



# MCKINLAY SHIRE COUNCIL

## ***CONFIRMED MINUTES***

OF THE

***ORDINARY MEETING OF COUNCIL***

HELD AT THE

**BOARD ROOM, CIVIC CENTRE  
JULIA CREEK**

**22<sup>nd</sup> May 2013**

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## 1 OPENING BUSINESS

All Councillors having signed the Attendance Book, the Mayor declared the meeting open at 9:05am

## 2 ATTENDANCE

### Councillors

Cr B. Murphy (*Mayor*)  
Cr A. Batt (*Deputy Mayor*)  
Cr E. Hick  
Cr N. Walker

### Staff in attendance

Mr. Mark Kelleher (*Chief Executive Officer*)  
Mrs. Linda McNab (*Executive Assistant*)  
Mr. Matt Fanning (*Director Engineering Services*)  
Mrs. Tenneil Cody (*Director Corporate & Community Services*) 12:20pm  
Mr. Geoff Rintoul (*Director Environment & Regulatory Services*) 9:43am

### Other persons attending to Council

## 3 LEAVE OF ABSENCE

Councillor Philip Curr

## 4 CONFIRMATION OF PREVIOUS MINUTES

### MOTION

206/1213

*That the Minutes of the Ordinary Meeting on 16<sup>th</sup> April, 2013 be confirmed.*

**MOVED: Cr. Hick**

**SECONDED: Cr. Batt**

**CARRIED**

## 5. BUSINESS ARISING FROM PREVIOUS MINUTES

Director of Engineering Matt Fanning reported on Betterment Program to Councillors.

## 6. ENGINEERING SERVICES REPORT

Director of Engineering Mr. Matt Fanning presented the report.

### 6.2

### [Engineering Revenue & Expenditure Report](#)

### MOTION

207/1213

*That Council receive the Engineering Services Report*

**MOVED: Cr. Walker**

**SECONDED: Cr. Hick**

**CARRIED**

Cr. Belinda Murphy declared a perceived conflict of interest could exist ( as per section 173 of the Local Government Act 2009), in relation to 6.3 *Period Plant Hire Tenders 2013 Construction Season*

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and had considered her position and made the decision to leave the meeting. Councillor Murphy did not participate in the discussion.

- Attendance - Councillor Belinda Murphy left the meeting at 9:37am
- Attendance – Director of Environment and Regulatory Services Geoff Rintoul entered the meeting at 9:43am.

**6.3**                      **Period Hire Plant Tenders 2013 Construction Season**  
**Author: Director of Engineering**

The Period Hire Plant Tender documents for the 2013 construction season Contract No. T1213007 have been prepared and will be advertised once endorsed by the Council. The tender documents have been significantly modified in an attempt to simplify the tender process and further protect Council's interests and value for money.

**MOTION**  
**208/1213**

*That Council*

- Endorse the calling of period plant hire tenders for the 2013 construction season*
- Delegate to the Chief Executive Officer the finalisation of the preferred and non-preferred pools.*

**MOVED: Cr. Walker**

**SECONDED: Cr. Hick**

**CARRIED**

- Attendance - Cr. Murphy re-entered the meeting at 10:10am
- Attendance – Director of Engineering Matt Fanning left the meeting at 10:15am
- Mayor adjourned the meeting for morning tea at 10:30am
- Mayor re-opened the meeting at 11:15am

**7. ENVIRONMENTAL HEALTH AND COMMUNITY LAW REPORT**

Director of Environment and Regulatory Services, Mr. Geoff Rintoul presented the Report.

**7.1**                      **Environmental Revenue & Expenditure Report**

**MOTION**  
**209/1213**

*That Council receive the Environment and Regulatory Services Report*

**MOVED: Cr. Hick**

**SECONDED: Cr. Walker**

**CARRIED**

**7.2**                      **Health and Safety Consultation, Cooperation and Coordination Policy**  
**Author: Director of Environment and Regulatory Services**

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The purpose of this policy is to outline when and how McKinlay Shire Council will consult with workers in regards to Workplace Health and Safety matters. It also provides guidance to duty holders, who share responsibility for the same work, on how to consult, co-operate and co-ordinate activities with each other. This is a new policy derived in order to develop an overarching framework to manage safety and coordinate its delivery across Council, its workforce and contractors. The Council work place health and safety committee has reviewed the policy in conjunction with Councils Safety Consultant and recommend its endorsement.

