



MCKINLAY SHIRE COUNCIL

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARD ROOM, CIVIC CENTRE
JULIA CREEK

24th February 2015

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 9:03am

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 Engineering: Mr. Brian Wood

Director of Corporate and Community Services: Mrs Tenneil Cody

Executive Assistant: Mrs Linda McNab

Apologies:

Director of Environment and Regulatory Services: Mr. Geoff Rintoul

Other people in attendance:

Nil

3. CONFIRMATION OF MINUTES

Confirmation of minutes from the Ordinary Meeting on 20th January 2015 as previously circulated to Councillors.

Moved Cr. Walker Seconded Cr. Curr

That the minutes of the Ordinary meeting held on 20th January 2015 be confirmed.

CARRIED

Resolution No.148/1415

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

5. ENGINEERING SERVICE REPORT

5.1 Engineering Works Report

Moved Cr. Hick Seconded Cr. Curr

That Council receive the Engineering Services Works Report

CARRIED

Resolution No.149/1415

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5.2 Unsealed Roads Maintenance Program

Council are presented with the unsealed road maintenance (grading) program.

When the program was prepared in July 2014, it was planned to use two graders. Council will now utilise an additional grader in order to complete the program by June 2015.

| | | |
|---------------------------------|-------------------|---------|
| Moved Cr. Hick | Seconded Cr. Batt | |
| That Council receive the Report | | CARRIED |
| Resolution No.150/1415 | | |

5.3 Works Program

Council are presented with the Works Program to June 2015. All resources necessary to complete the program have been allocated and costed. The four Council crews which are undertaking NDRRA works are not included in this program.

| | | |
|-----------------------------|---------------------|---------|
| Moved Cr. Curr | Seconded Cr. Walker | |
| That Council receive Report | | CARRIED |
| Resolution No.151/1415 | | |

5.4 Punchbowl Bridge Design Fee Variation

Council have previously approved a budget for the design and investigation of Punchbowl Bridge . The project footprint has increased by 365m (to 380m total road length) during the design development in order to account for the existing geometry issues. AECOM has submitted a variation for design and investigation of the extended road approaches . This report is now presented to council to approve the design fee variation.

| | | |
|--|---------------------|---------|
| Moved Cr. Curr | Seconded Cr. Walker | |
| That Council adopts the revised design and investigation fee of \$238,970. | | CARRIED |
| Resolution No.152/1415 | | |

Attendance – Cr. Murphy left the meeting at 9:50am

Attendance – Cr. Murphy re-entered the meeting at 10:00am

Attendance – Director of Engineering Brian Wood left the meeting at 10:10am

RECESS: 10:10am – 10:25am The Mayor adjourned the meeting for morning tea

6. ENVIRONMENT AND REGULATORY SERVICES REPORT

CEO Aaron Childs presented the Environment and Regulatory Services Report to Council.

6.1 Environment and Regulatory Works Report – January 2015

This report outlines the general activities, revenue and expenditure for the department for the period January 2015 and generally up to date of writing this report.

Moved Cr. Walker

Seconded Cr. Batt

That Council receive the January 2015 Environment and Regulatory Services Works Report

CARRIED

Resolution No.153/1415

6.2 Amendment to McKinlay Shire Planning Scheme

This report makes recommendations to Council for the formal adoption of the amended McKinlay Shire Amended Planning Scheme 2015.

In late 2013, Council commenced a formal process of amending the McKinlay Shire Planning Scheme adopted in 2005. The amendment being required to formalise the use and zoning of lands associated with the Julia Creek Subdivision located on the western approach to Julia Creek.

On 19 December 2014, the then Minister for State Development, Infrastructure and Planning formally advised Council that the amendment of the planning scheme was approved and that Council may progress with the formal adoption of the scheme.

Moved Cr. Curr

Seconded Cr. Hick

That Council adopts the Amended McKinlay Shire Council Planning Scheme with an adopted date of 24 February 2015 and a commencement date of 9 March 2015.

CARRIED

Resolution No.154/1415

6.3 Proposed Sale of Council Lands - Julia Creek Subdivision

This report make recommendation to Council for the process of the disposal of Council owned lands at the Julia Creek Subdivision generally located on Survey Plan SP247177.

In 2011 McKinlay Shire Council developed and subsequently advertised for sale the lots associated with the Julia Creek Subdivision located on the western approach to Julia Creek. A total of four lots out of 22 lots were sold at the time.

Note that the truck park located on lot 38 SP247177 is not offered or considered for sale.

In mid 2013, it was established that whilst there was planning approval for the subdivision, there was no amendment to the planning scheme, therefore the development of the lots were subject to assessment under its then zoning of Community Purposes. Council approved the commencement of the formal amendment to the Planning Scheme in late 2013 and formally adopted the Amended Planning Scheme at its meeting on 24 February 2015.

