



MCKINLAY SHIRE COUNCIL

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARD ROOM, CIVIC CENTRE
JULIA CREEK

21st January 2014

CONFIRMED MINUTES

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1. OPENING BUSINESS

All Councillors having signed the Attendance Book, the Mayor declared the meeting open at 9:00am

2. ATTENDANCE

Mayor: Cr. B Murphy
Members: Cr. E Hick, (teleconference) Cr. N. Walker, Cr. A Batt

Staff:
Chief Executive Officer: Mr. Mark Kelleher (11:10am)
Director of Corporate and Community Services: Mrs Tenneil Cody
Director of Engineering: Mr. Matt Fanning (11:10am)
Director of Environment and Regulatory Services: Mr. Geoff Rintoul (9:43am)
Executive Assistant: Mrs Linda McNab

APOLOGIES:

Cr. Curr

Moved Cr. Walker Seconded Cr. Batt

That Council accept the apology from Cr. Curr

CARRIED

Resolution No.129/1314

Moved Cr. Batt Seconded Cr. Walker

That Council approve the teleconference arrangement with Cr. Hick

CARRIED

Resolution No.130/1314

3. CONFIRMATION OF MINUTES

Confirmation of minutes from the Ordinary Meeting on 17th December 2013 as previously circulated to Councillors.

Moved Cr. Hick Seconded Cr. Walker

That the minutes of the Ordinary meeting held on 17th December, 2013 be confirmed.

CARRIED

Resolution No.131/1314

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

5. ENGINEERING SERVICE REPORT

5.1 Engineering Works Report

Moved Cr. Walker Seconded Cr. Batt

That Council receive the Engineering Services Works Report

CARRIED

Resolution No. 132/1314

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Attendance - Director of Environment and Regulatory Services Geoff Rintoul entered the meeting at 9:43am

6. ENVIRONMENT AND REGULATORY SERVICES REPORT

6.1 Environment and Regulatory Works Report – December 2013

Moved Cr. Hick

Seconded Cr. Walker

That Council receive the Environment and Regulatory Works Report

CARRIED

Resolution No.133/1314

6.2 Development Application - MCK2013 07, Holdings (NQ) Pty Ltd, Code Assessable Reconfiguration of a Lot to facilitate a Boundary Realignment.

Pratt Holdings (NQ) Pty Ltd has made an application to Council for Development Approval for a Reconfiguration of a Lot to facilitate a Boundary Realignment at Lots 20 & 21 on EN128 Flinders Highway, Julia Creek.

As part of the proposed development, a Code Assessable Reconfiguration of a Lot 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.

The essence of this reconfiguration is to realign the internal boundary between lot 20 and 21 in order to separate the existing activities and uses on each lot and have lot 20 fully adjoin the neighbouring lot 16 to the south. Council should note a number of matters that have been taken into account in considering this application. These matters are:

1. Boundary fence between new lots 20 and 21. The standard provision for a boundary fence under the scheme is a 1.8 m high screen fence for non residential uses. Given the zoning (Rural residential) of the land and the general level of fencing on the properties and the current and intended usage of the site, The developer is to provide Council with details of the proposed boundary fence for approval prior to commencement of works.

This matter is addressed in Condition 5 of the DA.

2. There are a number of structures on the properties that appear to have been constructed without building approval. The applicant has indicated that these matters will be addressed in a future building application to Council. Should this not progress, Council may take appropriate enforcement to deal with the matter.

Council should note that this matter can not generally be dealt with under a development approval – refer to section 4.6.2 of Attachment 1. However are noted in the Advise section of the DA

3. Boundary encroachment of existing lot 20 to the adjacent Water Reserve. During initial survey, the applicant's surveyor recorded a number of structures built on Lot 20 that were constructed over the lot boundary of the adjoining Lot 16. The surveyor subsequently formally advised the Department of Natural Resources and Mines, as required under legislation, about the matter. The encroachments range up to about 3.1 meters. A nominal setback of 2 meters is required under the planning scheme. The applicant is presently in negotiations with the department to address

Council should note that this matter can not generally be dealt with under a development approval – refer to section 4.6.2 of Attachment 1. However are noted in the Advise section of the DA

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Moved Cr. Batt

Seconded Cr. Walker

That Council in accordance with the Sustainable Planning Act 2009 as amended notify the applicant that the application for a Development Permit for a Code Assessable Reconfiguration of a Lot to facilitate a Boundary Realignment at Lots 20 & 21 on EN128 Flinders Highway, Julia Creek, is approved subject to the conditions detailed below:

A. ASSESSEMENT MANAGERS CONDITIONS (Council)

Code Assessable Reconfiguration of a Lot
Boundary Realignment

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.

