



GLADSTONE
REGIONAL COUNCIL

GENERAL MEETING MINUTES

**HELD AT THE COUNCIL CHAMBERS - CIVIC CENTRE
101 GOONDOON STREET, GLADSTONE**

On 18 September 2018

Commencing at 9.00am

**Leisa Dowling
ACTING CHIEF EXECUTIVE OFFICER**

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Elected Members

Councillor - Mayor M J Burnett
Councillor G G Churchill
Councillor K Goodluck
Councillor R A Hansen
Councillor P J Masters
Councillor D V O'Grady
Councillor P J Sobhanian
Councillor C A Trevor

Officers

Mrs L A Dowling (Acting Chief Executive Officer)
Ms L M Hendrick (Executive Assistant)

APOLOGIES

Nil.

G/0.3.2. DISCLOSURE OF INTERESTS

MATERIAL PERSONAL INTERESTS

Pursuant to section 175(C) of the Local Government Act 2009, where a Councillor declares a Material Personal Interest in an agenda item, the Councillor must leave the room for the agenda item.

G/3.6.2. DEVELOPMENT APPLICATION 30.2017 FOR A MATERIAL CHANGE OF USE OF PREMISES FOR ACCOMMODATION BUILDING AND MULTIPLE DWELLING LOCATED AT 576 CAPTAIN COOK DRIVE, SEVENTEEN SEVENTY

Cr O'Grady

Cr O'Grady declared a Material Personal Interest in Item G/3.6.2. as her family have several businesses within 500 metres of the subject property. The Mergard and Geck families may stand to gain or suffer loss from this future development. Cr O'Grady advised that she will leave the room during the consideration of Item G/3.6.2.

CONFLICTS OF INTEREST

Pursuant to section 175(E) of the Local Government Act 2009, where a Councillor declares a Conflict of Interest and elects to leave the room for an agenda item, a resolution of Council is not required.

G/3.6.2. DEVELOPMENT APPLICATION 30.2017 FOR A MATERIAL CHANGE OF USE OF PREMISES FOR ACCOMMODATION BUILDING AND MULTIPLE DWELLING LOCATED AT 576 CAPTAIN COOK DRIVE, SEVENTEEN SEVENTY

Cr Masters

Cr Masters declared a perceived Conflict of Interest in Item G/3.6.2. as he advised that out of the 250 submissions made during the Development Application, one of the persons who made a submission have two children that made electoral donations to his campaign in the 2016 Gladstone Regional Council election. Cr Masters advised that he will remain in the room during the consideration of Item G/3.6.2.

G/18 /3591 Council Resolution:

Moved Cr Trevor
Seconded Hansen

Council has determined that Cr Masters has a perceived Conflict of Interest in Item G/3.6.2.

CARRIED

G/18 /3520 Council Resolution:

Moved Cr Trevor
Seconded Cr Churchill

Cr Masters can remain in the room and vote on Item G/3.6.2.

CARRIED

G/1. MAYORAL STATEMENT OF CURRENT ISSUES

I am going to use today's Mayoral Statement to talk about one thing and one thing only, and that is the resignation of Cr Cindi Bush. As Councillors would be aware, Cr Bush with her husband Adam Bush made the announcement yesterday that she will be resigning from Council and both Adam and Cindi will be leaving the region. If you could just bear with me, Councilors have seen this, but for the benefit of the minutes and the gallery I will read the letter that Cr Cindi Bush submitted.

Dear Matt

It is with much regret, sadness, frustration and despair that I tender my resignation as Councillor with the Gladstone Regional Council.

Due to the significant impacts of changes to Gladstone's Obstetric services privately, and the lack of faith in the public system's ability to navigate its way through the true needs of the community, my husband Adam has decided that he cannot practise in Gladstone anymore.

This is deeply upsetting to us both as he has diligently and compassionately seen to the needs of patients, both public and private, for more than 25 years in Gladstone, resulting in the safe delivery of over 6000 babies.

We have both tried very hard to find ways to overcome this change, but no amount of negotiating gives surety or any type of satisfaction that Gladstone women will receive the calibre of respect and treatment that they deserve. Quite frankly, the decisions made have ensured that there is no place for him here, anymore. I cannot bear the thought, let alone consider the option, of us being apart if he were to work elsewhere in the state.

I am proud of my performance thus far, and grateful for the opportunity given to me by the people. I am grateful to you and my colleagues for being there for me and wanting to learn and understand the complexities of health care. I will never forget the kindness and concern offered to me by all of you.

Matt, I particularly want to thank you for your guidance and understanding. You have been a wonderful mentor and leader for me and I wish you and the rest of the team, all the very best in navigating the Gladstone Region through one of its most challenging eras.

Councillor Cindi Bush has been a fantastic member of our Council team for the past two years. She has been the voice for Arts and Culture and it certainly has rubbed off on all of us, and as I said yesterday not only the boys but including Cr O'Grady as well. We absolutely wish Adam and Cindi all the very best. What a terrible shame to be losing these two community champions from our region.

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 4 SEPTEMBER 2018

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 4 September 2018.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 4 September 2018 be confirmed.

G/18 /3521 Council Resolution:

Moved Cr Sobhanian
Seconded Cr Churchill

That the Officer's Recommendation be adopted.

CARRIED

G/3. OFFICERS' REPORTS

G/3.1. OFFICE OF THE CEO

G/3.1.1. LEAVE OF ABSENCE REPORT FOR SEPTEMBER 2018

File Ref: CM7.2

Purpose:

Reporting on Councillors' leave of absences under section 6.11 of Council's Conduct of Council Meetings Policy.

Officer's Recommendation:

That Council grant a leaves of absence to:-

1. Cr Trevor for the General Meeting of 16 October 2018; and
2. Cr Masters for the General Meeting of 16 October 2018 to attend the 2018 Banana Shire Industry Summit.

G/18 /3522 Council Resolution:

Moved Cr Hansen
Seconded Cr Sobhanian

That the Officer's Recommendation be adopted.

CARRIED

G/3.2. STRATEGY AND TRANSFORMATION

Nil.

