

**MINUTES OF THE GENERAL MEETING
OF THE BARCALDINE REGIONAL COUNCIL
HELD IN THE MUTTABURRA MEMORIAL HALL, BRUFORD STREET, MUTTABURRA
ON WEDNESDAY 15 AUGUST 2018
COMMENCING AT 9.10AM**

ATTENDANCE

Councillor R Chandler (Mayor) (In the Chair), Councillors J Gray (Deputy Mayor), G Bettiens, S Dillon, M Rogers, B Plumb and G Peoples.

OFFICERS

S Boxall (Chief Executive Officer), B Walsh (Deputy Chief Executive Officer), D Howard (District Manager – Alpha and Jericho), R Rolfe (Chief Engineer) and S Goodwin (Minute Secretary).

PRAYER – Cr Gray read the prayer.

CONDOLENCES

A minute's silence was observed to mark the passing of Mr. John Colin Davies of Barcaldine, Mrs. Estelle Betty Williams of Aramac, Mrs. Marcia Bradshaw of Alpha, Mr. Dennis Paul Mcauliffe (known as Paul) of Aramac and Mr. Lloyd Henry Turner formerly of Barcaldine.

LEAVE OF ABSENCE - Nil

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor acknowledged the traditional owners of the land, past and present.

DECLARATIONS OF COUNCILLORS

Material Personal Interest on any items of Business

Pursuant to Section 173 (2) of the Local Government Act 2009, Councillor Bettiens informed the meeting of a material personal interest in relation to Items 3.4.1, 3.4.2 and 3.4.3 (as a contractor) and left the meeting during discussions thereon.

Pursuant to Section 173 (2) of the Local Government Act 2009, Councillor Peoples informed the meeting of a material personal interest in relation to Item 3.2.12 (as a business owner) and left the meeting during discussions thereon.

Conflict of Interest

Cr. Plumb for Item 3.7.2:- "I declare I have a real conflict of interest in this matter, as defined in section 173 of the Local Government Act 2009), due to my Committee membership of Barcaldine Campdraft Association. I propose to exclude myself from this meeting while this matter is debated and the vote is taken."

Personal Gifts and Benefits

Cr Rogers declared a gift of antique scrap metal from Mayor Chandler.

BUSINESS

1. CONFIRMATION OF MINUTES

*Summary: The following minutes required confirmation by Council:-
General Meeting – 18 July 2018.*

3.2.11 Christmas Shutdown

Summary: Proposed Christmas Shutdown dates for Council approval.

Resolution: 2018/08/234 **Moved Cr Dillon** **Seconded Cr Peoples**
That Council approves:-

(a) The closure of Council Administration Offices from 12.30pm on Friday 21 December 2018 and reopening on Monday 7 January 2019 with essential staff only, working on these dates; and

to be negotiated by the Chief Executive Officer and staff for (b) and (c) below -

(b) The closure of Council Depots from 12.30pm on Thursday 20 December 2018 and reopening on Monday 21 January 2018 with essential staff only, working on these dates OR

(c) The closure of Council Depots from 12.30pm on Friday 14 December 2018 and reopening on Monday 14 January 2018 with essential staff only, working on these dates.

Carried
7/0

Cr Peoples declared an interest in the following matter and left the room during discussions thereon.

3.2.12 Application for Mobile Roadside Vending Permit

Summary: An application has been received from Colin Holt for a Mobile Roadside Vending Permit.

Resolution: 2018/08/235 **Moved Cr Dillon** **Seconded Cr Bettiens**
That Council, assesses the application from Colin Holt for a Mobile Roadside Vending Permit to sell fruit and vegetables in Jericho and approves the application on the following conditions:-

1. The applicable fee is paid to Council
2. Approval is for the use of the site at the railway carpark in Jericho
3. The hours of operation are one day per fortnight from 7am to 10.30am from 15 August 2018 to 31 August 2019
4. The certificate of approval must be displayed for inspection by an authorised officer
5. The site area is to be maintained in a tidy condition and all rubbish removed from the site upon departure
6. The activity must not be operated in a manner which is a risk to road safety
7. Roadside signs must not hinder traffic movement on or adjacent to the roadway
8. There is a limit of 2 roadside signs for each site

9. The public liability insurance must be maintained at all times for the approved period.

Carried
6/0

At this stage Cr Peoples returned to the meeting.

3.2.13 Development Application – DA No. 441718/20706 – JS Kelly and CL Kelly – 57114 Capricorn Highway, Barcaldine

Summary: Approval of a development application for the reconfiguring of a lot for the creation of an access easement on land located at 57114 Capricorn Highway Barcaldine.

