



# MCKINLAY SHIRE COUNCIL

## ***CONFIRMED MINUTES***

OF THE

### **ORDINARY MEETING OF COUNCIL**

HELD AT THE

BOARDROOM, CIVIC CENTRE  
JULIA CREEK

11<sup>TH</sup> December 2018

## ORDER OF BUSINESS

### ORDER OF BUSINESS

1. Opening
2. Attendance
3. Confirmation of Minutes
  - Ordinary Meeting of Council – 20<sup>th</sup> Nov 2018
  - Special Meeting of Council – 30<sup>th</sup> Nov 2018
4. Business Arising out of minutes of previous Meetings

### **5. ENGINEERING REPORT**

- 5.1 Engineering Works Monthly Report
- 5.2 LATE REPORT/CONFIDENTIAL - Extension of AECOM Contract for NDRRA Program Management
- 5.3 LATE REPORT - Outcomes of Structural Inspection of Julia Creek Water Tower

### **6. ENVIRONMENTAL & REGULATORY SERVICES REPORT**

- 6.1 Environmental & Regulatory Services Monthly Report
- 6.2 Local Law Making Process
- 6.3 Local Laws - Delegation to conduct Public Interest Test
- 6.4 Endorsement of Draft Biosecurity Plan

### **7. COMMUNITY SERVICES REPORT**

- 7.1 Community Services Monthly Report

### **8. CORPORATE SERVICES REPORT**

- 8.1 Corporate Services Monthly Report
- 8.2 V1 Capital Works 2018-19

### **9. CHIEF EXECUTIVE OFFICERS REPORT**

- 9.1 2019 Council meeting Dates
- 9.2 CONFIDENTIAL – DPI Paddock
- 9.3 CEO Monthly Report

### **10. WORKPLACE HEALTH AND SAFETY**

### **11. MEMBERS BUSINESS**

### **12. CLOSE**

## 1. OPENING BUSINESS

All Councillors having signed the Attendance Book, Mayor Belinda Murphy declared the meeting open at 9:01am.

## 2. ATTENDANCE

**Mayor:** Cr. B Murphy

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

**Staff:**

Chief Executive Officer Mr Des Niesler

Director of Engineering, Environmental & Regulatory Services Mr Geoff Hatwell

Executive Assistant, Mrs Amy Tinning

**Apologies:** Nil

**Other people in attendance:** Nil

## 3. DECLARATION OF CONFLICT OF INTEREST

Nil

## 4. CONFIRMATION OF MINUTES

Confirmation of Minutes of the Ordinary Meeting of Council held on 20<sup>th</sup> November 2018.

**RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council on 20<sup>th</sup> November 2018 be confirmed.

**Resolution No. 096/1819**

The Minutes of Ordinary Meeting of Council on 20<sup>th</sup> November 2018 are confirmed.

Moved Cr. J Fegan

Seconded Cr. N Walker

CARRIED 5/0

Confirmation of Minutes of the Special Meeting of Council held on 30<sup>th</sup> November 2018.

**RECOMMENDATION**

That the Minutes of the Special Meeting of Council on 30<sup>th</sup> November 2018 be confirmed.

**Resolution No. 097/1819**

The Minutes of Special Meeting of Council on 30<sup>th</sup> November 2018 are confirmed.

Moved Cr. S Royes

Seconded Cr. P Curr

CARRIED 5/0

## **BUSINESS ARISING FROM PREVIOUS MINUTES**

### **5. ENGINEERING SERVICES**

#### **5.1 Engineering Works Report**

This report outlines the general activities, revenue and expenditure for the department for the period of November 2018.

#### **RECOMMENDATION**

That Council receives the November 2018 Engineering Works Report.

#### **Resolution No. 097/1819**

Council receives the November 2018 Engineering Works Report.