Infrastructure

- 4 The developer is to ensure that all existing services for each lot are wholly contact within the individual lots.

Amenity

- 5 Prior to Council endorsement of the Survey Plan, the developer is to erect a boundary fence for the full length of the new boundary between Lot 20 and 21. The developer is to provide Council with details of the proposed boundary fence for approval prior to commencement of works.

Advice

- 1 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.
- 2 It is noted that the subject site current contains a number of uniformalised buildings encroachments onto Lot 16 on EN34. The applicant has noted in this development application that the process for formalising these encroachments has commenced with the Department of Natural Resources and Mines, as the relevant property owner. It is requested that the applicant keep Council updated on the progress of this resolution.
- 3 It is noted that there are a number of buildings or structures on the subject site to do not currently have building approval. It is the expectation of Council that building approval will be sought immediately to avoid the need for Council to utilise enforcement proceedings.

CARRIED

Resolution No.134/1314

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Attendance – Director of Environment and Regulatory Services Geoff Rintoul left the meeting at 10:03am

7. COMMUNITY SERVICES REPORT

7.1 Community Service Report

Moved Cr. Hick Seconded Cr. Batt

That Council receive the Community Services Report.

CARRIED

Resolution No 135/1314

7.2 Combined Sporting Association Memorandum of Understanding

Council staff have met with representatives from the Julia Creek Combined Sporting Association (CSA) to develop a Memorandum of Understanding (MOU) regarding usage of Council facilities and equipment for an annual fee.

Moved Cr. Hick Seconded Cr. Walker

That Council approve the Memorandum of Understanding and authorise the Chief Executive Officer to endorse the agreement.

CARRIED

Resolution No 136/1314

7.3 Tourism Strategy 2014

A Tourism Strategy meeting was held on 27 November 2013 with Cr Murphy, Cr Batt, Tenneil Cody, Jade Lyons and tourism staff Elizabeth Currin and Katrina Harling. Many ideas were discussed to market the Shire and are summarised within this report.

Moved Cr. Walker Seconded Cr. Batt

That Council receive the information.

CARRIED

Resolution No 137/1314

8. CORPORATE SERVICES REPORT

8.1 Corporate Services Report

Moved Cr. Batt Seconded Cr. Hick

That Council receive the Corporate Services Report

CARRIED

Resolution No 138/1314

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9. CHIEF EXECUTIVE OFFICERS REPORT

9.1 Chief Executive Officers Report

Moved Cr. Batt Seconded Cr. Walker

That Council receive the Chief Executive Officers Report.

CARRIED

Resolution No. 139/1314

Procedural Motion

Moved Cr. Hick Seconded Cr. Batt

That Council close the meeting to the public under the Local Government Regulation 2012, Section 275 (1) (d) *rating concessions*

CARRIED

Resolution No.140/1314

- The meeting was closed to the public at 11:06am

Procedural Motion

Moved Cr. Hick Seconded Cr. Walker

That Council reopen the meeting to the public.

CARRIED

Resolution No.141/1314

- The meeting was re-opened to the public at 11:08am

9.2 Rating Concession Due to Hardship-Extension of Discount Period

The Council recently considered the impact of the drought on businesses and property owners in the Shire and the options available to assist with easing the burden of having to pay the second half-yearly rate assessments which are due to be issued next month, in February.

Given the reason for considering this issue is the hardship caused by the drought, the Council has discretion, in accordance with the Local Government Act, to grant a concession to classes of ratepayers by way of deferring, without loss of discount, the time for payment of rates and charges.

Moved Cr. Hick Seconded Cr. Batt

That Council

1. Pursuant to sections 120(1) (c), 121 (1) (b) of the Local Government Act 2012, all ratepayers of land categorised as Category 1,2,3,4,5,6,&8, be granted a concession by way of deferring until 30 June, 2014, without loss of discount, the time for payment of rates and charges detailed in the second rate notice of the 2013/14 financial year.
2. This concession is granted on the basis that requiring these ratepayers to pay the second rate notice of the 3013/14 financial year on the original due date for payment, whilst they continue to battle the consequences of the current drought, will cause hardship.

CARRIED

Resolution No.142 /1314

Attendance – Director of Engineering Matt Fanning and Chief Executive Officer Mark Kelleher entered the meeting at 11.10am

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10. MEMBERS BUSINESS

Mark Kelleher raised the topic of Councillor Remuneration. Cr. Murphy to discuss at next ROC meeting.

Cr. Murphy reminded all Councillors to work within their portfolios for the upcoming Midyear Budget Review Meeting to be held on the 25th February 2014.

11. CLOSURE OF MEETING

The Chair of the meeting, Cr. Belinda Murphy, Mayor, declared the meeting closed at 11:30am

Cr Belinda Murphy
Mayor