MOTION

210/1213

*That Council adopt the new Health and Safety Consultation, Cooperation and Coordination Policy - Version 1 with the next review date being scheduled for May 2014.*

**MOVED: Cr. Walker**

**SECONDED: Cr. Batt**

**CARRIED**

7.3

**Drug and Alcohol Policy**

**Author: Director of Environment and Regulatory Services**

Council has adopted a drug and alcohol policy in order to ensure it discharges its obligations under the Workplace Health and Safety Act and importantly ensure a safe place for its staff and contractors.

This policy is reviewed annually to ensure relevance in the respective goals and objectives. This policy is currently due for its annual review.

The Council work place health and safety Committee has reviewed the policy in conjunction with Councils Safety Consultant and recommend its endorsement.

- It was decided this motion would lie on the table for a decision in June.

7.4

**Proposed Aged Care Accommodation – MCK2-2013**

**Author: Director of Environment and Regulatory Services**

Councils is developing an eight ( 8) unit Seniors Living Accommodation and Community Centre Complex on the site known as Lot 20 ON SP236390. This site is bounded by Hospital Lane, Coyne Street and Church Lane at Julia Creek.

As part of the development a Material Change of Use Impact Assessment was required in order to comply with Councils Planning Scheme and also provide the relevant conditions to allow an orderly and appropriate development for the site and surrounds.

Council planning consultant has provided a report that will allow the development to progress with appropriate conditions applicable to the type and style of development. This will be generally in accordance with development conditions, plans and funding agreements.

MOTION

212/1213

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*That Council in accordance with the Sustainable Planning Act 2009 as amended notify the applicant that the application for a Development Permit for a Material Change of Use for Aged Care Accommodation located at **Coyne Street Julia Creek, being Lot 20 on SP236390**, is approved subject to the conditions detailed below:*

**A. ASSESSEMENT MANAGERS CONDITIONS (Council)**

**General**

- 1 *Development is to be undertaken generally in accordance with the approved plans, except where conditions of approval dictate otherwise.*
- 2 *The proposed development is to comply with all conditions of approval prior to commencement of use.*
- 3 *The developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval with all works being undertaken to Council standard. These works includes:*
  - *The installation of a new 100 mm water main in Hospital Lane and Coyne Street connecting to the existing water mains, including the installation of valves and fire hydrants;*
  - *Relocation of the existing 150 mm sewerage main located clear of the proposed community centre building; and*
  - *relocate the existing house drain from the church located at lot 1 on RP 893520 and reconnect to the sewer in the proposed development*

**Landscaping**

- 4 *Prior to the issuing of a certificate of classification for new building work, the applicant is required to installing the following landscaping items as a minimum:*
  - *A 2m wide landscaping strip is to be installed consisting of Trees selected from Schedule 4 of the planning scheme and spaced at 750mm intervals for the full length of the property boundaries nominated in the attached Marked-up Site Plan.*
  - *Landscaping in the form of Trees, Shrubs and Palms is to be provided in the areas nominated on the approved Site Plan. All species used are to be species identified in Schedule 4 of the planning scheme;*
- 5 *Where the surface of the ground is disturbed by construction activities and is not subsequently covered by a building, paving or other landscaping, the surface is to be restored to its original condition by:*
  - *stockpiling and respreading the original topsoil;*
  - *planting the affected area with species to match the original plant cover;*
  - *maintaining the plants until they are established;*
  - *if the original vegetation required maintenance, on-going maintenance to the new plants to promote healthy and vigorous growth.*

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***Amenity***

- 6 *All new air conditioning units, mechanical ventilation units, service equipment and refrigeration units are to be screened from view from the street.*
- 7 *All new lighting is to be installed in accordance with Australian Standard AS1158: Public Lighting Code.*
- 8 *All new outdoor lighting is to be provided in accordance with Australian Standard AS4282-1987 Control of the obtrusive effects of outdoor lighting.*
- 9 *The developer is to ensure all refuse storage areas are surfaced with an impervious material and are to be accessible by a hose-cock for washing down.*
- 10 *Effective property numbering is to be installed along the road frontage for each dwelling unit and the community centre prior to the issuing of a certificate of classification for new building work.*
- 11 *The development is to ensure noise levels do not exceed 5dB(A) more than the ambient noise level of a residential area when measured from an internal space within any of the dwelling units.*
- 12 *The developer is to provide a 1.8m high screen fence along all internal boundaries i.e. non-road frontage boundaries. The developer is to provide a 1.2m high screen fence along all road frontage boundaries.*

*The fencing is to be erected prior to the issuing of a certificate of classification for building work and is to be maintained for the duration of the use.*

