



MCKINLAY SHIRE COUNCIL

***UNCONFIRMED MINUTES***

**OF THE**

**ORDINARY MEETING OF COUNCIL**

HELD AT THE

BOARDROOM, CIVIC CENTRE  
JULIA CREEK

**21 March 2023**

## ORDER OF BUSINESS

1. Opening
2. Attendance
3. Declaration of Conflict of Interest
- 4.0 Confirmation of minutes
- 4.1 Confirmed Ordinary Council Meeting Minutes 21 February 2023
- 4.3 Business Arising out of minutes of previous Meeting

### **5. ENGINEERING REPORT**

- 5.1 Engineering Works Monthly Report
- 5.2 Delegation to CEO for potential DTMR Emergent Works package

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

- 6.1 Environmental and Regulatory Services Monthly Report
- 6.2 Adoption of 2023-24 Fees and Charges Schedule
- 6.3 Sale of Vacant Lot - Lot 14 on SP247177
- 6.4 Queensland Housing Strategy 2021-2025
- 6.5 Subdivision of Lot 3 on SP278219 and Lot 4 on SP278219 for tender

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

- 7.1 Community Services Monthly Report
- 7.2 Julia Creek Turf Club – Community Sponsorship Request
- 7.3 RADF Quick Response Application Julia Creek Dirt & Dust Festival
- 7.4 McKinlay Shire Cultural Association – Community Sponsorship Request

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

- 8.1 Corporate Services Monthly Report
- 8.2 2022-2023 Amended Budget Adoption

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

- 9.1 CEO Monthly Report

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

- 10.1 Workplace Health and Safety

## 1. OPENING BUSINESS

All Councillors having signed the Attendance Book, Mayor Philip Curr declared the meeting open at 09:01am.

## 2. ATTENDANCE

**Mayor:** Cr. P Curr

**Members:** Cr. J Fegan, Cr. S Royes, Cr. T Pratt (teleconference), Cr. J Lynch

**Staff:**

Chief Executive Officer, Mr. Trevor Williams

Director of Engineering, Environment and Regulatory Services, Mr. Cameron Scott

Director of Corporate & Community Services, Ms. Tenneil Cody

Executive Assistant, Mrs. Melissa Mussig

Environmental Regulatory Services, Team Leader, Ms. Megan Pellow

**Apologies:**

## 3. DECLARATION OF CONFLICT OF INTEREST

- I. "I Cr. Janene Fegan declare that I have a conflict of interest with respect to agenda item 7.2 Julia Creek Turf Club – Community Sponsorship Request of the March 2023 Ordinary Meeting (as defined the *Local Government Act 2009*, section 150EN) as follows:

- (i) Name of related party: Trevor Fegan
- (ii) The nature of my relationship with this related party is Trevor is my spouse.
- (iii) The nature of the related party's interests in this matter is Trevor is the President of the Julia Creek Turf Club.

I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on."

- II. "I Cr. Tim Pratt declare that I have a conflict of interest with respect to agenda item 7.3 RADF Quick Response Application Julia Creek Dirt & Dust Festival – Community Sponsorship Request of the March 2023 Ordinary Meeting (as defined the *Local Government Act 2009*, section 150EN) as follows: -

- (i) Name of related party: Sheree Pratt
- (ii) The nature of my relationship with this related party is Sheree is my spouse.
- (iii) The nature of the related party's interests in this matter is Sheree is the President of the Dirt and Dust Committee.

I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on."

- III. "I Cr. Janene Fegan declare that I have a conflict of interest with respect to 6.3 Sale of Vacant Lot - Lot 14 on SP247177 of the March 2023 Ordinary Meeting (as defined the *Local Government Act 2009*, section 150EN) as follows:

- (iii) The nature of the interest in this matter, is the possible interest of submitting a tender for the purchase of the land.

I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on."

#### 4. CONFIRMATION OF MINUTES

##### 4.1 Confirmation of Minutes

Confirmation of Minutes of the Ordinary Meeting of Council held on 21 February 2023.

##### RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 21 February 2023 be confirmed.

##### **Resolution No. 138/2223**

Minutes of the Ordinary Meeting of Council held on 21 February 2023 confirmed.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

#### 4.3 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

#### 5. ENGINEERING SERVICES

##### 5.1 Engineering Works Report

This report outlines the general activities for the Engineering Department for the month of February 2023.

##### RECOMMENDATION

That Council receives the Engineering Services monthly report for February 2023.

##### **Resolution 139/2223**

Council receives the Engineering Services monthly report for February 2023.

