



# CONFIRMED MINUTES

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GENERAL MEETING OF  
ETHERIDGE SHIRE COUNCIL  
HELD  
ST GEORGE STREET, GEORGETOWN  
ON WEDNESDAY 17 JULY 2019,  
COMMENCING AT 8.00AM

**ETHERIDGE SHIRE COUNCIL**

**MINUTES OF THE GENERAL MEETING**

**HELD AT GEORGETOWN**

**ON WEDNESDAY 17 JULY 2019**

**COMMENCING AT 8.00AM**

**ATTENDANCE**

Crs W Devlin, W Bethel, W Attwood, E Loudon, & T Gallagher

**OFFICERS PRESENT**

Mr David Munro, Chief Executive Officer  
Mr. Ian Kuhn, Director Corporate and Community Services  
Miss Sydney Ryan, Administration Officer

**GALLERY**

Mr. Ian Carrol attended the gallery  
Mr. Graham Steele attended the gallery

The Mayor declared the meeting open at 8:05 am and welcomed all in attendance.

**ACKNOWLEDGEMENT TO COUNTRY**

*We respectfully acknowledge the Ewamian People - the traditional custodians of this land where we meet for the General Meeting. We pay our respects to the Ewamian People, especially the Elders, past and present and acknowledge their traditional customs and lores and recognize their continuing connection to this Country.*

*We look forward to a long and continuing relationship with the Ewamian People and value any opportunities in strengthening relationships and partnerships through collaboration by respecting their Country.*

**DECLARATIONS**

Councillors discussed making declarations prior to each agenda item and agreed that this will be the best way forward.

**CONSIDERATION OF MINUTES**

**General Meeting Minutes – Wednesday 19 June 2019**

**RESOLUTION:**

*That the Minutes of the General Council Meeting held at Georgetown on Wednesday 19 June, 2019 be confirmed.*

MOVED: Cr Attwood

SECONDED: Cr Gallagher

**CARRIED**  
**RESOLUTION NO.2019/GM2679**  
**5/0**

**BUSINESS ARISING FROM GENERAL MEETING MINUTES**

Nil

**INFORMATION BULLETIN**

Discussions regarding reports from the Chief Executive Officer, Engineering Services, Childcare Centre, Gilbert River Project Officer and the Terrestrial Centre and the Action Taken List from previous General Meetings.

**Business arising from the Information Bulletin**

**Cr Attwood –**

- Made note of the report given by Main Roads which states that the Far North Queensland Area (Etheridge Shire) will not receive any major funding for road upgrades.
- Requested more information on the new Compulsory Candidate training specifically relating to past Councillors

**CONSIDERATION OF OPEN REPORTS**

**GMCCS1.**

**Development Application (Ewamian Aboriginal Corporation) MATERIAL CHANGE OF USE – (IMPACT ASSESSMENT) FOR TOURISM (MAJOR) TALAROO HOTSPRINGS, TALAROO STATION ON LAND DESCRIBED AS LOT 2909 ON PH1368**

**EXECUTIVE SUMMARY**

*Council has received a Development Application from the Ewamian Aboriginal Corporation seeking a Material Change of Use (Impact Assessment) for Tourism (Major) on land described as Lot 2909 on PH1368 (Talaroo Station).*

*The application was acknowledged by Council on the 7<sup>th</sup> May 2019 and issued a “Confirmation Notice” to the applicant.*

*The application is seeking development approval for re-establishing a tourist development focused on the existing Hot Springs on land at Talaroo Station, Talaroo. The subject site is more properly described as Lot 2909 on PH1368 and has an area of 3,1500ha.*

*The hot springs are an important cultural site to Ewamian People, a unique environmental asset, and a strategic tourism asset to the Savannah Way, Far North Queensland, Etheridge Shire and the broader community. The reopening of this tourism experience, with the associated accommodation and facilities, promotes tourism diversity and economic development in the region and compliments the offering of nearby operators, including the Undara Lava Tubes (Undara Outback Adventure). The springs natural, cultural and economic values are of local, state and national significance. Accordingly, this proposal will also provide infrastructure that contributes to the protection of the hot springs.*

**RESOLUTION**

That Council:

*In accordance with Section 63(2) of the Planning Act 2016, resolve to approve a Development Application for:*

