

CONFIRMED MINUTES



# MCKINLAY SHIRE COUNCIL

## ***CONFIRMED MINUTES***

OF THE

**ORDINARY MEETING OF COUNCIL**

HELD AT THE

BOARDROOM, CIVIC CENTRE  
JULIA CREEK

**19<sup>th</sup> December 2016**

CONFIRMED MINUTES

**ORDER OF BUSINESS**

1. Opening	3
2. Attendance	3
3. Confirmation of Minutes	3
4. Business Arising out of minutes of previous Meetings	3
<b><u>5. ENGINEERING REPORT</u></b>	<b>4</b>
5.1 Report – Engineering Report	4
5.2 Report – RV Camp Creek Expansion - Detailed Design	4
5.3 Report – RV Camp Creek Expansion - Funding Submission Proposal	4
5.4 Report – Northern Australia Beef Roads Program Iffley – Taldora Road link	5
<b><u>6. ENVIRONMENT AND REGULATORY SERVICES REPORT</u></b>	<b>5</b>
6.1 Report – Environmental and Regulatory Services November Report	5
6.2 Report – Renewal of Term Lease over Lot 5 on TD98	5
6.3 Report – Julia Creek Waste Management Facility	6
6.4 Report - Julia Creek Swimming Pool	6
6.5 Report – Dirt n Dust Festival Julia Creek Swimming Pool Use	6
6.6 <b>CONFIDENTIAL</b> Report – Realignment of 57/SP284275	7
6.7 Report - Conversion of 17/JC55721 to freehold	7
<b><u>7. COMMUNITY SERVICES REPORT</u></b>	<b>8</b>
7.1 Report – Community Services Report	8
<b><u>8. CORPORATE SERVICES REPORT</u></b>	<b>8</b>
8.1 Report – Corporate Services Report	8
<b><u>9. CHIEF EXECUTIVE OFFICER REPORT</u></b>	<b>8</b>
9.1 Report – Chief Executive Officer's report	8
9.2 <b>CONFIDENTIAL</b> Report – T1516006 - Julia Creek Civic Centre and Jan Eckford Centre Refurbishment – Payment of Workers and Subcontractors	9
9.3 Report – Community Drought Support Package 2016-17	10
9.4 Report - 2017 Distribution - Western QLD Drought Appeal	10
10. Work Place Health and Safety	11
11. Members Business	11
12. Close	11

CONFIRMED MINUTES

**1. OPENING BUSINESS**

All Councillors having signed the Attendance Book, the Mayor declared the meeting open at 9:02am

**2. ATTENDANCE**

**Mayor:** Cr. B Murphy

**Members:** Cr. N. Walker, Cr. P. Curr, Cr. J. Fegan, Cr. S. Royes

**Staff:**

Chief Executive Officer Mr Peter Fitchat  
Director of Corporate and Community Services Mrs Tenneil Cody  
Director of Environment and Regulatory Services Mr Andrew Boardman  
Executive Assistant Linda McNab

**Apologies:**

Director of Engineering Services Mr Brian Wood

**Other people in attendance:**

Nil

**3. CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Meeting on 16<sup>th</sup> November 2016 be confirmed.

Moved Cr. N Walker

Seconded Cr. S. Royes

That the Minutes of Ordinary Meeting on 16<sup>th</sup> November 2016 be confirmed.

Resolution No.133/1617

CARRIED 5/0

That the Minutes of the Special Meeting on 29<sup>th</sup> November 2016 be confirmed.

Moved Cr. P Curr

Seconded Cr. S. Royes

That the Minutes of the Special Meeting on 29<sup>th</sup> November 2016 be confirmed.

Resolution No.134/1617

CARRIED 5/0

**4. BUSINESS ARISING FROM PREVIOUS MINUTES**

CONFIRMED MINUTES

**5. ENGINEERING SERVICES REPORT**

The Chief Executive Officer presented the Engineering Reports to Council.

