



# MCKINLAY SHIRE COUNCIL

## ***CONFIRMED MINUTES***

OF THE

**ORDINARY MEETING OF COUNCIL**

HELD AT THE

BOARD ROOM, CIVIC CENTRE  
JULIA CREEK

**19<sup>th</sup> January 2016**

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**Attendance** – Director of Engineering left the meeting at 9:48am

**Attendance** – Director of Environment and Regulatory Services Geoff Rintoul entered the meeting at 9:50am

**6. ENVIRONMENT AND REGULATORY SERVICES REPORT**

**6.1 Environment and Regulatory Works Report – December 2015**

This report outlines the general activities, revenue and expenditure for the department for the period of December 2015 and generally up to date of writing this report.

Moved Cr. N Walker

Seconded Cr. A Batt

That Council receive the December 2015 Environment and Regulatory Services Works Report.

CARRIED 5/0

Resolution No.143/1516

Cr. Murphy declared a conflict of interest (as per section 173 of the Local Government Act 2009) in relation to item 6.2 *Proposed Trustee Lease - State Land lease Lot 1 on CP901576* and a real conflict of interest (as per section 173 of the Local Government Act 2009) in relation to Agenda item 6.4 *regarding the Fegan/Murphy land zoning by the Director of Environment and Regulatory Services*. Cr. Murphy left the meeting room at 9:54am taking no part in the debate or decision of the meeting.

Deputy Mayor Anthony Batt chaired the meeting.

**6.2 Proposed Trustee Lease - State Land lease Lot 1 on CP901576.**

This report makes recommendation to Council to decline an offer from the Department of Natural Resources and Mines (DNRM) to enter into a trustee lease arrangement with the applicant for a lease over Lot 1 on CP901576.

This matter was initially presented to Council in December 2014 as part of a proposed renewal of the lease. Council provided a response to the Department along with relevant conditions as detailed below.

*Resolution No.126/1415*

*That Council advises the Department of Natural Resources and Mines the following requirements for the proposed Renewal State Land lease Lot 1 on CP901576:*

- 1. The applicant is responsible for all costs associated with access, fencing and ongoing use at the site;*
- 2. The applicant is advised that reticulated water is available and connected to the site;*
- 3. No sewerage services are available at the lot;*
- 4. Application for connection to utilities as required will need to be made to Council;*
- 5. The applicant is responsible for the management of any waters and sediment run off from the site to the nearby storm water drain; and*
- 6. The applicant is advised that any uses other than those detailed in the current State Land lease Lot 1 on CP901576 must be in accordance with the provisions of the Planning Scheme.*

Moved Cr.Hick

Seconded Cr.Walker

CARRIED

On processing this application further the department established that the actual lease is over two (2) separate lots both being reserves as follows:

1. Lot 39 SP147790 – Reserve.
2. Lot 57 SP232864 – Pasturage Reserve.

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Given that the lease is actually over two (2) separate lots, the department now need to amend the lease. Subsequently the Department is offering McKinlay Shire Council the opportunity to enter into trustee leases with the applicant as an alternate to formalising a lease with DNRM.

**Recommendation:**

*That Council advises the Department of Natural Resources and Mines that in regards to the Lease over Lot 1 on CP901576 it;*

- a. declines the offer to enter into a Trustee Lease relationship with the Applicant; and*
- b. thanks the department for the offer.*

Moved Cr. N Walker

Seconded Cr. P Curr

That Council advises the Department of Natural Resources and Mines that in regards to the Lease over Lot 1 on CP901576 it;

- a. declines the offer to enter into a Trustee Lease relationship with the Applicant; and
- b. thanks the department for the offer.

CARRIED 4/0

Resolution No.144/1516

**MOTION**

Moved Cr. N Walker

Seconded Cr. E Hick

That Council changes the order of the Agenda to accept item 6.4 Development Application – MCK 2015\_04, Murphy and Fegan, Combined - Development Permit & Preliminary Approval under section 242 of the Sustainable Planning Act 2009.

CARRIED 4/0

Resolution No.145/1516

**PROCEDURAL MOTION**

Moved Cr. A Batt

Seconded Cr. N Walker

That Council resolve that the meeting be closed to the public under section 275 1(g) of the Local Government Regulation 2012.

