



# MCKINLAY SHIRE COUNCIL

## ***CONFIRMED MINUTES***

OF THE

### **ORDINARY MEETING OF COUNCIL**

HELD AT THE

BOARDROOM, CIVIC CENTRE  
JULIA CREEK

25<sup>TH</sup> February 2019

## **ORDER OF BUSINESS**

1. Opening
2. Attendance
3. Declaration of Conflict of Interest
4. Confirmation of Minutes
- 4.2 Business Arising out of minutes of previous Meeting

### **5. ENGINEERING SERVICES**

- 5.1 Engineering Works Monthly Report
- 5.2 Works Report January 2019

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

- 6.1 Environmental & Regulatory Services Monthly Report

### **7. COMMUNITY SERVICES**

- 7.1 Community Services Monthly Report

### **8. CORPORATE SERVICES**

- 8.1 Corporate Services Monthly Report
- 8.2 Rates Discount Period & Due Date
- 8.3 Write Off General Debtor

### **9. CHIEF EXECUTIVE OFFICER**

- 9.1 Sale or Acquisition of Land for Overdue Rates – 77 Goldring Street
- 9.2 Advice Regarding Pre-Qualified Supplier Register
- 9.3 Purchasing and Procurement – Internal Audit Report
- 9.4 LATE – Procurement Obligations for Leasing and Trustee Permits
- 9.5 LATE – Default Contracting Procedures
- 9.6 LATE – Report for Carcass Disposal Strategic Master Plan

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

- 10.1 Workplace Health and Safety Monthly Report

### **11. MEMBERS BUSINESS**

### **12. CLOSE**

## 1. OPENING BUSINESS ▲

All Councillors having signed the Attendance Book, Mayor Belinda Murphy declared the meeting open at 9:10am.

## 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 Corporate and Community Services, Ms. Tenneil Cody

Director of Engineering, Environmental & Regulatory Services, Mr. David McKinley

Executive Assistant, Ms. Maggie Rudolph

**Other people in attendance:**

Nil

**Apologies:**

Nil

## 3. DECLARATION OF CONFLICT OF INTEREST ▲

**Cr. S. Royes**

1. I declare that I have a material personal interest in the matter of agenda items 9.4 as defined by section 175D of the Local Government Act 2009 as follows:

- a) I stand to gain a benefit or suffer a loss depending on the outcome of Councils consideration of this matter.
- b) I stand to gain a benefit or suffer a loss because James G. Fels and I have current Trustee Permits on Nelia common, relating to item 9.4.

I will be dealing with the Material Personal Interest by leaving the meeting while the matter is discussed and voted on.

## 4. CONFIRMATION OF MINUTES ▲

Confirmation of Minutes of the Ordinary Meeting of Council held on 15<sup>th</sup> January 2019.

**RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on 15<sup>th</sup> January 2019 be confirmed.

**Resolution No. 133/1819**

The Minutes of Ordinary Meeting of Council held on 15<sup>th</sup> January 2019 are confirmed.

Moved Cr. J. Fegan

Seconded Cr. P. Curr

CARRIED 5/0

#### 4.2 BUSINESS ARISING FROM PREVIOUS MINUTES ▲

**Cr. J. Fegan** – mentioned that in the last meeting she brought up pool fencing and discussed an update.

#### 5. ENGINEERING SERVICES ▲

##### 5.1 Engineering Works Report

Council is presented with the Engineering Works Report, which outlines the general activities, revenue and expenditure for the department for the period of January 2019.

##### **RECOMMENDATION**

That Council receives the January 2019 Engineering Works Report.

##### **Resolution No. 134/1819**

Council receives the January 2019 Engineering Works Report.

Moved Cr. N. Walker

Seconded Cr. P. Curr

CARRIED 5/0

##### 5.2 Works Report January 2019

Council is presented with the Works Report January 2019, which outlines the general status of Council vehicles and equipment.

##### **RECOMMENDATION**

That Council receives the Works Report January 2019.

##### **Resolution No. 135/1819**

Council receives the Works Report January 2019..

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 5/0

#### 6. ENVIRONMENTAL AND REGULATORY SERVICES ▲

##### 6.1 Environmental and Regulatory Services Report

Council is presented with the monthly Environmental and Regulatory Services Report, which outlines the general activities, revenue and expenditure for the department for the period of January 2019.

