



MCKINLAY SHIRE COUNCIL

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARD ROOM, CIVIC CENTRE
JULIA CREEK

19th April 2016

CONFIRMED MINUTES

ORDER OF BUSINESS

1. Opening	3
2. Attendance	3
3. Confirmation of Minutes	3
4. Business Arising out of minutes of previous Meetings	3
<u>5. ENGINEERING REPORT</u>	4
5.1 Report – Engineering Report	4
5.2 Report –Building our Regions Round 2	4
5.3 CONFIDENTIAL Report - Complaints regarding RFT for Preferred Supplier Arrangements – Supply of Goods and Services (Trades)	5
5.4 CONFIDENTIAL Report - Trades and Purchases - Preferred Suppliers	6
5.5 Report – Flinders Highway Upgrading Base Course Gravel Supply	6
5.6 Report – Julia Creek Sewerage – Treatment Plant	7
<u>6. ENVIRONMENT AND REGULATORY SERVICES REPORT</u>	11
6.1 Report – Environmental and Regulatory Services Report	11
6.2 Report – Optus Proposed Lease Part Lot 57 SP232864	11
6.3 Report - Feasibility Study – Regional Tyre Shredder	12
<u>7. COMMUNITY SERVICES REPORT</u>	7
7.1 Report – Community Services Report	7
7.2 Report – Sponsorship Request – Saxby Round-up	7
7.3 Report – Donation Request – Careflight Rescue	8
7.4 Report – Sponsorship Request – Julia Creek Campdraft	8
7.5 Report - Fee Waiver Request – Julia Creek Western Riding Club	8
7.6 Report - Consultation Document of the Julia Creek Dunnart	9
7.7 Report - Community Benefit Assistance Scheme – extension	9
7.8 Report - Major Community Events Promotion	10
<u>8. CORPORATE SERVICES REPORT</u>	10
8.1 Report – Corporate Services Report	10
8.2 Report - Trusteeship of Reserve Lot 8 on EN125	10
8.3 Report - Mobile Blackspot Funding Programme	10
8.4 Report - 2016/17 Budget Program	11
<u>9. CHIEF EXECUTIVE OFFICER REPORT</u>	13
9.1 Report – Interim Chief Executive Officers Report	13
9.2 Report – Councillor Portfolios	13
9.3 Report - Third Quarter Review of the 2015-2016 Operational Plan	14
9.4 CONFIDENTIAL Report – Recruitment of Chief Executive Officer	15
10. Work Place Health and Safety – February and March Report	15
11. Members Business	15
12. Close	16

CONFIRMED MINUTES

1. OPENING BUSINESS

All Councillors having signed the Attendance Book, the Mayor declared the meeting open at 9:03am

2. ATTENDANCE

Mayor: Cr. B Murphy

Members: Cr. N. Walker, Cr. P. Curr, Cr. J. Fegan, Cr. S. Royes

Staff:

Interim Chief Executive Officer Mr John Kelly
Director of Corporate and Community Services Mrs Tenneil Cody
Director of Engineering Services Mr Brian Wood
Director of Environment and Regulatory Services Mr Geoff Rintoul
Executive Assistant Linda McNab

Apologies:

Other people in attendance:

Liz Thomas

3. CONFIRMATION OF MINUTES

That the Minutes of Ordinary Meeting on 15th March 2016 be confirmed.

Moved Cr. N Walker

Seconded Cr. P. Curr

That the Minutes of Ordinary Meeting on 15th March 2016 be confirmed

CARRIED 5/0

Resolution No.204/1516

That the minutes from the Post Election Meeting held on the 5th April 2016 be confirmed.

Moved Cr. J. Fegan

Seconded Cr. N. Walker

That the minutes from the Post Election Meeting held on the 5th April 2016 be confirmed.

CARRIED 5/0

Resolution No.205/1516

4. BUSINESS ARISING FROM PREVIOUS MINUTES

CONFIRMED MINUTES

5. ENGINEERING SERVICES REPORT

5.1 Engineering Works Report

Moved Cr. P Curr

Seconded Cr. S. Royes

That Council receive the April Engineering Services Works Report

CARRIED 5/0

Resolution No.206/1516

MOTION

Moved Cr. N Walker

Seconded Cr. J Fegan

That Council change the order of the Agenda to accept late agenda item 5.3.

