



# MCKINLAY SHIRE COUNCIL

## ***CONFIRMED MINUTES***

OF THE

## ***SPECIAL MEETING OF COUNCIL***

HELD AT THE

BOARDROOM, CIVIC CENTRE  
JULIA CREEK

**4 October 2022**

## **ORDER OF BUSINESS**

1. Opening
2. Attendance
3. Declaration of Conflict of Interest

### **4. ITEMS FOR DISCUSSION**

- 4.1 Award of preferred contractor DRFA WP01 and WP02
- 4.2 Tender T2223001 – Sale of Vacant Lots – Lots 5 & 6 on SP278219 & Lots 14 on SP247177
- 4.3 Development Application & Code Assessable Material Change of Use - Lot 31 on JC55710 also known as 40 Byrne Street, Julia Creek for a Shop.

### **5. CLOSE**

**1. OPENING BUSINESS** ▲

All Councillors having signed the Attendance Book, Mayor Philip Curr declared the meeting open at 09:02am.

**2. ATTENDANCE** ▲

**Mayor:** Cr. P Curr

**Members:** Cr. J Fegan, Cr. S Royes, Cr. J Lynch (Teleconference), Cr. T Pratt (Teleconference).

**Staff:**

Chief Executive Officer, Mr. Trevor Williams

Executive Assistant, Mrs. Melissa Mussig

Director of Corporate & Community Services, Ms. Tenneil Cody

Director of Engineering, Environment and Regulatory Services, Mr. Cameron Scott

**Apologies:** Nil

**3. DECLARATION OF CONFLICT OF INTEREST** ▲

Cr. P Curr inform this meeting that I have a declarable conflict of interest in this matter (as defined in section 150EN of the Local Government Act 2009). The nature of my interest is as follows:

This declarable conflict of interest arises because a person who is a related party of mine has an interest in this matter reference item 4.2 Tender T2223001 – Sale of Vacant Lots Particulars.

(i) Name of related party: Chloe Curr

(ii) The nature of my relationship with this related party is Chloe is my daughter.

(iii) The nature of the related party's interests in this matter, is that the successful applicant will be purchasing a block of land from Council.

I propose to leave and stay away from the meeting while this matter is discussed and voted on.

Cr. S Royes inform this meeting that I have a declarable conflict of interest in this matter (as defined in section 150EN of the Local Government Act 2009). The nature of my interest is as follows:

This declarable conflict of interest arises because I work for the applicant's business competitor in Item 4.3 Development Application & Code Assessable Material Change of Use.

I propose to leave and stay away from the meeting while this matter is discussed and voted on.

**4. ITEMS FOR DISCUSSION****4.1 Award of preferred contractor DRFA WP01 and WP02.**

Council's consultant, PDM (Project Delivery Managers) developed tender documents for the first 2 Work packages being WP01 South East and WP02 South. These were released to Council's prequalified suppliers for Road Construction and Maintenance on 17<sup>th</sup> August 2022 and closed on 14<sup>th</sup> September 2022. A tender meeting was held on 25 August 2022 with 2 contractors in attendance. 2 submissions were received for each package. PDM have undertaken a tender evaluation for each package and these are presented.

**RECOMMENDATION:**

That Council resolve to:

- a) Award preferred contractor status for WP01 to KW Murphy Holdings and;
- b) Award preferred contractor status for WP02 to KW Murphy Holdings and;
- c) Delegate Council's Chief Executive Officer authority to finalise negotiations with KW Murphy Holdings for WP01 and WP02 and;
- d) Notify Alexander Plant Hire that their submissions were unsuccessful.

**Resolution No. 056/2223**

That Council resolve to:

- a) Award preferred contractor status for WP01 to KW Murphy Holdings and;
- b) Award preferred contractor status for WP02 to KW Murphy Holdings and;
- c) Delegate Council's Chief Executive Officer authority to finalise negotiations with KW Murphy Holdings for WP01 and WP02 and;
- d) Notify Alexander Plant Hire that their submissions were unsuccessful.