Resolution: 2018/08/236 **Moved Cr Bettiens** **Seconded Cr Plumb**
That the application for Reconfiguring a Lot for the creation of an Access Easement on land located at 57114 Capricorn Highway, Barcaldine described as Lot 23 on R5725, be approved subject to the following conditions:

1.0 ENDORSEMENT OF SURVEY PLAN

1.1 Submit to Council a Survey Plan for endorsement, in accordance with the approved plan except where modified to comply with the conditions of approval. Council will not endorse or release the Survey Plan for this development until such time as:

- 1.1.1** All conditions attached to this development approval for Reconfiguring a Lot have been fully satisfied; and
- 1.1.2** A statement demonstrating compliance with all conditions attached to this development approval has been submitted to Council; and
- 1.1.3** All outstanding rates and charges relating to the site have been paid; and
- 1.1.4** A copy of the signed easement documents is provided to Council at the time of submitting the Plan of Survey for endorsement.

1.2 Where a condition requiring infrastructure upgrades or works has not been carried out to Council's satisfaction, Council may consider accepting a bond for the incomplete works. The bond shall be 150% of the value of the works to be completed.

2.0 EASEMENT DOCUMENTATION

2.1 Submit to and have approved by Council documentation in relation to the approved access easement.

2.2 The easement documentation must include terms that permits permanent access for the carrying out of any maintenance works to the unnamed road between Lot 27 on R5725 and Lot 7 on SP252194 at all times.

2.3 The easement must be located generally in accordance with the approved plan. A copy of the signed easement documents must be provided to Council at the time of submitting the Plan of Survey for endorsement.

3.0 COMPLIANCE TIMING

- 3.1 Complying with all conditions of this development approval at no cost to Council and prior to Council's endorsement of any Survey Plan (i.e. Plan of Survey) unless otherwise stated in a specific condition.**

4.0 APPROVED PLANS AND DOCUMENTS

- 4.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this development approval:**

Plan Name	Prepared By	Date
Overview Plan of Access Arrangement	Reel Planning on behalf of Barcaldine Regional Council	25-07-2018
Plan of Easement A in Lot 23 on R5725	Hoffman Surveyors Pty Ltd	22-01-2018

- 4.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.**

5.0 EXTERNAL ROADWORKS

- 5.1 Design and construct Road A between the intersection of Braeside Road and to the frontage of Lot 23 on R5725 to a 'Formed Track' standard in accordance with the *Lower Order Road Design Guidelines*, published by the Institute of Public Works Engineering Australasia, Queensland and more specifically include the following:**

- 5.1.1 A minimum traffic lane width of 4.0 metres unsealed formation with a maximum cross-fall of 4 percent.**
- 5.1.2 A minimum 2.5 metre wide clear zone along both sides of the traffic lane.**
- 5.1.3 All-weather access shall be provided with the works.**
- 5.1.4 All associated drainage works (including table drains and culverts) shall be provided with the works.**
- 5.1.5 Carriageway (i.e. traffic lane) transitions between the existing Braeside Road shall be provided with the works.**
- 5.1.6 The existing gate must be signed at least 60 metres in advance with a yellow diamond GATE warning sign.**

- 5.2 Design and construct Road B between the secondary frontage of Lot 23 on R5725 and the frontage of Lot 7 on SP252194 to a 'Formed Track' standard in accordance with the *Lower Order Road Design Guidelines*, published by the Institute of Public Works Engineering Australasia, Queensland and more specifically include the following:**

- 5.2.1 A minimum traffic lane width of 4.0 meters unsealed formation with a maximum cross-fall of 4 percent.**
- 5.2.2 A minimum 2.5 metre wide clear zone along both sides of the traffic lane.**
- 5.2.3 All-weather access shall be provided with the works.**
- 5.2.4 Floodway treatments including culverts and crossings are provided at points along the track where water courses (i.e. Lagoon Creek) cross the track and shall be provided with the works.**
- 5.2.5 Flood warning signage and flood depth indicators are to be provided with the works.**

5.2.6 All associated drainage works (including table drains and culverts) shall be provided with the works.

5.3 The design and construction of the external roadworks are to be provided at no cost to Council.

6.0 INTERNAL ROADWORKS

6.1 Construct the full length of the access easement on Lot 23 on R5725 to a 'Formed Track' standard in accordance with the *Lower Order Road Design Guidelines*, published by the Institute of Public Works Engineering Australasia, Queensland.