CARRIED 4/0

Resolution No. 146/1516

Closure of meeting – 9:57am

**PROCEDURAL MOTION**

Moved Cr. E Hick

Seconded Cr. N Walker

That Council resolve to re-open the meeting to the public.

CARRIED 4/0

Resolution No.147/1516

Re-opening of Meeting – 10:27am

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**6.4 Development Application – MCK 2015\_04, Murphy and Fegan, Combined - Development Permit & Preliminary Approval under section 242 of the Sustainable Planning Act 2009**

This report provides Council with the relevant information in order to consider an application for Material Change of Use development permit for a Dwelling house on Lot 4 on SP229752.

**Recommendation:**

*That Council in accordance with the Sustainable Planning Act 2009 as amended notify the applicant that, in regards to the development application MCK2015\_04, that the component relating to an Impact Assessable Material Change of Use Preliminary Approval under section s242 of the SPA for use rights in accordance with the Rural Residential Zone be refused AND that the component relating to an Impact Assessable Material Change of Use Development Permit for a Dwelling House as defined under the McKinlay Shire Council Planning Scheme located at Lot 4 on SP229752 Yorkshire Road, Julia Creek QLD 4823, is approved subject to conditions.*

Moved Cr. N Walker

Seconded Cr. A Batt

That Council in accordance with the Sustainable Planning Act 2009 as amended notify the applicant that, in regards to the development application MCK2015\_04, that the component relating to an Impact Assessable Material Change of Use Preliminary Approval under section s242 of the SPA for use rights in accordance with the Rural Residential Zone be approved and that the component relating to an Impact Assessable Material Change of Use Development Permit for a Dwelling House as defined under the McKinlay Shire Council Planning Scheme located at Lot 4 on SP229752 Yorkshire Road, Julia Creek QLD 4823, is approved subject to the following conditions:

**SCHEDULE OF CONDITIONS**

Impact Assessable Material Change of Use

Development Permit Assessment Manager Conditions of Approval

**General**

- 1 Development is to be undertaken generally in accordance with the “Murphy Rural Residential Plan of Development May 2015” as amended, 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.

**Amendments to Plan of Development**

4 Within 20 business days of the issuing of this decision notice, the applicant is to amend the “Murphy Rural Residential Plan of Development” dated May 2015 in accordance with the requirements below and provide a copy to council. This amendment version is to be the version used to govern development over the site, subject to any future amendments formalised with Council:

- a. Section 2.0 Intent and Purpose, sub-section (c) INSERT additional sentence “The POD restricts the further intensification of land uses through the management of flood inundation, restricting the creation of additional rural residential lots and the introduction of new levels of assessment”.
- b. Section 2.0 Intent and Purpose, sub-section (d) DELETE second line, thirteenth word “direct”.

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- c. Section 2.0 Intent and Purpose, sub-section (d) AMEND final sentence to read “This will encourage efficient assessment of proposals in accordance with the intent of the Plan of Development”.
- d. Section 3.3 Assessment Table for the Rural Residential Zone, AMEND table of assessment for the material change of use to identify code assessment for “Bed and Breakfast Accommodation”, “Home Based Business” and “Relative’s Apartment” defined uses only.
- e. Section 3.3 Assessment Table for the Rural Residential Zone, AMEND table of assessment for reconfiguring a lot to identify the rural residential zone code from the Plan of Development in the “applicable Codes” column and DELETE reference to the Reconfiguring a Lot Code.
- f. Section 3.4 Rural Residential Zone Outcome, sub-section (b) AMEND to read “Land within the POD area is not intended to be intensified beyond the creation of single detached dwellings and ancillary development but may be appropriate for compatible rural development.”. Also formalise as new subsection (c).
- g. Section 3.5 Rural Residential Zone Codes, Purpose AMEND to read “The purpose of the code is to ensure development within the Plan of Development Area is consistent with the outcomes for the Rural Residential Zone described in 3.4.”
- h. Section 3.5 Rural Residential Zone Codes, Acceptable Solutions A1.1 & A1.2 DELETE and REPLACE with “No acceptable solution prescribed”.
- i. Section 3.5 Rural Residential Zone Codes, Performance Criteria and Acceptable Solutions ADD the following:

**Flood Prone Area**

PXX:

Development within flood prone areas ensure any changes to the depth, duration or velocity of flood waters are contained within the site.