Moved Cr. T Pratt

Seconded Cr. S Royes

CARRIED 5/0

##### 5.2 Delegation to CEO for potential DTMR Emergent Works package

Council has been approached by DTMR Officers regarding potential Stabilisation works on 14D and 14E under Emergent works. These works could potentially involve large purchases beyond CEO limits in short time frames so as to facilitate the works prior completion date 17<sup>th</sup> June 2023.

##### RECOMMENDATION

That Council resolve to;

- a) Delegate the Chief Executive Officer authority to exceed existing purchasing authority (\$200,000 Ex GST) for the engagement of contractors to complete the DTMR Emergent Works Program only from 21<sup>st</sup> March 2023 through 30<sup>th</sup> June 2023 and;
- b) Instruct the Chief Executive to report such expenditure, to Council at the following Ordinary Meeting

**Resolution 140/2223**

That Council resolve to;

- a) Delegate the Chief Executive Officer authority to exceed existing purchasing authority (\$200,000 Ex GST) for the engagement of contractors to complete the DTMR Emergent Works Program only from 21st March 2023 through 30th June 2023 and;
- b) Instruct the Chief Executive to report such expenditure, to Council at the following Ordinary Meeting

Moved Cr. J Lynch

Seconded Cr. T Pratt

CARRIED 5/0

**ENVIROMENTAL AND REGULATORY SERVICES****6.1 Environmental and Regulatory Services Report**

This report outlines the general activities, revenue and expenditure for the department for the period February 2023.

**RECOMMENDATION**

That Council receives the February 2023 Environmental and Regulatory Services Report.

**Resolution No. 141/2223**

Council receives the February 2023 Environmental and Regulatory Services Report.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

**6.2 Adoption of 2023-24 Fees and Charges Schedule**

Staff have reviewed the current charges for the Julia Creek Airport and propose new charge rates be applied for the 2023-24 Financial Year.

RPT operators require 3 months notice to update their ticketing/financial systems. It is proposed to adopt the airport charges early to allow REX enough notice to update their system with the new charge rate.

**RECOMMENDATION**

Council resolves to adopt the airport usage charges for 2023-24 Financial Year effective 1 July 2023 to;

- Aircraft <5700kg \$10.00 per tonne (incl GST)
- Aircraft >5700kg \$15.00 per tonne (incl GST)
- RFDS and Emergency Services No charge

**Resolution No. 142/2223**

Council resolves to adopt the airport usage charges for 2023-24 Financial Year effective 1 July 2023 to;

- Aircraft <5700kg \$10.00 per tonne (incl GST)
- Aircraft >5700kg \$15.00 per tonne (incl GST)
- RFDS and Emergency Services No charge

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 5/0

**Attendance – Cr. Janene Fegan requested to leave the meeting, has an interest in item 6.3 Sale of Vacant Lot - Lot 14 on SP247177. Cr. Janene Fegan left the meeting at 09:35am.**

### **6.3 Sale of Vacant Lot - Lot 14 on SP247177**

Council resolved at its Ordinary Meeting held on 25 October 2022 to award Lot 14 on SP247177 to Sarah Acton. Sarah Acton has declined to proceed following difficulties in obtaining construction finance as a result of the lease arrangement.

#### **RECOMMENDATION**

That Council resolve to tender Lot 14 on SP247177 for sale subject to the draft contract and special conditions as presented.

#### **Resolution No. 143/2223**

That Council resolve to tender Lot 14 on SP247177 for sale subject to the draft contract and special conditions as presented.

#### ANNEXURE A SPECIAL CONDITIONS

##### 1. DICTIONARY AND INTERPRETATION

1.1. In these Special Conditions unless otherwise provided or unless the subject matter is inconsistent the expressions following (whether appearing with or without capital letters) the terms below shall have the meanings hereinafter respectively assigned to them:

(a) "Development" means the construction of a residential dwelling capable of being lawfully occupied.

##### 2. ACKNOWLEDGEMENT BY BUYER

2.1. The Buyer agrees and acknowledges that the Property is sold subject to the requirements set out in these Special Conditions.

2.2. The Buyer also acknowledges that the McKinlay Shire Council wishes to ensure development of the Property is commenced within twelve (12) months and the Development is brought into active use within thirty six (36) months of the Settlement Date.

2.3. The Buyer covenants and agrees that these special conditions two (2) to six (6) will survive completion of the sale and shall be continuing after the Settlement Date.

2.4. Special conditions two (2) to six (6) are not applicable if the Property adjoins property already owned by the Buyer which is improved with a residential dwelling capable of being occupied.