***Civil Works***

- 13 *The developer is required to undertake road works to gravel pave and bitumen seal the Church Lane, Hospital Lane and Coyne Street road reserve. The design is to include on-street car parks designed and constructed in accordance with AS2890.5 with a minimum of one (1) car park designed and designated for people with a disability. This car parking requirement will be in-lieu of required "On Site" car parking. The disabled person's park is to be directly adjacent to the entry footpath connecting the community centre and Church Lane.*
- 14 *Prior to issuing a certificate of classification for new building work, each new building is to be provided with a connection to Councils reticulated sewer and water network in accordance with Schedule 2 of the planning scheme. All costs associated with these connections are at the developers' expense.*

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- 15 *Prior to the issuing of a certificate of classification for building work, each new building is to be provided with a reticulated electricity and telecommunications supply. All costs associated with these connections are at the developers' expense.*
- 16 *The developer is to ensure all driveway and parking areas are constructed of a durable, dust-free surface.*
- 17 *All driveway and parking areas are to be designed and constructed in accordance with Australian Standard AS2890.1-2004 Parking Facilities – Off-street car parking, with the exception of car park widths which are to be a minimum of 2.7m wide.*
- 18 *All parking areas are to be designed in accordance with AS1428 – Design for Access and Mobility.*
- 19 *The developer is to ensure all parking spaces are clearly delineated by line marking, including the labelling of disabled parking spaces and pedestrian crossing areas.*
- 20 *The developer is to construct the six (6) new invert and crossovers associated with the development in accordance with the Institute of Public Works Engineers of Australia (IPWEA) Standard Drawings. Any variations to these standards are to be approved by council prior to construction. These works are to be undertaken and accepted by Council as complete prior to the issuing of a certificate of classification for building work.*
- 21 *The developer must ensure that no ponding of stormwater occurs on adjacent allotments as a result of works associated with the proposal and that no stormwater formerly flowing onto the premises is diverted onto other neighbouring allotments.*
- 22 *During the construction phase, the developer is required to implement a Dust, Soil Erosion and Sediment Control regime so as not to cause nuisance to neighbouring properties and to manage the containment of material on site.*
- 23 *During the construction phase any damages to the road reserve must be replaced by the developer in accordance with Council standards at the full cost to the developer.*

**B. ADVICE**

*The development is likely to trigger the need for an Operational Works approval to facilitate the required civil works. This must be lodged and approved prior to the commencement of the associated works.*

**C. Rights of Appeal**



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*Sections 461, 464, 481, 482, 485, 488, 490 of the Sustainable Planning Act 2009 outline the Rights of Appeal for this development permit which are attached for your information.*

**MOVED: Cr Batt**

**SECONDED: Cr. Walker**

**CARRIED**

**7.5**

**Heat Policy**

**Author: Director of Environment and Regulatory Services**

McKinlay Shire Council is committed to ensuring its workforce is able to work safely during times of extreme heat. McKinlay Shire Council recognises the potential hazards associated with working in excessive heat.

This policy is reviewed from time to time and no more than annually to ensure relevance in the respective goals and objectives. This policy is currently due for its annual review. The Council work place health and safety committee reviewed the policy in conjunction with Councils Safety Consultant and recommend its endorsement.

**MOTION**

213/1213

*That Council adopts the updated the Heat Policy (version 3) with the next review date being scheduled for May2014.*

**MOVED: Cr. Hick**

**SECONDED: Cr. Walker**

**CARRIED**

**7.6**

**Proposed Road Closure, Church Lane between Goldring and Burke Street Julia Creek.**

**Author: Director of Environment and Regulatory Services**

Council has received a request from the Department of Natural Resources and Mines (DNRM) to provide comment or requirements on a proposed permanent road closure in Julia Creek. The specific site is Church Lane between Goldring and Burke Street Julia Creek. The road closure is in favour of the owners of the property to the east of the road closure currently occupied by Julia Creek Villas.

Following a review of the proposal a number of recommendations have been prepared for Council to consider as an appropriate requirement for the proposed road closure in order to ensure orderly development of the site and to rectify a number of pre-existing matters.

**MOTION**

214/1213

*That Council delegates the Chief Executive Officer to respond on Councils behalf with the following requirements for the proposed road closure:*

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1. The western boundary of Church Lane is relocated east to provide the necessary and mandatory setback distances for buildings adjacent to the property boundary.
2. In regards to 1 above, this re-alignment is uniform along the entire length of the alignment between Burke and Goldring Street - i.e.: The boundary is not offset along its length
3. The part road reserve adjacent to the existing state government land and noted in 1 and 2 above is amalgamated into Lot 5 on Plan EN28; and
4. The balance of the road reserve is amalgamated into Lot 1 on Plan JC55712

**MOVED: Cr. Batt**

**SECONDED: Cr. Hick**

**CARRIED**

**7.7**

**Application for Renewal Special Lease Lot 7 on KN 38**  
**Author: Director of Environment and Regulatory Services**

The Department of Natural Resources and Mines has requested Council's views or requirements on an Application for Renewal of Special Lease for grazing purposes over a reserve for Police paddock purposes. The reserve being Lot 7 on Plan KN 38 located at Kynuna.

