



CONFIRMED MINUTES

GENERAL MEETING OF

ETHERIDGE SHIRE COUNCIL

HELD

ST GEORGE STREET, GEORGETOWN

ON WEDNESDAY 21 NOVEMBER 2018,

COMMENCING AT 8.00AM

ETHERIDGE SHIRE COUNCIL

MINUTES OF THE GENERAL MEETING

HELD AT GEORGETOWN

ON WEDNESDAY 21 NOVEMBER 2018

COMMENCING AT 8.00AM

ATTENDANCE

Crs W Devlin, W Attwood, T Barnes, W Bethel & T Gallagher

OFFICERS PRESENT

Mr Norm Garsden, Chief Executive Officer
Mr David Munro, Acting Chief Executive Officer
Ms Anna Christensen, Executive Assistant

GALLERY

Mr Ian Carroll
Mr Daniel Bryan
Mr John Bryan
Mr Trevor Arnett

The Mayor declared the meeting open at 8:00am 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

Cr Gallagher declared a Conflict of Interest regarding Item GMCCS2.

Cr Bethel declared a Material Personal Interest regarding Item GMCCS2.

Cr Attwood declared that he has several Conflicts of Interest and also several Material Personal Interests within the Agenda and requested that the declarations be made prior to discussing each agenda item.

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

APOLOGIES AND CONDOLENCES

Council was unaware of any condolences.

CONSIDERATION OF MINUTES

General Meeting – Saturday 20 October 2018

RESOLUTION:

That the Minutes of the General Council Meeting held at Georgetown on Saturday 20th October 2018 be confirmed.

MOVED: Cr Attwood

SECONDED: Cr Bethel

CARRIED
RESOLUTION NO.2018/GM2470
5/0

INFORMATION BULLETIN

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

Business arising from the Information Bulletin

Cr Attwood

- Requested feedback on the recruitment of Directors for the Etheridge Enterprise Board.
- Queried whether the Prime Mover had been procured as per Council's Resolution from the October General Meeting.
- Queried whether any movements had been made to make the lookout near the water tank in Georgetown a designated drinking area.
- Cr Attwood asked the Acting Chief Executive Officer to inform Council on when the Auction would be advertised on the vacant allotments of land located in St George Street, Georgetown.

Mr. David Munro, Acting Chief Executive Officer responded that the advertising would commence in January 2019 with the aim to conduct the Public Auction in late February early March 2019.

- Asked whether any preparation works had been undertaken to date on the town streets as per the approved program of works within the 2018/19 Budget and as per Council's request from the previous General Meeting.
- Queried the discussion from a previous Council meeting on wallabies entering the Georgetown Oval. Has any maintenance work been carried out to alleviate this issue to date.
- Asked whether a drone is still being used to assist in mapping the Gilbert River for the business case.
- Discussed the Memorandum received from Queensland Fire and Emergency Services regarding the fire at Mt Surprise recently.
- Questioned the update report that was included in the Information Bulletin regarding the Charleston Dam design review.

Council discussed the Charleston Dam project and requested that Mr Gary Fletcher, Charleston Dam Project Manager along with GHD representatives be invited to Council to address the status of the Failure Impact Assessment and also the design of the Dam.

Norm Garsden, Chief Executive Officer

- Discussed the changes to the agenda to include conflict of interest declarations on each meeting report.

MATERIAL PERSONAL INTEREST

Cr Devlin declared that he has a material personal interest (as defined by Local Government Act 2009, section 175B) due to owning a Caravan Park in Georgetown, as he stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter. Cr Devlin left the room at 8:32am. Cr Devlin did not participate in any discussions on low cost camping. Cr Devlin returned to the meeting at 8:34am after the discussion had been completed.

Cr Devlin declared that he has a material personal interest (as defined by Local Government Act 2009, section 175B) in the Business Arising from Cr Barnes from the Information Bulletin as an owner of a Caravan park in Georgetown, 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 8.32am while this matter was discussed. Cr Devlin returned to the meeting after the discussion pertaining to low cost camping at 8.34am. There was no vote on this matter.

ATTENDANCE

Cr Devlin passed the Chair to the Deputy Mayor Cr Attwood at 8.32am and left the meeting

ATTENDANCE

Cr Devlin returned to the meeting and resumed the Chair at 8.34am

Cr Barnes

- o Queried whether low cost camping had been further investigated as previously requested.
- o Requested a meeting to be arranged by the Acting Chief Executive Officer to review Councils Model Local Laws.

