

MCKINLAY SHIRE COUNCIL

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARD ROOM, CIVIC CENTRE JULIA CREEK

19th November 2013

Ordinary Meeting of Council / 19th NOVEMBER 2013

CONFIRMED MINUTES

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1. OPENING BUSINESS

All Councillors having signed the Attendance Book, the Mayor declared the meeting open at 9:20am

2. ATTENDANCE

Mayor: Cr. B Murphy

Members: Cr. E Hick, Cr. N. Walker, Cr. P Curr, Cr. A Batt

Staff:

Chief Executive Officer: Mr. Mark Kelleher

Director of Corporate and Community Services: Mrs Tenneil Cody (12:06pm) Director of Environment and Regulatory Services: Mr. Geoff Rintoul (9:48am)

Director of Engineering: Mr. Matt Fanning Executive Assistant: Mrs Linda McNab

APOLOGIES:

Nil

3. CONFIRMATION OF MINUTES

Confirmation of minutes from the Ordinary Meeting on 15th October 2013 as previously circulated to Councillors.

Moved Cr. Hick Seconded Cr. Walker

That the minutes of the Ordinary meeting held on 15th October, 2013 be confirmed.

CARRIED

Resolution No.84/1314

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

5. ENGINEERING SERVICE REPORT

5.1 Engineering Works Report

Moved Cr. Curr Seconded Cr. Walker

That Council receive the Engineering Services Works Report

CARRIED

Resolution No. 85/1314

Attendance - Director of Environment and Regulatory Services Geoff Rintoul entered the meeting at 9:48am

Royalties for the Region

It was noted the Council endorsed and supports the Sealing of the Gilliat McKinlay Road and Royalties for the Region Round 2 Grant application for the sealing of 5.6km of Road between the chainages of 70.28km to 71.28km and 72.15km to 76.75km measured from the Flinders Highway.

Attendance - Director of Engineering Matt Fanning left the meeting at 10:26am

Procedural Motion

Moved Cr. Batt Seconded Cr. Curr

That Council close the meeting to the public under the Local Government (Operations) Regulation 2012, Section 275 (1) (h) Other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

CARRIED

Resolution No.86/1314

• The meeting was closed to the public at 10:03am

Attendance - Director of Environment and Regulatory Services Geoff Rintoul and Executive Assistant Linda McNab left the meeting at 10:03am

Procedural Motion

Moved Cr. Walker

Seconded Cr. Hick

That Council reopen the meeting to the public.

CARRIED

Resolution No.87/1314

The meeting was re-opened to the public at 10:28am

Attendance - Director of Environment and Regulatory Services Geoff Rintoul and Executive Assistant Linda McNab re- entered the meeting at 10:28am

RECESS: 10:28am - 10:39am The Mayor adjourned the meeting for morning tea

6. ENVIRONMENT AND REGULATORY SERVICES REPORT

6.1 Environment and Regulatory Works Report

Moved Cr. Walker Seconded Cr. Batt

That Council receive the Environment and Regulatory Works Report

CARRIED

Resolution No.88/1314

6.2 Development Application - MCK 2012_08 Westlund - Accommodation Building & Caravan Park

Georgina Westlund made application to Council for Development Approval for the establishment of a Caravan Park and Public Gallery at Lot 1 ON N6311,1 Railway Street, Nelia. Following further investigation into the intended uses that would occur on site, the definition of the proposal was changed to "Accommodation Building & Caravan Park" with ancillary commercial and community uses. It is this definition that is reflected in the Decision Notice.

As part of the proposed development, a Material Change of Use Impact Assessment was required in order to comply with Sustainable Planning Act 2009 and Councils Planning Scheme. This matter was not required to be referred to any agency. Council planning consultant has provided a report that details that the proposed usage is generally consistent with the planning scheme and is also conditioned in order to ensure compliance with the relevant legislative requirements.

