



MCKINLAY SHIRE COUNCIL

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARD ROOM, CIVIC CENTRE
JULIA CREEK

16th June 2014

CONFIRMED MINUTES

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CONFIRMED MINUTES

1. OPENING BUSINESS

All Councillors having signed the Attendance Book, the Mayor declared the meeting open at 9:04am

2. ATTENDANCE

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

Staff:

Chief Executive Officer: Mr Aaron Childs
Director of Corporate and Community Services: Mrs Tenneil Cody (12:53pm)
Director of Engineering: Mr. Greg Chesterfield (10:00am)
Director of Environment and Regulatory Services: Mr. Geoff Rintoul (9:13am)
Executive Assistant: Mrs Linda McNab

Other people in attendance:

Mr. Dyrick Hobbs NDRRA Program Manager AECOM

APOLOGIES:

Cr. P. Curr

Moved Cr. Walker Seconded Cr. Hick

That Council accept the leave of absence from Councillor Philip Curr

CARRIED

Resolution No.225/1314

3. CONFIRMATION OF MINUTES

Confirmation of minutes from the Ordinary Meeting on 20th May 2014 as previously circulated to Councillors.

Moved Cr. Batt Seconded Cr. Hick

That the minutes of the Ordinary meeting held on 20th May be confirmed.

CARRIED

Resolution No. 226/1314

4. BUSINESS ARISING FROM PREVIOUS MINUTES

- Solar Farm progression
- Campdraft

Attendance – Director of Environment and Regulatory Services Geoff Rintoul entered the meeting at 9:13am

Motion

Moved Cr. Walker Seconded Cr. Hick

That Council change the order of the agenda to receive the Environment and Regulatory Services Report first.

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Resolution No. 227/1314

CARRIED

5. ENVIRONMENT AND REGULATORY SERVICES REPORT

5.1 Environment and Regulatory Works Report – May 2014

Moved Cr. Walker

Seconded Cr. Batt

That Council receive the Environment and Regulatory Services Works Report

CARRIED

Resolution No. 228/1314

5.2 Trustee Lease Kynuna Race Course Paddock

This report makes recommendation to Council for the formalisation of trustee leases for Kynuna Race Course Paddock to Mr Scott Walsh.

Council is trustee for a number of "Town Common" areas owned by the State. These areas have been created into usable paddocks and made available to the community for use as grazing land. These "paddocks" are managed by a formal Trustee lease arrangement and Land Management Plans.

All McKinlay Shire Trustee leases paddocks (9 in total) were tendered for Trustee Lease in late 2010/early 2011. After assessment, Council approved the Trustee Lease of the various paddocks in March 2011 (refer motion 201/1011) and October 2011 (refer motion 110/1112). Leases on all but two (2) being paddocks being formalised 1 September 2013. Those remaining being Kynuna Racecourse Paddock and McKinlay Paddock No. 3.

Mr Walsh has previously held tenure by Trustee Lease over the Kynuna Racecourse Paddock since 2007 and has continued to pay lease fees up to this day. Kynuna Race Course paddock was offered as part of the tenders, however for a number of reasons, a formal lease were never entered into or finalised. A search of both Council and Solicitor records indicate that a trustee lease was not requested for the Kynuna Racecourse paddock as part of the other leases. From information currently available, it is unclear why this matter was not progressed.

In discussion with Mr Walsh, he is also unaware as to why this matter was never finalised.

Mr Walsh is agreeable to entering into a Trustee Lease for the paddock and has maintained the paddock including lease payments since 2007.

Moved Cr. Hick

Seconded Cr. Batt

That Council enters into a Trustee Lease Kynuna Race Course paddock to Mr Scott Walsh based on the following conditions:

- a. The duration of the lease is to 30 August 2018;
- b. Annual rent is set as per the current 2013/14 financial year and increased by the CPI annually
- c. A Land Management Plan is approved for the paddock;

CARRIED

Resolution No 229/1314

Attendance – Director of Environment and Regulatory Services Geoff Rintoul left the meeting at 9:52am

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Attendance – Director of Engineering Greg Chesterfield and Mr. Dyrick Hobbs NDRRA Program Manager (AECOM) entered the meeting at 10:00am.

ADJOURNMENT: 10:05am – 10:15am The Mayor adjourned the meeting for morning tea.

Mr. Dyrick Hobbs NDRRA Program Manager (AECOM) presented to Councillors the McKinlay Shire Council NDRRA Program presentation.

Attendance – Mr.Dyrick Hobbs NDRRA Program Manager (AECOM) left the meeting at 12:02pm

6. ENGINEERING SERVICE REPORT

6.1 Engineering Works Report – June 2014

Moved Cr. Hick

Seconded Cr. Walker

That Council receive the Engineering Services Works Report

CARRIED

Resolution No.230/1314

Attendance – Director of Engineering Greg Chesterfield left the meeting at 12:51pm

Attendance – Director of Community and Corporate Services Tenneil Cody entered the meeting at 12:53pm

7. COMMUNITY SERVICES REPORT

7.1 Community Service Report

Moved Cr. Walker

Seconded Cr. Hick

That Council receive the Community Services Report.