*(a) Material Change of Use – (Impact Assessment) for Tourism (Major) Talaroo Hotsprings, Talaroo Station on land described as Lot 2909 ON PH1368 for the purpose of*

- 35 unpowered camping sites;
- 50 powered camping/caravan sites (25 initially with a further 25 dependent on demand);
- 10 glamping sites (luxury cabins) (5 initially with a further 5 dependent on demand);
- Hub – Welcome centre, with ticketing, café, kitchen, amenities and retail space, pool and hot and cold spas, yarning circle;
- Staff accommodation, communal kitchen with yarning circle, amenities and showers block;
- Ability to operate cultural gatherings/festivals/events;
- Ancillary facilities including new boardwalks throughout the site, interpretive displays and information/signage, public art, new private internal road, set down areas, parking areas etc;
- Wellness Centre (longer term)

*and Subject to the conditions as set out below and included in the Decision Notice Approval:*

**1. ADMINISTRATION**

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.**
- 1.2 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.**
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed:**
- 1.3.1 to Council’s satisfaction;**
  - 1.3.2 at no cost to Council.**
- 1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:**
- 1.4.1 Building Works**
  - 1.4.2 Plumbing & Drainage Works**
- 1.5 The development shall be undertaken substantially in accordance with the approved drawings and/or documents and in accordance with the specifications, facts and circumstances as set out in the application submitted to Council.**
- 1.6 The conditions of the Development Permit must be affected prior to Commencement of Use, except where specified otherwise in these conditions of approval.**
- 1.7 The developer shall be responsible for securing a permanent water supply for the development and a permanent potable water supply for the operations of the tourist precinct.**

**2. TIME AND EFFECT**

- 2.1 The Development Approval shall lapse six (6) years after the date the Development Approval takes effect in accordance with the provisions of Section 85 of the Planning Act 2016.**

**3. APPROVED PLANS AND DOCUMENTS**

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

<u>Plan / Document Name</u>	<u>Plan / Document Reference</u>	<u>Dated</u>
Project No. 18030	Drawing No. MP001	No date
Project No. 18030	Drawing No. MP002	No date
Project No. 18030	Drawing No. MP003	No date
Project No. 18030	Drawing No. MP004	No date

- 3.2 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council.**

**4. BUSHFIRE MANAGEMENT**

- 4.1 A Bushfire Management Plan will be prepared in accordance with Part E (4) of State Planning Policy (July 2017) - Assessment Benchmarks – natural hazards, risk and resilience to the satisfaction of Council’s Delegated officer.**
- 4.2 The approved user shall comply with the requirements of the Bushfire Management Plan at all times.**

**4.3 The Applicant shall ensure that the development can be accessed by the Rural Fire Service & Emergency Management Personnel in the event of bushfire, to the satisfaction of that organisation**

**5. SERVICES**

**5.1 The Applicant shall be responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.**

**6. ROADS – INTERNAL (ACCESS ROADS ON PRIVATE PROPERTY)**

**6.1 The Applicant shall ensure where practicable access and movement within the site/s shall be sited during the period of construction and for the life of the project. The design shall minimize cut and fill, road drainage and soil erosion and interference with natural drainage lines. Care should also be taken to minimise impacts on visual and landscape values and environmentally sensitive areas.**

**7. WASTE BINS & STORAGE AREAS**

**7.1 The waste bin and storage areas must be screened and bunded in an area away from view of adjoining properties and road frontages to the satisfaction of the Assessment Manager at all times.**

**8. BUILDING MATERIAL**

**8.1 The exterior of the buildings are to be constructed of materials sympathetic to the surrounding environment and visible surfaces as any flashing, guttering and downpipes are to be of non-reflective and natural colours to the requirements and satisfaction of the Assessment Manager at all times.**

**9. LIGHTING**

**9.1 All lighting must be designed and constructed so as to ensure that the light emitted from the subject land does not create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994 and Environmental Protection Regulation 1988 (Part 2A – Environmental Nuisance) to the satisfaction of the Assessment Manager at all times.**

**9.2 The applicant / owner is to ensure that all night lighting is designed and constructed so as to ensure that the light emitted from the subject land does not create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994 and Environmental Protection Regulation 1988 (Part 2A – Environmental Nuisance) to the satisfaction of the Assessment Manager at all times.**