Moved Cr. Curr

Seconded Cr. Hick

That Council in accordance with the Sustainable Planning Act 2009 as amended notify the applicant that the application for a Development Permit for a Material Change of Use for an Accommodation Building and Caravan Park at Lot 1 ON N6311,1 Railway Street, Nelia, is approved subject to the conditions detailed below:

A. ASSESSEMENT MANAGERS CONDITIONS (Council)

Impact Assessable Material Change of Use Accommodation Building and Caravan Park

Conditions of Approval:

General

- 1 Development is to be undertaken generally in accordance with the approved plans, 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.

Landscaping

- 4 The existing vegetation along the southern and western site boundaries is to be retained to act as landscaping for the purpose of providing internal user amenity and to buffer the site from adjoining residential uses. Should any vegetation clearing be required along these boundaries, additional landscaping will be required. Designs for the required landscaping are to be lodged with Council for approval prior to the associated vegetation clearing taking place.
- Where the surface of the ground is disturbed by construction activities and is not subsequently covered by a building, paving or other landscaping, the surface is to be restored to its original condition by:
- stockpiling and respreading the original topsoil;
- planting the affected area with species to match the original plant cover;
- maintaining the plants until they are established;
- if the original vegetation required maintenance, on-going maintenance to the new plants to promote healthy and vigorous growth.

Amenity

- 6 All new air conditioning units, mechanical ventilation units, service equipment and refrigeration units are to be screened from view from the street.
- 7 All new lighting is to be installed in accordance with Australian Standard AS1158: Public Lighting Code.
- 8 All new outdoor lighting is to be provided in accordance with Australian Standard AS4282-1987 Control of the obtrusive effects of outdoor lighting.
- 9 The developer is to ensure all refuse storage areas are surfaced with an impervious material, are screened from view from the street and are accessible by a hose-cock.
- 10 Effective property numbering is to be installed along the road frontage prior to the issuing of a certificate of classification for the Accommodation Building.
- 11 The developer is to provide a 1.8m high screen fence along all internal boundaries i.e. non-road frontage boundaries. The fencing is to be erected prior to the issuing of a certificate of classification for the Accommodation Building work and is to be maintained for the duration of the use.

Civil Works

- 12 The developer is required to undertake the necessary works to provide three (3) onstreet car parks designed and constructed in accordance with AS2890 (2.7m x 5.4m) with a minimum of one (1) car park designed and designated for people with a disability. The disabled person's park is to be the space closest to main entry of the Accommodation Building.
- 13 The developer is to maintain the existing on-site waste water treatment system at its current capacity for the duration of the use.

Note: to remove doubt, this condition in no way limits the ability to upgrade the on-site waste water treatment system so long as the upgrade is undertaken in accordance with WSAA Sewerage Code of Australia.

- 14 The developer is to ensure the site is provided with an on-site water supply suitable for domestic purposes and capable of achieving a continuous flow rate of 0.25 litres per second.
- 15 The developer is to ensure all driveway and parking areas are constructed of a durable, dust-free surface.
- 16 All driveway and parking areas are to be designed and constructed in accordance with Australian StandardAS2890.1-2004 Parking Facilities Off-street car parking, with the exception of car park widths which are to be a minimum of 2.7m wide.
- 17 All parking areas are to be designed in accordance with AS1428 Design for Access and Mobility.
- 18 The developer is to ensure all parking spaces are clearly delineated by line marking, including the labelling of disabled parking spaces.
- 19 The developer must ensure that no ponding of stormwater occurs on adjacent allotments as a result of works associated with the proposal and that no stormwater formerly flowing onto the premises is diverted onto other neighbouring allotments.
- 20 During any construction phase, the developer is required to implement a Dust, Soil Erosion and Sediment Control regime so as not to cause nuisance to neighbouring properties and to manage the containment of material on site.
- 21 During any construction phase any damages to the road reserve must be replaced by the developer in accordance with Council standards at the full cost to the developer.

Advice

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.

CARRIED

Resolution No. 89/1314

Cr. Murphy declared a real conflict of interest (as per section 173 of the Local Government Act 2009), in relation to agenda item 6.3 . *Development Application - MCK 2012_06 McAuley Earthmoving Extractive Industry and ERA*. Cr. Murphy has considered her position and made the decision to leave, taking no part in the debate or decision of the meeting. Cr. Batt will chair the meeting in absence of the Mayor.

