



MCKINLAY SHIRE COUNCIL

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARDROOM, CIVIC CENTRE
JULIA CREEK

21st August 2018, 9:00am

ORDER OF BUSINESS

ORDER OF BUSINESS

1. Opening
2. Attendance
3. Confirmation of Minutes
4. Business Arising out of minutes of previous Meetings
5. Declaration of Interests

5. ENGINEERING REPORT

- 5.1 Engineering Works Monthly Report
- 5.2 Gidgerly Creek Resilience Funding

6. ENVIRONMENTAL & REGULATORY SERVICES

- 6.1 Environmental & Regulatory Services Monthly Report
- 6.2 State Interest Review and Public Notification of Proposed Draft Planning Scheme
- 6.3 Food Business License and Commercial Use of Roads Application
- 6.4 Trustee Leases on Various Paddocks and Reserves

7. COMMUNITY SERVICES REPORT

- 7.1 Community Services Monthly Report
- 7.2 Community Drought Support Package 2017-2018

8. CORPORATE SERVICES REPORT

- 8.1 Corporate Services Monthly Report
- 8.2 Dealing with Complaints about the Public Official Policy

9. CHIEF EXECUTIVE OFFICER REPORT

- 9.1 LGAQ 122nd Annual Conference
- 9.2 Queensland Community Achievement Awards – Nomination
- 9.3 Recruitment for Director Engineering, Environment and Regulatory Services

10. WORKPLACE HEALTH AND SAFETY

- 10.1 WHS July Report

11. MEMBERS BUSINESS

12. CLOSE

1. OPENING BUSINESS

All Councillors having signed the Attendance Book, Mayor Belinda Murphy declared the meeting open at 9:08am.

1. ATTENDANCE

Mayor: Cr. B Murphy

Members: Cr. S Royes, Cr. J Fegan, Cr. N Walker, Cr. P Curr (teleconference)

Staff:

Interim Chief Executive Officer Mr John Kelly
Director of Engineering, Environmental & Regulatory Services Mr Andrew Boardman
Executive Assistant, Mrs Amy Tinning

Apologies:

Nil

Other people in attendance:

Nil

2. CONFIRMATION OF MINUTES

Confirmation of Minutes of the July Ordinary Meeting of Council held on 24th July 2018.

RECOMMENDATION

That the Minutes of the July Ordinary Meeting of Council held on 24th July 2018 be confirmed.

Resolution No. 020 /1819

The Minutes of July Ordinary Meeting of Council held on 24th July 2018 are confirmed.

Moved Cr. N Walker

Seconded Cr. P Curr

CARRIED 5/0

3. BUSINESS ARISING FROM PREVIOUS MINUTES

Appointment of CEO Mr Des Niesler.

The Interim CEO advised that the contract of employment has been sent and a response has been received. A revised contract will be forwarded this week containing two minor amendments relating to "Notice to terminate" by both parties to be set at 4 weeks and reasonable private use of the Council vehicle assigned to the CEO.

4. DECLARATION OF CONFLICT OF INTEREST

Cr. B Murphy

I declare that I have a conflict of interest with respect to agenda item 6.4 of the August 2018 Ordinary Meeting as (as defined by Local Government Act 2009, section 175B) as follows*: -

- a) Conflict due to my mother in law Mrs Beryl Murphy being a current lessee of a McIntyre Park paddock
- b) The relationship with the lease is that she is my mother in law

I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

Cr. S Royes

I declare that I have a material personal interest with respect to agenda item 6.4 of the August 2018 Ordinary Meeting (as defined by Local Government Act 2009, section 175B) as follows*:-

- (i) I, Shauna Darelle Royes and James George Fels

Stand to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter.

- (ii) Shauna Darelle Royes and James George, stand to gain a benefit or suffer a loss because we currently have a term lease and intend to retender for lease.

I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.

Cr. S Royes

I declare that I have a conflict of interest with respect to agenda item 6.4 of the August 2018 Ordinary Meeting (as defined in Local Government Act 2009, section 175D) as follows*:-

- a) Conflict due to my mother in law Mrs Ellen Fels being a current lessee of a McIntyre Park paddock
- b) The relationship with the lease is that she is my mother in law

I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

5. ENGINEERING SERVICES

5.1 Engineering Works Report

This report outlines the general activities, revenue and expenditure for the department for the period of July 2018.