**10 ON-SITE WASTE WATER DISPOSAL SYSTEM**

**10.1 The applicant / owner must ensure the development is provided an on-site waste water disposal system which is designed and constructed in accordance with the Queensland Plumbing and Wastewater Code, prior to commencement of the development, to the satisfaction of the Assessment Manager.**

**11 CAR PARKING**

**11.1 The applicant/owner will ensure that the development has sufficient car parking spaces within the subject land in accordance with Etheridge Shire Councils Planning Scheme (as amended) – Table 5.11 and also in accordance with the National Construction Code – Building Code of Australia, Section D3 - Access for people with a disability.**

Table 5.11 – Etheridge Shire Councils Planning Scheme

Purpose	Minimum Number of Parking Spaces
Any other purpose not stated in this Table, or not specified elsewhere in this planning scheme.	Sufficient spaces to accommodate the amount of vehicular traffic likely to be generated by the particular development.

**11.2 The applicant/owner will ensure that the car parking facility is spaced and designed in accordance with Etheridge Shire Council Planning Scheme (as amended) – Table 5.10.**

**Table 5.10 – Etheridge Shire Councils Planning Scheme**

Type of Car Parking Space	Clear Minimum Width (metres)	Clear Minimum Length (metres)
Unobstructed, i.e. not contiguous to a wall or obstruction	2.75	6.2
Contiguous to wall or obstruction on one side	2.8	6.2
Contiguous to wall or obstruction on both sides	3.2	6.2

## **12. WATER**

**12.1 The applicant/owner will undertake a water test of water extracted from any on-site bores located on the land or any bores / spiers situated in the Einasleigh River and have the water sample sent to a NATA<sup>1</sup> approved laboratory to ensure that the water is of an acceptable and potable standard, with the applicant / owner providing the results of the water sampling to the Assessment Manager for confirmation.**

**12.2 In the event that the water testing does not meet the standards contained within the Australian Drinking Water Guidelines 2011, then the applicant / owner will need to provide some form of on-site water treatment to meet the potable drinking standards as defined within the Australian Drinking Water Guidelines 2011.<sup>2</sup>**

## **13. BUILDING WORKS**

**13.1 The applicant/owner will need to demonstrate compliance with the requirements contained within the National Construction Code – Building Code of Australia, and ensure that all relevant sections of the Building Code of Australia are addressed.**

**MOVED: Cr Bethel**

**SECONDED: Cr Gallagher**

**CARRIED**  
**RESOLUTION NO.2019/GM2680**  
**5/0**

<sup>1</sup> The National Association of Testing Authorities, Australia (NATA) is Australia's national accreditation body for the accreditation of laboratories, inspection bodies, calibration services, producers of certified reference materials and proficiency testing scheme providers throughout Australia. NATA accreditation is formal recognition that facilities produce reliable technical results which increases community confidence and trust in a facility's services, mitigates risk, improves tendering success and facilitates trade.

<sup>2</sup> When treated reticulated (town) water is not available, an alternative source of water is required; this alternative supply is referred to as a private water supply. If the private water supply is used for drinking, then the water supply is referred to as a private drinking water supply.

Such supplies exist at: Tourist attractions/accommodation businesses (eg: Bed and breakfast businesses that are not connected to town water systems) Under the Public Health Act 2005, local government is responsible for the regulation of private drinking water supplies.

**REASONS FOR DECISION**

<p><b>Description of the development</b></p>	<p>The proposed development is for a Material Change of Use (Impact Assessment) for Tourism (Major) assessable against a Planning Scheme over three stages.</p> <p>The proposal involves:</p> <ul style="list-style-type: none"> <li>• 35 unpowered camping sites;</li> <li>• 50 powered camping/caravan sites (25 initially with a further 25 dependent on demand);</li> <li>• 10 glamping sites (luxury cabins) (5 initially with a further 5 dependent on demand);</li> <li>• Hub – Welcome centre, with ticketing, café, kitchen, amenities and retail space, pool and hot and cold spas, yarning circle;</li> <li>• Staff accommodation, communal kitchen with yarning circle, amenities and showers block;</li> <li>• Ability to operate cultural gatherings/festivals/events;</li> <li>• Ancillary facilities including new boardwalks throughout the site, interpretive displays and information/signage, public art, new private internal road, set down areas, parking areas etc;</li> <li>• Wellness Centre (longer term);</li> </ul>
<p><b>Assessment Benchmarks</b></p>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Rural Zone</li> <li><input type="checkbox"/> General Development Code</li> <li><input type="checkbox"/> Advertising Code</li> <li><input type="checkbox"/> Tourism Code</li> <li><input type="checkbox"/> Bushfire Management Overlay Code (Medium Bushfire Hazard)</li> <li><input type="checkbox"/> Good Quality Agricultural Land Overlay Code</li> </ul>
<p><b>Reasons for decision</b></p> <p>(list non-compliance items and how they were resolved)</p>	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these.</p>

