



SPECIAL MEETING AGENDA

Friday 10 November 2023
commencing at 11:00 AM

Quilpie Shire Council Boardroom
50 Brolga Street, Quilpie

Special Meeting of Council

3 November 2023

The Mayor and Council Members
Quilpie Shire Council
QUILPIE QLD 4480

Dear Members

Notice is hereby given that a Pre Meeting Briefing will be held in the Council Boardroom, on **Friday 10 November 2023**, commencing at **8.30 am**.

Notice is also hereby given that the Special Meeting of the Quilpie Shire Council will be held at the Council Chambers, on **Friday 10 November 2023**, commencing at **11:00 AM**.

The agenda for the special meeting is attached for your information

Yours faithfully

Justin Hancock
Chief Executive Officer





SPECIAL MEETING OF COUNCIL AGENDA

Friday 10 November 2023
Quilpie Shire Council Boardroom
50 Brolga Street, Quilpie

ORDER OF PROCEEDINGS

1	OPENING OF MEETING.....	1
2	ATTENDANCE.....	1
3	APOLOGIES.....	1
4	DECLARATIONS OF INTEREST	1
5	ENGINEERING SERVICES	2
	5.1 COUNCIL SUPPORT FOR QRA FLOODWAY BETTERMENT PROGRAM	2
6	CORPORATE AND COMMUNITY SERVICES.....	17
	6.1 TEBIN - REQUEST TO ERECT FENCE ON SECTION OF Paddock ON QUILPIE - THARGOMINDAH ROAD ENCROACHING ON STOCK ROUTE	17
7	GOVERNANCE.....	21
	7.1 PROPOSED ORDINARY COUNCIL MEETING DATES 2024.....	21
8	CONFIDENTIAL ITEMS.....	24
	8.1 ACQUISITION OF LAND	24
9	LATE ITEMS.....	25

- 1 OPENING OF MEETING**
- 2 ATTENDANCE**
- 3 APOLOGIES**
- 4 DECLARATIONS OF INTEREST**

5 ENGINEERING SERVICES**5.1 COUNCIL SUPPORT FOR QRA FLOODWAY BETTERMENT PROGRAM****IX:** 242392**Author:** Brian Weeks, Works Coordinator**Attachments:** 1. Floodways identified for priority list [↓](#)**KEY OUTCOME****Key Outcome:** 4. Strong Governance**Key Initiative:** 4.5 Optimal asset management practices**EXECUTIVE SUMMARY**

Many existing concrete floodways in the Quilpie Shire Council area have reached their life expectancy and are in the disintegration stage. This report will nominate the most important floodways that require urgent attention

RECOMMENDATION

1. That council accept this list of existing concrete floodways as the most important for replacement should funding become available.

BACKGROUND

There are many existing concrete floodways in the Quilpie Shire area, these have been constructed over the past 30-40 years. The average design life span would be 20 years. However, during that period, the vehicles have become heavier, more frequent and with the increase in traffic the concrete floodways have borne the brunt of the loads without maintenance.

Council Officers and Proterra Staff have identified eleven (11) Concrete Floodways that have exceeded the design lifespan and now require programming for reconstruction before complete structural failure results in long term road closures or detours.

OPTIONS

Option 1:

To program works to reconstruct these floodways on a priority basis, as funds become available.

Option 2:

Reconstruct floodways as they fail, possible property damage to vehicles.

CONSULTATION (Internal/External)

Consultation between QSC road maintenance staff and external road users - Proterra Group - have culminated in the production of this list of eleven (11) floodways.

LEGAL IMPLICATIONS

Nil

POLICY AND LEGISLATION

Local Government Act 2009

Local Government Regulations 2012

Quilpie Shire Council Procurement Policy

FINANCIAL AND RESOURCE IMPLICATIONS

Once this list has been approved, these floodways will be placed on the capital funding list, additionally other financing will be sourced.

RISK MANAGEMENT IMPLICATIONS

High Risk. Complete failure of the floodways may cause property damage and have impact to road users.