CARRIED 5/0

Resolution No.207/1516

Attendance – Director of Corporate and Community Services Tenneil Cody and Liz Thomas entered the meeting at 10:35am

5.2 Building our Regions Round 2

Applications for Round 2 of Building our Regions Fund are now open and the first stage EOI must be submitted by 29 April 2016. The primary purpose of the Building our Regions program is to provide funding for critical infrastructure in regional areas of the state, while also supporting jobs, fostering economic development and improving the liveability of regional communities.

Recommendation:

That Council agree on a project/s for application for BOR - 2 funding in order that an EOI can be lodged by 29 April 2016

Moved Cr. P Curr

Seconded Cr. N Walker

That Staff prepare an EOI application for Building our Regions Fund round 2 for the supply and installation of new water bore and storage tank in McKinlay and upgrade water mains and install new water storage tank in Kynuna to be lodged by the 29th April 2016.

CARRIED 5/0

Resolution No.208/1516

RECESS: 11:00am -11:17am The Mayor adjourned the meeting for morning tea. Member of the public Liz Thomas did not re-enter meeting after recess.

Cr. Janene Fegan declared a material conflict of interest (as per section 172 of the Local Government Act 2009) in relation to item 5.3 Complaints regarding RFT for Preferred Supplier Arrangements – Supply of Goods and Services (Trades)

Cr. Fegan left the meeting room at 11:18am, taking no part in the debate or decision of the meeting.

Procedural Motion

Moved Cr. N Walker

Seconded Cr.P Curr

That Council close the meeting to the public under the Local Government Regulation 2012, Section 275 (1) (e) and (h)

CONFIRMED MINUTES

Resolution No.209/1314

CARRIED 4/0

- The meeting was closed to the public at 11:19am

Procedural Motion

Moved Cr. N Walker

Seconded Cr. P. Curr

That Council reopen the meeting to the public.

CARRIED 4/0

Resolution No.210/1314

- The meeting was re-opened to the public 12:39pm

5.3 Complaints regarding RFT for Preferred Supplier Arrangements – Supply of Goods and Services (Trades)

On 6 October 2015 Council invited tenders for Preferred Suppliers Arrangement – Supply of Goods and or Services with tenders closing 5.00p.m. 30 October 2015.

After considering the report on the tenders that were received at the Council meeting held on 17 November 2015 Council adopted the following resolution:

“That Council receive the report and do not accept the tenders. Council are to recommence the process of inviting tenders for Provision of Services arrangements with a view to maximising responses of local suppliers.”

The CEO advised the tenderers by letter dated 18 November 2015 of the Council decision and in response two tenderers submitted letters received on 23 November 2015 advising that they are aggrieved by the process. Copies of letters from Daniell Alexander of Fully Wired Pty Ltd and Shayne Gabbert will be presented to Councillors.

Neither Mr Alexander nor Mr Gabbert received any acknowledgement or written response to their letters.

This report addresses their concern.

Moved Cr. P Curr

Seconded Cr. N Walker

That with respect to the letters of complaint from Mr Daniell Alexander of Fully Wired Pty Ltd and Mr Shayne Gabbert received on 23 November 2015, Council:

1. Note that Mr. Alexander and Mr Gabbert met with the previous CEO to discuss Councils resolution on preferred suppliers report at the November 2015 Meeting prior to writing to council.
2. Notes that the Interim CEO met with Mr Alexander on Friday 1 April, 2016 to receive his concerns about the non acceptance of any tender for the Preferred Suppliers Arrangement – Supply of Goods and or Services RFT T1516004 in November 2015 and assured Mr Alexander that his concerns would be taken to a full meeting of Council
3. Notes that the Interim CEO called Mr Gabbert by telephone inviting him to a meeting to hear his concerns,

CONFIRMED MINUTES

4. Notes that the Mayor, the Deputy Mayor and Interim CEO met with Mr. Daniell Alexander and Mr. Phillip Alexander on Weds 6 April, 2016 to hear first hand Mr Alexander's concerns regarding the non acceptance of any of the tenders and provided the Council's reasons for not accepting any tender at that time

5. Requests the Interim CEO to write to Mr Alexander and Gabbert expressing Council's regret and disappointment that a written response had not been provided to their letters of 23 November 2015 and assuring them that the integrity of the new tenderer process is absolute and that all previous tenders have been kept secure and confidential and respond individually to the items of concerns raised by Mr Alexander.