G/3.3. STRATEGIC ASSET PERFORMANCE

G/3.3.1. PROPOSED DRAINAGE RESERVES - TANNUM SANDS

File Ref: CP2.1

Purpose:

This report seeks Council's approval to accept trusteeship of six (6) Unallocated State Land (USL) parcels as Drainage Reserves in Tannum Sands.

Officer's Recommendation:

That Council accept trusteeship of the following 14 Unallocated State Land (USL) parcels as Drainage Reserves in Tannum Sands:

- Lots 50 - 54 T 82815
- Lot 2 AP 14769
- Lot 10 T 82814
- Lot 20 T 82813
- Lot 21 AP 17165
- Lot 3 AP 14769
- Lot 1 AP 14769
- Lot 21 T 82810
- Lot 1 AP 8772
- Lot 49 T 82815

G/18 /3523 Council Resolution:

Moved Cr Masters
Seconded Cr O'Grady

That the Officer's Recommendation be adopted.

CARRIED

G/3.4. OPERATIONS

Nil.

G/3.5. COMMUNITY DEVELOPMENT AND EVENTS

Nil.

G/3.6. CUSTOMER EXPERIENCE

G/3.6.1. REQUEST TO NEGOTIATE DECISION NOTICE FOR DEVELOPMENT APPLICATION 13.2018 FOR RECONFIGURING A LOT (1 INTO 2) LOCATED AT 7 MARGARET STREET, TANNUM SANDS

File Ref: DA/13/2018; DB1.7

Development Application:

Application Number:	DA/13/2018
Applicant:	Endlis Pty Ltd ATF Sandlee Unit Trust C/- Zone Planning Group
Owner:	Endlis Pty Ltd ATF Sandlee Unit Trust
Date Of Receipt:	3 August 2018
Location:	7 Margaret Street, Tannum Sands
RPD:	Lot 10 RP 608261
Area:	984m ²
Current Use Of Land:	Dwelling House
Zoning:	Low Density Residential Zone Code
Proposal:	Reconfiguring a Lot (1 into 2 lots)
Public Notification Period:	1 May 2018 – 23 May 2018
Number Of Submissions:	Three (3) Properly Made Submissions and One (1) petition containing Twenty-four (24) signatures

Purpose:

The purpose of this report is to consider the request for a Negotiated Decision Notice to Development Application 13/2018 for Reconfiguring a Lot (1 into 2 lots) at 7 Margaret Street, Tannum Sands, approved at Council's General Meeting on 17 July 2018. The Applicant lodged representations against condition 2 to negotiate flexibility for the property owner to relocate or remove the existing Dwelling House.

Officer's Recommendation:

That the request for a Negotiated Decision Notice to Development Application 13/2018 for Reconfiguring a Lot (1 into 2) located at 7 Margaret Street, Tannum Sands, be recommended for approval. The approval is supported by a Notice of Reasons and subject to reasonable and relevant conditions.

Notice of Reasons:

The following provides the Notice of Reasons under section 83(9) of the *Planning Act 2016*:

Description of the development:

The approved development is for Reconfiguring a Lot (1 into 2 lots).

Assessment Benchmarks:

Benchmarks applying for the development	Benchmark reference
<i>State Planning Policy July 2017</i>	<ul style="list-style-type: none"> State Interest – Natural Hazards, Risk and Resilience.
<i>Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2</i>	<ul style="list-style-type: none"> Strategic Framework; Acid Sulfate Soils Overlay Code; Biodiversity Overlay Code Low Density Residential Zone Code; Reconfiguring a Lot Code; Development Design Code; and Landscaping Code.

Reasons for the Assessment Manager's Decision:

1. The Application was properly made in accordance with the *Planning Act 2016* and the Development Assessment Rules; and
2. The Application is deemed compliant with the relevant benchmarks of the *State Planning Policy July 2017* and the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2*.

Reasons for Approval despite any Non-compliance with certain Benchmarks:

Benchmarks applying for the development	Justification against Benchmark
Low Density Residential Zone Code Table 6.2.1.3.1 – Acceptable Outcome 5.	Compliance with Low Density Residential Zone Code Table 6.2.1.3.1 – Overall Outcome D.
Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 1.1.	Compliance with Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 1.1 via a Condition.
Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 2.1.	Compliance with Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 2.1 via a Condition.
Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 3.1.	Compliance with Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 3.1 via a Condition.
Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 11.1.	Compliance with Development Design Code Table 9.3.2.3.1 – Overall Outcome K.
Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 13.	Compliance with Development Design Code Table 9.3.2.3.1 – Purpose A.
Reconfiguring a Lot Code Table 9.3.7.3.1 – Acceptable Outcome 1.	Compliance with Reconfiguring a Lot Code Table 9.3.7.3.1 – Performance Outcome 1.
Landscaping Code Table 9.3.5.3.1 – Acceptable Outcome 3.1 and 3.2.	Compliance with Landscaping Design Code Table 9.3.5.3.1 – Acceptable Outcome 3.1 and 3.2 via a Condition.

Relevant Matters under Section 45(5)(b) of the Act that the Development was Assessed Against:

N/A

Matters raised in Submissions and Council’s response in dealing with these matters:

Matters raised in the Submission(s)	Officer’s Response
<p>The proposed lot sizes are below the minimum requirement of 600m² with a road frontage of 17m. In addition, the subdivision will create an irregular shaped lot (triangular shaped) that will create visibility concerns at the corner of Margaret Street and Alfred Street.</p>	<p>The minimum requirement referenced is Acceptable Outcome 1 of the Reconfiguration of Lot Code (AO1). Although the application does not meet the minimum requirements within AO1, the proposal has demonstrated compliance with the Performance Outcome (PO1). Additionally, the proposal will create an irregular lot shape, however the dimensions and size will allow adequate space for future residential development which is supported within the Low Density Residential Zone Code.</p> <p>Visibility concerns for vehicles entering and exiting the proposed lot on the corner will be addressed by the requirements for this lot’s driveway to be located on Alfred Street at a safe distance from the intersection in compliance with the Australian Standard.</p>
<p>The proposed building envelopes will reduce the available open space for each.</p>	<p>The proposed setbacks are consistent with the Queensland Development Code requirements for a Dwelling House which could be developed as of right within the Low Density Residential Zone Code. Additionally, the existing character of the area demonstrates similar setbacks.</p> <p>The proposed Building Envelope does not constitute an approval for a future Dwelling House to be the entire area. Provisions regarding site cover require residential development to be below 50%. Therefore, Proposed Lot 101 could develop 242m² of structures onsite, while Proposed Lot 102 could develop 250m² of structures onsite. The remaining area of the subject sites would provide open space.</p>
<p>The proposed irregular corner lot and associated building envelope will create visibility issues for traffic as it will only be setback 3m from the corner. The related proposed driveway for Lot 102 will present a traffic hazard for everyone turning left from Gwen Street into Alfred Street.</p>	<p>The building envelope sets the future building back 6m from Margaret Street which will provide adequate site distance for vehicles turning right into Margret Street from Alfred Street. There is approximately 26 metres between proposed Lot 102 and the intersection with Gwen Street. Therefore, there is adequate sight distance to reduce any potential traffic conflict.</p>
<p>If council were to relax its stated acceptable outcomes for this zone for one developer, it would set a precedent for other developers to apply for relaxation on other lots they currently hold in the very near proximity.</p>	<p>The Development Application has been assessed against Performance Outcome 1 of the Reconfiguring a Lot Code as the proposed lot sizes are below the Minimum Lot Size as identified in Acceptable Outcome 1. The line of sight assessment does not constitute a relaxation. The approval of this application</p>

	would not create a precedent. Council is required to consider each application on its own merits.
The proposal will result in double the density along the street.	The planning scheme acknowledges low density development of 1 dwelling per 400m ² or more of site area as being low density development consistent with the zoning.
In Part 3.4 Community Living of Our Place, Our Plan, the point is made that there should be an economic and community need for residential development. Given the depressed state of the housing market at present, as well as the high vacancy rate for rentals, it is difficult to see why there is a need for sub-division in Low Density Residential Zones.	<p>In section 3.4 of the strategic framework where reference is made to applications needing to illustrate overwhelming community and economic need this is in reference to the release of new residential land within the Emerging Communities Zone for residential development. This point is reinforced by this provision being carried forward into the Emerging Communities Zone code PO6 and AO6.1. No other requirement exists in any of the other zones including the Low Density Residential Zone.</p> <p>It is important to note that this application will not result in the release of any new land for additional dwellings to be erected on but rather just allow for the erection of two dwellings consistent with the existing development entitlements under the Low Density Residential Zone.</p>

Matters prescribed by a Regulation:

N/A

Conditions of Approval:

The following provides the Conditions of Approval under Section 83(9) of the *Planning Act 2016*:

Approved Documentation

1. Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:

Drawing Number	Revision	Description	Author	Date
1222 02	A	Plan of Development for Proposed Lots 101 and 102	Inglis Survey and Mapping Pty Ltd	7/06/2018

Building, Plumbing and Drainage Works

2. **Should the structure be removed from the site completely, the Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the Planning Act 2016 for the removal of the existing structure. The removal of the structure is to occur prior to the lodgement of a request for Survey Plan Endorsement.**

OR

Should the structure be relocated to a proposed new lot, the Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the Planning Act 2016 for the removal of the existing structure. Concurrently, a Development Permit for Building Works will be required to be approved for the relocated position. The removal and relocation of the structure is to occur prior to the lodgement of a request for Survey Plan Endorsement.

Water Infrastructure

3. Prior to the lodgement of a request for Survey Plan Endorsement, a water service connection is to be provided from Council's water supply infrastructure to the front property boundary of each lot. The location and size of the water service (and any associated fire service) is to be determined in consultation with Council.
4. Prior to the lodgement of a request for Survey Plan Endorsement, connections to Council's live water reticulation network must be carried out by Council. The cost of these works is to be borne by the Applicant.

Advisory Note: Council's Application for Water Service is found at <http://www.gladstone.qld.gov.au/forms>.

Sewerage Infrastructure

5. Prior to the lodgement of a request for Survey Plan Endorsement, sewer connection is to be provided from Council's reticulated sewer infrastructure to the front property boundary of each lot. The location and size of the sewer service is to be determined in consultation with Council.
6. Prior to the lodgement of a request for Survey Plan Endorsement, connections to Council's live sewerage network must be carried out by Council. The cost of these works is to be borne by the Applicant.

Advisory Note: Council's Application for Sewer is found at <http://www.gladstone.qld.gov.au/forms>.

Transportation Services

7. At all times, the driveway into Proposed Lot 102 shall gain access directly onto Alfred Street at a location that complies with the AS2890.1.

Electrical, Telecommunication and Gas services

8. Prior to the lodgement of a request for Survey Plan Endorsement, a Certificate of Supply shall be provided to demonstrate connection of electricity supply to each proposed lot.

Advisory Note: The Ergon Energy Rockhampton Office are available on (07) 4931 1012.

9. Prior to the lodgement of a request for Survey Plan Endorsement, a Certificate of Supply shall be provided to demonstrate connection of telecommunication supply to each proposed lot.

Advisory Note: The Telstra Smart Communities Team are available on 1800 226 543.

Landscaping

10. Prior to the lodgement of a request for Survey Plan Endorsement, street trees are to be constructed along the frontage of Margaret Street and Alfred Street, at a rate of 1 tree per lot frontage in accordance with Table 9.3.5.3.2 - Plant Species List of the Landscaping Code of the Our Place Our Plan Gladstone Regional Council Planning Scheme and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification.

Advisory Note: Council's guideline is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdq.com.au/index.htm>.

Survey Plan Endorsement

11. Lodgement of Survey Plan Endorsement must include the following:
 - a. Completion of Council's Request - Assessment and Endorsement of a Survey Plan Form;
 - b. All survey marks in their correct position in accordance with the Survey Plan;
 - c. A Compliance Report demonstrating compliance with all associated Development Permit(s);
 - d. One copy of the Survey Plan each fully executed for the lodgement with the Titles Office;
 - e. Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the *Planning Regulation 2017*; and
 - f. Payment of any outstanding Adopted Infrastructure Charges.

