



# MCKINLAY SHIRE COUNCIL

## ***CONFIRMED MINUTES***

OF THE

## ***ORDINARY MEETING OF COUNCIL***

HELD AT THE

BOARDROOM, CIVIC CENTRE  
JULIA CREEK

28<sup>th</sup> January 2020

## **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 CONFIDENTIAL – Julia Creek Aerodrome Safety Zone
- 5.3 LATE CONFIDENTIAL – Legal Estimates – Julia Creek Aerodrome Rectification Works
- 5.4 LATE CONFIDENTIAL – Insurance Liability – Julia Creek Aerodrome Runway
- 5.5 LATE – 4 Year Capital Works Program Roads Subject to R2R & TIDS Funding

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

- 6.1 Environmental & Regulatory Services Monthly Report

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

- 7.1 Community Services Monthly Report
- 7.2 CBAS Round One 2019-2020
- 7.3 Monsoonal Flooding Event Donations
- 7.4 Potential Bushfire Donations
- 7.5 Financial Support of Tourism Activation Project

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

- 8.1 Corporate Services Monthly Report
- 8.2 CONFIDENTIAL – Fraud Matter
- 8.3 Mid-year Review of the 2019-2020 Operational Plan

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

### **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. N Walker (via teleconference), Cr. S Royes, Cr. Janene Fegan,  
Cr. P Curr (via teleconference)

**Staff:**

Chief Executive Officer, Mr. Des Niesler

Interim Chief Executive Officer, Dr. Edwina Marks

Director of Engineering, Environment and Regulatory Services, Mr. David McKinley

Director of Corporate & Community Services, Ms. Tenneil Cody (via teleconference)

Acting Community Services Team Leader, Mr. John Kelly

Corporate Services Team Leader, Aimie Athorn

Executive Assistant, Ms. Maggie Rudolph

**Other people in attendance:**

Nil

**Apologies:****3. DECLARATION OF CONFLICT OF INTEREST** ▲**3.1 APPOINTMENT OF CEO**

Mr. Des Niesler has submitted his resignation as Chief Executive Officer for McKinlay Shire Council. Local Government Appointments has provided Dr Edwina marks as an interim CEO for the Council. This report is to obtain official appointment for Dr Edwina Marks, in accordance with *Section 195 (a) of the Local Government Act 2009*, which states *A local government may appoint a qualified person to act as the chief executive officer during (a) any vacancy, or all vacancies, in the position;*

**RECOMMENDATION**

That Council accepts the resignation of Des Niesler from the position of CEO of McKinlay Shire Council, effective from 9:00am, 28 January 2020, and endorses Dr Edwina Marks as acting CEO along with the subsequent CEO delegations, in accordance with Section 195 (a) of the Local Government Act 2009, commencing 28 January 2020, for six months.

**Resolution No. 157/1920**

Council accepts the resignation of Des Niesler from the position of CEO of McKinlay Shire Council, effective from 9:00am, 28 January 2020, and endorses Dr Edwina Marks as acting CEO along with the subsequent CEO delegations, in accordance with Section 195 (a) of the Local Government Act 2009, commencing 28 January 2020, for six months.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 5/0

**4. CONFIRMATION OF MINUTES** ▲

Confirmation of Minutes of the Ordinary Meeting of Council held on 10<sup>th</sup> December 2019.

**RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on 10<sup>th</sup> December 2019 be confirmed.

**Resolution No. 158/1920**

The Minutes of the Ordinary Meeting of Council held on 10<sup>th</sup> December 2019 are confirmed.

Moved Cr. N. Walker

Seconded Cr. P. Curr

CARRIED 5/0

**4.2 BUSINESS ARISING FROM PREVIOUS MINUTES** ▲

Nil

**5. ENGINEERING SERVICES** ▲

**Attendance** - CEO Des Niesler left and re-entered the meeting room at 9:42am.

**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 December 2019.

**RECOMMENDATION**

That Council receives the December 2019 Engineering Works Report.

**Resolution No. 159/1920**

Council receives the December 2019 Engineering Works Report.

Moved Cr. P. Curr

Seconded Cr. J. Fegan

CARRIED 5/0

**PROCEDURAL MOTION**

That the meeting be closed to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

**Resolution No. 160/1920**

Council resolves to close the meeting to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 5/0

## **5.2 Julia Creek Aerodrome Unpaved Runway Safety Zone**

### **Confidentiality:**

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 Councillor's consider it necessary to discuss *(e) contracts proposed to be made by it;*

### **PROCEDURAL MOTION**

#### **Resolution No. 161/1920**

Council resolves to re-open the Ordinary Meeting of Council to the public.