##### 3. DEVELOPMENT COMPLIANCE

3.1. The Buyer agrees to construct the Development on the Land after the Buyer has first obtained all necessary approvals.

##### 4. BUYER TO ESTABLISH PRIVITY OF CONTRACT WITH FURTHER BUYER

4.1. The Buyer shall not sell or otherwise dispose of the Property or any part of it without first securing a covenant (at the Buyer's cost) from any buyer or transferee in favour of the Seller that such buyer or transferee will recognise and be bound by the Buyer's covenants and agreement in these Special Conditions as if that buyer or transferee had originally been named in this Contract as the Buyer.

4.2. If that buyer or transferee sells or disposes of their interest in the Property or any part of it to any other person, that buyer or transferee shall obtain from such subsequent buyer or transferee a covenant in favour of the Seller in terms similar to those contained herein.

##### 5. CONSTRUCTION OF DEVELOPMENT

5.1. Subject to any extensions granted by the Seller in accordance with these Special Conditions, the Buyer must substantially commence construction of the Development on the Land within twelve (12) months of the Settlement Date ("Progress Date"), and must not allow a period of more than three (3) months to elapse without substantial work being carried out.

5.2. If construction of the Development is not commenced before the Progress Date or the Development is not brought into active and lawful use and an occupancy certificate from a qualified building inspector has not been issued within thirty six (36) months of the Settlement Date ("Occupancy Date") then in either event the Seller may, at its sole and absolute discretion, give a written notice to the Buyer, requiring the Buyer to re-transfer the Property free of encumbrances to the Seller or its nominee named in the notice for nil consideration. If notice is given, the Buyer agrees to:

- (a) deliver stamped Form 3 Releases of all mortgages and do all such things and execute all such documents as may be necessary to give effect to this condition;
- (b) sign transfer documents, which will be prepared by the Seller. If the Buyer does not sign the transfer documents within thirty (30) days of receiving them the Seller's officers and employees will be entitled to sign such documentation as the duly appointed and authorised attorney of the Buyer (jointly and severally). The Buyer agrees to ratify and confirm all acts, deeds and things done or performed by the Seller as the Buyer's attorney so constituted and appointed hereunder. The provisions of this clause take effect as a separate instrument and the Buyer and Seller agree that they will have effect as a Deed and may be registered with Queensland Titles (or its successor);
- (c) pay all costs of and incidental to the re-transfer including the costs of the preparation, stamping and registration of the transfer documents and all transfer duty and registration fees and shall also pay the Seller's reasonable legal fees of the re-transfer. The costs are recoverable from the Buyer as a liquidated debt payable on demand.

5.3. The Buyer may request an extension of time to either the Progress Date or the Occupancy Date. An extension may be considered by the Seller, and granted in its sole and absolute discretion, if:

- (a) The Buyer can provide evidence in relation to its requirement for an extension. Evidence includes, but is not limited to, proof of financial hardship or proof of builder or other tradesperson unavailability verified by the builder or tradesperson; and
- (b) No more than two (2) previous extensions for periods not exceeding twenty-four (24) months have previously been granted.

5.4. If an extension is not granted by the Seller then the Seller may provide a notice to the Buyer in accordance with clause 5.2 of these Special Conditions.

## 6. EXCLUSIONS AND LIMITATIONS

6.1. The Buyer agrees and acknowledges:

- (a) the Seller has the sole benefit of these Special Conditions two (2) to six (6) and may decide whether or not to enforce them;
- (b) in the event of a dispute in relation to these Special Conditions the Seller's decision is final.

## 7. INCONSISTENCY

7.1. In the event of an inconsistency between the Terms of Contract for Houses and Residential Land and these Special Conditions, the Special Conditions will prevail.

Moved Cr. T Pratt

Seconded Cr. S Royes

CARRIED 4/0

**Attendance - Cr Janene Fegan re-joined the meeting at 9:45am**

## 6.4 Queensland Housing Strategy 2021-2025

The Local Housing Action Plan is developed through a joint initiative between Queensland Government, McKinlay Shire Council and the Western Queensland Alliance of Councils (WQAC) to respond to a range of immediate, emerging and longer-term housing challenges in the Shire.

### **RECOMMENDATION**

That Council resolve to endorse the Queensland Housing Strategy 2021-2025 Local Housing Action Plan as presented.

**Resolution No. 144/2223**

That Council resolve to endorse the Queensland Housing Strategy 2021-2025 Local Housing Action Plan as presented.