FLOODWAYS NEEDING URGENT ATTENTION

Floodways for Betterment Funding

Rev 01-JULY 24-2023

Proterra Group
Authored by: Cameron Mocke

Cost breakdown of 11 floodways**Beltram Park Road**

1-off=\$94,000-00

Adavale Black Road

1-off \$70k=\$70,000

Ray Road

2-off =\$140,000

Tobermory Road

7-off =\$420,000

Total=\$724,000.00 ex GST

Beltram Park Road-1off Photos on Asset images

Ch 30.394 – Ch 30.407

50m long floodway c/w cut off walls. \$94,000



Though there is currently no protection in place, this same area gets damaged many times a year and the damage are severe enough after minimal rainfall that it leads to damage to vehicles.

The recommendation is to construct a low-level concrete floodway without under road drainage.
Overall length 50m, 6m wide

Adavale Black Road

Ch 18.895 – Ch 18 .935



Existing cut off wall. _____

Area was previously stabilized, however that treatment has failed in the meantime due to constant moisture emanating from permanent water hole next to the road. Recommend 40m long by 6m wide low level concrete floodway, no under road drainage required.

Ray Road 1 off Photos on Asset images

Ch 8.013 – Ch 8.049

February 28, 2023 7:14 am

-26.343044, 143.787229

100000250 | Ray Road - 30-5A-Quilpie - Combined |
8020.0



This area has previously been stabilized, however due to the nature of the overland flow in this area, this site gets repeatedly damaged. Recommendation is to construct concrete floodway between upper and lower concrete margins. There is currently under road drainage in place, however due to low lying nature of area this pipe is full of sediment and is expected to remain the same way.

Recommend 36m long by 6m wide low level concrete floodway.

Ray Road 1 off Photos on Asset images

Ch 41.924 – Ch 41.974



This area has previously been stabilized, however due to the nature of the overland flow this area gets repeatedly damaged. Recommendation is to construct concrete floodway between existing upper and lower concrete margins. There is currently no under road drainage in place, and none are planned. Overall length 50m by 6m wide

Tobermory Road.

7-off

These 7 floodways are periodically damaged during minor storms in the area, and due to the distance from Quilpie, costs are prohibitive to send a Grader crew out to these sites to repair. Therefore, the recommendation is to reconstruct those existing concrete floodways that have reached the end of lifespan and construct new concrete floodways at others as specified.

These areas are regularly damaged and have been claimed repetitively for the past 4 years under REPA, plus have required maintenance funded repairs as well after localized minor storms.

1 of 7

Ch 930



This section was previously protected by a concrete floodway. However, this concrete has reached its end-of-life span and has disintegrated, and due to this is now becoming a hazard to light vehicles. There is no under road drainage. Recommendation is to reconstruct concrete floodway between new upper and lower concrete margins.

30m long by 6m wide

Tobermory Road.

2 of 7

Ch 6.079



Though there is currently no protection in place, this same area gets damaged many times a year and the damage is severe enough after minimal rainfall that it leads to damage to vehicles.

The recommendation is to construct a low-level concrete floodway without under road drainage.

Overall length 40m by 6m wide

Tobermory Road.

3 of 7

Ch 11.410



Though there is currently no protection in place, this same area gets damaged many times a year and the damage are severe enough after minimal rainfall that it leads to damage to vehicles, also requiring urgent attention from maintenance crews.

The recommendation is to construct a low-level concrete floodway without under road drainage.

Overall length 30m by 6m wide

Tobermory Road.

4 of 7

Ch 11.710



Though there is currently no protection in place, this same area gets damaged many times a year and the damage are severe enough after minimal rainfall that it leads to damage to vehicles.

The recommendation is to construct a low-level concrete floodway without under road drainage.

Overall length 30m by 6m wide

Tobermory Road.

5 of 7

Ch 15.320 – Ch 15 360



Though there is currently no protection in place, this same area gets damaged many times a year and the damage are severe enough after minimal rainfall that it leads to damage to vehicles.

The recommendation is to construct a low-level concrete floodway without under road drainage.