Cr Gallagher

- o Asked why no work had been conducted on the Dells Hole access road as requested by Council.

Council discussed whether Dells Hole access road is on the road register. After discussions it was unveiled that the road is not on the road register, however Council has requested that this road be formally placed on the road register and furthermore that Council requests the Acting Chief Executive Officer to provide a meeting report to the December Council meeting regarding this matter.

ATTENDANCE

Mr David Munro, Acting Chief Executive Officer left the meeting at 8:39am and returned at 8:44am.

CONSIDERATION OF OPEN REPORTS

GMES1.

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

Declarations:

CONFLICTS OF INTEREST

Cr Attwood declared that he may have a conflict of interest (as defined the Local Government Act 2009, section 175D) in Item GMES1 as his wife works in this Department of Council. Cr Attwood 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.

Supply of Potable Water to Work Camps

EXECUTIVE SUMMARY

Over the past twelve months, Council focused its efforts to set up the work camp and commence the road works project on the Hann Highway (Kennedy Developmental Road). It has recently been identified that there is no local source of potable water for the camp. At the present time drinking water is being trucked in from Townsville. There are three options to deliver potable water fit for drinking.

- Transport water in from Townsville.
- Buy a portable RO treatment plant.
- Buy a water tanker to transport water from Georgetown.

MOTION

That Council resolves to:

- At the next budget review, re-purpose the funding allocated to side tippers, to the purchase of a 26,000 – 32,000 Litre used water tanker; and
- Certify the tanker for potable water use only.

MOVED: Cr

SECONDED: Cr

Motion lapsed due to the lack of a mover.

RESOLUTION

That Council:

Request the Acting Chief Executive Officer to investigate into whether a transportable potable water tank (10,000L) can be purchased under the Hann Highway site establishment budget.

MOVED: Cr Attwood

SECONDED: Cr Bethel

CARRIED
RESOLUTION NO.2018/GM2471
5/0

ATTENDANCE

Mr. Rolfe Ellem, Gilbert River Project Officer, attended the meeting at 8:52am and left the meeting at 9:02am.

GMCCS2.

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

Declarations:

MATERIAL PERSONAL INTEREST

Cr Bethel declared that he has a material personal interest (as defined by Local Government Act 2009, section 175B) in Item GMCCS2 as he owns land on the Gilbert River, 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 8:54am while this matter was discussed and voted on. Cr Bethel returned to the meeting after voting at 9:03am.

CONFLICTS OF INTEREST

Cr Gallagher declared that he may have a conflict of interest (as defined the Local Government Act 2009, section 175D) in Item GMCCS2 as he has family that live on the Gilbert River. Cr Gallagher 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:

ATTENDANCE

Cr Bethel left the meeting at 8.54am

RESOLUTION

That Cr Gallagher has a perceived conflict of interest in the matter and, notwithstanding the conflict; Cr Gallagher may participate in the matter, discuss and vote upon it.

MOVED: Cr Attwood

SECONDED: Cr Barnes

CARRIED
RESOLUTION NO.2018/GM2472
3/0

Gilbert River Irrigation Project

EXECUTIVE SUMMARY

Council has received the first funding tranche under the MIPP2 Funding Agreement. By the time of the ESC General Meeting on Wednesday, November 21, 2018 ESC will have submitted a draft Project Management Plan and commensurate documentation for approval by the MIPP2 office.

An early draft of the tender documentation has been reviewed by Mr. Ian McKirdy of DSDMIP, Cairns. That review was very positive; however Mr McKirdy recommends review of the detailed design specifications on water storage and delivery infrastructure by a consulting engineer for quality assurance purposes.

The Gilbert River Irrigation Officer is waiting for consideration by the Chief Executive Officer on that matter at the time of this report.

Evaluation documentation has been completed to select a service provider to deliver a Digital Elevation Model over the proposed irrigation area. That documentation was prepared in consultation with Mr Tony Potter, the ESC Strategic and Infrastructure Planning Engineer. The Gilbert River Irrigation Officer is waiting on review by the Chief Executive Officer at the time of this report.