**GMCCS2.**

**Advisory Committee Meeting Minutes – Aged Care**

**EXECUTIVE SUMMARY**

*At its meeting of 19 June 2019, Council resolved to establish an advisory committee in accordance with Section 264 (1)(b) of the Local Government Regulation 2012 for the purpose of Aged & Disability Accommodation and furthermore that Cr Attwood be appointed as the Chair of the advisory committee and Cr Loudon and Cr Gallagher be nominated as Council's representatives on this advisory committee and furthermore that the Chief Executive Officer write a letter to the Gulf Cattlemen's Association informing them of the establishment of this advisory committee.*

*The inaugural meeting was held on 3 July 2019 at the Georgetown Council Chambers.*

**RESOLUTION**

**That Council:**

***Endorse the minutes from the Advisory Committee Meeting (Aged & Disability Care) held on 3 July 2019.***

**MOVED: Cr Bethel**

**SECONDED: Cr Attwood**

**CARRIED**  
**RESOLUTION NO.2019/GM2681**  
**5/0**

**GMCCS3.**

**Memberships (NWQROC & Savannah Way Ltd)**

**EXECUTIVE SUMMARY**

***Council has been a member of Savannah Way Ltd for a number of years and has only rejoined the NWQROC last financial year for a period of 6 months.***

***Council has been issued with the 2019/20 annual renewal membership fees for these two organisations.***

**RESOLUTION**

**That Council:**

***Resolve the following:***

- 1) That Council advise the NWQROC that Etheridge Shire Council will not be renewing its membership for the 2019/20 financial year;***
- 2) That Council advise Savannah Way Ltd that Etheridge Shire Council will not be renewing its membership as a platinum member and is seeking to renew its association at the basic membership fee.***

**MOVED: Cr Gallagher**

**SECONDED: Cr Loudon**

**CARRIED**  
**RESOLUTION NO.2019/GM2682**  
**5/0**

**GMCCS4.**

**2019 LGAQ Annual Conference Motions**

**EXECUTIVE SUMMARY**

***The LGAQ Annual Conference is being held at the Cairns Convention Centre, 14-16 October 2019.***

***Following last year's introduction of the online motions system, all motions will need to be lodged electronically via LG Online. Submission will be open from Monday, 17 June 2019 until the deadline Monday, 5 August 2019 to enable finalisation of the preliminary agenda prior to the conference***

***A council meeting must endorse the motion prior to submitting to the LGAQ.***

**RESOLUTION**

**That Council:**

***Notes and receives the officer's report and furthermore that Council submit the following motion:***

- 1. That Council endorse the upgrade of the Savannah Way (Gulf Development Road) from the Etheridge Shire through to Bourke Shire and furthermore that LGAQ lobby the State Government to amend its QRIP to include sufficient funding for the upgrade and furthermore that LGAQ support and endorse the ROSI application for the same road.***

**MOVED: Cr Attwood**

**SECONDED: Cr Gallagher**

**CARRIED**  
**RESOLUTION NO.2019/GM2683**  
**5/0**



**REASONS FOR DECISION**

The LGAQ is Council's peak advocacy body across Local Governments in Queensland, and this is an opportunity to raise issues on behalf of our community and region to enable LGAQ to progress these matters on behalf of Council at either a State or Federal arena.