As part of the original sale of lots, the sale included the use of Deign Guidelines that detailed building and development requirements for the various building developments for the subdivision. These guide lines provides a minimum requirement for design, materials etc. on site. Whilst it may have been considered at the time relevant for the guidelines to be used, they did not form part of the original Development Approval (MSC2/2011) and therefore only generally enforceable as part of the sale of the property.

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On review of the conditions within the guidelines, most of the requirements are covered under the provisions of the Building Act, Planning Scheme or good building practice. Therefore the relevance of the guidelines may be considered no longer applicable. Council should note that the four property's sold did have these guide line conditions as part of the sale, however given that no building works have been formally approved to date, it may look at not enforcing the requirements in the future.

The disposal of these assets will consist of the following key steps, being:

1. The formal amalgamation of Lots 3 to 12 on SP 247177 to create five (5) new Rural Residential Lots. This establishes consistence with the amended planning scheme.
2. The valuation of all available lots in order to establish a base for a Reserve price and assist Council in decision making and provide a "realistic" reserve; and
3. The formal process of disposal of the lots.

Moved Cr. Batt

Seconded Cr. Walker

That Council;

1. Approves the amalgamation of the existing lots to form new lots as follows with areas subject to final survey and lodgment with the Department of Natural Resources;

| RPD | Area (Sq M) | Zoning |
|------------------------------|--------------------|--------------------------|
| <i>Lot 3 and 12 SP247177</i> | <i>3835</i> | <i>Rural Residential</i> |
| <i>Lot 4 and 11 SP247177</i> | <i>4029</i> | <i>Rural Residential</i> |
| <i>Lot 5 and 10 SP247177</i> | <i>4029</i> | <i>Rural Residential</i> |
| <i>Lot 6 and 9 SP247177</i> | <i>4102</i> | <i>Rural Residential</i> |
| <i>Lot 7 and 8 SP247177</i> | <i>5050</i> | <i>Rural Residential</i> |

2. *The following lots are offers for sale;*

| RPD | Area (Sq. M) | Zoning |
|------------------------------|---------------------|---|
| <i>Lots 2 SP247177</i> | <i>5044</i> | <i>Light Industry</i> |
| <i>Lot 3 and 12 SP247177</i> | <i>3835</i> | <i>Rural Residential – To be formally amalgamated</i> |
| <i>Lot 4 and 11 SP247177</i> | <i>4029</i> | <i>Rural Residential – To be formally amalgamated</i> |
| <i>Lot 5 and 10 SP247177</i> | <i>4029</i> | <i>Rural Residential – To be formally amalgamated</i> |
| <i>Lot 6 and 9 SP247177</i> | <i>4102</i> | <i>Rural Residential – To be formally amalgamated</i> |
| <i>Lot 7 and 8 SP247177</i> | <i>5050</i> | <i>Rural Residential – To be formally amalgamated</i> |
| <i>Lot 13 SP 247177</i> | <i>4457</i> | <i>Rural Residential</i> |
| <i>Lot 14 SP 247177</i> | <i>4039</i> | <i>Rural Residential</i> |

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| | | |
|------------------|------|-------------------|
| Lot 15 SP 247177 | 4039 | Rural Residential |
| Lot 16 SP 247177 | 4043 | Rural Residential |
| Lot 36 SP 247177 | 8564 | Light Industry |
| Lot 37 SP 247177 | 8340 | Light Industry |

3. No longer require development of the lots at the subdivision to follow the design guidelines of the original development;
4. Engages a suitably qualified and experienced property valuer to establish a market value for the lots; and
5. The sale of the lots located at the Julia Creek Subdivision be
 - a. by public tender with reserve; and
 - b. The tender process is carried out by a third party independent of Council.

CARRIED

Resolution No.155/1415

6.4 Development Application - MCK2014 08, Julia Creek Motel, Code Assessable Material Change of Use – Motel Expansion.

Zadow P/L has made an application to Council for Development Approval for a Material Change of Use for Motel Expansion at the Julia Creek Motel. The property being Lot 44 EN 151 located at Burke Street, Julia Creek.

As part of the proposed development, a Code Assessable Material Change of Use application was required in order to comply with Sustainable Planning Act 2009 and Councils Planning Scheme. This matter was required to be referred to a referral agency, being the Department of Transport and Main Roads. 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 original development was constructed prior to the adoption of the current planning scheme. Council records did not find any previous development approvals. Therefore following discussions with the applicant, the Material Change of Use also considered pre-existing uses on site for inclusion of the Development Approval.