**MOTION**  
**215/1213**

*That Council does not consider there are any grounds for requesting the Department to take into account any issues which would affect the Renewal of Special Lease for grazing purposes, lot 7 on EN38 Kynuna*

**MOVED: Cr. Walker**

**SECONDED: Cr. Hick**

**CARRIED**

- Attendance – Director of Environment and Regulatory Services Geoff Rintoul left the meeting at 12:10pm

**8. COMMUNITY SERVICES REPORT**

Director of Corporate and Community Services Mrs Tenneil Cody presented the report.

**8.1** **Community Services Revenue & Expenditure Report**

**MOTION**  
**216/1213**

*That Council receive the Community Services Report*

**MOVED: Cr. Walker**

**SECONDED: Cr. Hick**

**CARRIED**

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**8.2**

**Community Small Grants**

**Author: Community Services Team Leader**

Round 2 of Council's Community Small Grants Program closed on the 26th April 2013. An application summary is presented to Council for approval.

**MOTION**

217/1213

*That Council approve to the following Community Small Grant Application and further investigate the request from Julia Creek Turf Club.:*

- Julia Creek Pony Club Infrastructure - Erection of cover for storage of equipment \$1839.20
- Nelia QCWA Infrastructure-Replacement of steps into the Nelia CWA building \$1094.10
- Nelia QCWA Equipment-BBQ and gas cylinder \$128

**MOVED: Cr. Walker**

**SECONDED: Cr. Batt**

**CARRIED**

**8.3**

**Regional Arts Development Fund Round 3 Approvals**

**Author: Community Service Team Leader**

The purpose of this report is to seek Council's ratification of the recommendations from the McKinlay Shire Regional Arts Development Fund (RADF) Committee, following assessment of the round 3 applications on Friday 10 May 2013.

**MOTION**

218/1213

*That Council ratify the recommendations made by the Regional Arts Development Fund Committee:*

- Western Riding Club: 10 week block of guitar lessons for children and adults delivered via skype and teleconference \$4740.00
- Julia Creek Photography Group: photography workshop conducted by Rohan Bestmann \$3780

**MOVED: Cr. Hick**

**SECONDED: Cr. Walker**

**CARRIED**

**8.4**

**Sponsorship Request – McKinlay Race Club**

**Author: Community Services Team Leader**

Council is presented with a sponsorship request from the McKinlay Race Club for consideration.

**MOTION**

219/1213

*That Council sponsor McKinlay Race Club \$550 for the 100m Foot Race, \$550 for the Governess kids activities, \$550 for Fashion of the Field and up to a maximum of \$3350 for Ambulance Services to be paid on receipt of invoice.*

**MOVED: Cr. Batt**

**SECONDED: Cr. Walker**

**CARRIED**

- Mayor adjourned the meeting for lunch at 1:15pm
- Mayor re-opened the meeting at 1:45pm

**8.5**

**Community Grants Policy**

**Author: Director Corporate and Community Services**

Council is required by the provisions in the *Local Government Regulation 2012* to adopt a policy about local government grants to community organisations. Council is presented with a draft Community Grants policy for consideration.

**MOTION**  
220/1213

*That Council adopt the Community Grants Policy version 2.0 as presented with changes as discussed.*

**MOVED: Cr. Hick**

**SECONDED: Cr. Walker**

**CARRIED**

**9. CORPORATE SERVICES REPORT**

Director of Corporate and Community Services Tenneil Cody presented the report

**9.1**

**Corporate Revenue and Expenditure Report**

**MOTION**  
221/1213

*That Council receive the Corporate Services Report*

**MOVED: Cr. Batt**

**SECONDED: Cr. Walker**

**CARRIED**

**9.2**

**Third Quarter Budget Review 2012/13**

**Author: Senior Finance Officer**

In accordance with *Section 174 (3) of the Local Government Regulation 2012*, the Chief Executive Officer must present a written assessment of Council's progress towards implementing the annual operational plan at meetings of the Council held at regular intervals of not more than 3 months.