Overall length 40m by 6m wide

Tobermory Road.

6 of 7

Ch 25.653 – Ch 25.693



This section was previously protected by a concrete floodway. However, this concrete has reached its end-of-life span and has disintegrated, and due to this is now becoming a hazard to light vehicles. There is no under road drainage. Recommendation is to reconstruct concrete floodway between new upper and lower concrete margins.

40m long by 6m wide

Tobermory Road.

7 of 7

Ch 54.435 – Ch 54 447



The above floodway was constructed too short and the section that is not concrete gets damaged regularly, being very close to the homestead this damage triggers complaints often. The recommendation is to extend the existing floodway a further 20m between the two concrete margins.

20m long by 6m wide

6 CORPORATE AND COMMUNITY SERVICES

6.1 TEBIN - REQUEST TO ERECT FENCE ON SECTION OF PADDOCK ON QUILPIE - THARGOMINDAH ROAD ENCROACHING ON STOCK ROUTE

IX: 243635

Author: Lisa Hamlyn, Director Corporate and Community Services

Attachments: Nil

KEY OUTCOME

Key Outcome: 2. Flourishing Economy

Key Initiative: 2.4 Enhance and support our agricultural industry, resource sector and all businesses

EXECUTIVE SUMMARY

Correspondence has been received from Tebin Station requesting Council's permission to fence a section of paddock on Quilpie – Thargomindah Road that encroaches on a Stock Route (SR:512QUIL) to prevent their own cattle and any cattle utilising the Stock Route from wandering onto the road and being injured or causing an accident.

RECOMMENDATION

1. That Council grants permission to Jane and Tyrone Mulligan to fence the roadside of a section on the southern end of a paddock known as L34 SP242435 on Quilpie – Thargomindah Road where the paddock encroaches on a Stock Route (SR:512QUIL) subject to:
 - i. Permission also being granted by Department of Transport and Main Roads; and
 - ii. All legislative requirements are met by the applicant.

BACKGROUND

Correspondence has been received from Tebin Station requesting Council's permission to fence a section of a paddock on Quilpie – Thargomindah Road that encroaches on a Stock Route (SR:512QUIL). The owners of Tebin Station, Jane and Tyrone Mulligan, also thanked Council in their correspondence for coordinating meetings between the Department of Transport and Main Roads and property owners in regard to grids and road frontages.

Department of Transport and Main Roads have indicated to the owners of Tebin Station that they are willing to financially assist with fencing the main road that runs parallel to the Bulloo River through the front paddocks of Tebin Station.

At the southern end of this paddock, the road cuts through the Stock Route (SR:512QUIL) and Jane and Tyrone Mulligan are requesting Council's permission to fence this section of the road to prevent cattle from wandering and prevent potential accidents with traffic using the road.

After contacting a Senior Land Officer at Department of Resources - State Land and Stock Route Management and obtaining further information from Tebin Station, advice was received that in accordance with legislative provisions, Council, as Manager of the Stock Route Network for the area,

can approve the construction of fencing on the Stock Route Network in accordance with the following guidelines:

“2. The *Local Government Act 2009* (Local Government Act²) for local roads, and the *Transport Infrastructure Act 1994* (Transport Infrastructure Act³) for state-controlled roads, give powers to local government and the Department of Transport and Main Roads (TMR) to manage their respective roads. These Acts require that a person must not, without lawful excuse, or the written approval of the relevant government:

- a) carry out works on the road; or
- b) interfere with a road or its operation.

For road safety purposes, the road manager (i.e. local government for local roads or TMR for state controlled roads) may also have construction standards that must be met for fences being installed along a road or stock route.

Consequently, any intention to erect or upgrade a fence on a road along the stock route network will be influenced by the requirements of the Stock Route Act, Local Government Act, Land Act and Transport Infrastructure Act (where relevant).

Application of legislation

Overarching consideration:

The existence of fences on stock routes is unlawful unless specific authorisation has been granted under the Land Act, Local Government Act or Transport Infrastructure Act.