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 Code Assessable Material Change of Use for Motel Expansion at the Julia Creek Motel. The property being Lot 44 EN 151 located at Burke Street , Julia Creek, is approved subject to the conditions detailed below:

DEVELOPMENT APPLICATION DECISION NOTICE *Sustainable Planning Act 2009*

DEVELOPMENT PERMIT MCK 2014/08 for a **CODE ASSESSABLE MATERIAL CHANGE OF USE** to facilitate a **MOTEL (EXPANSION)**.

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This development application for a development permit is **APPROVED** in full subject to conditions and was decided on **24 February 2015**.

1. **Applicant** Zadow Pty Ltd
PO Box 213
Julia Creek QLD 4823
 2. **Property Address** 98 Burke Street, Julia Creek
 3. **Real Property Description** Lot 44 on EN151
 4. **Type of Approval** Development Permit
 5. **Development Type** Material Change of Use
 6. **Development Definition** Motel
 7. **Zone** Commercial Zone
 8. **Level of Assessment** Code Assessment
 9. **Referral Agencies** State Assessment and Referral Agency
 10. **Deemed Approval** The development application has not been decided under section 331 of the *Sustainable Planning Act 2009*
 11. **Schedule of Conditions** The conditions of approval are included as a Schedule of Conditions and are identified as assessment manager conditions. A copy of the State Assessment and Referral Agency's referral response and conditions of approval are also attached.
 12. **Submissions** There were no properly made submissions.
 13. **Relevant Instrument** The assessment manager does not consider the decision to conflict with any relevant instrument.
 14. **Codes for Self-Assessment** There are no changes to the self assessable provisions of the planning scheme as a result of this development permit.
 15. **Compliance Assessment** Any compliance applications required to facilitate the proposal are detailed in the Schedule of Conditions
 16. **Compliance Assessment** The relevancy period for this development permit is 4 years from the date of the decision.
 17. **Rights of Appeal** Sections 461, 464, 481, 482, 485, 488, 490 of the *Sustainable Planning Act 2009* outline the Rights of Appeal for this development permit which are attached for your information.
- A. **ASSESSMENT MANAGERS CONDITIONS (Council)**

SCHEDULE OF CONDITIONS

Code Assessable Material Change of Use
Motel (Expansion)

Conditions of Approval

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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.

Refuse Storage

4 A refuse storage area is to be provided in site as identified on the approved site plan and is to be screened so as not be visible from any street frontage.

Car Parking

5 The developer is to provide a single dedicated car parking space for the caretaker's residence designed and installed in accordance with *Australian Standard AS2890.1 – Parking Facilities: Off Street Car Parking*.

6 The new car parking area identified on the approved site plan is to be designed and installed in accordance with *Australian Standard AS2890.1 – Parking Facilities: Off Street Car Parking*.

7 The developer is to provide one (1) disabled person car parking space in accordance with *Australian Standard AS1428 – Design for Access and Mobility*.

Infrastructure

- 8 The developer is to ensure that the site remain connected and services by all existing reticulated water, sewer, telecommunications and electricity services.

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 The developer/owner must demonstrate compliance with all conditions of approval prior to obtaining the certificate of classification for the use of any new buildings.

Resolution No.156/1415

CARRIED

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Procedural Motion

This report is 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 :

(e) *“contracts proposed to be made by it”*

Moved Cr. Curr

Seconded Cr. Hick

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

CARRIED

Resolution No.157/1415

- The meeting was closed to the public at 11:00am

Procedural Motion

Moved Cr. Walker

Seconded Cr. Batt

That Council re-open the meeting to the public.

CARRIED

Resolution No.158/1415

- The meeting was re-opened to the public at 11:05am

6.5 Tender Assessment T 1415026 – Removal of old office and accommodation Julia Creek Caravan Park

This report makes recommendation to Council for removal of old office and accommodation Julia Creek Caravan Park located on Lot 29 on SP232864, Julia Street Julia Creek. Four (4) tenders were received at time of closing.

Moved Cr. Hick

Seconded Cr. Walker

That Council awards Tender T1415026 for the removal of the old office and accommodation building at the Julia Creek Caravan Park to Wayne Muller.

CARRIED

Resolution No.159/1415

Attendance – Director of Community and Corporate Services Tenneil Cody entered the meeting at 11:10am

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.160/1415

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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 \$525 to go towards the cost of bringing music workshop presenters to their event.

Moved Cr. Hick Seconded Cr. Walker

That Council sponsor the Hughenden Country Music Festival 2015 event for \$300

CARRIED

Resolution No.161/1415

7.3 Drought Relief Funding 2015

Council has received \$90,000 in drought relief funding from the Department of Communities, Child Safety & Disability Services to be expended by 30 November 2015.