All potential members of the Detailed Business Case Technical Advisory Group have been canvassed and have agreed to participate.

RESOLUTION

*That Council:
Continue to support the development of a Detailed Business Case for the Gilbert River Irrigation Project.*

MOVED: Cr Attwood

SECONDED: Cr Barnes

CARRIED
RESOLUTION NO.2018/GM2473
4/0

Cr Gallagher voted for GMCCS2.

REASONS FOR DECISION

A Detailed Business Case is now the number one priority for the establishment of irrigated agriculture on the Gilbert River.

ATTENDANCE

Cr Bethel returned to the meeting at 9.04am

Mrs. Rebekah Haase, Economic and Community Development Officer, attended the meeting at 9:05am and left the meeting at 9:14am.

ATTENDANCE

Members of the Gallery Mr. Daniel Bryan and Mr. John Bryan left the gallery at 9:16am.

GMCCS4.

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

Declarations:

MATERIAL PERSONAL INTEREST

Cr Devlin declared that he has a material personal interest (as defined by Local Government Act 2009, section 175B) in Item GMCCS4 as he owns a Caravan Park, Service Station in Georgetown as well as having the intention to undertake the development of opening the property to camping for the public on Routh Creek Station, 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 9:05am while this matter was discussed and voted on. Cr Devlin returned to the meeting after voting at 9:28am.

ATTENDANCE

Cr Devlin passed the Chair to the Deputy Mayor Cr Attwood at 9.05am and left the meeting

Tropical Tablelands Tourism

EXECUTIVE SUMMARY

Economic & Community Development Officer, Rebekah Haase has been nominated for the position of Outback Region (Zone 7) Director of Tropical Tablelands Tourism. This position represents members in towns and surrounding areas of Innot Hot Springs; Mount Garnet; Mt Surprise; Georgetown; Forsayth and the gateway of Cape York.

RESOLUTION

That Council:

Notes and receives the officer's report and furthermore that Council endorses the nomination of Mrs Haase as a Director of Tropical Tablelands Tourism (Outback Region Zone 7) and furthermore that Council acknowledges the potential conflict of interest in undertaking this role as a Director of Tropical Tablelands Tourism (Outback Region Zone 7) with the Officer acting in the interest of the Board as the first obligation and furthermore that the Officers position as a Director of Tropical Tablelands Tourism (Outback Region Zone 7) will be at no cost to Council in the Officer performing the role as a Director on this Board.

MOVED: Cr Barnes

SECONDED: Cr Gallagher

CARRIED
RESOLUTION NO.2018/GM2474
4/0

REASONS FOR DECISION

Attending the Tropical Tablelands Tourism meeting aligns with Councils interest to the Tourist Industry however as the Officer is not representing Council it must be undertaken in a personal capacity.

ATTENDANCE

Cr Devlin returned to the meeting at 9.28am and resumed the Chair.

GMCCS5.

Water Releases from the Copperfield River Gorge Dam, Kidston

EXECUTIVE SUMMARY

Council has been approached by landowners in the Einasleigh area for assistance in relation to acquiring better access to water releases from the Copperfield River Dam. The Department of Natural Resources, Mines and Energy advise:

- *The Copperfield Dam is a state owned dam that was built for the supply of water to the Kidston Gold mine.*
- *There are contractual arrangements in place that require the provision of water in the dam to other users, and the Copperfield Dam does not have an unlimited supply of water that can be turned on for downstream releases at any time.*
- *When water is available, downstream releases are undertaken from the dam to assist riparian users, and the community of Einasleigh during dry times.*
- *These releases are requested by the Einasleigh Progress Association, and assessed by the Department of Natural Resources, Mines and Energy (Infrastructure Management).*
- *On 24 September 2018, the Department of Natural Resources, Mines and Energy, Infrastructure Management, commenced releasing from Copperfield Dam, under the formal water release process.*
- *Extremely dry conditions and the subsequent recharge and evaporation factors have affected the current water release, with the location of the water currently being only approximately halfway from the Copperfield Dam.*
- *The department is currently assessing if it is able to increase the dam discharge flow to allow for the water to reach Einasleigh, without damaging downstream roads and infrastructure.*

One of the roles of councillors as representatives is to advocate on behalf of their constituents. This is legitimate, as long as it's done within the framework of good governance in terms of language, using appropriate forums and focusing on issues rather than personalities.