Moved Cr. P Curr

Seconded Cr. S Royes

CARRIED 5/0

**Adjournment:** The Ordinary Meeting of Council adjourned at 9:47am.

**Adjournment:** The Ordinary Meeting of Council re-adjourned at 10:53am.

#### **PROCEDURAL MOTION**

#### **Resolution No. 098/1819**

Council resolves to accept late reports:

5.2 CONFIDENTIAL/LATE REPORT Extension of AECOM Contract for NDRRA Program Management

5.3 Outcomes of Structural Inspection of Julia Creek Water Tower

Moved Cr. P Curr

Seconded Cr. S Royes

CARRIED 5/0

#### **5.2 CONFIDENTIAL/LATE REPORT Extension of AECOM Contract for NDRRA Program Management**

This report is CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss *(e) contracts proposed to be made by it;*

## **PROCEDURAL MOTION**

### **Resolution No. 099/1819**

Council resolve that the meeting be closed to the public in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss *(e) contracts proposed to be made by it;*

Moved Cr. N Walker

Seconded Cr. J Fegan

CARRIED 5/0

The Ordinary Meeting of Council closed to the public at 10:53am.

**Attendance:** Geoff Hatwell, Director of Engineering, Environmental and Regulatory Services left the meeting room at 11:30am.

**Adjournment:** The Ordinary Meeting of Council adjourned at 11:30am.

**Attendance:** Glen Graham entered the meeting room at 11:32am.

**Attendance:** Glen Graham left the meeting room at 11:42am.

**Adjournment:** The Ordinary Meeting of Council re-adjourned at 11:42am.

## **RECOMMENDATION:**

That Council resolves to approve the extension of the current contract for submissions for the NDRRA 2018 event 1 and 4 currently approved by QRA and the fees that currently apply up to a maximum 10%. Council will review the contract once approvals are obtained from QRA for submissions 2 and 3.

## **PROCEDURAL MOTION**

### **Resolution No. 100/1819**

Council resolves that the meeting be re-opened to the public.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

The Ordinary meeting of Council re-opened to the public at 11:45am.

### **Resolution No. 101/1819**

Council resolves to approve the extension of the current contract for submissions for the NDRRA 2018 event 1 and 4 currently approved by QRA and the fees that currently apply up to a maximum 10%. Council will review the contract once approvals are obtained from QRA for submissions 2 and 3.

Moved Cr. P Curr

Seconded Cr. N Walker

CARRIED 5/0

## **5.3 Outcomes of Structural Inspection of Julia Creek Water Tower**

As approved by Council, a structural assessment inspection of the Julia Creek Water Tower was carried out on 5-6 December 2018.

The external inspection found that generally the external surfaces of the water tower were in satisfactory condition with only minor problem spots where the join in the concrete pours during construction resulted in slightly weaker points. These locations are where the water has been leaking. They can be satisfactorily repaired relatively easily at low cost by local treatment.

The internal inspection however showed that the lack of liner when the structure was constructed has resulted in the degradation of the concrete throughout the storage vessel. The treatment for this internal surface will include removal of the degraded concrete material, building back up of cover over the reinforcement and installing a suitable waterproof liner.

The costs of these works will be determined during the design phase when the products and repair methodologies specifically able to manage the water quality and temperature are selected. An estimate of the cost at this early stage is around the \$150,000 to \$200,000 to complete the works.

Once these works have been completed, the water tower is expected to have a remaining asset life of 25 plus years.

**RECOMMENDATION:**

That Council

1. Receive this report and the technical memo attached;
2. Confirm that Cardno move to phase two of the contract for the design of remedial works including the determination of the products an repair methodologies for the internal surface that are fit for purpose;
3. Council Officers continue to seek sources of funding for the remedial works anticipated to cost approximately \$150,000 to \$200,000.

**Resolution No. 102/1819**

Council

1. Receive this report and the technical memo attached;
2. Confirm that Cardno move to phase two of the contract for the design of remedial works including the determination of the products an repair methodologies for the internal surface that are fit for purpose;
3. Council Officers continue to seek sources of funding for the remedial works anticipated to cost approximately \$150,000 to \$200,000.

Moved Cr. J Fegan

Seconded Cr. N walker

CARRIED 5/0

**6. ENVIRONMENT AND REGULATORY SERVICE REPORT**

**6.1 Environmental and Regulatory Services Report – November 2018**

This report outlines the general activities, revenue and expenditure for the department for the period of November 2018.

**RECOMMENDATION**

That Council receives the November 2018 Environment and Regulatory Services Report.

**Resolution No. 103/1819**

Council receives the November 2018 Environment and Regulatory Services Report.