Moved Cr. T Pratt

Seconded Cr. J Fegan

CARRIED 5/0

**Attendance** – Having declared a Conflict of Interest in Item 4.2 Tender T2223001 – Sale of Vacant Lots, Cr. P Curr left the meeting room at 9:06am.

**4.2 Tender T2223001 – Sale of Vacant Lots – Lots 5 & 6 on SP278219 & Lots 14 on SP247177**

Public tenders were invited, four Submissions were received for Lot 14 on SP247177. There were no tenders received for Lots 5 & 6 on SP278219.

**RECOMMENDATION:**

That Council resolve to:

- a. To ballot the two highest tenders Chloe Curr and Phillip & Sarah Acton as they are both residents of McKinlay Shire and have tendered the same price of \$20,000.00 including gst.
- b. Award Lot 14 on SP247177 to \_\_\_\_\_
- c. Notify all unsuccessful tenderers.

**Resolution No. 057/2223**

That Council resolve to:

- a. To ballot the two highest tenders Chloe Curr and Phillip & Sarah Acton as they are both residents of McKinlay Shire and have tendered the same price of \$20,000.00 including gst.
- b. Award Lot 14 on SP247177 to Chloe Curr.
- c. Notify all unsuccessful tenderers.

Moved Cr. T Pratt

Seconded Cr. J Lynch

CARRIED 4/0

Attendance – Cr. P Curr re-entered the meeting room at 9:08am.

Attendance – Having declared a Conflict of Interest in Item 4.3, Cr S Royes leaves the meeting room at 9:08am.

**4.3 Development Application & Code Assessable Material Change of Use**

Elders Rural Services Australia LTD have made an application for a Code Assessable Development Approval for a Material Change of Use of Lot 31 on JC55710 also known as 40 Byrne Street, Julia Creek for a Shop.

**RECOMMENDATION:**

That Council in accordance with the Planning Act 2016 notify the applicant that their application for a Code Assessable Material Change of Use Development Permit for a Shop on Lot 31 on JC55710 also known as 40 Byrne Street, Julia Creek be approved subject to the schedule of conditions detailed below.

**Approved Plans**

1. The development is to occur generally in accordance with the supporting plans and reports/documents reference in the table below and as attached, except where conditions of approval dictate otherwise.
- 2.

Plan Title	Plan No. and Revision	Date
SITE PLAN	23206301, 1 of 4, Issue A	9/22
Floor Plan	A-100, Issue A	12/05/20
Elevations	A-200, Issue A	12/05/22
<b>Report/Document</b>		
NA		

**General**

3. The proposed development is to comply with all conditions of approval prior to commencement of use, unless stated otherwise.
4. 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.

- Hours of operation are limited to 8am to 5pm, Monday through Friday excluding public holidays.

### Landscaping

- A 1.8m high solid screen fence, or suitable alternative fencing solution agreed to in writing with council, is constructed/maintained along southern and western boundaries.
- Landscaping in the form of native trees or shrubs is provided along the road frontages of the site with a minimum of two (2) planting along Byrne Street and five (5) plantings along Allison Street.

### Infrastructure

- The development is to be connected to councils reticulated sewerage and reticulated water supply networks.
- The development is to be provided with a minimum of four (4) on-site car parks.
- New vehicle crossovers, driveways, car parks and manoeuvring areas are designed in accordance with:
  - AS2890.1 – Parking Facilities;
  - AS2890.1 – Accessible (Disabled) Parking; and
  - Austrroads AP-34/95 – Design Vehicles and Turning Path Templates.

Certification of compliance with these standards is to be obtained from an RPEQ Engineer prior to commencement of building works.

- Stormwater drainage is provided in accordance with:
  - Queensland urban drainage manual, 3rd Edition, Queensland Department of Energy and Water Supply, 2013; and
  - Pilgrim, DH, (ed), Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987.

Certification of compliance with these standards is to be obtained from an RPEQ Engineer prior to commencement of building works.