RESOLUTION

That Council:

Advise the ratepayers that Department of Natural Resources, Mines and Energy own the dam and the water and Council has no direct jurisdiction in determining the releases from the Dam.

MOVED: Cr Barnes

SECONDED: Cr Bethel

CARRIED
RESOLUTION NO.2018/GM2475
5/0

REASONS FOR DECISION

It is a decision for the Department of Natural Resources, Mines and Energy not Council.

GMCCS6.

Local government reform – Adoption of new Standing Orders and Meeting Procedures

EXECUTIVE SUMMARY

Council has recently (12 November 2018) received correspondence indicating that the following documents have been prepared for consideration by Council to complement the recent amendments to legislation:

- *Standing Orders for Council Meetings including Standing Committees ‘Best Practice Guide’*
- *Model Meeting Procedures*
- *Councillor Conduct Examples*
- *Example Investigation Policy*

The Department recommends that Council should consider whether it wishes to adopt the Model Meeting Procedures or its own Meeting Procedures document (which is not inconsistent with the Model Meeting Procedures) prior to 3 December 2018.

Standing Orders for Council Meetings including Standing Committees ‘Best Practice Guide’ This best practice guide for Queensland local governments has been developed for Council to adopt as standing orders or as a guide to develop compliant standing orders used in council meetings.

Model Meeting Procedures These procedures may be adopted as a mandatory procedure or as a guide to develop compliant meeting procedures.

Councillor Conduct Examples Working examples of potential councillor conduct including corrupt conduct, misconduct, inappropriate conduct and unsuitable meeting conduct in Queensland have been prepared.

Example Investigation Policy An example policy has been prepared for Queensland local governments to adopt as a mandatory investigations policy for dealing with complaints about councillor conduct in Queensland.

Code of Conduct

The Code of Conduct sets out the principles and standards of behaviour expected of Councillors and Mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, Councillors will increase public confidence in Local Government and Council decisions. The Code comes into effect on 3 December 2018.

RESOLUTION

That Council:

- *Repeal the following existing documents:*
 - *Etheridge Shire Standing Orders; and*
 - *Code of Conduct for Councillors;*
- *Adopt the following:*
 - *Standing Orders for Council Meetings including Standing Committees ‘Best Practice Guide’; and*
 - *Model Meeting Procedures*

Subject to the document presentation being made consistent with the Council’s standard policy format.

MOVED: Cr Attwood

SECONDED: Cr Barnes

CARRIED
RESOLUTION NO.2018/GM2476
5/0

REASONS FOR DECISION

The Standing Orders and Meeting Procedures have been developed by the Department of Local Government to be compliant with the amended legislation.

GMCCS7.

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 31 October 2018.

MOVED: Cr Bethel

SECONDED: Cr Attwood

CARRIED
RESOLUTION NO.2018/GM2477
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.

GMCCS8.

Operational Plan Review for the Quarter ending September 2018

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 September 2018/19 quarter in accordance with Section 174 (3) of the Local Government Regulation 2012.

MOVED: Cr Attwood

SECONDED: Cr Gallagher

CARRIED
RESOLUTION NO.2018/GM2478
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.

GMCCS9.

Councillors discussed the possible Conflicts of Interest and Material Personal Interests for GMCCS9. Council determined that they would not make quorum to vote on this matter due to various Councillors having either a Conflict of Interest or a Material Personal Interest.

Closure of Shire Offices, Depot Administration, Workshop, Outside Work Crews, Town Crews, Terrestrial Centre & Little Gems Children's Centre between Christmas and New Year

EXECUTIVE SUMMARY

Each year council has closed the Shire operations over the Christmas and New Year period to allow staff to enjoy the festive season with family and friends, in appreciation of the dedication to Council throughout the year.

RESOLUTION

That Council:

Delegate authority to the Acting Chief Executive Officer for the closure of:

- **the Shire and Depot Administration Offices, Terrestrial Centre, Little Gems Childcare Centre, Town Crews and Workshop from Monday 24th December 2018 to 4th January 2019 with the return to work date being Monday 7th January 2019;**
- **the Road and RMPD Crews from end of shift Wednesday 19th December 2018 with the return to work date being Tuesday 15th January 2019,**

Subject to appropriate on call arrangements with senior staff being put into place for emergency matters.