##### **RECOMMENDATION**

That Council receives the January 2019 Environmental and Regulatory Services Report.

##### **Resolution No. 136/1819**

Council receives the January 2019 Environmental and Regulatory Services Report.

Moved Cr. N. Walker

Seconded Cr. J. Fegan

CARRIED 5/0

**Attendance** – Executive Assistant, Maggie Rudolph, left the meeting room at 10:03am.

**Attendance** – Executive Assistant, Maggie Rudolph, re-entered the meeting room at 10:04am.

**Attendance** – Cr. J. Fegan left the meeting room at 10:04am.

**Attendance** – Director of Corporate & Community Services, Tenneil Cody, entered the meeting room at 10:04am.

**Attendance** – Director of Engineering, Environmental & Regulatory Services, David McKinley, left the meeting room at 10:05am.

**Attendance** – Cr. J. Fegan re-entered the meeting room at 10:05am.

## 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 February 2019.

#### **RECOMMENDATION**

That Council receives the Community Services monthly report for February 2019.

#### **Resolution No. 137/1819**

Council receives the Community Services monthly report for February 2019.

Moved Cr. S. Royes

Seconded Cr. J. Fegan

CARRIED 5/0

## 8. CORPORATE SERVICES ▲

### 8.1 Corporate Services Report

The Corporate Services Report as of 31<sup>st</sup> January 2019, which summarizes the financial performance and position is presented to Council.

#### **RECOMMENDATION**

That Council receives the monthly Corporate Services Report for the period ending 31<sup>st</sup> January 2019.

#### **Resolution No. 138/1819**

Council receives the monthly Corporate Services Report for the period ending 31<sup>st</sup> January 2019.

Moved Cr. N. Walker

Seconded Cr. P. Curr

CARRIED 5/0

### 8.2 Rates Discount Period & Due Date

In accordance with *Section 130 (7) of the Local Government Regulation 2012* Council has the authority to

change the discount period to end on a later day (the **new discount day**). However, in accordance with *Section 130 (8) of the Local Government Regulation 2012* Council must also change the due date for payment to a later day that is no earlier than the new discount day.

**RECOMMENDATION:**

That Council resolve to:

- (a) Change the discount period to 31 days pursuant to section 130(7) of the Local Government Regulation 2012 by issuing rate notices stating the new discount day 24/06/19.
- (b) Change the due date for payment to the new discount day pursuant to section 130(8) of the Local Government Regulation 2012 by issuing rate notices stating the new due date 24/06/19.

**Resolution No. 139/1819**

Council resolves to:

(a) Change the discount period to 31 days pursuant to *section 130(7) of the Local Government Regulation 2012* by issuing rate notices stating the new discount day 24/06/19.

(b) Change the due date for payment to the new discount day pursuant to *section 130(8) of the Local Government Regulation 2012* by issuing rate notices stating the new due date 24/06/19.

Moved Cr. J. Fegan

Seconded Cr. P. Curr

CARRIED 5/0

**8.3 Request to Write Off General Debtor Account**

Request to Council to write off the outstanding general debtor account of \$2,970.00, as per requirement of debtor policy.

**RECOMMENDATION:**

That Council resolve to write off the outstanding general debt of \$2,970.00 for invoice numbers 21006, 21008 and 21656.

**Resolution No. 140/1819**

Council resolves to write off the outstanding general debt of \$2,970.00 for invoice numbers 21006, 21008 and 21656.

Moved Cr. S. Royes

Seconded Cr. N. Walker

CARRIED 5/0

**Attendance** – Director of Corporate & Community Services, Tenneil Cody, left the meeting room at 10:44am.

**9. CHIEF EXECUTIVE OFFICER** ▲

**9.1 Sale or Acquisition of Land for Overdue Rates**

In accordance with *Section 140(1) (c) (i) of the Local Government Regulation 2012* Council has the authority to sell the land at 77 Goldring Street, Julia Creek, more particularly described as Lot 8 on JC55710 for overdue rates or charges as some or all of the overdue rates and charges have been overdue for at least three (3) years.

King & Company seeks Council's instructions as to whether it wants to prepare a supplementary rates notice, and whether it would like King & Company Solicitors to write to Fair Trading to determine whether it will accept service.