Moved Cr. N Walker

Seconded Cr. P Curr

CARRIED 5/0

## **6.2 Local Law Making Process**

Under Section 29(1) of the Local Government Act 2009, Council must decide its own process for making local laws. The process must not be inconsistent with the relevant requirements of the Act. The proposed process is included as Attachment 6.2.1 – Local Law Making Process.

### **RECOMMENDATION**

That Council resolves to adopt the Local Law Making Process as detailed in Attachment 6.2.1 - Local Law Making Process Resolution in its entirety.

#### **Resolution No. 104/1819**

Council resolves to adopt the Local Law Making Process as detailed in Attachment 6.2.1 - Local Law Making Process Resolution in its entirety.

Moved Cr. P Curr

Seconded Cr. N Walker

CARRIED 5/0

## **6.3 Make local laws and delegate to the Chief Executive Officer the power to undertake public interest testing in relation to likely anti-competitive provisions**

Council has adopted a process for the making of local laws. In accordance with that process, this report presents the following Local Laws and Subordinate Local Laws for consideration of anti-competitive provisions and adoption (making):

Model Local Law No. 1 (Administration) 2018;

Model Local Law No. 2 (Animal Management) 2018;

Model Local Law No. 3 (Community and Environmental Management) 2018;

Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018;

Subordinate Local Law No. 1 (Administration) 2018;

Subordinate Local Law No. 2 (Animal Management) 2018;

Subordinate Local Law No. 3 (Community and Environment Management) 2018;

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.

### **RECOMMENDATION**

That Council resolves to:-

propose to adopt model local laws as follows—

Model Local Law No. 1 (Administration) 2011 (to be known as Local Law No. 1 (Administration) 2018);

Model Local Law No. 2 (Animal Management) 2011 (to be known as Local Law No. 2 (Animal Management) 2018);

Model Local Law No. 3 (Community and Environmental Management) 2011 (to be known as Local Law No. 3 (Community and Environmental Management) 2018);

Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 (to be known as Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018); and

propose to make subordinate local laws as follows—

Subordinate Local Law No. 1 (Administration) 2018;

Subordinate Local Law No. 2 (Animal Management) 2018;

Subordinate Local Law No. 3 (Community and Environment Management) 2018;

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.

Council resolves, pursuant to section 257 of the Local Government Act 2009 (“the Act”), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the Local Government Regulation 2012 to decide—

how the public interest test of each local law particularised in the schedule is to be conducted; and

the matters with which the public interest test report in relation to each local law particularised in the schedule must deal; and

the consultation process for the public interest test and how the process is to be used in the public interest test.

### **SCHEDULE**

Model Local Law No. 1 (Administration) 2011;

Model Local Law No. 2 (Animal Management) 2011;

Model Local Law No. 3 (Community and Environmental Management) 2011;

Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;

Subordinate Local Law No. 1 (Administration) 2018;

Subordinate Local Law No. 2 (Animal Management) 2018;

Subordinate Local Law No. 3 (Community and Environment Management) 2018;

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.

### **Resolution No. 105/1819**

Council resolves to:-

propose to adopt model local laws as follows—

Model Local Law No. 1 (Administration) 2011 (to be known as Local Law No. 1 (Administration) 2018);

Model Local Law No. 2 (Animal Management) 2011 (to be known as Local Law No. 2 (Animal Management) 2018);

Model Local Law No. 3 (Community and Environmental Management) 2011 (to be known as Local Law No. 3 (Community and Environmental Management) 2018);

Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 (to be known as Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018); and

propose to make subordinate local laws as follows—

Subordinate Local Law No. 1 (Administration) 2018;

Subordinate Local Law No. 2 (Animal Management) 2018;

Subordinate Local Law No. 3 (Community and Environment Management) 2018;

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.

Council resolves, pursuant to section 257 of the Local Government Act 2009 (“the Act”), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the Local Government Regulation 2012 to decide—

how the public interest test of each local law particularised in the schedule is to be conducted; and

the matters with which the public interest test report in relation to each local law particularised in the schedule must deal; and

the consultation process for the public interest test and how the process is to be used in the public interest test.