6. The Mayor and Interim CEO are willing to again meet with either or both to further offer reassurance of the confidentiality of previous tenders and integrity of the proposed new tender process.

CARRIED 4/0

Resolution No.211/1516

5.4 Trades and Purchases - Preferred Suppliers

A revised tender document has been prepared for preferred suppliers for trades and purchases. A number of categories have been added to the tender document and an additional schedule has been included - "Benefit to Local Business and Community". Also weighted evaluation criteria have been added including Experience and Capability as well as Benefit to Local Business and Community.

Recommendation:

That the revised tender document be agreed and that tenders be called on 6 May 2016.

Moved Cr. P Curr

Seconded Cr. N Walker

That the revised tender document for trades and purchases for preferred suppliers with amendments as discussed be endorsed.

CARRIED 4/0

Resolution No.212/1516

Attendance – Cr. Fegan re-entered the Council meeting and Tenneil Cody left at 12:40pm

Councillor Murphy stated she has no Material Conflict of Interest in relation to the supply of Gravel for the Flinders Highway upgrade project.

5.5 Flinders Highway Upgrading Base Course Gravel Supply

Tenders were called for the supply and delivery of base course gravel for the TMR Flinders Highway project from Ch 96.000 to Ch 103.090 in sections – 12,000m³ to be delivered 45kms east of Julia Creek and 9,150m³ to be delivered 50 kms east of Julia Creek. Tenders were advertised in the North West Star on 5/3/2016 and in the Townsville Bulletin on 5/3/2016. Five tenders were received by the closing time for tenders with one tender received after the closing date and time.

It was a determination of Council that this report did not need to be confidential under the Local Government Regulation 2012, Section 275 and it was considered under an open meeting.

Moved Cr. P Curr

Seconded Cr. J. Fegan

That the tender of Lillyman Earthmoving for the amount of \$1,019,356 for the supply and delivery of 21,150m³ of cat. C gravel be accepted for the upgrade of the Flinders highway. This grading has more fines than the cat. B and will be easier to work and compact therefore saving time and money.

CARRIED 5/0

Resolution No.213/1516

CONFIRMED MINUTES

5.6 Julia Creek Sewerage – Treatment Plant

Tenders were called for the design supply delivery installation and commissioning of a sewage treatment plant for the town of Julia Creek. One tender was received through Local Buy and two tenders were received through invitation. Three tenders were received by the closing time on 16 March 2016.

It was a determination of Council that this report did not need to be confidential under the Local Government Regulation 2012, Section 275 and it was considered under an open meeting.

Moved Cr. N Walker

Seconded Cr. J. Fegan

That the tender of Xylem for an amount of \$576,513.00 inc. GST be accepted based upon their alternative offer with a capacity of 100KL/day biological load and a 180KL/day hydraulic load. This offer consists of 3 units above ground and this offer is the lowest conforming lump sum tender.

That Council reallocate \$124,103 from the Land Development project within the 2015-2016 Capital Works program to the Julia Creek Sewerage project.

CARRIED 5/0

Resolution No.214/1516

Attendance - Director of Engineering Services Mr Brian Wood left the meeting at 12:59pm

Attendance – Director of Corporate and Community Services Mrs Tenneil Cody entered the meeting at 1:02pm

MOTION

Moved Cr. N Walker

Seconded Cr. S. Royes

That Council changed the order of the Agenda and meeting to receive the Corporate and Community Services Reports.

CARRIED 5/0

Resolution No.215/1516

6. COMMUNITY SERVICES REPORT

6.1 Community Services Report

Moved Cr. S. Royes

Seconded Cr. P Curr

That Council receive the April Community Services Report.