**GMCCS5.**

Land for Houses

**EXECUTIVE SUMMARY**

*Within the 2019/20 Budget, Council has allocated funds to build additional staff accommodation within the township of Georgetown. To commence the tendering process, Councils needs to identify the allotment(s) to enable Council to source soil reports for the required tender specification.*

*Council has several available allotments within the township that are suitable and ready to be built upon.*

**RESOLUTION**

That Council:

*Resolve to allocate Lot 16 & Lot 19 Marlow Court to construct additional staff accommodation as per the 2019/20 Budget*

MOVED: Cr Gallagher

SECONDED: Cr Bethel

**CARRIED**  
**RESOLUTION NO.2019/GM2684**  
**5/0**

**GMCCS6.**

Operational Plan Review for the Quarter ending June 2019

**EXECUTIVE SUMMARY**

*In accordance with the Local Government Regulation 2012, the Chief Executive Officer is required to present a report on Council's progress towards implementing the annual "Operational Plan".*

**RESOLUTION**

That Council:

*Adopt the Operational Plan review for the June 2018/19 quarter in accordance with Section 174 (3) of the Local Government Regulation 2012.*

MOVED: Cr Attwood

SECONDED: Cr Loudon

**CARRIED**  
**RESOLUTION NO.2019/GM2685**  
**5/0**

**REASONS FOR DECISION**

Section 174 (3) of the Local Government Regulation 2012 states that The chief executive officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.

**GMCCS7.**

**Cadetship with Etheridge Shire Council**

**EXECUTIVE SUMMARY**

*Further to Council's resolution No 2019/GMCCS23 that Council "Resolve to note and receive the officer's report and furthermore that Council provide feedback and further direction on the concept of offering Cadetships for Engineering, & Accounting", Council has received an information guide from The Institute of Public Works Engineering Australia (refer attached). Discussions has also been held with other rural local authorities to gauge their concepts and models on this matter.*

**RESOLUTION**

**That Council:**

*Resolve to decline implementing and developing a Cadetship for the Etheridge Shire Council at this time.*

**MOVED: Cr Bethel**

**SECONDED: Cr Loudon**

**CARRIED**  
**RESOLUTION NO.2019/GM2686**  
**4/1**

*Cr Attwood voted against item GMCCS7*

**GMCCS8.**

**Financial Performance (Actual v Budget) for the period 1 July 2018 to 30 June 2019**

**EXECUTIVE SUMMARY**

*It is a statutory requirement under Section 204 of the Local Government Regulation 2012 that the Chief Executive Officer must present a Financial Report of its accounts to the Local Government at least monthly.*

**RESOLUTION**

**That Council:**

*Resolve to adopt the monthly Financial Report which incorporates the monthly statutory financial statements (Statement of Comprehensive Income, Statement of Financial Position & Statement of Cashflows) pursuant to and in accordance with Section 204 of the Local Government Regulation 2012 for the period ending 30 June 2019.*

**MOVED: Cr Bethel**

**SECONDED: Cr Gallagher**

**CARRIED**  
**RESOLUTION NO.2019/GM2687**  
**5/0**

**REASONS FOR DECISION**

Section 204 of the Local Government Regulation 2012 states that the Chief Executive Officer must present a Financial Report of its accounts to the Local Government and furthermore that the financial statements must be presented if the local government holds its ordinary meetings monthly or less frequently to each meeting and the Financial Report presented to a meeting must be for the period of the financial year up to a day as near as practicable to the end of the previous month.

**CONSIDERATION OF ADDENDUM OPEN SESSION REPORTS**

**GMCCS12.**

**Appointing an Acting Chief Executive Officer – S.195 of the Local Government Act 2009**

**EXECUTIVE SUMMARY**

*In accordance with Section 195 of the Local Government Act 2009, Council must appoint a qualified person to act as the chief executive officer during any period, or all periods, when the chief executive*

*officer is absent from duty or cannot, for another reason, perform the chief executive officer's responsibilities.*

*The Chief Executive Officer will be on annual leave from the 18<sup>th</sup> July 2019 to 22<sup>nd</sup> July 2019.*

**RESOLUTION**

**That Council:**

*Resolve to appoint the Director of Corporate & Community Services as Acting Chief Executive Officer in accordance with Section 195 of the Local Government Act 2009 for the period from 18<sup>th</sup> July 2019 to 22<sup>nd</sup> July 2019.*

**MOVED: Cr Attwood**

**SECONDED: Cr Loudon**

**CARRIED**  
**RESOLUTION NO.2019/GM2688**  
**5/0**

**REASONS FOR DECISION**

Council must appoint a qualified person to act as the Chief Executive Officer during any period or all periods when the Chief Executive Officer is absent from duty or cannot for another reason perform the responsibilities. The Chief Executive Officer has requested three (3) days of annual leave.