**5.1 Engineering Works Report**

Moved Cr. P Curr

Seconded Cr. N Walker

That Council receive the December Engineering Services Works Report

CARRIED 5/0

Resolution No.135/1617

**5.2 RV Camp Creek Expansion - Detailed Design**

An RFP for the Detailed Design of landscape and civil structural elements of the RV Camp Creek Expansion and associated works at the existing RV Camp on Julia Creek was requested on the 25<sup>th</sup> October 2016. Three proposals were received and these have been assessed and a recommendation made.

**Recommendation**

That Council accept the tender of RPS for the amount of \$16,940.00 for the design of the RV Camp Creek Expansion as it is the lowest conforming tender. With the completed design Council will be better placed to secure the maximum available funding for the construction works.

Moved Cr. J Fegan

Seconded Cr. N Walker

That Council accept the tender of RPS for the amount of \$16,940.00 for the design of the RV Camp Creek Expansion as it is the lowest conforming tender. With the completed design Council will be better placed to secure the maximum available funding for the construction works.

CARRIED 5/0

Resolution No.136/1617

**5.3 RV Camp Creek Expansion - Funding Submission Proposal**

The Australian Government recently announced the release of the program guidelines for the new Building Better Regions Fund (BBRF). Grants are available through two funding streams; Infrastructure Projects and Community Investments. Council are presented with a fee proposal for the preparation of a submission.

**Recommendation**

That Council accept the fee proposal of Section 51 for the amount of \$30,540 for the preparation of a submission for grant funding under the Building Better Regions Fund for the construction of the RV Camp Creek Expansion.

Moved Cr. P Curr

Seconded Cr. S Royes

That Council accept the fee proposal of Section 51 for the amount of \$30,540 for the preparation of a submission for grant funding under the Building Better Regions Fund for the construction of the RV Camp Creek Expansion.

CARRIED 5/0

Resolution No.137/1617

CONFIRMED MINUTES

**5.4 Northern Australia Beef Roads Program Iffley – Taldora Road link**

Council requested modelling of the Iffley – Taldora Link by CSIRO for comparison with other beef road links under the Northern Australia Beef Roads program. The modelling results indicate that the Iffley Taldora links current annual trailer numbers are high in comparison with other links modelled as part of the program. Inclusion of the Iffley – Taldora Road link for future funding for seal upgrade under the program is recommended.

**Recommendation:**

That Council request the inclusion of the Iffley – Taldora Road link for future funding under the Northern Australia Beef Roads program for seal upgrade on the basis that it is an important beef road link with high current annual trailer counts.

Moved Cr. S. Royes

Seconded Cr. J Fegan

That Council request the inclusion of the Iffley – Taldora Road link for future funding under the Northern Australia Beef Roads program for seal upgrade on the basis that it is an important beef road link with high current annual trailer counts.

CARRIED 5/0

Resolution No.138/1617

**6. ENVIRONMENT AND REGULATORY SERVICES REPORT**

**6.1 Environment and Regulatory Works Report – November 2016**

This report outlines the general activities, revenue and expenditure for the department for the period of November 2016 and generally up to date of writing this report.

Moved Cr. N Walker

Seconded Cr. J Fegan

That Council receive the November 2016 Environment and Regulatory Services Works Report.

CARRIED 5/0

Resolution No.139/1617

**Attendance** - Cr. Fegan Left the meeting at 10:33am – 10:39am for Council to discuss general preferred supplier procedures.

**6.2 Renewal of Term Lease over Lot 5 on TD98**

Council's views are sought on the application for renewal of Term Lease over Lot 5 on TD6.

**Recommendation:**

That in reference to the renewal of Term Lease over Lot 5 on TD6 Council advises the Department of Natural Resources and Mines that:

- The reserve is still required for its gazetted purpose;
- Council prefers that the current arrangement of a term lease remains;
- It has no objection or requirements in regard to the term lease.