AXX

Development must be undertaken on land above the 1% annual exceedance probability (AEP).

PXX:

Development within flood prone areas do not directly, indirectly or cumulatively worsen flood characteristics outside the development site, having regard to:

- a) increased scour and erosion; or
- b) loss of flood storage; or
- c) loss of or changes to flow paths; or
- d) flow acceleration or retardation; or
- e) reduction in flood warning times.

AXX

Development must be undertaken on land above the 1% annual exceedance probability (AEP).

PXX:

Siting and layout of development maintains the safety of people and property in flood prone areas.

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AXX.1:

The finished floor level for habitable floor space is no less than 300mm above the defined flood level.

AXX.2:

The finished floor levels of non-habitable floor space (other than class 10 buildings) is to be above the defined flood level.

Additional Criteria for Reconfiguring a Lot

PXX:

Lot sizes are compatible with the locality and configured to be appropriate for the intended use of the site.

AXX

No acceptable solution prescribed.

POXX:

The intensity and scale of the use of premises must not:

- a) increase any adverse ecological impacts, particularly on any nearby sensitive receiving environments, as a result of the system or increasing the cumulative effects of the systems in the locality;
- b) increase any health risks during a system failure; and
- c) deteriorate the water quality of existing and/or proposed water supplies.

AOXX

No acceptable solution prescribed.

POXX:

Reconfiguration of land must not compromise the viability of existing and future uses.

AOXX:

No acceptable solution prescribed.

**Refuse Storage**

5. A refuse storage area for the dwelling is to be provided on site and is to be screened or stored so as not be visible from any street frontage or adjoining property.

**Infrastructure**

6. The developer is to ensure that the dwelling remains connected and serviced by all existing reticulated water, sewer, telecommunications and electricity services.

**Advice**

7. Council would like to advise the applicant that provisions of the Aboriginal Cultural Heritage Act 2003 and the Queensland Heritage Act 1992 may apply to this development.



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8. The developer/owner must demonstrate compliance with all conditions of approval prior to obtaining a certificate of classification for the use of any new buildings.

CARRIED 4/0

Resolution No.148/1516

**Attendance** – Cr Murphy re-entered the meeting at 10:29am

### 6.3 Road Corridor Spraying

This report is for the Information of Council and provides an update on Road Corridor Spraying activities carried out in November/December 2015.

Council Staff carried out road corridor spraying along the sealed section of Punchbowl Road in late November and early December 2015. The aim of the initial spraying was to deal with larger pest weed, predominantly Prickly Acacia on the sealed section of road as a result of growth from recent rains.

In total about 300 plus plants were sprayed ranging from those less than 100 mm high to 1.5 meters plus.

Key focus was from the edge of pavement to the table drain and areas where there was a noticeable concentration of plants. Inspections carried out in early January indicate that a high 95%+ destruction was achieved.

In discussions with Director of Engineering the intent moving forward is to concentrate on the sealed Council controlled roads initially and as the ground starts to dry out start of the road corridors preceding the road maintenance and NDRRA works.

#### **Recommendation:**

*That Council received the report.*

Moved Cr. N Walker

Seconded Cr. A Batt

That Council received the report.

CARRIED 5/0

Resolution No.149/1516

Cr. Murphy - Alick Creek Report from Desert Channels Queensland and feedback from landholders.  
Cr. Walker advised on meeting and his discussions with landholders.

**Attendance** - Director of Environment and Regulatory Services Geoff Rintoul left the meeting at 11:14am

## 7. COMMUNITY SERVICES REPORT

### 7.1 Community Services Report

Moved Cr. N Walker

Seconded Cr. E Hick

That Council receive the Community Services Report.

CARRIED 5/0

Resolution No.150/1516

### 7.2 Active Community Policy

Presenting Council with an updated version of the Active Community Policy for consideration.

#### **Recommendation:**

*That Council adopts the Active Community Policy V2.0 as presented.*

Moved Cr. P Curr

Seconded Cr. E Hick

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That Council adopts the Active Community Policy V2.0 as presented.

CARRIED 5/0

Resolution No.151/1516

### 7.3 Julia Creek Amateur Swimming Club Memorandum of Understanding

Council staff have met with representatives from the Julia Creek Combined Sporting Association (JC) to develop a Memorandum of Understanding (MOU) regarding usage of the Julia Creek Swimming Pool and equipment for an annual fee.