Attendance: Cr. Murphy left the meeting at 11:00am

6.3 Development Application - MCK 2012_06 McAuley Earthmoving Extractive Industry and ERA

McAuley Earthmoving P/L made application to Council for Development Approval for the establishment of an Extractive Industry & ERA (Rock extraction & screening) at Eloise Copper Mine on Lot 4 on BD164, Oorindi Road, McKinlay.

As part of the proposed development, a Material Change of Use Code Assessment was required in order to comply with Sustainable Planning Act 2009 and Councils Planning Scheme. The application was referred to two (2) referral agencies as required under the Sustainable Planning Act 2009. These agencies being the Department of Natural Resources and Mines (DNRM) and the Department of Environment and Heritage

Protection (DEHP). The DEHP had no specific conditions for the development as the site is already controlled by the overarching approval for the mine.

Council planning consultant has provided a report that details that the proposed usage is generally consistent with the planning scheme and is also conditioned and or licensed by the relevant agency.

Moved Cr. Walker

Seconded Cr. Curr

That Council in accordance with the Sustainable Planning Act 2009 as amended notify the applicant that the application for a Development Permit for a Material Change of Use for an Extractive Industry & ERA (Rock extraction & screening) Eloise Copper Mine Oorindi Road, McKinlay Lot 4 on BD1645, is approved subject to the conditions detailed below:

A. ASSESSEMENT MANAGERS CONDITIONS (Council)

General

- 1 Development is to be undertaken generally in accordance with the approved plans, 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.

Amenity

- 4 All new buildings, structures and permanent equipment associated with the use are to be located or screened from view from the road reserve or public space and not to exceed 10m in height from the natural ground level.
- 5 Any new lighting is to be installed in accordance with Australian Standard AS1158: Public Lighting Code.
- Any new outdoor lighting is to be provided in accordance with Australian Standard AS4282-1987 Control of the obtrusive effects of outdoor lighting.
- 7 The developer is to ensure all new refuse storage areas are surfaced with an impervious material and are to be accessible by a hose-cock for washing down.
- 8 Effective property numbering is to be installed along the primary road frontage adjacent to the main entry point to the site
- 9 The design, location and size of any proposed signage is to be lodged with Council for approval prior to installation.

Infrastructure and Services

- 10 The site is to be serviced by a single bore capable of delivering a water supply suitable for domestic purposes with a continuous flow rate of 0.25 litres per second.
- 11 The developer must ensure that no ponding of stormwater occurs on adjacent allotments as a result of works associated with the proposal and that no stormwater formerly flowing onto the premises is diverted onto other neighbouring allotments.
- 12 The developer is required to implement a Dust, Soil Erosion and Sediment Control regime so as ensure the containment of material on site.

Advice

The proponent is also required to comply with the requirements of the attached referral agency responses. The applicant should note that this development approval in no way removes the need to obtain any other permits, licences, approvals or the like required under other legislation or governing policy applicable to the proposal.

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

CARRIED

Resolution No.90/1314

Attendance: Cr. Murphy re-entered the meeting at 11:08am

6.4 Proposal for Council to register for the National Regulatory System for Community Housing (NRSCH).

This report considers the options available to McKinlay Shire Council for the ongoing provisions for Social Housing within the Shire and specifically Julia Creek.

Effective January 2014, Council will need to register for the National Regulatory System for Community Housing (NRSCH). Registration will add additional administrative and likely cost burden on the provision of this service.

The social housing stock presently located in Hickman Street/Old Normanton Road were constructed using grant funds of circa \$750Kand supported by McKinlay Shire Council providing the land and about \$19K.

The provisions of social housing is at best cost neutral for Council to continue the deliver the service and as this housing stock ages, the cost to revenue gap will continue to widen.

Options available to Council at the present, they include:

- 1. Continue to operate a community housing service.
- 2. Buy out the current housing stock from the State.
- 3. To transfer the assets back to the State.