Moved Cr. S Royes

Seconded Cr. J. Fegan

CARRIED 5/0

### **RECOMMENDATION**

That Council resolve to authorise the temporary closure of the Julia Creek Aerodrome and release the funding required to undertake the restoration and refurbishment works to return the Julia Creek Aerodrome Safety Zone to an acceptable operational standard as required in the MOS-139.

Estimated value of the works \$290,000.00 excluding GST

#### **Resolution No. 162/1920**

That Council;

- (i) receives and notes the report;
- (ii) endorses an engineering survey to be undertaken to provide further detail around the issues noted and proposed rectification method; and
- (iii) requests the report be provided to Council at its February meeting.

Moved Cr. P. Curr

Seconded Cr. N. Walker

CARRIED 5/0

### **PROCEDURAL MOTION**

That Council accept late agenda items;

- (i) 5.3 LATE CONFIDENTIAL – Legal Estimates – Julia Creek Aerodrome Rectification Works
- (ii) 5.4 LATE CONFIDENTIAL – Insurance Liability – Julia Creek Aerodrome Runway
- (iii) 5.5 LATE – 4 Year Capital Works Program Roads Subject to R2R & TIDS

**Resolution No. 163/1920**

Council resolves to accept late agenda items;

- (i) 5.3 LATE CONFIDENTIAL – Legal Estimates – Julia Creek Aerodrome Rectification Works
- (ii) 5.4 LATE CONFIDENTIAL – Insurance Liability – Julia Creek Aerodrome Runway
- (iii) 5.5 LATE – 4 Year Capital Works Program Roads Subject to R2R & TIDS 5.3, 5.4, 5.5.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 5/0

**PROCEDURAL MOTION**

That the meeting be closed to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

**Resolution No. 164/1920**

Council resolves to close the meeting to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

Moved Cr. N. Walker

Seconded Cr. S. Royes

CARRIED 5/0

**5.3 LATE CONFIDENTIAL – Legal Estimates - Julia Creek Aerodrome Rectification Works****Confidentiality:**

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 Councillor's consider it necessary to discuss *(e) contracts proposed to be made by it;*

**5.4 LATE CONFIDENTIAL – Insurance Liability - Julia Creek Aerodrome Runway****Confidentiality:**

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 Councillor's consider it necessary to discuss *(e) contracts proposed to be made by it;*

**PROCEDURAL MOTION****Resolution No. 165/1920**

Council resolves to re-open the Ordinary Meeting of Council to the public.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 5/0

**5.3 RECOMMENDATION**

That Council;

- (i) allocate \$330,000 for potential litigation and legal costs; and that
- (ii) the monies be allocated from the 2019/20 and the 2020/21 budgets.

**Resolution No. 166/1920**

That Council;

- (i) allocate \$330,000 for potential litigation and legal costs; and that
- (ii) the monies be allocated from the 2019/20 and the 2020/21 budgets.

Moved Cr. P. Curr

Seconded Cr. N. Walker

CARRIED 5/0

**5.4 RECOMMENDATION**

That Council receive and note the report.

**Resolution No. 167/1920**

Council receives and notes the report.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 5/0

**Attendance** – CEO Des Niesler left the meeting room at 10:50am.

**Attendance** – CEO Des Niesler re-entered the meeting room at 10:55am.

**5.5 Capital Works R2R and TIDS**

Recently, Council was approached and advised by Federal funding body, Roads to Recovery (R2R) allocations for 2019/20 & 2020/21 have been increased from \$700,484.00 to \$1,050,726.00.

Engineering Services tabled through the December 2019 full Council meeting; 3 Road project options (with recommendations) within Julia Creek Town Site, for Elected Members to select from. This led to the following:

**Resolution No. 129/1920** *That Council resolves to undertake*

- a. *Endorse the replacement or refurbishment of the existing inlet grate/kerb side entries throughout Julia Creek as necessary, pending confirmation of eligibility for R2R; and*
- b. *To defer any decision on the resealing of Shaw, Coyne and Byrne Streets, until a four-year plan of R2R expenditure is presented to Council in the new year.*

*Moved Cr. J Fegan Seconded Cr. P Curr*

*CARRIED 5/0*

**RECOMMENDATION**

That Council;

- (i) Endorse the draft 4 year Capital Works Program Roads 2020/21 to 2023/24 and
- (ii) Endorse changes to 2019/20 Roads Capital Works Program (this is also highlighted in the financials).