Further Advice

Council will waive the minimum cross-fall requirement under the Formed Track standard.

6.2 The design and construction of the internal roadworks are to be provided at no cost to Council.

7.0 ENGINEERING CERTIFICATION

7.1 A Registered Professional Engineer of Queensland (RPEQ-Civil) shall certify engineering drawings and specifications for all engineering work, which shall be submitted in conjunction with an application for a Development Permit for Operational Work.

8.0 GATE

8.1 The existing Gate located in the unnamed road referred to as 'Road A' on the approved plans must be retained.

Further Advice

Any alteration to the existing gate may an application under the Council's Local Laws and require Council approval.

9.0 ALTERNATIVE EMERGENCY ACCESS

9.1 The applicant shall ensure that temporary vehicle access is available directly to the Capricorn Highway during emergency events. The applicant must provide Council with written evidence of the temporary emergency access arrangements prior to Council approving the plan of subdivision. Should the temporary emergency access arrangements change, the applicant must advise Council in writing.

Further Advice

The applicant must provide the written consent of adjoining property owner/s confirming that temporary vehicular access is available directly to the Capricorn Highway during emergency events as a means of satisfying this condition.

A property note will be placed on Council's rate records for Lot 7 on SP252194 to create awareness that during a natural disaster event (such as a flood) the property has an alternative emergency access to the Capricorn Highway.

10.0 NEW RURAL ADDRESS AND STREET NAMING

10.1 Submit to and have approved by Council a request for rural address that reflects the approved access.

10.2 Submit to and have approved by Council a request for naming the unnamed road or concurrently with any application to Council for operational works for constructing the unnamed road. The request must include:

10.2.1 a minimum of 3 proposed names;

10.2.2 the reasons for the selection of the proposed names;

10.2.3 proposed names that;

- a. are not offensive, profane or racist;
- b. are not the name of another road in the local government area;
- c. are not difficult to spell;
- d. allow for logical and unambiguous street numbering;
- e. are single names rather than double or hyphenated names; and
- f. enable Emergency Services to readily locate properties.

11.0 CONSTRUCTION ACTIVITIES

11.1 Construction work that makes or causes audible noise must only be carried out onsite on Mondays through to Saturdays between the hours of 6:00am and 6:00pm. Any construction works outside of these hours, including Sundays and public holidays must have prior written approval of the Chief Executive Officer, or delegate.

11.2 The construction of all works associated with the proposal shall be supervised by a registered professional engineer of Queensland (RPEQ-Civil) whose appointment shall require the approval of the Chief Executive Officer or delegate. On completion of the works the applicant / owner shall give the Council a Certificate from the engineering stating that the work of constructing the operational works has been completed in accordance with the plans and specification approved by Council.

11.3 Erosion control and silt collection measures are designed in accordance with the *International Erosion Control Association (Australasia) Best Practice Erosion and Sediment Control Guidelines (2008)*. Install, monitor and amend where necessary the erosions and sediment control measures during the construction phase of development to ensure that all reasonable and practicable measures are taken to prevent environmental harm.

12.0 STORMWATER MANAGEMENT

12.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage or nuisance to other land or infrastructure.

13.0 PUBLIC UTILITIES

13.1 The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.

13.2 Any alteration of any public utility or other facilities necessitated by the development of the land or associated construction works external to the site shall be at no cost to Council.

13.3 Any damage caused to any public utility during the course of construction shall be repaired to the satisfaction of Council's Delegated Officer and at no cost to Council prior to the sealing of the Survey Plan.

ADVISORY NOTES

- A. The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- B. Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- C. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
- D. General environmental duty under the Environmental Protection Act 994 prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.
- E. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”).
- F. For the purpose of drainage in relation to the ‘Formed Track’ referenced in Conditions 5.2.4 and 5.3.6 of this development approval, refer to section 5.2.6 Table Drains of the *Lower Order Road Design Guidelines* to identify the requirements for table drains relative to this development approval.
- G. The *Lower Order Road Design Guidelines* published by the IPWEAQ is located at <http://www.ipweaq.com/1573%20%20LORDG%20publication%20%20final.pdf>.
- H. The unnamed road reserves associated with the access easement are affected by regulated vegetation. Under the *Planning Regulation 2017, Vegetation Management Act 1999* and other relevant legislation, vegetation clearing requirements may apply and should be investigated prior to the commencement of any construction works in regulated vegetation areas.
- I. The unnamed road reserve extending between Lot 23 on R5725 and Lot 7 on SP252194, and part of Lot 7 on SP252194, is identified as a Queensland Heritage Place (Shearers’ Strike Camp, Barcaldine, Place ID: 600019). Under the *Planning Regulation 2017, Queensland Heritage Act 1992* and other relevant legislation, heritage-related requirements may apply and should be investigated prior to the commencement of any construction works on the heritage place.