**RECOMMENDATION**

That Council resolve to:

- (a) serve all future notices on the entity responsible for receiving notices on behalf of the Julia Creek Town & Country Club Inc, located at 77 Goldring Street Julia Creek, more particularly described as Lot 8 on JC55710 ("the Land")
- (b) decide to either; sell the Land or acquire the Land for the overdue rates and charges (Acquire the land – for overdue rates) – council would rather do this

**Resolution No. 141/1819**

Council resolves to:

(a) serve all future notices on the entity responsible for receiving notices on behalf of the Julia Creek Town & Country Club Inc, located at 77 Goldring Street Julia Creek, more particularly described as Lot 8 on JC55710 ("the Land")

(b) acquire the Land for the overdue rates and charges

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 5/0

**9.2 Advice Regarding Pre-Qualified Supplier Register**

Council has, pursuant to *Section 232 of the Local Government Regulation 2012*, prepared a register of pre-qualified suppliers for plant hire. The Register is valid for the period commencing 1 January 2019 and ending 31 December 2019.

Legal Advice from Preston Law, concerning this Pre-Qualified Supplier Register gives information on Council's options.

**RECOMMENDATION**

That Council determines how to proceed, in the future, with the Pre-Qualified Supplier Register based on the legal advice provided by Preston Law.

**Resolution No. 142/1819**

Council notes the report and will determine how to proceed with the Pre-Qualified Supplier Register, at a later date.

Moved Cr. N. Walker

Seconded Cr. J. Fegan

CARRIED 5/0

**9.3 Purchasing and Procurement including Plant Hire Arrangements – Internal Audit Report**

O' Regan & Partners have presented an Internal Audit Report for Purchasing and Procurement including Plant Hire Arrangements; the objective being to assess the adequacy of Council policies, controls and procedures in relation to the procurement of goods and services and compliance with these policies.

**RECOMMENDATION**

That Council receives the Internal Audit Report, provided by O' Regan Partners, and consider the contents therein.

**Resolution No. 143/1819**

Council receives the Internal Audit Report, provided by O' Regan Partners, and considers the contents therein.

Moved Cr. N. Walker

Seconded Cr. J. Fegan

CARRIED 5/0

**Attendance** - Cr. S. Royes left the meeting room having declared a Material Personal Interest in the matter of Agenda Item 9.4, as defined by *Section 175D of the Local Government Act 2009*, and left the meeting room at 11:12am, taking no part in the meeting or discussion.

**Attendance** – Cr. B. Murphy left the meeting room at 11:12am.

**Attendance** – Cr. N. Walker left the meeting room at 11:13am.

**Attendance** – Executive Assistant, Maggie Rudolph left the meeting room at 11:14am.

**Attendance** – Cr. N. Walker re-entered the meeting room at 11:15am.

**Attendance** – Cr. B. Murphy re-entered the meeting room at 11:15am.

**Attendance** – Executive Assistant, Maggie Rudolph re-entered the meeting room at 11:17am.

**9.4 LATE – Procurement Obligations for Leasing and Trustee Permits**

Following on from the recent flooding event, a couple of issues have arisen:

1. As the leased areas have been inundated by flood waters, fencing damaged or destroyed and stock losses incurred, does Council wish to place a moratorium on the payment of lease/permit fees until the trustee permits expire on 28 February 2019?
2. Does Council wish to continue with calling of tenders for the land in question?
3. As the land in question has suffered from severe flooding, it would seem inappropriate to do so until the land has recovered and fencing restored or repaired.
4. It would also seem appropriate that Council could offer the current tenants a Trustee Permit over the land until such time as the land and infrastructure has recovered. Tenders are not required for Trustee Permits.
5. Should Council consider that 4. above might be appropriate, Council could consider a period of 12 months for a Trustee Permit over the land, should the current tenants re-apply.
6. Other leased areas may also be impacted so it may be appropriate to waiver any fees due as a result. Each could be assessed on merit.

Preston Law has sent a letter of advice, in response to these issues.

**Attendance** – Cr. P. Curr left the meeting room at 11:37am.

**Attendance** – Cr. P. Curr re-entered the meeting room at 11:39am.



**RECOMMENDATION**

That Council determines how to proceed with seeking tenders on flood affected land and how to proceed with currently leased areas, based on the legal advice provided by Preston Law.

**Resolution No. 144/1819**

Council determines to proceed as follows:

- (a) Placing a moratorium on the payment of trust lease/permit fees currently occupied from 1 February 2019, for a period of 12 months.
- (b) Issuing Trustee Permits over any current trust land leases/permits expiring on 28 February 2019, for a period of 12 months.
- (c) Tenders will be called for the above mentioned trust land from a common due date of 1 March 2020.
- (d) The Stock Route Supervisor will assess fencing condition for future appraisal.