## **SCHEDULE**

Model Local Law No. 1 (Administration) 2011;  
Model Local Law No. 2 (Animal Management) 2011;  
Model Local Law No. 3 (Community and Environmental Management) 2011;  
Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;  
Subordinate Local Law No. 1 (Administration) 2018;  
Subordinate Local Law No. 2 (Animal Management) 2018;  
Subordinate Local Law No. 3 (Community and Environment Management) 2018;  
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

### **6.4 Endorsement of a Draft Biosecurity Plan**

It is a requirement under the Biosecurity Act 2014 for Local Government to have a biosecurity plan for the management of invasive biosecurity matter within its Local Government Area. A draft Biosecurity Plan has been developed for Councils' consideration and endorsement for further stakeholder consultation and completion.

### **RECOMMENDATION**

That Council

1. Endorse the draft McKinlay Shire Biosecurity Plan 2018; and
2. Seek membership for establishment of the McKinlay Shire Pest Advisory Group as set out in the Plan to develop, adopt and implement the strategic programs as defined in the Biosecurity Plan.

### **Resolution No. 106/1819**

Council

1. Endorse the draft McKinlay Shire Biosecurity Plan 2018; and
2. Seek membership for establishment of the McKinlay Shire Pest Advisory Group as set out in the Plan to develop, adopt and implement the strategic programs as defined in the Biosecurity Plan.

Moved Cr. N Walker

Seconded Cr. J Fegan

CARRIED 5/0

**Attendance** – Geoff Hatwell, Director of Engineering, Environmental & Regulatory Services left the meeting room at 12:07pm.

**Attendance** – Tenneil Cody, Director of Corporate & Community Services entered the meeting room at 12:10pm.

## **7. COMMUNITY SERVICES**

### **7.1 Community Services Monthly Report**

Council is presented with the monthly Community Services report, which provides an overview of the operations for the month of November 2018.

**RECOMMENDATION**

That Council receives the Community Services monthly report for November 2018.

**Resolution No. 107/1819**

Council receives the Community Services monthly report for November 2018.

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 5/0

**8. CORPORATE SERVICES REPORT**

**8.1 Corporate Services Report**

The Corporate Services Report as of 30<sup>th</sup> November 2018 which summarises the financial performance and position is presented to Council.

**RECOMMENDATION**

That Council receives the monthly Corporate Services Report for the period ending 30th November 2018.

**Resolution No. 108/1819**

Council receives the monthly Corporate Services Report for the period ending 30th November 2018.

Moved Cr. J Fegan

Seconded Cr. N Walker

CARRIED 5/0

**Attendance** – Tenneil Cody, Director of Corporate & Community Services left the meeting room at 12:10pm.

**9. CHIEF EXECUTIVE OFFICER REPORT**

**9.1 Council Meeting Dates 2019**

Section 277 of the Local Government Regulation 2012 requires Council, to at least once per year public the dates and times of its Ordinary Meetings of Council. This report has been prepared for Council to confirm the meeting dates for 2019.

Meetings will be held in the Julia Creek Civic Centre Boardroom, located at 29 Burke Street Julia Creek. All meetings will commence at 9:00am unless otherwise notified.

The proposed dates for Briefing and Ordinary Meetings of Council for 2019 are as follows:

**BRIEFING MEETINGS**

**ORDINARY MEETINGS OF COUNCIL**

Tuesday 8th January 2019  
Tuesday 5th February 2019  
Tuesday 5th March 2019  
Tuesday 2nd April 2019  
Tuesday 7th May 2019  
Tuesday 4th June 2019  
Tuesday 2nd July 2019  
Thursday 6th August 2019  
Tuesday 3rd September 2019  
Tuesday 1st October 2019  
Tuesday 5th November 2019  
Tuesday 3rd December 2019

Tuesday 15th January 2019  
Tuesday 19th February 2019  
Tuesday 19th March 2019  
Tuesday 16th April 2019  
Tuesday 21st May 2019  
Tuesday 18th June 2019  
Tuesday 16th July 2019  
Tuesday 20th August 2019  
Tuesday 17th September 2019  
Tuesday 15th October 2019  
Tuesday 19th November 2019  
Tuesday 17th December 2019

**RECOMMENDATION**

That Council confirms that the Ordinary Meetings of Council will be held on a monthly basis and generally on the third Tuesday of the month. The dates of the 2019 Ordinary Meetings of Council will be:

**ORDINARY MEETINGS OF COUNCIL**

Tuesday 15th January 2019	Tuesday 16th July 2019
Tuesday 19th February 2019	Tuesday 20th August 2019
Tuesday 19th March 2019	Tuesday 17th September 2019
Tuesday 16th April 2019	Tuesday 15th October 2019
Tuesday 21st May 2019	Tuesday 19th November 2019
Tuesday 18th June 2019	Tuesday 17th December 2019

**Resolution No. 109/1819**

Council confirms that the Ordinary Meetings of Council will be held on a monthly basis and generally on the third Tuesday of the month. The dates of the 2019 Ordinary Meetings of Council will be:

**ORDINARY MEETINGS OF COUNCIL**

Tuesday 15th January 2019  
Tuesday 19th February 2019  
Tuesday 19th March 2019  
Tuesday 16th April 2019  
Tuesday 21st May 2019  
Tuesday 18th June 2019  
Tuesday 16th July 2019  
Tuesday 20th August 2019  
Tuesday 17th September 2019  
Tuesday 15th October 2019  
Tuesday 19th November 2019  
Tuesday 17th December 2019

Moved Cr. N Walker

Seconded Cr. J Fegan

CARRIED 5/0

**9.2 CONFIDENTIAL – DPI Paddock**

This report is CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss *(e) contracts proposed to be made by it;*

**PROCEDURAL MOTION**

**Resolution No. 110/1819**

Council resolve that the meeting be closed to the public in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss *(e) contracts proposed to be made by it;*

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

The Ordinary Meeting of Council closed to the public at 12:27pm.

**RECOMMENDATION**

In view of the way the whole matter has evolved, it would seem appropriate for Council to pay for all of the boundary fencing, so that we and any tenant now and in the future starts with a clean slate and Council staff managing our stock routes and reserves have a clear understanding of a starting point to effectively manage the land and built infrastructure into the future.

## **PROCEDURAL MOTION**

### **Resolution No. 111/1819**

Council resolves to re-open the Ordinary Meeting of Council

Moved Cr. N Walker

Seconded Cr. P Curr

CARRIED 5/0

The Ordinary Meeting of Council re-opened to the public at 12:38pm.

### **Resolution No. 112/1819**

In view of the way the whole matter has evolved, it would seem appropriate for Council to pay for all of the boundary fencing, so that we and any tenant now and in the future starts with a clean slate and Council staff managing our stock routes and reserves have a clear understanding of a starting point to effectively manage the land and built infrastructure into the future.

Moved Cr. P Curr

Seconded Cr. N Walker

CARRIED 4/1

OPPOSED: Cr. S Royes

## **9.3 CEO Monthly Report for November 2018**

Matters arising during the period of November 2018.

### **RECOMMENDATION**

That Council notes the monthly update from the CEO for information purposes.

### **Resolution No. 113/1819**

Council notes the monthly update from the CEO for information purposes.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

## **9.4 Appointment of Director of Engineering, Environmental and Regulatory Services.**

### **RECOMMENDATION**

### **Resolution No. 114/1819**

Council resolve to accept the recommendation of the panel to appoint David McKinley to the role of Director of Engineering, Environmental and Regulatory Services.

Moved Cr. P Curr

Seconded Cr. N Walker

CARRIED 5/0

## **10.WHS REPORT**

Council receives the Work Place Health & Safety monthly report for information purposes.

## 11. MEMBERS BUSINESS

**Cr. N Walker:** Upgrade to the SES Shed in Kynuna & McKinlay.

**Cr. N Walker:** Southern Gulf catchments met regarding the regional pest management plan.

**Cr. J Fegan:** Julia Creek Hospital build update.

**Cr. S Royes:** Clarified who the Emergency contacts will be over the Council closure period.

**Cr. B Murphy:** Mayor Belinda Murphy has given her full delegation to Deputy Mayor Neil Walker from 15<sup>th</sup> Dec 2018 to 8<sup>th</sup> January 2019.

## 12. CLOSURE OF MEETING

The Chair of the meeting Mayor Belinda Murphy declared the meeting closed at 1:05pm.



Mayor Belinda Murphy