RECOMMENDATION

That Council receives the July 2018 Engineering Works Report.

Resolution No. 021/1819

Council receives the July 2018 Engineering Works Report.

Moved Cr. J Fegan

Seconded Cr. N Walker

CARRIED 5/0

5.2 Gidgery Creek Resilience Funding

Council applied for \$270,000.00 resilience funding for Gidgery Creek of which Council was to commit \$25,000.00. Council have received word from the Queensland Reconstructive Authority that only \$200,000 is available and to complete the full scope of the project Council will have to commit the \$45,000 shortfall.

RECOMMENDATION

That Council resolve to commit a further \$45,000.00, a total Council commitment of \$70,000.00, towards the \$270,000.00 Gidgery Creek Resilience Project.

Resolution No. 022/1819

Council resolve to commit a further \$45,000.00, a total Council commitment of \$70,000.00, towards the \$270,000.00 Gidgerly Creek Resilience Project.

Moved Cr. P Curr

Seconded Cr. S Royes

CARRIED 5/0

6. ENVIRONMENTAL AND REGULATORY SERVICES REPORT**6.1 Environmental and Regulatory Services Report – July 2018**

This report outlines the general activities, revenue and expenditure for the department for the period of July 2018.

RECOMMENDATION

That Council receives the July 2018 Environment and Regulatory Services Report.

Resolution No. 023/1819

Council receives the July 2018 Environment and Regulatory Services Report.

Moved Cr. N Walker

Seconded Cr. P Curr

CARRIED 5/0

6.2 State Interest Review and Public Notification of Proposed Draft Planning Scheme

Under Section 18 of the *Planning Act 2016* (the Act) Council are to submit the draft McKinlay Shire Planning Scheme (the proposed planning scheme) for its local government area to the Department of State Development, Manufacturing, Infrastructure and Planning for state interest review and to commence public consultation. Public consultation of the proposed planning scheme will occur concurrently with the state interest review. The consultation period is to be 40 business days.

RECOMMENDATION

- *Council resolves to direct, pursuant to step 3 of stage 2 of the prescribed process, that the State Government be sent a copy of the proposed planning scheme and the reports and statements as outlined in step 3 of stage 2 of the prescribed process issued on 11 April 2018 and provide notice to the Chief Executive to request commencement of the state interest review; and*
- *Pursuant to step 8 of stage 2 of the prescribed process, that public consultation of the proposed planning scheme be undertaken in accordance with the community engagement strategy presented with this report.*

Resolution No. 024/1819

- Council resolves to direct, pursuant to step 3 of stage 2 of the prescribed process, that the State Government be sent a copy of the proposed planning scheme and the reports and statements as outlined in step 3 of stage 2 of the prescribed process issued on 11 April 2018 and provide notice to the Chief Executive to request commencement of the state interest review; and
- Pursuant to step 8 of stage 2 of the prescribed process, that public consultation of the proposed planning scheme be undertaken in accordance with the community engagement strategy presented with this report.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

6.3 Food Business Licence and Commercial Use of Roads Application

Council resolved at it's Ordinary Meeting of Council to defer any decision pending further information and discussion and to consider the matter at the August 2018 Ordinary Meeting of Council.

RECOMMENDATION

Council resolves to write to the applicant to approve their Provisional Food Business Licence on the basis that they comply with the conditions of the development approval and advise the applicant if they wish to move around the shire than they are to apply for a commercial use of roads permit for each location.

Resolution No. 025/1819

Council resolves to write to the applicant, Jacinta Lymburner to approve their Provisional Food Business Licence at the premises of 20-22 Burke Street on the basis that the applicant complies with the conditions of the development approval and advise the applicant if she wishes to move around the Shire than she is to apply for a commercial use of roads permit for each location.

Moved Cr. P Curr

Seconded Cr. J Fegan

CARRIED 5/0

Attendance - Cr. B Murphy & Cr. S Royes declared a material personal conflict of interest, taking no part in the discussion or meeting by leaving the meeting room at 10:17am.

Attendance - CEO John Kelly left the meeting room at 10:22am.

Attendance - CEO John Kelly re-entered the meeting room at 10:23am.