CARRIED

Resolution No 231/1314

7.2 Dump Point Subsidy

The Campervan & Motorhome Club of Australia (CMCA) in partnership with Kea Campers and the Queensland Department of Transport and Main Roads (DTMR) has funding available to support the installation by local councils across Queensland of grey and black water dump points for recreational vehicle (RV) travellers.

Moved Cr. Hick

Seconded Cr.Batt

That Council apply for the CMCA Dump Point Subsidy at the McKinlay Truck Stop and commit to the associated installation and maintenance costs.

CARRIED

Resolution No 232/1314

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8. CORPORATE SERVICES REPORT

8.1 Corporate Services Report

Moved Cr. Walker Seconded Cr. Hick

That Council receive the Corporate Services Report

CARRIED

Resolution No 233/1314

8.2 Revenue Policy Review 2014/2015

In accordance with *Section 193 of the Local Government Regulations 2012*, Council must prepare a revenue policy for each financial year.

The 2014/15 Revenue Policy version 2.8 has been prepared in accordance with relevant legislation and is presented for Councils consideration.

Moved Cr. Hick Seconded Cr. Walker

That Council adopt the 2014/2015 Revenue Policy Version 2.8 as presented.

CARRIED

Resolution No 234/1314

Attendance – Director of Corporate and Community Services Tenneil Cody left the meeting at 1:25pm

9. CHIEF EXECUTIVE OFFICERS REPORT

9.1 Chief Executive Officers Report

Moved Cr. Batt Seconded Cr. Hick

That Council receive the Chief Executive Officers Report.

CARRIED

Resolution No. 235/1314

Procedural Motion

These reports are CONFIDENTIAL in accordance with *Section 275 (1) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its councillors consider it necessary to discuss -:

(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." and

(e) "contracts proposed to be made by it" and

(f) "starting or defending legal proceedings involving the local government"

Moved Cr. Walker Seconded Cr. Hick

That Council close the meeting to the public under the Local Government Regulation 2012, Section 275 (1) (h), (e) and (f)

CARRIED

Resolution No.236/1314

- The meeting was closed to the public at 1:34pm

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Procedural Motion

Moved Cr. Walker Seconded Cr. Murphy

That Council reopen the meeting to the public.

CARRIED

Resolution No.237/1314

- The meeting was re-opened to the public at 2:25pm

9.2 Commercial Arbitration – Carmichael Builders

Carmichael Builders initiated Arbitration action to settle a dispute over extras that they claimed during the construction of the Seniors Living Centre. Adjudication action was subsequently activated by Carmichael Builders with respect to Liquidated damages with held by Council pertaining to their failure to meet the construction deadline.

This report addresses the negotiations that transpired on the 29th May 2014 resulting in a Deed of Settlement the following day and seeks Council endorsement.

Moved Cr. Hick Seconded Cr. Walker

That Council endorse the action of the Interim Chief Executive Officer in conjunction with the Director of Corporate and Community Services and in liaison with the Mayor in negotiating a Deed of Settlement with Carmichael Builders to bring to a satisfactory end the legal actions the Company had taken regarding various matters associated with the contract for the construction of the Seniors Living Centre.

CARRIED

Resolution No.238/1314

9.3 Management of Julia Creek Swimming Pool

The Council has a three (3) year agreement with Mr Chris Smith to manage the Julia Creek Swimming Pool.

Under the agreement the Manager is required to notify Council by 1st June in each year if he wishes to take up the next year.

For the final year commencing on 1st September 2014, Mr Smith has given notice by letter dated of his wish to take up the option.

Moved Cr. Walker Seconded Cr. Hick

That Council agree to the option being exercised by Mr Chris Smith for the third and final year of the contract to manage the Julia Creek Swimming Pool effective 1st September 2014 and that he be advised that Council would require three months notice if he seeks to relinquish the management of the pool before the expiration date due to personal reasons.

CARRIED

Resolution No.239/1314

9.4 Complaint against Contractor

A complaint was made against a contractor with regards to verbal abuse which management classified as a serious incident and appropriate action was taken.

This report outlines the circumstances and the actions taken by management.

Council noted the report

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10. WORK PLACE HEALTH AND SAFETY

11. MEMBERS BUSINESS

Councillors express their condolences in the passing of Brian Dever and thoughts go out to his wife Lyn and family at this time.

12. CLOSURE OF MEETING

The Chair of the meeting, Cr. Belinda Murphy declared the meeting closed at 2:50pm

Cr Belinda Murphy
Mayor