**GMCCS13.**

**Related Party Disclosures Policy (AASB124)**

**IDENTIFICATION OF POSSIBLE CONFLICTS OF INTEREST OR MATERIAL PERSONAL INTERESTS**

**RELATED TO THIS ITEM:**

**Declarations:**

**EXECUTIVE SUMMARY**

*Pursuant to Section 177 of the Local Government Regulation 2012, a Local Governments general purpose financial statements must be prepared in compliance with the following documents (each a prescribed accounting standard) published by the Australian Accounting Standards Board (AASB).*

- a) Australian Accounting Standards;*
- b) Statement of Accounting Concepts;*
- c) Interpretation*
- d) Framework for the preparation & presentation of financial statements.*

*The AASB has confirmed that the requirements of AASB124 – Related Party Disclosures will apply to Local Governments annual reporting periods beginning 1<sup>st</sup> July 2016.*

*Related Parties include Councillors & Key Management Personnel, their close family members and any entities that they control or jointly control. Any transactions with these parties whether monetary or not will need to be identified and may need to be disclosed. Disclosure will only be made if a transaction occurs and the disclosure may be in aggregate.*

*In order to meet this requirement Council was required to draft a Policy titled – Etheridge Shire Council Related Parties Disclosure Policy that requires all Key Management Personnel to provide a 12 monthly declaration identifying:*

- (i) Their close family members;*
- (ii) Entities that they control or associated with;*
- (iii) Entities that their close family members control or jointly control.*

*Council approved the policy in April 2016, and it is now timely to review the policy again as part of the 2018/19 audit of Council.*

**RESOLUTION**

**That Council:**

***Resolve to endorse the renewal of Etheridge Shire Council's – Related Parties Disclosure Policy.***

**MOVED: Cr Attwood**

**SECONDED: Cr Bethel**

**CARRIED**  
**RESOLUTION NO.2019/GM2689**  
**5/0**

**REASONS FOR DECISION**

Council is required to have a Policy regarding this matter in accordance with the Australian Accounting Standard Board

**ADJOURNMENT**

Council Adjourn for morning tea at 9:37 am

**RESUMPTION**

Council resume the meeting at 10:00 am

**ATTENDANCE**

*Mr. Ian Carrol left the meeting at 10.00am*

*Mr. Graham Steele left the meeting at 10.00am*

**SUSPENSION OF STANDING ORDERS**

**RESOLUTION:**

***That Council suspends standing orders at 10:00 am to move into close session.***

**MOVED: Cr Gallagher**

**SECONDED: Cr Bethel**

**CARRIED**  
**RESOLUTION NO.2019/GM2690**  
**5/0**

**CLOSURE OF MEETING**

**RESOLUTION:**

***That in accordance with Section 275(1) (a) (e) and (h) of the Local Government Regulation 2012, the meeting be closed to the public to discuss the following matters;***

- ***Contract Matters***
- ***Chief Executive Officer – 6 Months Contract Review***
- ***Charleston Dam***

**MOVED: Cr Attwood**

**SECONDED: Cr Loudon**

**CARRIED**  
**RESOLUTION NO.2019/GM2691**  
**5/0**

**ATTENDANCE**

*Miss Sydney Ryan, Administration Assistant, left the meeting at 10:01 am*

*Cr Bethel left the meeting at 10.04am due to a perceived Conflict of Interest in Item GMCCS9 and was not in attendance during the discussion of this matter.*

**ATTENDANCE**

*Cr Bethel returned to the meeting at 10.52am*

**ATTENDANCE**

*Mr. David Munro (Chief Executive Officer) left the meeting at 10.55am*

*Mr. Ian Kuhn (Director Corporate & Community Services left the meeting at 10.55am*

*Mr. David Munro (Chief Executive Officer) returned to the meeting at 11.14am*

*Mr. Ian Kuhn (Director Corporate & Community Services returned to the meeting at 11.14am*