6.4 Trustee Leases on Various Paddocks and Reserves

Trustee Leases/Agreements for Council Paddocks as identified in this report have or are about to expire and Council staff seek Council's direction for future leasing arrangements. It is intended that all paddocks are tendered and formal leases are implemented.

RECOMMENDATION

That Council resolves;

- a) *to commence the tender process for all paddocks;*
- b) *support the criteria in the draft tender documentation;*
- c) *write to existing lease holders advising of lease extension until new leases commence;*
- d) *write to the holders of the Western Airport Road Paddock, Eastern Airport Road Paddock and the Western Flinders Highway Paddock and advise them that their agreements will expire on the commencement of the new leases and that the paddocks will be released for tender.*
- e) *The following criteria be used for the tender assessment:*

40% Value for money

10% Demonstrated Maintenance of Infrastructure

5% Demonstrated Pasture Management

5% Demonstrated Weed Management

20% Development of Small Scale Agri-business

20% Development of Competitive Local Industry

RECOMMENDATION

Resolution No. 026/1819

Council resolves:

- a. To defer the commencement of the tender process for all paddocks for a period of six months to enable Council to conduct a workshop with key staff to determine
 - The paddocks to be offered for lease
 - The conditions of tender and assessment process, and
 - To consider a draft copy of the proposed lease documents together with an estimate of the legal fees associated with each lease
- b. To advise the existing lease holders of lease extensions until the new leases are commence, anticipated to be 1st March 2019,
- c. Seek advice from the Department of Natural Resources and recommended processes to be followed in determining such leases, and
- d. The CEO in liaison with the Mayor and Councillors set a suitable date for the workshop after the draft lease document is produced and the advice of DERM is obtained, and
- e. The CEO be requested to bring forward to the September meeting of Council legal options for extending expired MOU's and other tenure arrangements until the tenders are issued and assessed.

Moved Cr. P Curr

Seconded Cr. J Fegan

CARRIED 3/0

Attendance – Mayor Belinda Murphy re-entered the meeting room 10:44am and re-commenced chairing the Ordinary Meeting of Council.

Attendance – Cr. S Royes re-entered the meeting room at 10:45am.

Julia Creek Airport

During discussions regarding the Engineering Works July Report the Director of Engineering and Regulatory Services informed Council that a meeting had been held last Thursday (16 August 2018) with the contractor (Hiway Stabilizers) and the designer and project manager/superintendent (BE Collective) regarding runway surface pavement defects at the Julia Creek Airport.

Council officers will keep Council informed of the progress as negotiations unfold.

Attendance – Mr Andrew Boardman Director of Engineering, Environmental & Regulatory Services left the meeting room at 10:51am Director of Corporate & Community Services Tenneil Cody entered the meeting room.

7. COMMUNITY SERVICES

7.1 Community Services Monthly Report

Council is presented with the monthly Community Services report, which provides an overview of the operations for the month of 2018.

RECOMMENDATION

That Council receives the Community Services monthly report for 2018.

Resolution No. 027/1819

Council receives the Community Services monthly report for July 2018.

Moved Cr. N Walker

Seconded Cr. S Royes

CARRIED 5/0

7.2 Community Drought Support Package 2017-2018

Council has received \$87,500 in drought relief funding from the Department of Communities, Disability Services and Seniors. Council allocated the majority of funds to events at the Ordinary meeting of Council in March 2018. Recently Council has received a request from two local community groups seeking assistance through the Drought Funding program.

RECOMMENDATION

That Council reallocate \$5,000 to the Julia Creek Campdraft for the Challenge event in October and \$3,500 to the Julia Creek Parents & Citizens Association for the Fete in October 2018; provided the funds are expended in accordance with the guidelines with the funding program.

Resolution No. 028/1718

Council reallocate \$5,000 from Women's Day Event to the Julia Creek Campdraft for the Challenge event in October and \$3,500 from un-allocated Drought Funding Program to the Julia Creek Parents & Citizens Association for the Fete in October 2018, provided the funds are expended in accordance with the guidelines with the funding program.

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 5/0

8. CORPORATE SERVICES REPORT

8.1 Corporate Services Report

The Corporate Services Report as of 31st July 2018 which summarises the financial performance and position is presented to Council.

RECOMMENDATION

That Council receives the monthly Corporate Services Report for the period ending 31st July 2018.