#### **Recommendation:**

*That Council approve the Memorandum of Understanding and authorise the Chief Executive Officer to endorse the agreement.*

Moved Cr. E Hick

Seconded Cr. N Walker

That Council approve the Memorandum of Understanding and authorise the Chief Executive Officer to endorse the agreement.

CARRIED 5/0

Resolution No.152/1516

### 7.4 Regional Arts Development Fund Round 1 Approval

Council's Round 1 of RADF closed on 23rd November 2015 after 4 weeks of advertising. The RADF Committee will assess the Round 1 applications on 18<sup>th</sup> January 2016 and present the recommendations for Council's ratification at the Ordinary Meeting.

#### **Recommendation:**

*That Council ratify the recommendations made by the Regional Arts Development Fund Committee:  
- McKinlay Shire Council: Musical Garden project for \$11,710.*

Moved Cr. A Batt

Seconded Cr. N Walker

That Council ratify the recommendations made by the Regional Arts Development Fund Committee:  
- McKinlay Shire Council: Musical Garden project for \$11,710.

CARRIED 5/0

Resolution No.153/1516

#### **MOTION**

Moved Cr. A Batt

Seconded Cr. N Walker

That Council accept the late agenda items 7.5 and 7.6

CARRIED 5/0

Resolution No.154/1516

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**7.5 Donation Request – CareFlight on behalf of the Stevens Family**

Council is asked to consider making a donation to CareFlight with respect to the passing of former long term serving Councillor, Mr. John Stevens.

**Recommendation:**

*That Council make a donation to CareFlight on behalf of the Stevens family.*

Moved Cr. E Hick

Seconded Cr. N Walker

That Council make a donation of \$1000 to CareFlight in recognition of the late John Stevens service in Council and within the Community.

CARRIED 5/0

Resolution No.155/1516

**7.6 Donation - BlazeAid**

Council is asked to consider making a donation to BlazeAid, following their support to the McKinlay Shire community over the past two years.

**Recommendation:**

*That Council make a donation to BlazeAid to a value of Council's discretion.*

Moved Cr. A Batt

Seconded Cr. N Walker

That Council donate \$1000 to BlazeAid for their contribution to the McKinlay Shire community over the past two years.

CARRIED 5/0

Resolution No.156/1516

**8. CORPORATE SERVICES REPORT**

**8.1 Corporate Services Report**

Moved Cr. N Walker

Seconded Cr. E Hick

That Council receive the Corporate Services Report.

CARRIED 5/0

Resolution No. 157/1516

**8.2 Geothermal Pre-feasibility Review**

McKinlay Shire Council engaged Local Government Infrastructure Services (LGIS) to explore the potential benefits of geothermal power generation for Council assets (including those with solar power) in Julia Creek utilising bore water.

Council engaged LGIS to prepare a Pre-Feasibility Review that would enable Council to make an informed decision regarding a long-term and sustainable solution to power generation using water supplied from the Julia Creek town bores.

LGIS completed the review in December 2015 and have provided Council with a report on their findings.

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**Recommendation:**

*That Council receive the report and consider the next stage at its 2016/17 budget deliberations.*

Moved Cr. E Hick

Seconded Cr. A Batt

That Council receive the report and consider the next stage at its 2016/17 budget deliberations.

CARRIED 5/0

Resolution No. 158/1516

**8.3 Councillor Remuneration**

Each year the Local Government Remuneration and Discipline Tribunal is required to undertake a review of the categories of Councils, and the remuneration for mayors, deputy mayors and councillors as required by the *Local Government Regulation 2012*.

The new remuneration schedule was gazetted on 11 December 2015 and will come into effect on 1 July 2016. Under section 247 of the Local Government Regulation 2014, Council has 90 days (from 11 December 2015) if they wish to resolve to adopt a lower amount of remuneration.

**Recommendation:**

*For Councils consideration*

Moved Cr. N Walker

Seconded Cr. P Curr

That Council receive the report.

CARRIED 5/0

Resolution No. 159/1516

**8.4 Trusteeship Reserve Lot 8 on EN125**

McKinlay Shire Council has been in discussion with the Department of Agriculture and Fisheries regarding the purchase of land known as Lot 8 on EN125. The Department now seeks consideration from Council to take on the trusteeship of the land.