Moved Cr. Batt

Seconded Cr. Curr

That Council:

- 1. Advises the Department of Housing and Public Works that it wishes to transfer the current Social Housing stock and services back to the State. and
- 2. Delegate the Mayor and CEO the authority to negotiate with the department the transfer or the housing and lands.

CARRIED

Resolution No.91/1314

Procedural Motion

Moved Cr. Curr

Seconded Cr. Hick

That Council close the meeting to the public under the Local Government (Operations) Regulation 2012, Section 275 (1) (h) Other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

CARRIED

Resolution No.92/1314

• The meeting was closed to the public at 11:21am

Procedural Motion

Moved Cr. Hick

Seconded Cr. Walker

That Council reopen the meeting to the public.

CARRIED

Resolution No.93/1314

• The meeting was re-opened to the public at 11:55am

6.5 Reserve - Julia Creek Horse Paddocks

This report reviews the provision and allocation of paddocks available to the general community for the keeping of horses and the like for those who do not generally have sufficient land available for keeping of same. McKinlay Shire Council leases ten (10) paddocks in the Julia Creek area for the predominant use as grazing and keeping of horses. Another two (2) paddocks are used on a commercial basis for grazing cattle, noting that these paddocks are significantly larger that the "horse" paddocks. Further two (2) paddocks (Kynuna Road Paddocks 1 and 2) are committed to the management of the McIntyre Park reserve and therefore not included.

All paddocks are located on reserves where Council is trustee. Traditionally the paddocks have been managed under both formal and informal lease arrangements. However these leases create an administrative and cost burden to Council. Senior staff has been in the process of reviewing this arrangement with a view to reduce the overall costs and administrative requirements of managing the paddocks. A formal direction is being sort to provide staff with guidance for a move forward.

During the review process two (2) paddocks have become available for use. In order to make these paddocks available prior to the above matter being resolved, Expressions of Interest (EOI) were advertised in order to allow usage whilst more formal arrangements for the paddocks were made. Council received 4 responses from the EOI. Given a number of the respondents are well known in the community and in order to negate any possible conflicts, it is considered more appropriate for Council to make the decision on who is allocated the paddocks and for what duration.

Moved Cr. Batt

Seconded Cr. Walker

That Council approves the following for the management of Julia Creek Reserves for commercial and recreational use:

1. The following two (2) paddocks are agisted to and as detailed below until 20 Sep 2014 where they will be readvertised with fees and conditions established in the 2014/15 budget

Paddock Name	Paddoc k No.	Leasee Name	Monthly fees GST Inc.
Julia Creek Pasturage Reserve	4	Sheree Pratt	\$55.00
Kynuna Road Paddock	4	Julieanne Jensen	\$55.00

Authorise the CEO to negotiate with the two remaining applicants to provide suitable alternatives for the agistment of their horses based on the Council providing water however the applicants may need to provide some fencing.

CARRIED

Resolution No 94/1314

Attendance - Director of Environment and Regulatory Services Geoff Rintoul left the meeting at 12:08pm

Attendance - Director of Corporate and Community Services Tenneil Cody entered the meeting at 12:06pm

7. COMMUNITY SERVICES REPORT

7.1 Community Service Report

Moved Cr. Hick Seconded Cr. Walker

That Council receive the Community Services Report.

CARRIED

Resolution No 95/1314

7.2 Sponsorship Request – Hughenden Country Music Festival

Council has received a request from the Hughenden Country Music Festival under the Community Grants Policy. The group have requested \$658.50 to go towards the cost of bringing music workshop presenters to their event. The application is presented for Council's consideration.

Moved Cr. Hick Seconded Cr. Batt

That Council sponsor the Hughenden Country Music Festival for \$300.

CARRIED

Resolution No. 96/1314

7.3 Regional Arts Development Fund Round 1 Approvals

Council's Round One of RADF recently closed after 8 weeks of advertising. The RADF Committee assessed the applications on Friday 8th November and present the recommendations for Council's ratification.