If authorisation is granted under authority provided under the Local Government Act or the Transport Infrastructure Act, the main requirement is to not obstruct the movement of travelling stock or the travelling public, as per the Stock Route Act. More details on this are provided below.

Persons constructing unauthorised fences on stock routes may be prosecuted and penalties apply relevant to the applicable legislation described above.

Local governments are obliged to manage the part of the stock route network in their local government area in accordance with the Stock Route Act and the principals of stock route network management as described in the Act.

Specific authorisation processes

For relevant land including roads declared as stock routes and other roads and reserves used for travelling stock, any authorisation to build a fence would normally be provided through any one or more of the following:

- 1) A local government may make a local law to regulate, for example:
 - a) use of local roads, including associated fencing obligations, and/or
 - b) construction and maintenance of ancillary works and encroachments, such as fences, associated with local roads.
- 2) The Chief Executive of TMR may make decisions about the construction, maintenance and operation of ancillary works (such as fences) on state-controlled roads. Non-compliance with these decisions may be an offence.
- 3) Dealings under the Land Act may result in, for example:
 - a) the issue of a permit or authority with associated conditions about fencing, or
 - b) for a reserve, a trustee issuing a trustee lease with associated conditions about fencing. The trustee lease should not permit any further fencing than that permitted under the lease. (No structural improvements are permitted under a trustee permit).

Any existing fencing on a road must still be authorised under the relevant Act and meet the requirements of the Stock Route Act to not obstruct the movement of travelling stock.

Consultation with road manager

To authorise any proposed fence within a road, the road manager (i.e. local government for local roads or TMR for state controlled roads) should be consulted and agree to the location of any fences and the location and widths of associated gates, prior to construction. The road manager should take into consideration the requirements of relevant legislation, including the Stock Route Act, Vegetation Management Act 1999 and the stock route assessment criteria.

Where a fence is authorised, the road manager should provide a written authority agreeing to the fence and gate construction design and referencing an attached map of the agreed location of the fence and required gates. Where TMR provides an authority for construction of a fence on a state-controlled road, an additional authority is also required from the relevant local government as the stock route network manager within its area."

OPTIONSOption 1 - Recommended

1. That Council grants permission to Jane and Tyrone Mulligan to fence the roadside of a section on the southern end of a paddock known as L34 SP242435 on Quilpie – Thargomindah Road where the paddock encroaches on a Stock Route (SR:512QUIL) subject to:
 - i. Permission also being granted by Department of Transport and Main Roads; and
 - ii. All legislative requirements are met by the applicant.

Option 2

1. Council defers a decision in relation to the request to fence the roadside of a section on the southern end of a paddock known as L34 SP242435 on Quilpie – Thargomindah Road where the paddock encroaches on a Stock Route (SR:512QUIL) and seeks legal advice.

Option 3

1. That Council does not grant permission for Jane and Tyrone Mulligan to fence the roadside of a section on the southern end of a paddock known as L34 SP242435 on Quilpie – Thargomindah Road where the paddock encroaches on a Stock Route (SR:512QUIL)

CONSULTATION (Internal/External)

Tebin Station – Jane Mulligan

Pest and Livestock Management Coordinator

Director of Engineering

Department of Resources - State Land and Stock Route Management

LEGAL IMPLICATIONS

Persons constructing unauthorised fences on stock routes may be prosecuted and penalties apply relevant to the applicable legislation.

POLICY AND LEGISLATION

Quilpie Shire Council Local Law No.4 (local Government Controlled Areas, Facilities and Roads)

Land Act 1994 (Land Act)

Local Government Act 2009 (Local Government Act)

Stock Route Management Act (Stock Route Act)

Transport Infrastructure Act 1994 (Transport Infrastructure Act)

FINANCIAL AND RESOURCE IMPLICATIONS

NA

RISK MANAGEMENT IMPLICATIONS

In accordance with Quilpie Shire Council Enterprise Risk Management Policy

7 GOVERNANCE**7.1 PROPOSED ORDINARY COUNCIL MEETING DATES 2024****IX:** 243678**Author:** Wanda Loveday, Executive Assistant**Attachments:** Nil**KEY OUTCOME**

Key Outcome: 4. Strong Governance

Key Initiative: 4.3 Maintain good corporate governance

EXECUTIVE SUMMARY

Section 254B of the Local Government Regulation 2012 (the Regulation) stipulates how and when Councils must publish a notice of the days and times of Ordinary meetings.