Moved Cr. Curr Seconded Cr. Batt

That Council allocate the drought relief funding provided from the Department of Communities, Child Safety & Disability Services to established local community events and initiatives listed below provided the funds are expended in accordance with the guidelines with the funding program.

| EVENT | AMOUNT |
|---|----------|
| Dirt N Dust Festival | \$7,000 |
| Saxby Round -Up | \$7,000 |
| Julia Creek Campdraft | \$7,000 |
| Sedan Dip sports and Recreation, Races, Rodeo and Campdraft | \$7,000 |
| Julia Creek Turf Club Annual races | \$7,000 |
| CSA Town V's Country | \$7,000 |
| McKinlay Races | \$7,000 |
| McKinlay Shire Cultural Association - Cultural Capers | \$7,000 |
| Julia Creek Western riding Club Challenge | \$7,000 |
| Julia Creek Pony Club Gymkhana | \$3,500 |
| North West Pony Club camp | \$3,500 |
| McKissa athletics | \$2,000 |
| Shire Community Christmas Tree | \$5,000 |
| Local Buy Campaign | \$13,000 |

CARRIED

Resolution No.162/1415

7.4 Queensland Weekender

Council has received a proposal from TPD Media to produce an episode of Queensland Weekender.

Moved Cr. Batt Seconded Cr. Walker

That Council commit to the Queensland Weekender proposal, and seek feedback on event participation from Saxby Round Up and Sedan Dip Sports and Recreation.

CARRIED

Resolution No.163/1415

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Moved Cr. Walker Seconded Cr. Curr

That Council accept the proposed Compensation Agreement from Eloise Mine.

And further that Council endorse the Chief Executive Officer to sign and affix the McKinlay Shire Council common Seal to the Compensation Agreement.

CARRIED

Resolution No.175/1415

9.3 NWROC R4R Tyre Shredder

At the North West Queensland Regional Organisation of Councils (NWQROC) meeting held on the 4th September 2014 at Karumba, it was decided that a collaborative application to R4R from the NWQROC would be submitted for the funding of a tyre shredder to be utilized by each participating Council so as to help control the ever increasing problem rural remote Shire's have with the disposal of tyres.

The total initial cost for the first 12 months is \$850,000. The R4R grant application has been successful and will be funded to a maximum of \$625,000. This will leave \$225,000 unfunded which will be made up from a \$25,000 contribution from each participating Council

Moved Cr. Hick Seconded Cr. Walker

1. That Council advises NWROC that it supports the purchase of the tyre shredder.
2. That Council contributes the \$25,000 towards the funding of a regional tyre shredder.
3. That the Mayor and Chief Executive Officer be authorized to continue negotiations and discussions with participating NWQROC Councils with regards to the type of machine to purchase.
4. And further that the Mayor and Chief executive Officer be authorized to discuss, agree and enter into a MOU for future financial commitments from Council for the ongoing operation of the tyre shredder.

CARRIED

Resolution No.176/1415

9.4 Design, supply, install and commission business photovoltaic (PV) solar systems

The purpose of this report is to provide the results of the Evaluation Panel's assessment of the Expression of Interest (EOI) submissions to McKinlay Shire Council for the design, supply, install and commission of photovoltaic (PV) solar systems for local businesses.

The EOI was publically released on 13 January 2015 and closed at 2 PM on 12 February 2015 and Council received responses from:

- Australian All Energy
- Energy Matters Pty. Ltd
- Driftwind Electrical Pty Ltd
- Geiger Electrical Pty Ltd
- Origin Energy Retail No 2 Pty Ltd
- QIS Energy Conservation Systems Pty Ltd
- The Solar Project Pty Ltd, and
- Solar Farmers Pty. Ltd.

Moved Cr. Walker Seconded Cr. Curr

The Evaluation Panel recommends:

That Council invites the following companies to participate in the stage 2 procurement, select RFT

- Energy Matters Pty. Ltd

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- Origin Energy Retail No 2 Pty Ltd, and
- Solar Farmers Pty. Ltd

CARRIED

Resolution No.177/1415

Attendance – Director of Corporate and Community Services Tenneil Cody left the meeting at 2:30pm

10. WORK PLACE HEALTH AND SAFETY

Work Place Health and Safety Officer and Director of Environment and Regulatory services are to attend LGAQ Asbestos training in Mount Isa 4-6th March

11. MEMBERS BUSINESS

Nil

12. CLOSURE OF MEETING

The Chair of the meeting, Cr. Belinda Murphy declared the meeting closed at 3:05pm

Cr Belinda Murphy
Mayor