Carried
7/0

3.3 FINANCE

3.3.1 Financial Report

Summary: The financial report for the period ending 8 August 2018 is presented to Council.

Resolution: Moved Cr Plumb Seconded Cr Bettiens
2018/08/237 That Council receives the Financial Report for the period ending 8 August 2018.

Carried
7/0

3.4 MANAGER ENGINEERING SERVICES

Cr Bettiens declared an interest in parts of the following item and left the room during discussions thereon.

3.4.1 Works Report

Summary: From the Chief Engineer submitting for Council's information, the status of the scopes of work assigned to Engineering Services for the period ending 31 July 2018.

Resolution: Moved Cr Plumb Seconded Cr Dillon
2018/08/238 That the Works Report for the period July 2018 be received.

Carried
7/0

At this stage Cr Bettiens returned to the meeting.

Cr Bettiens declared an interest in the following two items and left the room during discussions thereon.

3.4.2 Aramac Aquatic Centre

Summary: From the Chief Engineer detailing the Contract status for the Aramac Aquatic Centre.

Resolution: Moved Cr Dillon Seconded Cr Gray
2018/08/239 That the Chief Engineer's Report be received.

Carried
6/0

3.4.3 Water Main Upgrades – Aramac, Muttaborra and Barcaldine

Summary: From the Chief Engineer identifying priority works for water main upgrades in Aramac, Muttaborra and Barcaldine.

Resolution: 2018/08/240 **Moved Cr Dillon** **Seconded Cr Gray**
That Council adopts the following priorities for water main upgrades in Aramac, Muttaborra and Barcaldine:-

Revised Priority List

Priority	Priority Description	Town
1	Sword St upgrades	Muttaborra
2	Gordon St - Porter St crossing	Aramac
3	Kerr St - Porter St connection	Aramac
4	Boundary St and Kerr St - Heavy vehicle bypass	Aramac
5	Muttaborra mains - remaining upgrades	Muttaborra
6	Muttaborra mains - water meter installation	Muttaborra
7	Aramac mains - remaining upgrades	Aramac
8	Aramac mains - water meter installation	Muttaborra
9	Bauhinia St upgrades	Barcaldine
10	Barcaldine mains - remaining upgrades	Barcaldine

Carried
6/0

At this stage Cr Bettiens returned to the meeting.

3.5 DISTRICT MANAGER – ALPHA AND JERICHO

3.5.1 Information Report

Summary: From the District Manager – Alpha and Jericho submitting the Information Report for information.

Resolution: 2018/08/241 **Moved Cr Dillon** **Seconded Cr Peoples**
That the District Manager’s Information Report be received.

Carried
7/0

3.6 DISTRICT MANAGER – ARAMAC AND MUTTABURRA - Nil

3.7 DISTRICT MANAGER – BARCALDINE

3.7.1 General Information Report

Summary: The District Manager's – Barcaldine report was submitted to Council for information.

Resolution: 2018/08/242 **Moved Cr Dillon** **Seconded Cr Bettiens**
That the District Manager's – Barcaldine General Information Report be received.

Carried
7/0

Cr Plumb declared an interest in the following matter and left the room during discussions thereon.

3.7.2 Request for Assistance – Barcaldine Campdraft Association

Summary: Request for financial assistance of \$1,500-00 to assist with costs to prepare surface for event held on the weekend of 23 June 2018.

Resolution: 2018/08/243 **Moved Cr Rogers** **Seconded Cr Dillon**
That Council agrees to provide financial assistance of \$1,500.00 to Barcaldine Campdraft Association to assist with costs to prepare surface for event held on weekend of 23 June 2018.

Carried
6/0

At this stage Cr Plumb returned to the meeting.

3.8 CONFIDENTIAL REPORTS - Nil

3.9 NOTIFIED MOTIONS - Nil

As there was no further business, the Mayor declared the meeting closed at 3.15pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

MAYOR: _____

DATED: 19 September 2018

SYSTEM:	Professional Governance
POLICY TITLE:	Dealing With Complaints Involving The Chief Executive Officer
ADOPTED:	15 August 2018
POLICY NO:	CG
PURPOSE:	The purpose of this policy is to provide guidelines for dealing with real or suspected corrupt conduct involving the Chief Executive Officer of Barcaldine Regional Council.