Advisory Note: Council's Request - Assessment and Endorsement of a Survey Plan Form is found at <http://www.gladstone.qld.gov.au/forms>.

END OF CONDITIONS

G/18 /3524 Council Resolution:

Moved Cr Hansen
Seconded Cr Goodluck

That the Officer's Recommendation be adopted.

CARRIED

Cr O'Grady (declared Material Personal Interest)
left the room during the consideration and voting of Item G/3.6.2
(refer G/0.3.2 Disclosure of Interest section of the minutes - page 4)

Cr Masters (perceived Conflict of Interest)
remained in the room during the consideration and voting of Item G/3.6.2
(refer G/0.3.2 Disclosure of Interest section of the minutes - page 4 - 5)

G/3.6.2. DEVELOPMENT APPLICATION 30.2017 FOR A MATERIAL CHANGE OF USE OF PREMISES FOR ACCOMMODATION BUILDING AND MULTIPLE DWELLING LOCATED AT 576 CAPTAIN COOK DRIVE, SEVENTEEN SEVENTY

File Ref: DA/30/2017; DB2.6

Development Application:

Application Number: DA/30/2017
Applicant: Four King Pty Ltd C/- Zone Planning Group
Owner: Palace Builders Pty Ltd
Date Of Receipt: 28 April 2017
Location: 576 Captain Cook Drive, Seventeen Seventy QLD 4677
RPD: Lot 5 S 8562
Area: 1,156m²
Current Use Of Land: Liquor Shop, Snack Bar and Residence
Zoning: Medium Density Residential Zone
Proposal: Multiple Dwelling and Accommodation Building
Public Notification Period: 9 March 2018 to 29 March 2018
Number Of Submissions: 232 Properly Made Submissions and 28 Not Properly Made Submissions

Purpose:

The purpose of this report is to assess Development Application 30/2017 for a Material Change of Use of premises for a Multiple Dwelling and Accommodation Building at 576 Captain Cook Drive, Seventeen Seventy against the State Planning Policy July 2017 and the Planning Scheme of Miriam Vale Shire 2009 under the Sustainable Planning Act 2009.

Officer's Recommendation:

That DA/30/2017 for a Material Change of Use for an Accommodation Building and Multiple Dwelling on land described as Lot 5 S 8562, situated at 576 Captain Cook Drive, Seventeen Seventy, be approved subject to the following conditions:

Approved Documentation

1. Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:

Drawing Number	Revision	Description	Author	Date
GD0997-A00.01	I	Artistic View Photomontage	Gladstone Drafting	02.05.18
GD0997-A00.02	J	Artistic View 2	Gladstone Drafting	04.05.18
GD0997-A00.03	J	Artistic View 3	Gladstone Drafting	04.05.18
GD0997-A00.04	J	Artistic View 4	Gladstone Drafting	04.05.18
GD0997-A00.05	J	Artistic View 5	Gladstone Drafting	04.05.18
GD0997-A01.01	G	Existing Floor Plan	Gladstone Drafting	16.10.17
GD0997-A04.00	F	Proposed 1 st Floor Apartment Plan	Gladstone Drafting	05.10.17
GD0997-A04.01	F	Proposed 2 nd Floor Apartment Plan	Gladstone Drafting	05.10.17
GD0997-A04.03	I	Proposed 2 nd Floor Hotel Plan	Gladstone Drafting	02.05.18
GD0997-A04.02	J	Proposed 1 st Floor Hotel Plan	Gladstone Drafting	04.05.18
GD0997-A04.04	G	Proposed Plant Floor Plan	Gladstone Drafting	16.10.17
GD0997-A11.00	G	Building Elevations – Sheet 1	Gladstone Drafting	16.10.17
GD0997-A11.01	G	Building Elevations – Sheet 2	Gladstone Drafting	16.10.17
GD0997-C01	G	Site Plan	Gladstone Drafting	20.10.17
GD0997-CO2	C	Cross Section	Gladstone Drafting	20.10.17
GD0997-C12	A	Sight Distance Diagram	Gladstone Drafting	12.12.17

Special Condition

2. A Streetscaping Master Plan is to be developed and submitted as part of the Operational Works application and shall include, but not limited to the following elements:-
 - a. A functional and aesthetically pleasing interface to further activate Captain Cook Drive frontage;
 - b. Landscaping;
 - c. Proposed street furniture, artwork and lighting;
 - d. Render surface treatments and improvement/alterations to existing retaining walls;
 - e. Delineated safe pedestrian access along the full frontage of the site; and
 - f. A delineated safe pedestrian point to cross to Air Sea Rescue Park.

3. As part of the Development Application for Operational Works, the Applicant is to submit and have approved by Council an amended Site Based Stormwater Management Plan. The amended Site Based Stormwater Plan should demonstrate the following:
 - a. How all impervious areas are connected to the detention/retention tank;
 - b. Proposed size of the detention/retention tank outlet to Council's stormwater network; and
 - c. Schematic Plan detailing proposed detention and retention storage volumes and associated inlets and outlets.

4. Prior to the lodgement of any Development Application for Operational Works, the Applicant is to submit and have approved by Council an amended car park plan with a total of 32 spaces, prepared and certified by a Registered Professional Engineer of Queensland, experienced in this type of work, which demonstrates:

- a. The provision of a total of 29 User Class 2 car parking spaces in accordance with AS2890 and signed for use by residents/motel.
 - b. The maximum provision of eight (8) tandem parking spaces for the four (4) two (2) bedroom Multiple Dwelling units. In these instances, the spaces are to be suitably signed, to ensure each tandem space arrangement is utilised by individual apartment residents.
 - c. The provision of two (2) visitor car parking spaces in accordance with AS2890 that are suitably signed to ensure they are only utilised by visitors.
 - d. The provision of a service vehicle space as determined by the Waste Management Plan. The service vehicle space must be clearly signed and constructed in accordance with AS2890.
 - e. The provision of Disabled Car Parking is adequately located to ensure compliance with AS2890.6, including all shared areas.
 - f. Detailed manufacturing and maintenance specifications on the proposed car lift, including emergency evacuation measures.
5. Prior to the lodgement of any Development Application for Building Works, demonstrate that the existing structures onsite are to be incorporated into the construction of the development to include the proposed colour palette and building materials to demonstrate a consistent onsite development.
 6. Upon commencement of the use, service deliveries must occur within the timeframes of 7am-8pm, to minimise noise impacts to the adjacent residential uses.