Moved Cr. Batt Seconded Cr. Walker

That Council ratify the recommendations made by the Regional Arts Development Fund Committee:

- McKinlay Shire Council: approve to engage The Crack Up Sisters \$9086.71:
- Crafty Old School House: approve to engage a timber restoration artist \$3455;
- -Northwest Queensland Photography Club: decline the application and assist the group in finding a less expensive artist.

CARRIED

Resolution No. 97/1314

7.4 Julia Creek Seniors Living Project- Naming of the Facility

The Julia Creek Seniors Community and Supported Living Project is scheduled for completion in February 2014. The community centre where community health and HACC services will be delivered from and the independent living units require an official title for general operating purposes.

Noted.

Council will confirm the naming at the December Ordinary Meeting.

8. CORPORATE SERVICES REPORT

8.1 Corporate Services Report

Moved Cr.Hick Seconded Cr. Curr

That Council receive the Corporate Services Report

CARRIED

Resolution No 98/1314

8.2 Register of Delegations

Provisions of the *Local Government Act 2009* allow Council to delegate a power under the Act or another Act to the Chief Executive Officer. Further to this the Act requires the Chief Executive Officer to keep a Register of those Delegations. Council's current Delegation Register was approved on 20 August 2013. There have been some recent amendments to ten pieces of legislation, and Council is presented with the revised delegations for those Acts to be included in the Register of Delegations – Council to CEO for consideration.

Moved Cr. Walker Seconded Cr. Hick

That all powers referred to in the document titled "Register of Delegations Amendment November 2013 – Council to CEO" attached to this report are hereby delegated by Council to the Chief Executive Officer of Council pursuant to section 257 of the Local Government Act 2009. All prior resolutions delegating the same powers are repealed.

CARRIED

Resolution No. 99/1314

8.3 First Quarter Review of the 2013-2014 Operational Plan

The first quarter assessment of Council's progress towards implementing the 2013-2014 Operational Plan is presented to Council.

Moved Cr. Batt Seconded Cr. Walker

That Council accepts the first quarter review of the 2013-2014 Operational Plan.

CARRIED

Resolution No. 100/1314

Attendance - Director of Corporate and Community Services Tenneil Cody left the meeting at 1:02pm

9. CHIEF EXECUTIVE OFFICERS REPORT

9.1 Chief Executive Officers Report

Moved Cr. Walker Seconded Cr. Batt

That Council receive the Chief Executive Officers Report.

CARRIED

Resolution No. 101/1314

9.2 2012/13 Annual Report Adoption

In accordance with section 182 of the *Local Government (Financial Planning and Accountability) Regulation* 2012 Council is presented with the 2012/13 Annual Report which includes the audited financial statements for the 2012/13 financial year.

Moved Cr. Walker

Seconded Cr. Batt

That Council adopt the 2012/13 Annual Report including the Audited Financial Statements 2012/13.

CARRIED

Resolution No. 102/1314

Attendance - The Chief Executive Officer and Executive Assistant left the meeting at 1:50pm

Procedural Motion

Moved Cr.Curr

Seconded Cr. Walker

That Council close the meeting to the public under the Local Government (Operations) Regulation 2012, Section 275 (1) (b) Other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

CARRIED

Resolution No.103/1314

The meeting was closed to the public at 1:50pm

Procedural Motion

Moved Cr.Curr

Seconded Cr. Hick

That Council reopen the meeting to the public.

CARRIED

Resolution No.104/1314

• The meeting was re-opened to the public at 2:05pm

Moved Cr Curr.

Seconded Cr. Walker

That Council delegate's responsibility for dealing with the employment contract of the Chief Executive Officer to the Mayor and the Deputy Mayor, with both being required to report back to Council on any changes to the employment of the CEO after any change is implemented.

CARRIED

Resolution No.105/1314

Ordinary Meeting of Council / 19th NOVEMBER 2013

CONFIRMED MINUTES

10. MEMBERS BUSINESS

11. CLOSURE OF MEETING

The Chair of the meeting, Cr. Belinda Murphy, Mayor, declared the meeting closed at 2:10pm

Cr Belinda Murphy Mayor