College – Awards Night. Request for fee waiver on all tables and chairs to be delivered and black table cloths.***
8. ***Gulf Christian College – Swim Carnival. Request for fee waiver for use of the Normanton Pool.***
9. ***Gulf Christian College – Cross Country. Requests slashing of the Golf course and surrounding areas, Grading or smoothing of the walking track and use of the toilet at the golf course.***
10. ***Gulf Christian College year 6 graduation – Request for fee waiver for use of the Community Trailer.***
11. ***Normanton Gun Club – N150 Clay Pigeon Shoot. Request for contribution of 10 prizes bearing the N150 logo. Approve prizes up to a maximum value of \$300.***
12. ***Karumba Christmas Tree – Annual event. Request for fee waiver for use of the Karumba Civic Centre, all tables, chairs, road closure and contribution of \$500.00.***
13. ***Normanton Stingers – QCup – Requests line marking of the Normanton Football field, along with fee waiver on the provision of additional rubbish bins and the use of the Community Trailer.***

CARRIED 6/0

Resolution No. 0718/035



**CONFIRMED MINUTES**

**GENERAL BUSINESS – COMMUNITY SERVICES**

Topic:	<b>Facility Use Agreements</b>
Discussion:	<p>The Manager Economic and Community Development advised that a review of the Facility Use Agreements for both the Normanton Swimming Club and the Normanton Stingers Rugby League Football Club was currently being undertaken.</p> <p>Council confirmed that they were happy with the terms of the Normanton Swimming Club facility use agreement.</p> <p>Council agreed to close the Normanton Sports Centre on major game days and that the Normanton Stingers can use the toilets/showers and change room facilities on game days; on the condition that the facilities are cleaned before the Centre opened again on the Sunday.</p>

Action: Review Facility Use Agreements for the Normanton Swimming Club and Normanton Stingers Rugby League Football Club.

**12 GENERAL BUSINESS**

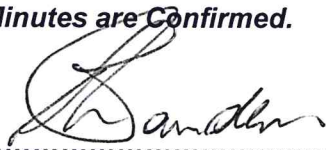
Nil.

**13 CLOSURE OF MEETING**

*The Chair of the meeting, Cr Lyall Bawden, Mayor, declared the meeting closed at 10:28am.*

**MINUTES CERTIFICATE**

*These Minutes are Confirmed.*



Councillor LV Bawden  
Mayor

*18, 07, 2018*

Date