**ATTENDANCE**

*Mr. Tony Potter (Strategic & Planning Engineer) entered the meeting at 11.16am*

*Cr Loudon left the meeting at 11.17am*

*Mr. Tony Potter (Strategic & Planning Engineer) left the meeting at 12.10pm*

**ATTENDANCE**

*Miss Sydney Ryan, Administration Assistant, returned to the meeting at 12:25 pm*

**ATTENDANCE**

*Cr Loudon returned to the meeting at left the meeting at 12.25pm*

**RESUMPTION OF MEETING**

**RESOLUTION:**

***That Council re-open the meeting to the public at 12:25 pm***

**MOVED: Cr Attwood**

**SECONDED: Cr Gallagher**

**CARRIED**  
**RESOLUTION NO.2019/GM2692**  
**5/0**

**CONSIDERATION OF CLOSED REPORTS**

**GMCCS9.**

**Contract Matters**

**IDENTIFICATION OF POSSIBLE CONFLICTS OF INTEREST OR MATERIAL PERSONAL INTERESTS RELATED TO THIS ITEM: Declarations:**

**CONFLICTS OF INTEREST:** *Cr Bethel declared that he may have a conflict of interest (as defined the Local Government Act 2009, section 175D) in Item GMCCS9 as Cr Bethel has a related person (Brother) who is the owner of an adjoining property to the Einasleigh Common and that this related person may request/seek to have cattle agisted on the Einasleigh Common and Cr Bethel determined that this personal interest is of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and advised that he will best perform his responsibility of serving the overall public interest of the whole of the Council's area by not participating in the discussion and voting on this matter.*

*However, he acknowledged that the remaining councillors must now determine, pursuant to section 175E(4) of the Local Government Act 2009: - (a) Whether he has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and (b) If so, whether: - i. he must leave the meeting while this matter is discussed or voted on; or ii. he may participate in the meeting in relation to the matter, including by voting on the matter:*

**RESOLUTION**

That Council:

*Pursuant to section 175E(4) of the Local Government Act 2009, resolve that Cr Bethel has a real conflict of interest in Item GMCCS9 and Cr Bethel must leave the meeting while this matter is discussed.*

MOVED: Cr Attwood

SECONDED: Cr Loudon

**CARRIED**  
**RESOLUTION NO.2019/GM2693**  
**4/0**

**EXECUTIVE SUMMARY**

*Council resolved to award the management of the Einasleigh Common to the Einasleigh Rodeo Association in September 2018, subject to entering into a contract and providing Council with quarterly reporting regarding the operations of the Common as per their tender response.*

**RESOLUTION:**

That Council:

*Resolve to enact clause 16 of contract ESC2018-005 in accordance with the conditions.*

MOVED: Cr Attwood

SECONDED: Cr Loudon

**CARRIED**  
**RESOLUTION NO.2019/GM2694**  
**4/0**

*Cr Bethel did not vote on this matter due to a Conflict of Interest*

**GMCCS10.**

Chief Executive Officer – 6 Months Contract Review

**EXECUTIVE SUMMARY**

*In accordance with Section 6 of the Chief Executive Officer's Employment Contract with Council it is a requirement that Council provide a six monthly review of the performance of the Chief Executive Officer.*

**RESOLUTION:**

That Council:

*Resolve that the Mayor complete the 6 month performance review.*

MOVED: Cr Attwood

SECONDED: Cr Bethel

**CARRIED**  
**RESOLUTION NO.2019/GM2695**  
**5/0**

**GMCCS11.**

Charleston Dam

**IDENTIFICATION OF POSSIBLE CONFLICTS OF INTEREST OR MATERIAL PERSONAL INTERESTS RELATED TO THIS ITEM:**

**Declarations:**

**MATERIAL PERSONAL INTEREST**

*Cr Loudon declared that he has a material personal interest (as defined by Local Government Act 2009, section 175B) in Item GMCCS11 as Cr Loudon is a contractor working for one of the approved contractors (LDI), as he stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter*

*He dealt with this declared material personal interest by leaving the meeting at 11.17am while this matter was discussed. Cr Loudon returned to the meeting at 12.25pm and did not participate in the voting of this matter.*