CARRIED 5/0

Resolution No.216/1516

Cr Curr declared a real conflict of interest (as per section 173 of the Local Government Act 2009) in relation to 6.2 Sponsorship Request – Saxby Round-up. Cr Curr left the meeting room at 1:09pm, taking no part in the debate or decision of the meeting.

6.2 Sponsorship Request – Saxby Round-up

Council is presented with a Sponsorship Request from Saxby Round-up for consideration, in accordance with requirements of Council policy.

Recommendation:

That Council approve sponsorship of \$5,000.00 for water truck and security services to the Saxby Roundup Association for their 2016 event.

CONFIRMED MINUTES

Moved Cr. J Fegan

Seconded Cr. S. Royes

That Council approve sponsorship of \$5,000.00 for water truck and security services to the Saxby Roundup Association for their 2016 event.

CARRIED 4/0

Resolution No.217/1516

Attendance – Cr. Curr re-entered the meeting at 1:11pm

6.3 Donation Request – Careflight Rescue

Council has received a donation request under the Community Grants Policy for the amount of \$15,000 from CareFlight Rescue.

Recommendation:

That Council donate \$15,000 to CareFlight Rescue for the 2015/16 financial year.

Moved Cr. S. Royes

Seconded Cr. N. Walker

That Council donate \$15,000 to CareFlight Rescue for the 2015/16 financial year.

CARRIED 5/0

Resolution No.218/1516

6.4 Sponsorship Request – Julia Creek Campdraft

Council has received a request from the Julia Creek Campdraft under the Community Grants Policy. The group has requested support for their event by way of water truck services. The application is presented for Council's consideration.

Recommendation:

That Council sponsor the Julia Creek Campdraft Association for a maximum of \$5,000 for water truck services for their 2016 event.

Moved Cr. N Walker

Seconded Cr. J. Fegan

That Council sponsor the Julia Creek Campdraft Association for a maximum of \$5,000 for water truck services for their 2016 event.

CARRIED 5/0

Resolution No.219/1516

Attendance – Director of Environment and Regulatory Services Geoff Rintoul entered the meeting at 1:18pm

6.5 Fee Waiver Request – Julia Creek Western Riding Club

Council is presented with a request for fee waiver from the Julia Creek Western Riding Club for consideration.

Recommendation:

That Council approve a fee reduction for the Julia Creek Western Riding Club for their April 2016 ATRA event, being \$200.00 for the event.

CONFIRMED MINUTES

Moved Cr. N Walker

Seconded Cr. J. Fegan

That Council approve a fee reduction for the Julia Creek Western Riding Club for their 9th April 2016 ATRA event, being \$200.00 for the event.

CARRIED 5/0

Resolution No.220/1516

6.6 Consultation Document of the Julia Creek dunnart

Council is presented with proposed responses to a consultation document on the Julia Creek dunnart issued by the Department of Environment. The document discusses the eligibility of *Sminthopsis douglasi* (Julia Creek dunnart) for inclusion on the EPBC Act threatened species list.

Recommendation:

That Council provide comment to the Julia Creek dunnart consultation document to Department of the Environment as proposed.

Moved Cr. S. Royes

Seconded Cr. J. Fegan

That Council staff have provided comments to the Department of the Environment as detailed in the attachment to the team leaders report dated 14th April 2016.

CARRIED 5/0

Resolution No.221/1516

Cr Curr declared a real conflict of interest (as per section 173 of the Local Government Act 2009) in relation to 6.7 Community Benefit Assistance Scheme – extension. Cr Curr left the meeting room at 1:30pm, taking no part in the debate or decision of the meeting.

6.7 Community Benefit Assistance Scheme - extension

Council is presented with a summary of applications through the Community Benefit Assistance Scheme for ratification.

Recommendation:

That Council open Round 2 in the 2015-16 financial year and fund the following Community Benefit Assistance Scheme applications:

1. Saxby Roundup – \$5000.

Moved Cr. N Walker

Seconded Cr. S. Royes

That Council approve the application from Saxby Round-up association for \$5000 towards the replacement of chutes.

That Council open Round 2 of the Community Benefit Assistance Scheme for the 2015-16 financial year.