RECOMMENDATION

That Council confirm the date and times of Ordinary Meetings of Council for January to December 2024 and advertises accordingly.

Month	Day	Date	Time
January	Monday	15	9.30am
February	Tuesday	20	9.30am
March	Tuesday	12	9.30am
April	Tuesday	16	9.30am
May	Tuesday	21	9.30am
June	Tuesday	18	9.30am
July	Tuesday	16	9.30am
August	Tuesday	20	9.30am
September	Tuesday	17	9.30am
October	Tuesday	22	9.30am
November	Tuesday	19	9.30am
December	Tuesday	17	9.30am

BACKGROUND

Section 254B of the Regulation states that Council must, at least once in each year, publish a notice of the days and times when:

- a) Its ordinary meetings will be held; and (if applicable)
- b) The ordinary meetings of its standing committees will be held.

The notice must be published on the local government's website, and in other ways the local government considers appropriate.

Council meetings are typically scheduled for the third Tuesday of each month for the following reasons:

- This allows for deputations attending the meeting to align with flights returning to Charleville, Toowoomba and/or Brisbane.
- This avoids other regionally significant meeting dates (e.g. SWQROC typically meet in the second week of a month).
- Allows sufficient time for statutory reporting e.g. finalisation of bank statements to provide accurate Financial Statements.

The following months have been realigned due to the following conflicts:

- 15 January – Moved to align with availability of Councillors.
- 12 March – Moved to second Tuesday due to local government elections being held on 16 March.
- 22 October – Moved to fourth Tuesday as LGAQ Annual conference has historically taken place during the third week of October.

OPTIONS

Option 1 – Recommended:

That Council confirm the date and times of Ordinary Meetings of Council for January to December 2024 and advertises accordingly.

Month	Day	Date	Time
January	Monday	15	9.30am
February	Tuesday	20	9.30am
March	Tuesday	12	9.30am
April	Tuesday	16	9.30am
May	Tuesday	21	9.30am
June	Tuesday	18	9.30am
July	Tuesday	16	9.30am
August	Tuesday	20	9.30am
September	Tuesday	17	9.30am
October	Tuesday	22	9.30am
November	Tuesday	19	9.30am
December	Tuesday	17	9.30am

Option 2

That Council confirm the date and times of Ordinary Meetings of Council for January to December 2024 and advertises accordingly.

Month	Day	Date	Time
January			9.30am
February			9.30am
March			9.30am
April			9.30am
May			9.30am
June			9.30am
July			9.30am
August			9.30am
September			9.30am
October			9.30am
November			9.30am
December			9.30am

CONSULTATION (Internal/External)

Councillors

Chief Executive Officer

LEGAL IMPLICATIONS

Section 254B of the Local Government Regulation 2012

POLICY AND LEGISLATION

Section 254B of the Local Government Regulation 2012

254B Public notice of meetings

(1) A local government must, at least once in each year, publish a notice of the days and times when—

(a) its ordinary meetings will be held; and

(b) the ordinary meetings of its standing committees will be held.

(2) The notice mentioned in subsection (1) must be published on the local government's website, and in other ways the local government considers appropriate.

(3) A local government must display in a conspicuous place in its public office a notice of the days and times when—

(a) its meetings will be held; and

(b) meetings of its committees will be held.

(4) A local government must, as soon as practicable, notify any change to the days and times mentioned in subsection (1) or (3) in the same way as the days and times were previously notified

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil as per Council's Risk Management Policy

8 CONFIDENTIAL ITEMS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

8.1 Acquisition of Land

This matter is considered to be confidential under Section 254J(3) - g of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

9 LATE ITEMS