Moved Cr. J Lynch

Seconded Cr. J Fegan

CARRIED 5/0

### **6.5 Subdivision of Lot 3 on SP278219 and Lot 4 on SP278219 for tender**

Council would like to subdivide Lot 3 on SP278219 and Lot 4 on SP278219 into 4 x 1000m<sup>2</sup> lots and release to market via tender.

#### **Recommendation:**

That Council resolve to;

- a) Commence the process to subdivide Lot 3 on SP278219 into two 1000m<sup>2</sup> lots; and
- b) Commence the process to subdivide Lot 4 on SP278219 into two 1000m<sup>2</sup> lots; and
- c) Advertise the newly created four lots by tender

#### **Resolution No. 145/2223**

That Council resolve to;

- a) Commence the process to subdivide Lot 3 on SP278219 into two 1000m<sup>2</sup> lots; and
- b) Commence the process to subdivide Lot 4 on SP278219 into two 1000m<sup>2</sup> lots; and
- c) Advertise the newly created four lots by tender

Moved Cr. J Fegan

Seconded Cr. T Pratt

CARRIED 5/0

## **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 2023.

#### **RECOMMENDATION**

That Council receives the Community Services monthly report for February 2023.

#### **Resolution No. 146/2223**

Council receives the Community Services monthly report for February 2023.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

**Attendance – Having declared a conflict of interest in item 7.2 Julia Creek Turf Club – Community Sponsorship Request. Cr. Janene Fegan left the meeting at 10:09am.**

### **7.2 Julia Creek Turf Club – Community Sponsorship Request**

Council has received a Community Sponsorship Request from the Julia Creek Turf Club to support the running of the Artesian Express Raceday which is ran in conjunction with the Dirt & Dust Festival. The funding requested will be utilised as a contribution towards entertainment at the trackside marquee and supply new signage to be installed in front of the main public area



**RECOMMENDATION**

Council resolves to approve the Community Sponsorship Request for the Julia Creek Turf Club for \$5,000 cash.

**Resolution No. 147/2223**

Council resolves to approve the Community Sponsorship Request for the Julia Creek Turf Club for \$5,000 cash.

Moved Cr. S Royes

Seconded Cr. J Lynch

CARRIED 4/0

**Attendance - Cr Janene Fegan re-joined the meeting at 10:11am**

**Attendance – Having declared a conflict of interest in item 7.3 RADF Quick Response Application Julia Creek Dirt & Dust Festival. Cr. Tim Pratt left the meeting at 10:11am.**

**7.3 RADF Quick Response Application Julia Creek Dirt & Dust Festival**

Council has been actively advertising three separate funding rounds throughout 2022/23 as well as an option for local organisations to submit 'Quick Response' applications for a maximum of \$5,000. Council has received a Quick Response Application from the Julia Creek Dirt & Dust Festival to support entertainment provided by 'The Crack Up Sisters'. This would involve the performers delivering 'Kids Zone' entertainment on Friday and Saturday evening including Face painting, The Crackup Sisters Incredible Flea Circus Show, The Boy Who Ate Teeth Puppet Show, craft activities and hula hooping play sessions. Additionally, the performers will deliver comedy acts in the main arena between sections of the rodeo on each evening to provide entertainment for the whole crowd.

**RECOMMENDATION**

Council resolves to approve the Quick Response application from Julia Creek Dirt & Dust Festival for \$5,000 to support the Crack Up Sisters providing entertainment for both evenings of the 2023 Julia Creek Dirt & Dust Festival as outlined as per the RADF Committee's recommendation.

**Resolution No. 148/2223**

Council resolves to approve the Quick Response application from Julia Creek Dirt & Dust Festival for \$5,000 to support the Crack Up Sisters providing entertainment for both evenings of the 2023 Julia Creek Dirt & Dust Festival as outlined as per the RADF Committee's recommendation.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 4/0

**Attendance - Cr Tim Pratt re-joined the meeting at 10:13am**

**7.4 McKinlay Shire Cultural Association – Community Sponsorship Request**

Council has received a Community Sponsorship Request on behalf of the McKinlay Shire Cultural Association for \$5,000 to contribute towards the hire of a PA System and purchase of new signage to be installed on the western side of the Jan Eckford Centre and unveiled at their upcoming 'Gilliat Gallery Night'.

**RECOMMENDATION**

Council resolves to approve the Community Sponsorship Request for the McKinlay Shire Cultural Association for \$5,000 to contribute towards the hire of a PA System and purchase of new signage to be installed on the western side of the Jan Eckford Centre.