1 Objective

The Chief Executive Officer is the public official of Barcaldine Regional Council.

The objective of this policy is to set out how Barcaldine Regional Council will deal with a complaint (also information or matter) that involves or may involve corrupt conduct of its Chief Executive Officer as defined in the *Crime and Corruption Act 2001*.

2 Policy rationale

This policy is designed to assist Barcaldine Regional Council to:

1. Comply with s48A of the *Crime and Corruption Act 2001*
2. Promote public confidence in the way suspected corrupt conduct of the Chief Executive Officer of Barcaldine Regional Council is dealt with (s34(c))
3. Promote accountability, integrity and transparency in the way Barcaldine Regional Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Chief Executive Officer.

3 Definitions

CC Act - Crime and Corruption Act 2001

CCC - Crime and Corruption Commission

Complaint - includes information or matter involving or may involve suspected corrupt conduct

Council – Barcaldine Regional Council

Corruption - involves wrongdoing by a public official in carrying out their official duties or exercising their powers

Corrupt Conduct – conduct of a person, regardless of whether the person holds or held an appointment, would if proved, be

- (a) A criminal offence
- (b) A disciplinary breach providing reasonable ground for terminating the person's services

Nominated Person - a person other than the Chief Executive Officer who is authorised to deal with a complaint

Public Official - the Chief Executive Officer

4 Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the Chief Executive Officer of Barcaldine Regional Council
- to all persons who hold an appointment in, or are employees of, Barcaldine Regional Council

For the purpose of this policy a complaint includes information or matter.

5 Nominated person

Having regard to section 48A(2) and (3) of the CC Act, this policy nominates:

- the Mayor as a nominated person
- the Deputy Chief Executive Officer as a nominated person

The nominated person must notify the Crime and Corruption Commission of the complaint and to deal with the complaint in accordance with the CC Act.

The nominated persons will — with or without consulting the CCC — decide who will be the nominated person for a particular complaint and the nominated person for that particular complaint will then inform the CCC that they are the nominated person for the particular complaint.

Once the nominated person is decided, the CC Act applies as if a reference about notifying or dealing with the complaint to the public official is a reference to the nominated person.

6 Complaints involving a reasonable suspicion of corrupt conduct, where there is a nominated person

Where there is a nominated person, if a complaint may involve an allegation of corrupt conduct of the Chief Executive Officer, the complaint may be reported to:

- the nominated person, or
- a person to whom there is an obligation to report under an Act

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

If the nominated person reasonably suspects the complaint may involve corrupt conduct of the Chief Executive Officer, they are to:

- (a) notify the CCC of the complaint, and
- (b) deal with the complaint, subject to the CCC's monitoring role, when —
 - directions issued under s40 of the CC Act apply to the complaint, if any, or
 - pursuant to s46 of the CC Act, the CCC refers the complaint to the nominated person to deal with.

If the Chief Executive Officer reasonably suspects that the complaint may involve corrupt conduct on their part the Chief Executive Officer must:

- (i) report the complaint to the Mayor as soon as practicable and may also notify the CCC, and
- (ii) take no further action to deal with the complaint unless requested to do so by the nominated persons.

Where directions issued under s40 of the CC Act apply to the complaint:

- (i) the nominated person is to deal with the complaint, and
- (ii) the Chief Executive Officer is to take no further action to deal with the complaint unless requested to do so by the nominated person.

7 Resourcing the Nominated Person

Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately, and

The nominated person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:

- authorisation under a law of the Commonwealth or the State, or
- the consent of the nominated person responsible for dealing with the complaint

The nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:

- purposes of the CC Act
- the importance of promoting public confidence in the way suspected corrupt conduct in Council is dealt with, and
- Council's statutory, policy and procedural framework.

The nominated person:

- is delegated the same authority, functions and powers as the Chief Executive Officer to direct and control staff of Council as if the nominated person is the Chief Executive Officer for the purpose of dealing with the complaint only
- is delegated the same authority, functions and powers as the Chief Executive Officer to enter into contracts on behalf of Council for the purpose of dealing with the complaint
- does not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the Council or Chief Executive Officer, to the nominated person; and

8 Liaising with the CCC

The Chief Executive Officer is to keep the CCC and the nominated persons informed of:

- the contact details for the Chief Executive Officer and the nominated persons
- any proposed changes to this Policy.

9 Consultation with the CCC

The Chief Executive Officer will consult with the CCC when preparing any policy about how Barcaldine Regional Council will deal with a complaint that involves or may involve corrupt conduct of the Chief Executive Officer.