CARRIED 4/0

Resolution No.222/1516

CONFIRMED MINUTES

That Council consider a financial co-contribution towards the funding of a mobile base station at Kynuna township.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

That Council make a financial co-contribution of \$10,000 towards the funding of a mobile base station at Kynuna township as part of The Mobile Blackspot Funding Programme Round two.

CARRIED 5/0

Resolution No. 226/1516

7.4 2016/17 Budget Program

A proposed budget program is presented to Council for consideration which includes dates and timelines for the preparation and adoption of the 2016-2017 financial year budget.

Recommendation:

That Council accepts the 2016/17 Budget Program as presented.

Moved Cr. P Curr

Seconded Cr. N Walker

That Council accepts the 2016/17 Budget Program as presented.

CARRIED 5/0

Resolution No. 227/1516

Attendance – Director of Corporate and Community Services Mrs Tenneil Cody left the meeting at 2:17pm

8. ENVIRONMENT AND REGULATORY SERVICES REPORT

8.1 Environment and Regulatory Works Report – March 2016

This report outlines the general activities, revenue and expenditure for the department for the period of March 2016 and generally up to date of writing this report.

Moved Cr. N Walker

Seconded Cr. J Fegan

That Council receive the March 2016 Environment and Regulatory Services Works Report.

CARRIED 5/0

Resolution No.228/1516

8.2 Optus Proposed Lease Part Lot 57 SP232864

This report makes recommendation to Council to accept a proposal from Optus to enter into a Trustee Lease with Council on part lot 57 SPSP232864 for the installation of communications infrastructure.

As part of a national strategy plan, Optus is intending to provide coverage along the Flinders Highway from Townsville to Mt. Isa. Where possible they are utilising existing communications infrastructure including the existing Telstra tower located in Julia Creek on Lot 30 EN117. However, due to a number of reasons can not utilise the existing free hold land at the tower site.

Following an investigation into available lands there is a small landlocked parcel of lot 57 of about 350 sq. meters that is available and adjoins both the easement to the Telstra site that has been found to be suitable for Optus.

Optus has indicated that it is prepared to enter into a Trustee Lease at no cost to Council including survey, legal etc. as part of the commercial arrangements. The initial plans are for a 10 year lease with an option for

CONFIRMED MINUTES

an additional 10 years. In order to archive the initial approvals, Council will need to approve entering into a trustee lease subject to commercial agreements being satisfied.

Recommendation:

That Council advises the Optus that it is agreeable to enter into a Trustee Lease of Lot 57 SPSP232864 subject to the following conditions;

- a. agrees to an initial 10 year Trustee Lease with an option for an additional 10 years;*
- b. delegate the Chief Executive Officer to finalise the associated commercial agreements and lease;*
- c. all costs associated with the creation of the trustee lease is at the lessees expense.*

Moved Cr. P Curr

Seconded Cr. J Fegan

That Council advises the Optus that it is agreeable to enter into a Trustee Lease of Lot 57 SPSP232864 subject to the following conditions;

- a. agrees to an initial 10 year Trustee Lease with an option for an additional 10 years;
- b. delegate the Chief Executive Officer to finalise the associated commercial agreements and lease;
- c. all costs associated with the creation of the trustee lease is at the lessees expense.

CARRIED 5/0

Resolution No.229/1516

8.3 Development Feasibility Study – Regional Tyre Shredder

This report makes recommendation to Council to carryout a pre feasibility study into the option of Council progressing with a formal business case to developing a regional tyre shredding facility in Julia Creek.

The disposal of tyres is a significant environmental and waste management challenge and given the North Wests distance away from main logistic facilities, becomes a major cost impact on regional communities in both recycling or disposal.

In 2015 North West Region of Council's (NWROC) resolved to progress a business case to develop a capability for the regional tyre shredding capability. The project is to be mostly funded from a State Government grant and operated on a cost recovery basis. The intent is for the capability to be vehicle mounted and operate across the region with the base being in Etheridge Shire.

Recent developments in the project have established that the option of a mobile operation is not viable in its current form. Further that the option of basing the facility in an area that is located off the main logistic corridors would make the project even more unviable.

Council should note that there has been no discussion at NWROC and the advice from Etheridge Shire is only verbal at this stage. Hence the need to conduct a pre feasibility study first in order to establish if this project is in fact viable to operate at all.