**CONFLICTS OF INTEREST**

*Cr Devlin declared that he may have a conflict of interest (as defined the Local Government Act 2009, section 175D) in Item GMCCS11 as Cr Devlin is the owner of the local roadhouse which some of the contractors who have been approved to construct the Dam have arranged accounts and purchase fuel and supplies as and when required. Cr Devlin determined that this personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest and advised that he will best perform his 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, he acknowledged that the remaining councillors must now determine, pursuant to section 175E(4) of the Local Government Act 2009: - (a) Whether he has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and (b) If so, whether: -*

- i. he must leave the meeting while this matter is discussed or voted on; or*
- ii. he may participate in the meeting in relation to the matter, including by voting on the matter:*

**RESOLUTION**

**That Council:**

***Pursuant to section 175E(4) of the Local Government Act 2009, resolve that Cr Devlin does not have a real conflict of interest in Item GMCCS11 and Cr Devlin may participate in the meeting in relation to the matter, including by voting on the matter.***

**MOVED: Cr Attwood**

**SECONDED: Cr Gallagher**

**CARRIED**  
**RESOLUTION NO.2019/GM2696**  
**3/0**

***Cr Loudon had declared a Material Personal Interest in this matter and had left the meeting therefore taking no part in the voting of this matter***

**EXECUTIVE SUMMARY**

***Council has been working on the design and construction of a Dam located on the Delaney River approximately 6km's north of the Forsyth Township for the purpose of water security, recreation use and economic development.***

***Due to changes in legislation pertaining to Failure Impacts (Persons at Risk – PAR), Council has had to modify the design of the***

**RESOLUTION**

**That Council:**

**Resolve to;**

- 1. Removal of the pipework for scour and inlet pipes through the dam wall and delete from LDI's scope of works***
- 2. Removal of the spillway excavation from the dam contract and let a separate contract for this work in accordance with the Local Government Act, Local Government Regulations & Etheridge Shire Councils Procurement Policy.***
- 3. The LDI contract be based on a Schedule of Rates rather than Lump Sum.***
- 4. In accordance to section 235 (a) (b) of the Local Government regulation that council engage the services of NAWS and Australian Fish Passage Services to perform inspections of the fish ladder on behalf of Council and provide the necessary reporting and documentation to meet the Planning conditions as outlined in the Decision Notice.***

**MOVED: Cr Attwood**

**SECONDED: Cr Gallagher**

**CARRIED**  
**RESOLUTION NO.2019/GM2697**  
**4/0**

***Cr Loudon did not participate in the voting of this matter due to a declared Material Personal Interest***

**GENERAL BUSINESS**

**Cr Gallagher**

- Requested more information on the extension made to Finnegan’s Rest Hotel and whether it is in compliant with Main Roads regulations.
- Made note of the report within the Information Bulletin regarding waste management options for Forsayth and whether having industrial skip bins at the refuse tip is an economical concept.

**Cr Bethel**

- Requested greater information into the use of gravel pits in the Shire.

**Cr Loudon**

- Requested more information on the Forsayth water treatment plant and whether it is currently situated on land under the mining lease owned by Richard Terry and furthermore if new additions to the water treatment plant will impose on this land.
- Gave details of his recent trip to Karratha for the Developing Northern Australia Conference.

**Mayor Devlin**

- Gave details of his recent trip to the Developing Northern Australia Conference held in Karratha.
- Provided an update on the Charleston Dam project.
- Requested an update on any details regarding the Agate Creek mining lease and road use.

**Cr Attwood**

- Made note of the engineers report specifically why all Council crews are operating in the northern area of the Shire and questioned the efficiency.

Gravel Pits

**RESOLUTION**

The Council Resolve:

*To request a report from the Chief Executive Officer in relation to the Shire’s Gravel Pits, which should outline and include information into the use of gravel pits, new gravel pits, unregistered gravel pits and the boundaries of the pits and furthermore a report on the 2019/20 Plant Procurement Budget for 2019/20.*

MOVED: Cr Bethel

SECONDED: Cr Gallagher

**CARRIED**  
**RESOLUTION NO.2019/GM2698**  
**5/0**

**CONCLUSION**

There being no further business the Mayor declared the Meeting closed at 1:44pm.

These minutes will be confirmed by Council at the General Meeting held on the Wednesday 21 August 2019.

.....  
MAYOR

...../...../.....  
DATE