MOVED: Cr Bethel

SECONDED: Cr Gallagher

CARRIED
RESOLUTION NO.2018/GM2479
5/0

REASONS FOR DECISION

Multiple Councillors had either a Conflict of Interest or a Material Personal Interest. Due to this, Council delegated authority to the Acting Chief Executive Officer to make a decision on Item GMCCS9.

GMCCS10.

Public Notice of Meetings for 2019

EXECUTIVE SUMMARY

At least once in each year, Council must publish a notice of the days and times when its ordinary meetings will be held and furthermore Council must publish this notice in a newspaper circulating generally in the Local Government area in accordance with Section(s) 277 (1) & (2) of the Local Government Regulation 2012.

RESOLUTION

That Council:

Adopts the following meeting dates as presented for 2019 pursuant to and in accordance with Section 277(1) of the Local Government Regulation 2012 and furthermore Council will publish this notice within the Inform Newsletter and also on Councils website.

Month	Date	Venue	Time
January	Wednesday, 23 January 2019	Georgetown	8.00am
February	Wednesday, 20 February 2019	Georgetown	8.00am
March	Wednesday, 20 March 2019	Georgetown	8.00am
April	Wednesday, 17 April 2019	Georgetown	8.00am
May	Wednesday, 15 May 2019	Georgetown	8.00am

MOVED: Cr Attwood

SECONDED: Cr Gallagher

CARRIED
RESOLUTION NO.2018/GM2480
5/0

REASONS FOR DECISION

At least once in each year, Council must publish a notice of the days and times when its ordinary meetings will be held which is in accordance with S.277(1) of the Local Government Regulation 2012

ADJOURNMENT

Council adjourn for morning tea at 10:11am.

RESUMPTION

Council resumed the meeting at 10:32am.

ATTENDANCE

Members of the Gallery did not return after morning tea.

Mr. Tony Potter, Relieving Engineer, attended the meeting at 10:34am to address Council regarding various Engineering tasks that he has been assigned to undertake.

ATTENDANCE

Ms. Anna Christensen, Executive Assistant, left the meeting at 10:45am and returned at 10:53am.

ATTENDANCE

Mr. Tony Potter, Relieving Engineer left the meeting at 11:42am.

GENERAL BUSINESS

Cr Devlin

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- Briefed the Councillors on the Hann Highway project including forecast works on the Hann Highway.
- Requested the recruitment of a Director of Engineering and Junior Engineer.
- Requested that a meeting be organised regarding the Charleston Dam to receive an update on the project.
- Discussed the installation of a Council owned camera at the Gilbert River Bridge as images are not being distributed to Council from the TMR camera already installed.

RESOLUTION

That Council:

Requests the Acting Chief Executive Officer to:

- *Arrange and organise a meeting regarding the Charleston Dam Project;*
- *Recruit for a Director of Engineering and a Junior Engineer.*
- *Commence the process for Etheridge Shire Council to gain the Federal Government Workplace Health and Safety Accreditation.*
- *Review the Organisational Structure with a draft structure to be presented to Council at the January General Meeting 2019.*

MOVED: Cr Devlin

SECONDED: Cr Bethel

CARRIED
RESOLUTION NO.2018/GM2481
5/0

Cr Attwood

- Requested an investigation into recording and broadcasting Council Meetings.
- Queried why there was no report on the matter regarding the Creek Street entrance in Georgetown.
- Discussed the requirement for complaints against Councillors to be advertised on the Council website.

MOTION

That Council:

Requests the Acting Chief Executive Officer to prepare a report on recording and broadcasting of Council meetings.

MOVED: Cr Attwood

SECONDED: Cr Barnes

MOTION DEFEATED
2/3

RESOLUTION

That Council:

Publishes the result of the investigation into Cr Attwood alleging misconduct on the Council Website.

MOVED: Cr Attwood

SECONDED: Cr Barnes

CARRIED
RESOLUTION NO.2018/GM2482
5/0

Cr Barnes

- Requested that the grid be cleaned out to stop cattle from entering Georgetown.
- Requested the revisit of extending the fenced area at the Little Gems Children's Centre.

Cr Bethel

- Discussed the provision for accommodation in Georgetown for both Council staff and the public.
- Discussed the clearing and poisoning of dangerous corners and intersections on Etheridge Shire Roads to improve visibility.