**Resolution No. 149/2223**

Council resolves to approve the Community Sponsorship Request for the McKinlay Shire Cultural Association for \$5,000 to contribute towards the hire of a PA System and purchase of new signage to be installed on the western side of the Jan Eckford Centre.

Moved Cr. S Royes

Seconded Cr. J Lynch

CARRIED 5/0

**8. CORPORATE SERVICES****8.1 The Corporate Services Report**

The Corporate Services Report as of February 2023 which summarises the financial performance and position is presented to Council.

**RECOMMENDATION**

That Council receives the monthly Corporate Services Report for the period ending February 2023.

**Resolution No. 150/2223**

Council receives the monthly Corporate Services Report for the period ending February 2023.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

**8.2 2022-2023 Amended Budget Adoption**

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 2022-2023 Budget is presented for Council's consideration.

**RECOMMENDATION**

Pursuant to section 94 of the *Local Government Act 2009* and sections 169 and 170 of the *Local Government Regulation 2012*, Council's Amended Budget for the 2022/2023 financial year, incorporating:

- i. The statements of Comprehensive Income;
- ii. The Statement of Financial Position;
- iii. The Statement of Cash Flow;
- iv. The Statements of Changes in Equity;
- v. The long-term financial forecast;
- vi. The relevant measures of financial sustainability; and
- vii. Capital Works Program for 2022/2023 financial year.

- viii. 2022-2023 Operational Plan Version 2  
as tabled, be adopted.

### Resolution No. 151/2223

Pursuant to section 94 of the Local Government Act 2009 and sections 169 and 170 of the Local Government Regulation 2012, Council's Amended Budget for the 2022/2023 financial year, incorporating:

- i. The statements of Comprehensive Income;
- ii. The Statement of Financial Position;
- iii. The Statement of Cash Flow;
- iv. The Statements of Changes in Equity;
- v. The long-term financial forecast;
- vi. The relevant measures of financial sustainability; and
- vii. Capital Works Program for 2022/2023 financial year.
- viii. 2022-2023 Operational Plan Version 2  
as tabled, be adopted.

Moved Cr. P Curr

Seconded Cr. J Fegan

CARRIED 5/0

## 9. CHIEF EXECUTIVE OFFICER

### 9.1 Chief Executive Officer's Report

In addition to the information provided below, a verbal update will be given on current matters headlined in the body of the report which have arisen from the Office of the Chief Executive Officer.

#### **RECOMMENDATION**

That Council receive and note the report from the Chief Executive Officer for the period ending 16<sup>th</sup> March 2023 except where amended or varied by separate resolution of Council.

### Resolution No.152/2223

That Council receive and note the report from the Chief Executive Officer for the period ending 16<sup>th</sup> March 2023 except where amended or varied by separate resolution of Council.

Moved Cr. P Curr

Seconded Cr. S Royes

CARRIED 5/0

### 1. Julia Creek Cattle Train Loading Facility

Council has signed the Lease Agreement with Aurizon for the Julia Creek Cattle Train Loading Facility. The inspection of the yards is programmed to occur prior to the end of March. Council is currently negotiating with Queensland Rail for a license to access the loading ramp. The Mayor is continuing negotiations with senior State Government Officers to finalize arrangements.

#### **Recommendation:**

For Council Information

### 2. NBN Update

The Director of Environment and Regulatory Services and I met with NBN for an update on the provision of broadband services to the premise in Julia Creek. Ventia have been engaged to construct the network. A verbal update will be provided to the meeting.

#### **Recommendation:**

For Council Information

### **3. Appointment of Acting CEO During CEO Leave from 17<sup>th</sup> April – 21<sup>st</sup> April**

In the absence of the CEO on Leave commencing 17<sup>th</sup> April – 21<sup>st</sup> April 2023 it is desired that Council appoints an Acting CEO.

#### **Recommendation:**

Council appoints Ms. Tenneil Cody as Acting CEO from 17<sup>th</sup> April – 21<sup>st</sup> April 2023.

#### **Resolution No. 153/2223**

Council appoints Ms. Tenneil Cody as Acting CEO from 17<sup>th</sup> April – 21<sup>st</sup> April 2023.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

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



### **10.1 Workplace Health and Safety**

This report outlines the general status of Work Health and Safety at McKinlay Shire Council for the period of February 2023.

#### **RECOMMENDATION**

That Council receives the February 2023 WHS Report.

#### **Resolution No. 154/2223**

Council receives the February 2022 WHS Report.

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 5/0

## **General Business – Councillor Requests**

## **11. CLOSURE OF MEETING**

The Chair of the meeting Mayor Philip Curr declared the meeting closed at 11:15am.