Resolution No. 029/1819

Council receives the monthly Corporate Services Report for the period ending 31st July 2018.

Moved Cr. N Walker

Seconded Cr. S Royes

CARRIED 5/0

8.2 Dealing with Complaints about the Public Official Policy

As part of the requirements of section 48A of the *Crime and Corruption Act 2001 (Qld)* (CC Act), a public official (the Chief Executive Officer of Council) must prepare a policy about how the unit of public administration (being Council) will deal with a complaint that involves or may involve corruption of the public official. To this end a policy has been prepared and is presented to Council for endorsement.

RECOMMENDATION

That Council adopts the Dealing with complaints about the public official policy V1.0 as presented.

Resolution No. 030/1819

Council adopts the Dealing with complaints about the public official policy V1.0 as presented.

Moved Cr. J Fegan

Seconded Cr. N Walker

CARRIED 5/0

9.CHIEF EXECUTIVE OFFICER REPORT

9.1 LGAQ 122nd Annual Conference

Council is presented with a request to attend the LGAQ 122nd Annual Conference on the 28th – 31st October 2018 Brisbane Entertainment Convention Centre.

The conference includes the general meeting and the annual general meeting of the Association, and a number of presentations from guest speakers who provide information and discuss current topics of interest to local governments (including LGAQ).

Each member Council is entitled to nominate two 'delegates' who will be the designated representatives for voting purposes during the Annual General Meeting and General Meeting. All other attendees are registered as observers.

RECOMMENDATION

That Council nominates 2 elected members (Crs <> Here insert names), as voting delegates and authorizes all other Councillors to attend the LGAQ 122nd Annual Conference on the 28th – 31st October 2018 Brisbane Entertainment Convention Centre.

Resolution No. 031/1819

Council nominates 2 elected members Crs Neil Walker & Mayor Belinda Murphy, as voting delegates and authorizes all other Councillors to attend the LGAQ 122nd Annual Conference on the 28th – 31st October 2018 Brisbane Entertainment Convention Centre.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

9.2 Queensland Community Achievement Awards – Nomination

Council is presented with the opportunity to nominate a community group, local business or individual for one of the following official **Queensland Community Achievement Awards**:

- Community Hero
- Employee in Aged Care Award
- Customer Service Award
- Teaching Excellence Award
- Outstanding Achievement Award
- Community Group of the Year Award
- Agricultural Innovation Award
- Small Business Achievement Award

RECOMMENDATION

That Council nominates the Bush Dinners on behalf of all Community Groups involved for **Queensland Community Achievement Awards, Community Group of the Year Award**.

Resolution No. 032/1819

Council nominates the Bush Dinners on behalf of all Community Groups involved for **Queensland Community Achievement Awards, Community Group of the Year Award**.

Moved Cr. J Fegan

Seconded Cr. P. Curr

CARRIED 5/0

9.3 Recruitment Director Engineering, Environment & Regulatory Services

The Director of Engineering, Environment and Regulatory Services has tendered his resignation effective Friday 31st August 2018. The purpose of this report is to discuss the options in filling this role in the interim and in the future on a more permanent basis.

RECOMMENDATION

That Council receive the report and note the verbal report from the Chief Executive Officer delivered to the ordinary meeting advising of the appointment of a temporary Director Engineering, Environment and Regulatory Service.

Resolution No. 033/1819

Council receive the report and note the verbal report from the Chief Executive Officer delivered to the ordinary meeting advising of the appointment of a temporary Director Engineering, Environment and Regulatory Service Geoff Hatwell.

Moved Cr. J Fegan

Seconded Cr. N Walker

CARRIED 5/0

10. WHS REPORT

Council receive the monthly report for information purposes.

11. MEMBERS BUSINESS

Cr. J Fegan – Council to welcome new Doctor and new Interim DON for Julia Creek Hospital. Amy to liaise with the possibility of inviting them to morning tea at a future meeting of Council

Cr. S Royes – Suncorp Bank – discussion

Interim CEO John Kelly – The Audit Committee has considered four internal Audit reports provided by the internal Auditor and these will be presented to the September meeting of Council, via the Briefing.

12. CLOSURE OF MEETING

The Chair of the meeting Mayor Belinda Murphy declared the meeting closed at 11:40am.



Mayor Belinda Murphy