RESOLUTION

That Council:

Request the Acting Chief Executive Officer to prepare a detailed report for Council on the various options available to Council in providing additional and suitable accommodation.

MOVED: Cr Bethel

SECONDED: Cr Barnes

CARRIED
RESOLUTION NO.2018/GM2483
5/0

RESOLUTION

That Council:

Request the Acting Chief Executive Officer to arrange for the clearing and poisoning of dangerous corners and intersections on Etheridge Shire Roads to improve visibility and traffic safety.

MOVED: Cr Bethel

SECONDED: Cr Gallagher

CARRIED
RESOLUTION NO.2018/GM2484
5/0

Cr Gallagher

- Discussed the request for a report on the Dells Hole Road brought up previously and furthermore the process for this being included on the road register.
- Discussed the maintenance of pot holes on Shire Roads.
- Requested that the traffic signs knocked down throughout the Shire be reinstalled.
- Queried whether the surveillance cameras had been installed at the Georgetown Swimming Pool.

RESOLUTION

That Council:

Request the Acting Chief Executive Officer prepare a report on the inclusion of the Dells Hole Access Road on the road register.

MOVED: Cr Gallagher

SECONDED: Cr Bethel

CARRIED
RESOLUTION NO.2018/GM2485
5/0

RESOLUTION

That Council:

Request the Acting Chief Executive Officer ensure that the necessary preparations be conducted prior to resealing of roads.

MOVED: Cr Gallagher

SECONDED: Cr Bethel

CARRIED
RESOLUTION NO.2018/GM2486
5/0

ADJOURNMENT

Council adjourn for a short break at 12:35pm.

RESUMPTION

Council resumed the meeting at 12.45pm

ATTENDANCE

Ms Anna Christensen, Executive Assistant, was not in attendance at the resumption of the meeting.

SUSPENSION OF STANDING ORDERS

MOTION:

That Council suspends standing orders at 12.45pm.

MOVED: Cr Barnes

SECONDED: Cr Attwood

CARRIED
RESOLUTION NO.2018/GM2487
5/0

CLOSURE OF MEETING

MOTION:

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

- *Preferred Supplier List of Wet and Dry Hire of Plant and Equipment.*
- *Tender ESC2017-006 (Charleston Dam Project).*
- *Employment related matters.*

MOVED: Cr Attwood

SECONDED: Cr Gallagher

CARRIED
RESOLUTION NO.2018/GM2488
5/0

ATTENDANCE

Cr Bethel left the meeting at 12.46pm and returned at 1.14pm.

Mr. Norm Garsden, Chief Executive Officer left the meeting at 12.58pm and returned at 12.59pm.

Cr Attwood left the meeting at 1.14pm and returned at 1.22pm.

Cr Barnes left the meeting at 1.14pm and returned at 1.22pm.

Mr. Norm Garsden, Chief Executive Officer left the meeting at 1.21pm and returned at 1.22pm.

Mr. Norm Garsden, Chief Executive Officer left the meeting at 1.47pm and returned at 2.11pm

Mr. David Munro, Acting Chief Executive Officer left the meeting at 1.47pm and returned at 2.11pm

RESUMPTION OF MEETING

MOTION:

That Council re-open the meeting to the public at 2:16 pm.

MOVED: Cr Attwood

SECONDED: Cr Bethel

CARRIED
RESOLUTION NO.2018/GM2489
5/0

CONSIDERATION OF CLOSED SESSION REPORTS

GMCCS1.

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

Declarations:

CONFLICTS OF INTEREST

Cr Attwood declared that he may have a conflict of interest (as defined the Local Government Act 2009, section 175D) in Item GMCCS1 as Cr Attwood 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:

MATERIAL PERSONAL INTEREST

Cr Bethel declared that he has a material personal interest (as defined by Local Government Act 2009, section 175B) in Item GMCCS1 as Cr Bethel 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 12.46pm while this matter was discussed. Cr Bethel returned to the meeting after the closed discussion was completed at 1.14pm.

RESOLUTION

That Councillor Attwood has a perceived conflict of interest in the matter and, notwithstanding the conflict, Councillor Attwood may participate in the matter, discuss and vote upon it.