The pre- feasibility study will look at the option of developing a static facility, based in Julia Creek. The key focus will be to establish if there is a viable benefit before committing any further resources. Should there be a case then this can be considered at the next NWROC meeting in late April and if viable, considered formally by Council in due course.

Recommendation:

That Council approves;

- a. the Pre - Feasibility Study of a Regional Tyre Shredding facility being operated by McKinlay Shire; and*
- b. delegates the Mayor report to the NQROC meeting in April.*

CONFIRMED MINUTES

Moved Cr. J Fegan

Seconded Cr. N Walker

That Council approves;

- a. the Pre - Feasibility Study of a Regional Tyre Shredding facility being operated by McKinlay Shire; and*
- b. delegates the Mayor to report to the NQROC meeting in April.*

CARRIED 5/0

Resolution No.230/1516

Attendance – Director of Environment and Regulatory Services Mr. Geoff Rintoul left the meeting at 3:15pm

9. CHIEF EXECUTIVE OFFICERS REPORT

9.1 Chief Executive Officers Report

Moved Cr. N Walker

Seconded Cr. J Fegan

That Council receives the April Interim Chief Executive Officer Report.

CARRIED 5/0

Resolution No.231/1516

9.2 Councillors Portfolios

Council In continuation of the previous Councillor Portfolio system, detailed below for Council consideration and adoption are recommended Portfolio allocations. In preparation of this report, the Mayor advises that consultations have been held with each Councillor to determine a suitable mix.

Recommendation:

That Council adopt the following Councillor Portfolios for the 2016 – 2020 term (or until otherwise amended by Council resolution)as detailed in the table below:

Program and Strategy	Councillor
Roads	Cr. Phillip Curr
Health and Tourism	Cr. Janene Fegan
Community Services and Economic Development	Cr. Shauna Royes
Environmental Management & Regulatory Services	Cr. Neil Walker
Tourism, Economic Development and Governance	Cr. Belinda Murphy

CONFIRMED MINUTES

CARRIED 5/0

Resolution No.235/1314

- The meeting was re-opened to the public at 3:53pm

9.4 Recruitment of Chief Executive Officer

Council are presented with a draft briefing document for the role of Chief Executive Officer McKinlay Shire Council which is proposed for issue to respondents to the advertising process commencing Friday, 22 April 2016.

Recommendation:

That Council approve the briefing pack for the recruitment of a new Chief Executive Officer for the McKinlay Shire Council.

Moved Cr. P Curr

Seconded Cr. J Fegan

That Council approve the briefing pack with suggested amendments for the recruitment of a new Chief Executive Officer for the McKinlay Shire Council.

CARRIED 5/0

Resolution No.236/1516

10. WORK PLACE HEALTH AND SAFETY

Councillors were presented with the February and March Work Place Health and Safety Reports.

11. MEMBERS BUSINESS

Mayor to write a letter to State and Federal Minister in relation to the proposed changes to containment for prickly acacia.

A Letter from Queensland Correctional Services was presented to Council by Cr. Walker for the recognition of good work to WORC camp officer Alan Southeren and his WORC crew for the assistance during the train derailment incident in December 2015.

Cr. Curr requested that the interim Chief Executive Officer monitor the relationships with consultants.

Cr. Murphy declared a perceived conflict of interest (as per section 173 of the Local Government Act 2009) in relation to an item of discussion in relation to contractors. Cr. Murphy did not participate in the discussion and left the meeting at 4:07pm.

Cr. Royes raised concerns that were brought to her attention by a constituent regarding information and communication being relayed to employees of contractors. Information needs to be directed to Contractors when organising planned work.

Cr. Murphy re-entered the meeting at 4:14pm

Cr. Fegan – Support for Hospital patients that require transport.

Cr. Murphy – Local Business procurement meeting. Suggested for May 2016.

Cr. Murphy - Councillors visit around the shire and road inspection dates to be set.

CONFIRMED MINUTES

12. CLOSURE OF MEETING

The Chair of the meeting, Cr. Belinda Murphy declared the meeting closed at 4:20pm

Cr Belinda Murphy
Mayor