**Resolution No. 168/1920**

That Council

- (i) Endorse the draft 4-year Capital Works Program Roads 2020/21 to 2023/24,
- (ii) Endorse changes to 2019/20 Roads Capital Works Program, and
- (iii) Council staff to request an additional \$700,000 allocation TIDS NWRRG, noting the equity issue in the

previous 4-year program.

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 December 2019.

#### RECOMMENDATION

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

#### **Resolution No. 169/1920**

Council receives the December 2019 Environmental and Regulatory Services Report.

Moved Cr. N. Walker

Seconded Cr. S. Royes

CARRIED 5/0

**Attendance** – Director of Engineering, Environmental and Regulatory Services, David McKinley left the meeting room at 11:20am.

**Attendance** – Cr. P. Curr left the meeting via teleconference at 11:20am.

**Adjournment** – Cr. B. Murphy adjourned the Ordinary Meeting of Council at 11:20am.

**Adjournment** – Cr. B. Murphy recommenced the Ordinary Meeting of Council at 11:40am.

**Attendance** – Acting Community Services Team Leader, John Kelly entered the meeting room at 11:40am.

**Attendance** – Director of Corporate and Community Services, Tenneil Cody entered the meeting via teleconference at 11:40am.

## 7. COMMUNITY SERVICES ▲

**Attendance** – CEO Des Niesler left the meeting room at 11:43am.

**Attendance** – CEO Des Niesler re-entered the meeting room at 11:48am.

### 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 December 2019.

#### RECOMMENDATION

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

#### **Resolution No. 170/1920**



Council receives the Community Services monthly report for December 2019.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 4/0

### **7.2 CBAS Round One 2019-20**

The first round of the 2019/20 Community Benefit Assistance Scheme was advertised throughout October and November and provides local clubs and community groups assistance with equipment, infrastructure and volunteer support.

#### **RECOMMENDATION**

That Council fund McKinlay Race Club \$2,399.50 under the Community Benefit Assistance Scheme program.

#### **Resolution No. 171/1920**

That Council fund McKinlay Race Club \$2,399.50 under the Community Benefit Assistance Scheme program.

Moved Cr. N. Walker

Seconded Cr. J. Fegan

CARRIED 4/0

### **7.3 Monsoonal Flooding Event Donations**

Following the 2019 Monsoonal Flooding Event, Council received a considerable amount of donations which were then distributed to local community groups and organisations to provide support in the recovery process in the wake of the event.

#### **RECOMMENDATION**

For Council consideration.

#### **Resolution No. 172/1920**

Council responds to the McKinlay QCWA that they have been unsuccessful at this time, as their project does not meet the criteria for the 2019 Monsoonal Flooding Event funding, but will discuss other funding options available for them.

Moved Cr. S. Royes

Seconded Cr. J. Fegan

CARRIED 4/0

### **7.4 MSC Donations to Bushfire Relief**

During and following the monsoonal event, our Shire was overwhelmed with support from a variety of charities and organisations providing relief and support to our community in a numerous ways. To reciprocate this support, Council will investigate ways in which support can be provided to those severely affected by the devastating bushfires in New South Wales and Victoria.

#### **RECOMMENDATION**

For Council consideration.

#### **Resolution No. 173/1920**

Council notes the report.

Moved Cr. S. Royes

Seconded Cr. J. Fegan

CARRIED 4/0

**7.5 Financial Support for Tourism Activation Project – The Friday Night Debrief**

The purpose of this report is to seek Council's approval to commit \$10,000 to support the development of a pilot television script and a commitment to support a business case scoping the feasibility of producing a television series of *The Friday Night Debrief*, a book written by Kylie Asmus.

**RECOMMENDATION**

That Council agrees to committing \$5,000 to be paid to Richmond Shire Council (in their capacity as secretariat of the Overlander's Way) by the end of January 2020 and an additional \$5,000 to be committed to support the grant application, paid at a later date when the Remote Area Board (RAB) funding is announced.

**Resolution No. 174/1920**

Council agrees to committing \$5,000 to be paid to Richmond Shire Council (in their capacity as secretariat of the Overlander's Way) by the end of January 2020 and an additional \$5,000 to be committed to support the grant application, paid at a later date when the Remote Area Board (RAB) funding is announced.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 4/0

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

The Corporate Services Report as of 31<sup>st</sup> December 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> December 2019.