CONFIRMED MINUTES

Moved Cr. J Fegan

Seconded Cr. S. Royes

That in reference to the renewal of Term Lease over Lot 5 on TD6 Council advises the Department of Natural Resources and Mines that:

- The reserve is still required for its gazetted purpose;
- Council prefers that the current arrangement of a term lease remains;
- It has no objection or requirements in regard to the term lease.

CARRIED 5/0

Resolution No.140/1617

### 6.3 Julia Creek Waste Management Facility

Council's views are sought for the management of the Julia Creek Waste Management Facility moving into the future.

**Recommendation:**

That Council receives the Julia Creek Waste Management Facility Report, and;

Approves expenditure of a portion of the Disposal Operational Costs for Capital Works to develop conceptual transfer facility plans and a budget estimate for the implementation of the plans.

Moved Cr. N Walker

Seconded Cr. J Fegan

That Council receives the Julia Creek Waste Management Facility Report, and;

Approves expenditure of a portion of the Disposal Operational Costs for Capital Works to develop conceptual transfer facility plans and a budget estimate for the implementation of the plans.

CARRIED 5/0

Resolution No141/1617

### 6.4 Julia Creek Swimming Pool

Council is informed of the findings of the Julia Creek Swimming Pool Hazard Inspection.

**Recommendation:**

That Council receives the Julia Creek Swimming Pool Hazard Inspection Report.

Moved Cr. P Curr

Seconded Cr. N Walker

That Council receives the Julia Creek Swimming Pool Hazard Inspection Report.

CARRIED 5/0

Resolution No.142/1617

### 6.5 Dirt n Dust Festival Julia Creek Swimming Pool Use

Council is requested to waive the Pool Hire Fee for Dirt n Dust Junior Triathlon participants and request use of the pool for the Junior Triathlon on Friday 7 April 2017.

**Recommendation:**

That Council waives the hire and entry fee for the Junior Triathlon and those participating in the event, and;

Council make available the use of the Julia Creek swimming pool for the Dirt n Dust Junior Triathlon on Friday 7 April 2017.

CONFIRMED MINUTES

Moved Cr. S Royes

Seconded Cr. N Walker

That Council waives the hire and entry fee for the Junior Triathlon and those participating in the event, and;

Council make available the use of the Julia Creek swimming pool for the Dirt n Dust Junior Triathlon on Friday 7 April 2017.

CARRIED 5/0

Resolution No.143/1617

**PROCEDURAL MOTION**

Moved Cr. N Walker

Seconded Cr. J Fegan

That Council resolve that the meeting be closed to the public under section 275 1(g) of the Local Government Regulation 2012.

*(g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.*

CARRIED 5/0

Resolution No. 144/1516

Closure of meeting – 11:16am

**PROCEDURAL MOTION**

Moved Cr. N Walker

Seconded Cr. P Curr

That Council resolve to re-open the meeting to the public.

CARRIED 5/0

Resolution No.145/1516

Re-opening of Meeting – 11:23am

**6.6 Realignment of 57/SP284275**

Council is informed of a request to realign Lot 57 on SP284275.

**Recommendation:**

That Council supports the realignment in principal pending applicant's submission to the Department of Natural Resources and Mines.

Moved Cr. J Fegan

Seconded Cr. S Royes

That Council supports the realignment in principal pending applicant's submission to the Department of Natural Resources and Mines.

CARRIED 5/0

Resolution No.146/1617

**6.7 Conversion of 17/JC55721 to freehold**

Council's view is sort by the Department of Natural Resources on the application request made to convert Lot 17 on JC55721 to freehold. The proposed use of the lot is Residential.

**Recommendation:**

CONFIRMED MINUTES

That in reference to the conversion of Lot 17 on JC55721 to freehold Council advises the Department of Natural Resources and Mines that:

- That Lot 17 on JC 55721 is zoned residential and the use of the land remain residential;
- The applicant should note that there are current Council rates and charges for this property;
- All cost related to the application are borne by the applicant;
- That there are currently no local non-indigenous cultural heritage values that Council are aware of, and;
- Council has no objection in the conversion of Lot 17 on JC55721 to freehold.