Council is presented with the following reports:

- Statement of Comprehensive Income as at 31.03.13
- The 2012/2013 Operational Plan Version 3
- The 2012/2013 Capital Works Program Version 3

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MOTION

222/1213

*That Council receives the Third Quarter Budget Review for the 2012/13 financial year and the review be further discussed at the next briefing session in June.*

**MOVED: Cr. Walker**

**SECONDED: Cr. Batt**

**CARRIED**

9.3

**McKinlay Shire Chamber of Commerce**

**Author: Director Corporate and Community Services**

The Council has received correspondence from the McKinlay Shire Chamber of Commerce requesting Council to consider entering into a Memorandum of Understanding with the organisation to formalise support and commitment from Council.

MOTION

223/1213

*That Council agrees to in principle enter into a Memorandum of Understanding with the McKinlay Shire Chamber of Commerce, and authorize the Chief Executive Officer and Director of Corporate and Community Services to negotiate the terms of the agreement. A draft agreement will then be presented to Council for further consideration and endorsement.*

**MOVED: Cr. Hick**

**SECONDED: Cr. Batt**

**CARRIED**

9.4

**Corporate Plan**

**Author: Director Corporate and Community Services**

The current Corporate Plan is for the period 2009 – 2013. In order for Council to prepare for the 2013/14 annual budget and meet its obligations under the *Local Government Act 2009* and *Local Government Regulation 2012* Council must have a Corporate Plan for the 2013/14 period.

MOTION

224/1213

*That Council resolves to extend the current Corporate Plan by one year for the purposes of adopting the 2013/14 annual budget, with the intention of adopting a new Corporate Plan which is currently under development.*

**MOVED: Cr. Walker**

**SECONDED: Cr. Batt**

**CARRIED**

9.5

**Seniors Living and Community Centre Contract – Carmichael Builders**

**Author: Director Corporate and Community Services**

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The contract for the design and construction of the Julia Creek Seniors Living and Community Centre project was awarded to Carmichael Builders Pty Ltd. This report is prepared to seek Councils delegation to the Chief Executive Officer to authorise variations to the contract not exceeding \$100,000.00.

MOTION

225/1213

*That Council delegates the authority to the Chief Executive Officer and Community Services Portfolio Councillor to authorize variations to the Carmichael Builders contract for the Julia Creek Seniors Living and Community Centre project, up to the value of \$100,000 in circumstances where approval for a variation is required before a scheduled Council meeting*

**MOVED: Cr. Batt**

**SECONDED: Cr. Walker**

**CARRIED**

**10. CHIEF EXECUTIVE OFFICER'S REPORT**

Chief Executive Officer Mark Kelleher presented the report.

10.1

**CEO Revenue and Expenditure Report**

MOTION

226/1213

*That Council receive the Chief Executive Officer's Report*

**MOVED: Cr. Walker**

**SECONDED: Cr. Hick**

**CARRIED**

10.2

**Referendum on Constitutional Recognition of Local Government**

**Author: Chief Executive Officer**

The Federal Government has agreed to hold a Referendum on a proposal to recognize Local Government in the Australian Constitution on 14 September, 2013.

The LGAQ has produced significant reference material on the background to the Referendum debate and is encouraging all Councils to raise awareness in their communities to support a 'Yes' vote on 14 September.

One of the direct outcomes of recognizing local government in the Constitution will be to secure the Commonwealth Governments ability to continue providing direct funding for Councils to maintain local roads, infrastructure, services and facilities that local communities need and deserve.

MOTION

227/1213

*That Council actively support the dissemination of information on the reasons why a 'Yes' vote in the Referendum to recognize local government in the Australian Constitution on 14 September, 2013 will be a significant step forward in recognizing Local Government as a legitimate sphere of Government within the Australian*

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*democratic system and to ensure and secure direct funding from the Commonwealth Government for funding programs for infrastructure and services into the future.*

**MOVED: Cr. Batt**

**SECONDED: Cr. Walker**

**CARRIED**

**10.3**

**North Queensland Irrigated Agriculture Strategy**

**Author: Chief Executive Officer**

The Council was represented on the Steering Committee for the North Queensland Irrigated Agriculture Strategy (NQIAS) by the former CEO, Mr Cagney, with approval from the Office of Northern Australia. Given my appointment as CEO, it is a courtesy to advise the Office of Northern Australia of this change and to seek their official endorsement to replacing Mr. Cagney.

**MOTION**

228/1213

*That Council nominates the Chief Executive Officer (CEO), Mr. Mark Kelleher to replace the former CEO on the NQIAS Steering Committee and request the Office of Northern Australia to endorse this change.*

**MOVED: Cr. Hick**

**SECONDED: Cr. Batt**

**CARRIED**

**11 MEMBERS BUSINESS**

**12 CLOSE**

There being no further business the Mayor declared the meeting closed at 2:35pm

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Cr Belinda Murphy  
Mayor