MOVED: Cr Barnes

SECONDED: Cr Gallagher

CARRIED
RESOLUTION NO.2018/GM2490
3/0

Preferred Supplier list for Wet and Dry Hire of Plant and Equipment

EXECUTIVE SUMMARY

Council agreed at its July meeting to establish a formal practice to assess the performance of contractors on a fortnightly basis, with the view to incorporating the appraisal into future assessments, applied at a quarterly review.

Following the operation of the fortnightly reviews, the first quarterly performance of the contractors has been undertaken, resulting in some movements in ranking for some contractors.

RESOLUTION

That Council:

- confirm that work allocated to Preferred Suppliers be based on the ranking of their tenders as revised following the quarterly performance reviews, with the only exception being for the short term (less than 1 shift) engagement of a contractor where a preferred supplier is already working in close proximity to the work site;
- provide feedback to supervisors with respect to scoring plant;
- provide feedback to contractors with respect to their performance over the past 3 months;
- attempt to provide a minimum of 1 month advance advice to contractors of upcoming engagements; and
- categorise loaders on the Preferred Suppliers List (by bucket size) in the same way that excavators are categorised by capacity, to provide for a more appropriate plant selection.

MOVED: Cr Barnes

SECONDED: Cr Gallagher

CARRIED

Cr Bethel did not vote on this matter as Cr Bethel had declared a Material Personal Interest

REASONS FOR DECISION

Council has the responsibility to follow the sound contracting principles under the Local Government Act 2009; however, the principles are broad and flexible in their application.

The principles are:-

- (a) value for money; and
- (b) open and effective competition; and
- (c) the development of competitive local business and industry; and
- (d) environmental protection; and
- (e) ethical behaviour and fair dealing.

GMCCS3.

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

Declarations:

CONFLICTS OF INTEREST

Cr Attwood & Cr Barnes declared that they may have a conflict of interest (as defined the Local Government Act 2009, section 175D) in Item GMCCS3 as Cr Attwood & Cr Barnes determined that this personal interest is not of sufficient significance that it will lead them to making a decision on the matter that is contrary to the public interest and advised that they will best perform their 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.

Cr Attwood & Cr Barnes did not request Council to vote on this matter and both Cr's left the meeting at 1.14pm and did participate in the discussion in Item GMCCS3. Cr Attwood & Cr Barnes returned to the meeting after the closed discussion was completed at 1.22pm.

Tender ESC2017-006 (Charleston Dam Project)

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 Forsayth Township for the purpose of water security, recreation use and economic development.

As part of the overall project, Council has Development approval to clear vegetation within the inundation area. Council called for Tenders in August 2017 for the clearing of the inundation area; however Council had not resolved all of the land compensation arrangements at the time of awarding the Tender.

Council has completed the land compensation arrangements and has signed off on various agreements with the affected landowners, thereby allowing Council to complete the clearing of the inundation area.

This report provides Council with an update on the clearing contract for the Charleston Dam inundation area.

RESOLUTION

That Council:

Resolves to approve the variation of pricing within the current contract and furthermore inform the contractor that the scope of works as defined in the specification document is required to be recommenced immediately and be completed by the 31st January 2019.

MOVED: Cr Bethel

SECONDED: Cr Gallagher

CARRIED
RESOLUTION NO.2018/GM2492
3/0

Cr's Attwood & Barnes did not vote of this matter as Cr's Attwood Barnes had declared a Material Personal Interest

Matter related to the resignation of the Chief Executive Officer

RESOLUTION

That Council:

Resolve to discontinue the Chief Executive Officer's employment contract in accordance with clause 10.1.5 on the basis that:

Termination payment be made of:

- ***All leave entitlements including accrued annual leave, pro-rata long service leave and sick leave but limited to 6 months***
- ***Not include the payment of 3 months' salary in lieu of notice;***
- ***Termination take effect from 28 January 2019***

And furthermore that Council appoints the Director of Corporate and Community Services as Acting Chief Executive Officer in accordance with S.195 of the Local Government Act 2009 until a permanent appointment is made.

MOVED: Cr Attwood

SECONDED: Cr Barnes

CARRIED
RESOLUTION NO.2018/GM2493
5/0

CONCLUSION

There being no further business the Chair declared the Meeting closed at 2:30pm.

These minutes will be confirmed by Council at the General Meeting held on the Wednesday 19 December 2018.

.....
MAYOR

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