Operational Works

7. A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction. The Development Application for Operational Works is to include the following:
 - a. Earthworks (including retaining walls);
 - b. Road works (including signage and footpaths);
 - c. Water Infrastructure;
 - d. Sewer Infrastructure;
 - e. Stormwater Management (quantity, quality, flood and drainage control);
 - f. Landscaping, environmental protection and associated works.
8. Development Applications for Operational Works shall be designed and constructed in accordance with Australian Standards, the Engineering Design Planning Scheme Policy or any other applicable standards at the time of lodgement. Prior to the commencement of the use, all Operational Works conditioned by this approval must be accepted "on maintenance" by Council.

Advisory Note: The Capricorn Municipal Development Guidelines within the Engineering Design Planning Scheme Policy is the current document for preparing any Development Application for Operational Works which is found at <http://www.cmdg.com.au/index.htm>.

Acid Sulfate Soils

9. As part of any Development Application for Operational Works, the Applicant must submit an Acid Sulfate Soil Investigation and Management Report, for approval by Council. The Management Report is to:
 - a. Be prepared by a suitably qualified person experienced in the area of Acid Sulfate Soils
 - b. Determine whether the proposed works will expose/disturb Acid Sulfate Soils;

- c. Detail the measures to be undertaken to reduce the risk of Acid Sulfate Soils during construction and operation; and
- d. Be in accordance with the Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland 1998 as per the Queensland Acid Sulfate Soil Technical Manual.

Steep Land

10. As part of any Development Application for Operational Works, the Applicant must submit a Site-Specific Geotechnical Report, for approval by Council. The report must:
 - a. Be prepared by a suitably qualified person experienced in the area of geology;
 - b. Certify that the stability of the site, including associated buildings and infrastructure, will be maintained during both the construction and operational life of the development;
 - c. Certify that the site is not subject to risk of landslide activity originating from other land, including land above the site;
 - d. Certify that the development will not increase the risk of landslide on the other land; and
 - e. Be in accordance with the Landslide Risk Management – Australian Geomechanics *Journal*.

Building, Plumbing and Drainage Works

11. The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Sustainable Planning Act 2009* for the removal any existing structures. The removal is to occur prior to any Building Works for the approved Development.
12. The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Sustainable Planning Act 2009*. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.
13. The Applicant is required to obtain a Development Permit for Plumbing and Drainage Works and Plumbing and Drainage Final in accordance with the *Sustainable Planning Act 2009*. Construction is to comply with the *Plumbing and Drainage Act 2002* and the requirements of other relevant authorities.
14. Prior to the commencement of the use, all plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so that these do not cause environmental nuisance or harm to residential uses in the surrounding area.
15. Prior to the commencement of the use, the development is to incorporate a variety of at least four different textures, colours and designs within the external façade of the building generally in accordance with the approved plans. Details of the proposed colour scheme, materials and finishes for all external areas of the building are to be submitted to Council for approval prior to the issue of a Development Permit for Building Works.
16. As part of Building Works, all outdoor lighting is to comply with Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.
17. Prior to the commencement of the use, all lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on this site and the adjoining the sites.

18. Prior to building work proceeding beyond the first floor level, certification is to be received from a Cadastral Surveyor that the first floor level is in accordance with the approved plans in the form of a Form 16.
19. The Applicant is to demonstrate the complete development does not exceed the height in accordance with the approved plans. Certification of the development height is to be provided by a Cadastral Surveyor in the form of a Form 16 and provided prior to the issue of the Building Final Certificate.
20. As part of Building Works, where a habitable room window is within 9m of another habitable room window or private open space of another Dwelling House either on the premises or an adjacent premise:
 - a. Windows are provided with fixed translucent glazing, such as frosted or textured glazing, for any part of the window less than 1.5m above floor level; or
 - b. Windows are provided with fixed with permanent external screens that are:
 - i. Solid translucent screens; or
 - ii. Perforated panels or trellises that have a maximum of 50% openings, with a maximum opening dimension of 50mm, and that are permanently fixed and durable; and
 - iii. Offset a minimum of 300mm from the wall of the building.

Water Infrastructure

21. Prior to the commencement of the use, a single water service connection is to be provided from Council's water supply infrastructure to the front property boundary. The location and size of the water service (and any associated fire service) is to be determined in consultation with Council at Operational Work stage.
22. Prior to the commencement of the use, connections to Council's live water reticulation network must be carried out by Council. The cost of these works is to be borne by the Applicant.

Advisory Note: Council's Application for Water Service is found at <http://www.gladstone.qld.gov.au/forms>.

Sewerage Infrastructure

23. Prior to the commencement of the use, all sanitary drainage is to drain into a new 1050mm diameter privately owned maintenance hole within the development site, before connection to Council's sewerage infrastructure. Connection to Council's infrastructure is to be via a maceration tank (including appropriate sized storage tanks and provision of a duty standby pump arrangement), details of which are to be submitted as part of the Operational Works application. The location and size of the sewer service is to be determined in consultation with Council at Operational Works stage.
24. Prior to the commencement of the use, connections to Council's live sewerage network must be carried out by Council. The cost of these works is to be borne by the Applicant.