Moved Cr. J. Fegan

Seconded Cr. P. Curr

CARRIED 4/0

**Attendance** – Cr. J. Fegan left the meeting room at 11:39am.

**Attendance** – Cr. J. Fegan re-entered the meeting room at 11:41am.

**Attendance** – Cr. S. Royes re-entered the meeting room at 11:43am.

**9.5 LATE – Default Contracting Procedures**

*Section 235 Contracting-Other exceptions of the LGR 2012* states that a local government may enter into a contractual arrangement without first inviting written quotes or tenders if-

*Among other things:*

- (c) a genuine emergency exists

As we are in the recovery stages of an emergency of some significance and emergent works are occurring, it would be prudent to resolve that as additional plant and equipment is required during this phase, Council resolve to delegate to the Chief Executive Officer the authority to engage suitable plant and equipment to carry out emergent works on a needs basis.

This recommendation is to cover the likelihood of suppliers already on our preferred supplier list being able to hire in additional plant not covered by the preferred supplier list to do emergent works on Councils behalf.

**RECOMMENDATION**

That Council resolves to delegate, to the CEO, the authority to engage suitable plant and equipment to carry out emergent works on a needs basis.

### **Resolution No. 145/1819**

Council resolves to delegate, to the CEO, the authority to engage suitable plant and equipment to carry out emergent works on a needs basis, in accordance with *Section 257(b)* of the *Local Government Act 2009*.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 5/0

### **9.6 LATE - Report for Carcass Disposal Strategic Master Plan**

Councillors were presented the draft plan and took part in discussions surrounding the detail of the plan and process for the expenditure of the funds

Post these discussions on Thursday 22<sup>nd</sup> of February all five Local Government areas involved agreed to and signed the Strategic Master Plan giving full consistency across the region

A copy of the plan is now publically available and the process for the distribution of the funds through the Local Government direct to affected landholders is being implemented.

#### **RECOMMENDATION**

That Council resolve to receive and accept the Carcass Disposal Strategic Master Plan and implement in its entirety including the dispersal of the funds allocated by the Federal Government as identified in the plan.

That Council will consider the dispersal of any funds that remain unallocated post the application closing date of the 31<sup>st</sup> May 2019

### **Resolution No. 146/1819**

Council receives and accepts the Carcass Disposal Strategic Master Plan and implements it in its entirety, including the dispersal of the funds allocated by the Federal Government as identified in the plan.

Council considers the dispersal of any funds that remain unallocated, post the application closing date of the 31<sup>st</sup> May 2019

Moved Cr. N. Walker

Seconded Cr. S. Royes

CARRIED 5/0

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

### **10.1 Workplace Health and Safety Monthly Report**

Council is presented with the monthly Workplace Health and Safety report, which provides an overview of the operations for the month of January 2019.

## **11. MEMBERS BUSINESS ▲**

**Cr. B. Murphy** – Discussed her meeting in Richmond with other Council Mayors and updates on Federal funding.

- She asked if we can organize a survey for cattle losses and kilometres of fencing
- She mentioned that she discussed Cattle Yards Dip with Minister Furner
- She wants to know what other jobs need to be done that Federal Government could help fund

**Cr. B. Murphy** – Gave an update that executives from Queensland Rail and local producers finally had a meeting together to discuss the train derailment. She noted that Council will keep publishing information from Queensland Rail, but this derailment is not Council’s clean-up; it is in Queensland Rail’s hands.

**Cr. S. Royes** – Raised concerns over the train derailment spilling content that could affect producers. Council is aware that there is water testing being done and there may have to be more soil and water testing, some period after initial clean up.

**Cr. B. Murphy** – Gave an update on the Richmond Road to be opened for one lane traffic, by late Wednesday 27 Feb.

**Cr. S. Royes** – Requests information on how helicopter bills are being distributed.

- Cr. B. Murphy explains the dependence on bills is where fuel came from, what Australian Defence and State provided, and whether people engaged choppers themselves.

## 12. CLOSURE OF MEETING ▲

The Chair of the meeting Mayor Belinda Murphy declared the meeting closed at 12:05pm.



Mayor Belinda Murphy