Moved Cr. J Fegan

Seconded Cr. N Walker

That in reference to the conversion of Lot 17 on JC55721 to freehold Council advises the Department of Natural Resources and Mines that:

- That Lot 17 on JC 55721 is zoned residential and the use of the land remain residential;
- The applicant should note that there are current Council rates and charges for this property;
- All cost related to the application are borne by the applicant;
- That there are currently no local non-indigenous cultural heritage values that Council are aware of, and;
- Council has no objection in the conversion of Lot 17 on JC55721 to freehold.

CARRIED 5/0

Resolution No.147/1617

**ADJOURNMENT:** 11:29am – 11:43am The Mayor adjourned the meeting for morning tea. Upon resumption Director of Corporate and Community Services entered the meeting and Director of Environment and Regulatory Services left.

## 7. COMMUNITY SERVICES REPORT

### 7.1 Community Services Report

Moved Cr. S Royes

Seconded Cr. J Fegan

That Council receive the December Community Services Report.

CARRIED 5/0

Resolution No.148/1617

## 8. CORPORATE SERVICES REPORT

### 8.1 Corporate Services Report

Moved Cr. S Royes

Seconded Cr. N Walker

That Council receive the December Corporate Services Report.

CARRIED 5/0

Resolution No.149/1617

## 9. CHIEF EXECUTIVE OFFICERS REPORT

### 9.1 Chief Executive Officers Report

Moved Cr. J Fegan

Seconded Cr. N Walker

That Council receives the December Chief Executive Officer Report.

CONFIRMED MINUTES

CARRIED 5/0

Resolution No.150/1617

Cr. Janene Fegan declared a material conflict of interest (as per section 172 of the Local Government Act 2009) in relation to report 9.2. Cr. Fegan left the meeting room at 12:11pm taking no part in the debate or decision of the meeting.

**PROCEDURAL MOTION**

Moved Cr. N Walker

Seconded Cr. P Curr

That Council resolve that the meeting be closed to the public under section 275 1(f) of the Local Government Regulation 2012.

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

CARRIED 4/0

Resolution No. 151/1516

Closure of meeting 12:12pm

**PROCEDURAL MOTION**

Moved Cr. N Walker

Seconded Cr. S Royes

That Council resolve to re-open the meeting to the public.

CARRIED 4/0

Resolution No.152/1516

Re-opening of Meeting – 12:22pm

**9.2 T1516006 - Julia Creek Civic Centre and Jan Eckford Centre Refurbishment – Payment of Workers and Subcontractors**

Last week on Friday 9<sup>th</sup> December 2016 Further, Form 1 – Notices of Claim of Charge pursuant to the Subcontractors Charges Act 1974 had been served on the Principal (McKinlay Shire Council) and the Contractor.

The Principal received information that subcontractors who performed work under this Contract had not been paid monies then due to them.

We “The Principal” exercised clause 43 (b) of Contract authorising it to withhold moneys due to the Contractor.

We have however made a part payment of the payment amount certified on the 13<sup>th</sup> December 2016 as per Contract to the Contractor by the Principal, the calculation of the amount paid being reasonably calculated based on information we had at hand and in the absence of satisfactory proof of the maximum amount due and payable to subcontractors by the Contractor.

We have requested that the Contractor forward proof of the maximum amount due and payable to subcontractors by COB Wednesday 14<sup>th</sup> December 2016, detailing retention monies between the Contractor “Richardson building Services” and their subcontractors.

**Recommendation:**

That Council note the actions since the summons of the Form 1 – Notices of Claim of Charge pursuant to the Subcontractors Charges Act 1974 have been served on the Principal (McKinlay Shire Council) and the Contractor, and the actions exercised under clause 43 (b) of Contract authorising it to withhold monies due to the Contractor.