Advisory Note: Council's Application for Sewer is found at <http://www.gladstone.qld.gov.au/forms>

Stormwater Infrastructure

25. Prior to the commencement of the use, all stormwater infrastructure is to be constructed on the site generally in accordance with the approved amended Site Based Stormwater Management Plan outlined in Condition 3, including quantity and quality infrastructure. The

stormwater infrastructure is to be in accordance with the Engineering Design Planning Scheme Policy under the Gladstone Regional Planning Scheme, Queensland State Planning Policy and Queensland Urban Drainage Manual (QUDM).

26. As part of any Development Application for Operational Works, the Applicant is required to demonstrate a drainage system that has the ability to effectively and efficiently remove any water that may enter the car park ensuring safe and efficient access for vehicles and pedestrians. Furthermore, an appropriate emergency evacuation plan for the car park is to be submitted. Details of the emergency evacuation plan and drainage system must be provided with the Operational Works application.

Transportation Services

27. Prior to the commencement of the use, a total of 4 bicycle spaces are to be constructed onsite within 30m walking distance to the entry of the use. All bicycle spaces are to be constructed in accordance with AS2890.3 (2015).
28. Prior to the commencement of the use, all existing disused invert crossings are to be reinstated with kerb and channel, type match existing, in accordance with Council's Standard Drawing Residential Driveway Slab and Tracks.

Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdq.com.au/index.htm>.

29. Prior to the commencement of the use, a 6m wide Commercial Driveway is to be constructed in accordance with Council's Standard Drawing Urban Commercial/Industrial Driveway.

Advisory Note: The Applicant is to obtain approval from the Department of State Development, Manufacturing, Infrastructure and Planning for construction of the driveway located within a Queensland heritage Place, prior to lodging a Driveway Application to Council.

Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdq.com.au/index.htm>.

30. Prior to the commencement of the use, any damage to the driveway crossing and kerb and channel shall be repaired at the owner's expense and to Council's Standard Drawing Urban Commercial/Industrial Driveway.

Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdq.com.au/index.htm>.

31. Prior to the commencement of the use, all grassed footpath areas disturbed by the development are to be top dressed and turfed following completion of construction activity.
32. Prior to the commencement of the use, any manholes located on the proposed driveway are to be covered with Class D Covers to AS 3996 and are to be maintained at finished surface levels and remain accessible at all times.
33. As part of any Development Application for Operational Works, the Applicant is to construct a minimum 1.5m wide concrete footpath from the corner of Elliot Street to 576 Captain Cook Drive for the full extent in accordance with Council's Standard Drawing Concrete Pathway/Bikeway Details.

Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/index.htm>.

Retaining Walls

34. As part of any Development Application for Operational Works, any existing and new retaining walls which are visible from the road reserve, must receive a surface treatment such as rendering or cladding to improve the visual amenity of the development. The treatments must complement the proposed colour pallet of the proposed building. Details of the proposed colour scheme and materials are to be submitted as part of the Streetscaping Master Plan.

Landscaping

35. As part of any Development Application for Operational Works, a full Landscaping Plan is to be provided for the entire site in accordance with the Plant Species List of the Miriam Vale Shire Planning Scheme 2009 and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification. The side and rear boundaries of the subject site are to provide a landscaping with a minimum width of 3m. The full Landscaping Plan is to be certified by a Landscape Architect.

Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/index.htm>.

36. Prior to commencement of the use, all landscaping areas are to be constructed with an appropriate irrigation system. Details of the irrigation system are to be provided as part of the full Landscaping Plan.
37. Prior to the commencement of the use, construction of an 1.8m high screen fence to side and rear boundaries, the details of which are to be submitted with any Development Application for Building Works.

Waste Management

38. As part of any Development Application for Operational Works, a Waste Management Plan is to be submitted and approved by Council. The Waste Management Plan should include but not be limited to the following:
 - a. Demonstrate safe, sufficient and effective storage and servicing of the waste bins; and
 - b. Provide control measures to reduce odour from the onsite waste bins;
39. Prior to the commencement of the use, the waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted in close proximity to the enclosure to ensure the area can be easily and effectively cleaned.
40. Prior to the commencement of the use, open storage areas shall be adequately screened so as not to detract from the visual amenity of the area. One way of achieving compliance with this condition is as follows:
 - a. Outdoor storage areas are situated in locations not visible from the street; and
 - b. A 1.8m solid screen fence is located around storage areas.

Lawful Commencement

41. Prior to the commencement of this use, the Applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.
42. Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the Applicant is to notify Council within 20 business days that this approved use has lawfully commenced.

END OF CONDITIONS

G/18 /3525 Council Resolution:

Moved Cr Trevor
Seconded Cr Hansen

That the Officer's Recommendation be adopted.

CARRIED

G/3.7. PEOPLE CULTURE AND SAFETY

Nil.

G/3.8. FINANCE GOVERNANCE AND RISK

G/3.8.1. REVIEW OF COMPLAINTS INVOLVING THE CHIEF EXECUTIVE OFFICER POLICY

File Ref: CM28.2

Purpose:

This report seeks Council's adoption of a revised Complaints involving the Chief Executive Officer Policy.

Officer's Recommendation:

That Council:

1. Repeal P-2014-33 - Dealing with Complaints Involving the Chief Executive Officer Policy; and
2. Adopt P-2018-23 - Dealing with Complaints involving the Chief Executive Officer Policy attached as **Addendum 1**.

G/18 /3526 Council Resolution:

Moved Cr Sobhanian
Seconded Cr Churchill

That the Officer's Recommendation be adopted.

CARRIED

G/4. COUNCILLORS REPORT

THE FOLLOWING REPORTS WERE RECEIVED FROM THE FLOOR OF THE MEETING

CR MASTERS

Message of Sympathy

Steven Beale

Cr Masters paid tribute to Steven Beale as follows who passed away on 23 August 2018:

Since its inception back in 2004 MIPEC would have employed near on 2000 people providing mainly locals the opportunity to better themselves, including many apprentices and trainees. Steve and MIPEC have also been exceptional corporate citizens of the Gladstone community and are held in very, very high regard by all.

I'm pretty sure MIPEC would have sponsored or donated something to nearly every not-for-profit organisation, community or sporting group within our region.