**Resolution No. 175/1920**

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

Moved Cr. N. Walker

Seconded Cr. J. Fegan

CARRIED 4/0

**Attendance** – Cr. S Royes left the meeting room at 12:33pm.

**Attendance** – Executive Assistant, Maggie Rudolph left and re-entered the meeting room at 12:33pm.

**Attendance** – Cr. S Royes re-entered the meeting room at 12:34pm.

**Attendance** – CEO, Des Niesler left the meeting room at 12:37pm.

**Attendance** – CEO, Des Niesler re-entered the meeting room at 12:38pm.

**Attendance** – Corporate Services Team Leader, Aimie Athorn entered the meeting room at 12:39pm.

**PROCEDURAL MOTION**

That the meeting be closed to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

**Resolution No. 176/1920**

Council resolves to close the meeting to the public in accordance with *Section 275 (1) (e) of the Local Government Regulation 2012*.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 4/0

**Attendance** – Acting Community Services Team Leader, John Kelly left the meeting room at 12:45pm.

**Attendance** – Corporate Services Team Leader, Aimie Athorn left the meeting room at 12:47pm.

**Attendance** – CEO, Des Niesler left the meeting room at 12:47pm.

**Attendance** – CEO, Des Niesler re-entered the meeting room at 12:48pm.

**Attendance** – Acting Community Services Team Leader, John Kelly re-entered the meeting room at 12:55pm.

**8.2 CONFIDENTIAL – Fraud Matter****Confidentiality:**

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 Councillor's consider it necessary to discuss *(e) contracts proposed to be made by it;*

**PROCEDURAL MOTION****Resolution No. 177/1920**

Council resolves to re-open the Ordinary Meeting of Council to the public.

Moved Cr. S. Royes

Seconded Cr. J. Fegan

CARRIED 4/0

**RECOMMENDATION**

That Council note the report for information purposes.

**Resolution No. 178/1920**

Council;

- (i) notes the report for information purposes, and
- (ii) authorizes the CEO to engage an external investigator to provide a report to council, and the funds to be allocated as part of the mid-year review process.

Moved Cr. N. Walker

Seconded Cr. S. Royes

CARRIED 4/0

**Attendance** – CEO, Des Niesler left the meeting room at 1:05pm.

**Attendance** – CEO, Des Niesler re-entered the meeting room at 1:10pm.

**Attendance** – Corporate Services Team Leader, Aimie Athorn entered the meeting room at 1:10pm.

**Attendance** – CEO, Des Niesler left the meeting room at 1:31pm.

**Attendance** – CEO, Des Niesler re-entered the meeting room at 1:33pm.

### **8.3 Mid Year Review of the 2019-2020 Operational Plan**

In accordance with section 174 (3) of the Local Government Regulation 2012, a written assessment of Council's progress towards implementing the annual operational plan for the quarter October to December 2019 is presented to Council.

#### **RECOMMENDATION**

That Council accepts the mid year review of the 2019-2020 Operational Plan.

#### **Resolution No. 179/1920**

Council accepts the mid year review of the 2019-2020 Operational Plan, but note concerns around costings in Engineering, Environmental and Regulatory Services.

Moved Cr. S. Royes

Seconded Cr. J. Fegan

CARRIED 4/0

**Attendance** – Director of Corporate and Community Services, Tenneil Cody left the meeting via teleconference at 1:41pm.

**Attendance** – Corporate Services Team Leader, Aimie Athorn left the meeting room at 1:41pm.

**Attendance** – Acting Community Services Team Leader, John Kelly left the meeting room at 1:50pm.

## **9. CHIEF EXECUTIVE OFFICER**

Nil

## **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 December 2019.

**Attendance** – CEO, Des Niesler left the meeting room at 2:15pm.

**Attendance** – Executive Assistant, Maggie Rudolph left and re-entered the meeting room at 2:18pm.

**Attendance** – CEO, Des Niesler re-entered the meeting room at 2:18pm.

## **11. MEMBERS BUSINESS**

<b>Cr. N Walker</b>	- Lara crossing camera and road reports
<b>Cr. J Fegan</b>	- Congratulations to all Australia Day recipients - Footpath on main street in front of hospital
<b>Cr. S Royes</b>	- Congratulations to all Australia Day recipients
<b>Cr. B Murphy</b>	- Meeting with Multicom - NAIF in Mount Isa in February - RRG/ROC in Karumba in February - Appointed to QRA in January - Change February Ordinary Meeting to Thursday 20 <sup>th</sup> February - Thank you to Des Niesler for all the time and effort he's contributed to our Council, especially grateful to have him here to get us through the floods - Welcome to Edwina Marks

## 12. CLOSURE OF MEETING ▲

The Chair of the meeting Mayor Belinda Murphy declared the meeting closed at 2:25pm.



Mayor Belinda Murphy