**Recommendation:**

*That Council accept the appointment as Trustee for reserve tenure land on Lot 8 on EN125.*

Moved Cr. A Batt

Seconded Cr. E Hick

That Council accept the appointment as Trustee for reserve tenure land on Lot 8 on EN125.

CARRIED 5/0

Resolution No. 160/1516

**9. CHIEF EXECUTIVE OFFICERS REPORT**

**9.1 Chief Executive Officers Report**

Moved Cr. P Curr

Seconded Cr. N Walker

That Council receives the January Chief Executive Officer Report.

CARRIED 5/0

Resolution No.161/1516

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**9.2 Work for the Dole Program**

Council is presented with a proposal from Max Employment to implement a Work for the Dole program in Julia Creek.

**Recommendation:**

*That Council submit a proposal to the Work for the Dole program.*

Moved Cr. N Walker

Seconded Cr. A Batt

That Council submit a proposal to the Work for the Dole program.

CARRIED 5/0

Resolution No.162/1516

**9.3 2015-2016 Budget Mid Year Review**

In accordance with *section 174 (3) of the Local Government Regulation 2012*, the Chief Executive Officer must present a written assessment of the Council's progress towards implementing the annual operational plan at meetings of the Council held at regular intervals of not more than three months. The second quarter assessment of Council's progress towards implementing the 2015-2016 Operational Plan is presented to Council.

**Recommendation:**

*That Council receives the 2015-2016 Budget mid year review.*

Moved Cr. E Hick

Seconded Cr. A Batt

That Council receives the 2015-2016 Budget mid year review.

CARRIED 5/0

Resolution No.163/1516

**Attendance** – Cr. Murphy left the meeting from 12:45pm-12:51pm

**9.4 2015-2016 Budget Amendment**

In accordance with *section 170 (3) and (4) of the Local Government Regulation 2012 (Regs)*, Council may by resolution, amend the budget for a financial year at any time before the end of the financial year. The budget must continue to comply with *section 169 of the Local Government Regulation 2012* in order for the amendment to take effect. In accordance with the above sections an amended 2015-2016 Budget is presented for Council's consideration.

**Recommendation:**

*That the 2015-2016 Amended Budget; 2015-2016 Operational Plan Version 2 and the Capital Works Program Version 2 be adopted as presented.*

Moved Cr. B Murphy

Seconded Cr. A Batt

That the 2015-2016 Amended Budget; 2015-2016 Operational Plan Version 2 and the Capital Works Program Version 2 be adopted with the following changes:

The reallocation of \$20,000 from the Julia Creek Aerodrome capital expenditure item to development of master plan for Julia Creek recreational area.

CARRIED 5/0

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Resolution No.164/1516

**10. WORK PLACE HEALTH AND SAFETY**

Nil

**11. MEMBERS BUSINESS**

Council wish to give their condolences to the Stevens family in the passing of John Stevens. Council wish to recognise his significant contribution not only to Local Government but to the community as a whole.

Cr. Murphy:

Cattle Trucking and Dip yards update and correspondence with the Minister for Agriculture.

Middle School – Confirmation letter from Minister Jones for Year 9 and Year 10 at the Julia Creek model approved. Three (3) students are enrolled and year 9 is being delivered.

Tick Line - Council needs to keep updated on the issue and current open submission process for feedback on the new Bio Security legislation that has significant changes to tick line

Qld Racing update and policies. Council have met with local trainers and the Julia Creek Turf Club about proposed changes. Council to write to new racing Minister on the significant issues and impact of the proposed changes.

Cannington Community Fund. Correspondence has been sent to President and Chief Officer of South32 in relation to significant reduction to the Cannington Community Fund for McKinlay Shire. Requested increased to be instated. Letters also drafted to be sent to community groups within the Shire to also write on this matter.

Letters of congratulations have come through for our tourism department in recognition of their great work from MP Robbie Katter and Senator Ian Macdonald.

**12. CLOSURE OF MEETING**

The Chair of the meeting, Cr. Belinda Murphy declared the meeting closed at 1:18pm.

\_\_\_\_\_  
Cr Belinda Murphy  
Mayor