The benefits of these contributions was never more evident than back in 2010 when a defibrillator that MIPEC donated to the Calliope Ambulance only a few weeks earlier played such a vital role in miraculously saving the life of a 10 year old girl who had suffered an extensive box jellyfish sting whilst swimming in the Calliope River.

Steve also had a strong belief and vision for Gladstone. He loved a good yarn and he loved sharing his knowledge and opinions with others.

G/18 /3527 Council Resolution:

Moved Cr Trevor
Seconded Cr O'Grady

That Cr Master's report be received.

CARRIED

G/5. URGENT BUSINESS

The General Manager Finance Governance and Risk tabled the following report:

POSTAL BALLOT APPLICATION – BY-ELECTION

File Ref: CM8.3, CM8.5

Purpose:

To discuss the merits of an application to the Minister for Local Government for a postal ballot for the conduct of a by-election for Councillor.

Officer's Recommendation:

That application be made to the Minister for Local Government under Section 45 Local Government Electoral Act 2011 for a postal ballot with respect to the conduct of a by-election for Councillor given due regard to both cost and voter turn out.

Background:

Following receipt of the resignation of Cr Bush on Monday 17th September 2018, the Electoral Commission Queensland has been advised so that planning for the conduct of a by-election can commence.

The Electoral Commission of Queensland are prescribed by the Local Government Electoral Act 2011 to conduct the election, in accord with the Act.

Council however may make application under Section 45 Local Government Electoral Act 2011 should it believe that a postal ballot is a more appropriate ballot method, in lieu, of a full by-election.

Consideration:

In considering whether an application for postal ballot is appropriate the primary factors are community engagement and cost.

In terms of comparing some recent local government by-elections in other Queensland local governments and previous experiences in the Gladstone Region the engagement of the community in terms of turn out rate between postal ballots and in person voting at Polling Booths, particularly with respect to single Councillor or Mayoral by-election does not appear to be markedly different. The most recent postal ballot in the Gladstone Region produced a turn out rate of 71.8% compared to the average of three recent Councillor by-election's by polling booth of 72.7%.

Election	Method	Turnout Rate
Gladstone - Councillor – 2016 – Full Term*	Polling Booth	81.6%
Gladstone - Mayor - 2010 – By Election	Postal Ballot	71.8%
Livingstone – Councillor – 2018 – By Election	Polling Booth	73.7%
Lockyer Valley – Councillor – 2018 – By Election	Polling Booth	72.5%
Bundaberg – Councillors – 2018 – By Election	Polling Booth	71.9%**

The conduct of a postal ballot is anticipated to be a lower cost option. The conduct of the postal ballot in 2010 for Mayor was \$110,000 with the more recent 2016 Local Government Elections costing \$170,000.

Electoral Commission of Queensland have not yet provided an estimate of costs however it is expected that it could be between \$120,000 and \$140,000.

Communication and Consultation (Internal/External):

Mayor, Electoral Commission Queensland, Manager Governance.

Legal Environmental and Policy Implications:

Council is required under Section 166 Local Government Act to fill the vacancy in the office of Councillor through a by-election given that the vacancy is during the middle of the local government term.

Further, an application is required under Section 45 Local Government Electoral Act should the local government wish to make application for a postal ballot.

Financial and Resource Implications:

There was a nominal budget allocation for by-elections of \$20,000, however, based on previous experience and advice from similar local authorities it would be expected that the cost will be in the order of \$120,000 to \$140,000 dependent on ballot method and confirmation from Electoral Commission Queensland.

Summary:

The conduct of a postal ballot based on previous experiences and also compared to current community engagement in other similar local governments would yield a similar level of engagement at a lesser cost to the ratepayer and it is therefore recommended that an application for postal ballot be made.

Anticipated Completion Date:

18 September 2018

Attachments:

Nil.

Tabled Items:

Nil.

Report Prepared by: General Manager Governance Finance and Risk

Officer's Recommendation:

That application be made to the Minister for Local Government under Section 45 Local Government Electoral Act 2011 for a postal ballot with respect to the conduct of a by-election for Councillor given due regard to both cost and voter turn out.

G/18 /3528 Council Resolution:

Moved Cr Churchill
Seconded Cr O'Grady

That the Officer's Recommendation be adopted.

G/6. NOTICE OF MOTION

Nil.

**The meeting adjourned for morning tea at 10.22 am
and reconvened at 10.45 am.**

G/7. CONFIDENTIAL ITEMS

G/18 /3529 Procedural Motion:

Moved by Cr Hansen
Seconded Cr Masters

That in accordance with Section 275 (1) of the Local Government Regulation 2012, the meeting be closed to the public to discuss business relating to the following: -

- e) contracts proposed to be made by it.
- d) rating concessions.

CARRIED

G/18 /3530 Procedural Motion:

Moved by Cr O'Grady
Seconded Cr Goodluck

That Council re-open the meeting to the public.

CARRIED

G/7.1. TENDER 29/19 ASPHALT OVERLAY - VARIOUS PATHWAYS

File Ref: RD1.3, PE8.3

G/18 /3531 Council Resolution:

Moved Cr Masters
Seconded Cr Churchill

That Council endorse the Tender Panel's recommendation and resolve to accept the Tender from Fulton Hogan Industries Pty Ltd for \$538,119.47 exclusive of GST, per their submission to Tender 29-19 – Asphalt Overlay – Various Pathways.

CARRIED

G/7.2. REQUEST FOR CONCESSION - CALLIOPE GARDEN CLUB INC

File Ref: RV4.4

G/18 /3532 Council Resolution:

Moved Cr Trevor
Seconded Cr Sobhanian

That Council note that the Calliope Garden Club Incorporated is exempt from general rates and advise the Calliope Garden Club Incorporated that Council is unable to offer concessions in respect of their water charges.

CARRIED

There being no further business the Mayor formally closed the meeting.

THE MEETING CLOSED AT 11.09am

CERTIFICATION

I hereby confirm that I have read the minutes
and they are a true and correct record of the
proceedings of the meeting.

I certify that these 41 pages form the
official copy of Gladstone Regional Council
General Meeting Minutes of the 18 September 2018.