CONFIRMED MINUTES

Moved Cr. P Curr

Seconded Cr. S Royes

That Council note the actions since the summons of the Form 1 – Notices of Claim of Charge pursuant to the Subcontractors Charges Act 1974 have been served on the Principal (McKinlay Shire Council) and the Contractor, and the actions exercised under clause 43 (b) of Contract authorising it to withhold monies due to the Contractor.

CARRIED 4/0

Resolution No.153/1617

**Attendance** –Cr. Fegan re-entered the meeting at 12:24pm

### 9.3 Community Drought Support Package 2016-17

Community Drought Support Package 2016 -2017 is out for application and closes at 5pm, Monday 9 January 2017.

Successful applicants will be announced on the 3<sup>rd</sup> March 2017.

As part of the application we will be required to provide a broad summary of the following items;

- What events/activities are planned and approximately when will they be delivered
- Which organisations/community groups are likely to be managing the delivery of these activities and events
- Details of consultation undertaken to determine if a Community Drought Resilience Plan is required
- If our area will be developing a Community Drought Resilience Plan, over what timeframe and what will be the amount of grant funding allocated to this plan
- For those contracted to manage/broker flexible hardship funds, who will be delivering this support and do they have an accountable system in place to manage.

#### **Recommendation:**

That Council note this and support McKinlay Shire Councils application for this round of Community Drought Support Package 2016 -2017.

Moved Cr. N Walker

Seconded Cr. J Fegan

That Council note this and support McKinlay Shire Councils application for this round of Community Drought Support Package 2016 -2017.

CARRIED 5/0

Resolution No.154/1617

### 9.4 2017 Distribution - Western QLD Drought Appeal

The Western Queensland Drought Appeal Committee Inc. is currently planning a distribution of funds to support locals in the McKinlay Shire in early 2017.

As this will be the first time that the WQDA has distributed funds to our area, we were urgently asked to provide a list of all properties in our Shire, the eligible recipients will receive a mail out of prepaid VISA cards.

CONFIRMED MINUTES

We were asked to assist with collating a list of recipient names so that they can be assessed. The timeframe for supplying a distribution list was tight. If there are any other community groups or individuals who could assist Council with the task of gathering names, we would like to get in touch with them.

Applications close Tuesday 31st January 2017.

**Recommendation:**

That Council note this and support McKinlay Shire Councils application for this round of 2017 Distribution - Western QLD Drought Appeal

Moved Cr. N Walker

Seconded Cr. J Fegan

That Council note this and support McKinlay Shire Councils application for this round of 2017 Distribution - Western QLD Drought Appeal

CARRIED 5/0

Resolution No.155/1617

**Attendance** – Director of Corporate and Community Services left the meeting at 12:34pm

**10. WORK PLACE HEALTH AND SAFETY**

No Report presented.

**11. MEMBERS BUSINESS**

Cr. Fegan – MOU and further discussions and communication needed between NWHHS and Council.

Cr. Royes and Murphy – Generator and Seniors living units connection. Recent power outage raising concerns.

Cr. Royes - Roads committee meetings and possible next meeting? Cr. Murphy stated we need a meeting pre mid-year budget review.

Cr. Walker – Positive responses given to him in relation to standard of access roads.

Cr. Murphy gave Council an LGAQ Policy executive update and on current State Government Funding.

Cr. Murphy spoke to Telstra telecommunications professional Lou Boyle in relation to internet/mobile connection within Shire.

Energy Renewal Plant for Prickly Acacia – information to be sent to Cr. Walker by Cr. Murphy.

Industrial Relations update. Council working with LGAQ.

Cr. Royes – Suggested generator for the Aerodrome for power outage at night in relation to RFDS.

Cr. Murphy and CEO Peter Fitchat visited Kynuna and McKinlay and consulted with local businesses and residents.

**12. CLOSURE OF MEETING**

The Chair of the meeting, Cr. Belinda Murphy declared the meeting closed at 1:08pm

Cr Belinda Murphy  
Mayor

CONFIRMED MINUTES