.....
Mayor Matt Burnett

...../...../.....
Date

ATTACHMENTS

ADDENDUM 1



Gladstone Regional Council

Council Policy

Title	DEALING WITH COMPLAINTS INVOLVING THE CEO
Policy Number	P-2018-23
Business Unit/s	PEOPLE, CULTURE & SAFETY
Date of Adoption	
Resolution Number	
Review Date	
Date Repealed	

1.0 PURPOSE:

The purpose of this policy is to establish clear guidelines for managing corruption complaints and reporting real or suspected corrupt conduct involving the Chief Executive Officer (Public Official) to the Crime and Corruption Commission.

2.0 SCOPE:

This policy applies to all workplace participants engaged at Gladstone Regional Council and identifies circumstances that trigger the application of the policy.

3.0 RELATED LEGISLATION:

- *Local Government Act 2009 (Qld)*
- *Crime & Corruption Act 2001 (Qld)*
- *Crime & Corruption Regulations 1995 (Qld)*
- *Public Sector Ethics Act 1994 (Qld)*
- *Work Health & Safety Act 2011 (Qld)*

4.0 RELATED DOCUMENTS:

The following has been developed to help facilitate the implementation of this policy:

- Code of Conduct Policy
- Anti-Discrimination Policy
- Anti-Harassment Policy
- Reporting Corrupt Conduct Corporate Standard
- Investigating Allegations & Complaints Corporate Standard
- Employee Assistance Program Corporate Standard
- Corruption in Focus: a guide to dealing with corrupt conduct in the Queensland public sector <http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus>

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

“CEO” means Chief Executive Officer

“Crime and Corruption Commission (CCC)” means the Commission continued in existence under the *Crime and Corruption Act 2001*

“CC Act” means *Crime and Corruption Act 2001*

“Complaint” includes information or matter involving or may involve suspected corrupt conduct

“Corruption” involves wrongdoing by a public official in carrying out their official duties or exercising their powers. Refer to Schedule 2 (Dictionary) of the CC Act.

“Corrupt Conduct” see Section 15 of the *Crime and Corruption Act 2001*

“Nominated Person” refer to section 6.1 of this policy.

“Public Official” means the Chief Executive Officer (including any person acting in the position of CEO for the duration of the acting placement)

“Unit of Public Administration (UPA)” means the local government of Gladstone Regional Council

“Workplace Participants” means employees, volunteers and contractors.

6.0 POLICY STATEMENT:

Council is committed to eliminating corrupt conduct and preventing its occurrence and believes:

- in ensuring an honest and impartial work environment that enhances the standing and reputation of Council
- corrupt conduct is unfair, wastes public money and resources, leads to inefficiency, and destroys trust
- workplace participants have a role to play in reporting real or suspected corrupt conduct and in maintaining effective work practices to combat corruption.

The CCC and the Council are committed to protecting the reputation of those who report suspected corrupt conduct and those who are the subject of the complaint. Strict confidentiality must be maintained by all involved in the process.

6.1 Nominated Person

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

- Mayor as the nominated person; and
- General Manager People, Culture & Safety as the nominated person.

Nominated persons must notify the Crime and Corruption Commission of the complaint and are required to manage the complaint in accordance the *CC Act 2001*.

Where there is more than one nominated person:

- 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 inform the CCC, and include:
 - the title of person; and
 - the entity with to whom the CEO is accountable (the elected Council); and
 - that they are the nominated person for the particular complaint.

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

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

If a complaint involves an allegation of corrupt conduct against the CEO of Council, 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, best practice is to report it to the nominated person.

If the nominated person reasonably suspects the complaint may involve corrupt conduct of the CEO, the nominated person is required to:

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

If the CEO is in receipt of a complaint and reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, the CEO must:

- (a) report the complaint to the nominated person as soon as practicable and may also notify the CCC; and
- (b) take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with Council.

Where there is a nominated person, and if directions issued under s40 of the *CC Act* apply to the complaint:

- the nominated person is to deal with the complaint; and
- the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation Council.

6.3 Provision of resources to the nominated person

Where the nominated person has the responsibility to deal with a complaint, Council will;

- ensure that sufficient resources are available to enable them to deal with a complaint efficiently and appropriately; and

- ensure that consultations, if any, for the purpose of securing sufficient resources to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
 - I. authorisation under a law of the Commonwealth or the State, or
 - II. 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:
 - I. purposes of the *CC Act*,
 - II. the importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with, and
 - III. Council's statutory, policy and procedural framework.
- The nominated person may have regard to *Corruption in Focus: a guide to dealing with corrupt conduct in the Queensland public sector*
<http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus>

If the nominated person has responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the CEO
- are to direct and control work participants of Council as if the nominated person is CEO of Council for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of Council for the purpose of dealing with the complaint
- do not have any authority, function or power that cannot, under the law of the Commonwealth or the State, be delegated by Council to the nominated person; and

If the nominated person has responsibility to deal with the complaint, they must, subject to any direction of the CCC:

- deal with the complaint, and
- before finally dealing with the complaint, report to Council in-confidence about
 - I. the action taken or not taken to investigate the complaint
 - II. the reasons the nominated person considers the investigation action to be appropriate in the circumstances; and
 - III. the reasons the nominated person considers that taking or not taking disciplinary or other action against the CEO to be appropriate in the circumstances.
- In finally dealing with the complaint, provide a response to the complainant consistent with s. 44(5) of the *CC Act* and to the CEO sufficient to comply with procedural fairness obligations, if any.

6.4 Liaising with the Crime and Corruption Commission

The CEO is to keep the CCC and the nominated person informed of:

- the contact details for the CEO and the nominated person,
- any proposed changes to this policy.

6.5 Consultation with the Crime and Corruption Commission

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

7.0 ATTACHMENTS:

Nil

8.0 REVIEW MECHANISM:

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	16 December 2014	G/14/2270	
Amendment 1			
Amendment 2			
Amendment 3			

.....
ROSLYN BAKER
CHIEF EXECUTIVE OFFICER