### Health and Safety

- Utilities, equipment and machinery is to be stored within appropriately covered storage areas so as not to be visible from the street or adjoining properties. Covered storage areas being any fixed structure which is either wholly or partly enclosed by walls and which is roofed.
- Light emanating from any source complies with *Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting*.
- Outdoor lighting is provided in accordance with *Australian Standard AS 1158.1.1 – Road Lighting – Vehicular Traffic (Category V) Lighting – Performance and Installation Design Requirement*.
- Development is provided with a designated waste collection area that is:
  - located on a concrete slab;
  - located to the side or rear of the premises;
  - screened from public view.

### Advice

- 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 a certificate of classification for the use of any new buildings.
3. The developer may still require approval for plumbing and drainage works, building works or other works under other relevant legislation prior to commencement of works.

**Background:**

Elders Rural Services Australia LTD have made an application for a Material Change of Use (MCU) Development Permit on Lot 31 on JC55710 located at 40 Byrne, Julia Creek for a Shop.

The land is within the Residential zone of the McKinlay Shire Planning Scheme 2019 and is currently used for Residential Purposes. The proposed development Consist of a temporary office Building as found in attachment 6.1.3.

As part of the proposed development, a Code Assessable Material Change of Use (MCU) for a *Shop* was required in order to comply with the *Planning Act 2016* and Council's Planning Scheme. The development does not trigger referral agency assessment or public notification requirements.

The development was assessed against the Township and General Development code of the McKinlay Shire Planning Scheme 2019. A copy of the Planning Report outlining compliance with the codes can be found in attachment 6.1.1.

**Resolution No. 058/2223**

That Council in accordance with the Planning Act 2016 notify the applicant that their application for a Code Assessable Material Change of Use Development Permit for a Shop on Lot 31 on JC55710 also known as 40 Byrne Street, Julia Creek be approved subject to the schedule of conditions detailed below.

Approved Plans

16. The development is to occur generally in accordance with the supporting plans and reports/documents reference in the table below and as attached, except where conditions of approval dictate otherwise.

17.

Plan Title	Plan No. and Revision	Date
SITE PLAN	23206301, 1 of 4, Issue A	9/22
Floor Plan	A-100, Issue A	12/05/20
Elevations	A-200, Issue A	12/05/22
Report/Document		
NA		

General

18. The proposed development is to comply with all conditions of approval prior to commencement of use, unless stated otherwise.

19. 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.

20. Hours of operation are limited to 8am to 5pm, Monday through Friday excluding public holidays.

Landscaping

21. A 1.8m high solid screen fence, or suitable alternative fencing solution agreed to in writing with council, is constructed/maintained along southern and western boundaries.



22. Landscaping in the form of native trees or shrubs is provided along the road frontages of the site with a minimum of two (2) planting along Byrne Street and five (5) plantings along Allison Street.

## Infrastructure

23. The development is to be connected to councils reticulated sewerage and reticulated water supply networks.

24. The development is to be provided with a minimum of four (4) on-site car parks.

25. New vehicle crossovers, driveways, car parks and manoeuvring areas are designed in accordance with:

- AS2890.1 – Parking Facilities;
- AS2890.1 – Accessible (Disabled) Parking; and
- Austroads AP-34/95 – Design Vehicles and Turning Path Templates.

Certification of compliance with these standards is to be obtained from an RPEQ Engineer prior to commencement of building works.

26. Stormwater drainage is provided in accordance with:

- Queensland urban drainage manual, 3rd Edition, Queensland Department of Energy and Water Supply, 2013; and
- Pilgrim, DH, (ed)., Australian Rainfall & Runoff – A Guide to Flood Estimation, Institution of Engineers, Australia, Barton, ACT, 1987.

Certification of compliance with these standards is to be obtained from an RPEQ Engineer prior to commencement of building works.

## Health and Safety

27. Utilities, equipment and machinery is to be stored within appropriately covered storage areas so as not to be visible from the street or adjoining properties. Covered storage

areas being any fixed structure which is either wholly or partly enclosed by walls and which is roofed.

28. Light emanating from any source complies with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting.

29. Outdoor lighting is provided in accordance with Australian Standard AS 1158.1.1 – Road Lighting – Vehicular Traffic (Category V) Lighting – Performance and Installation Design Requirement.

30. Development is provided with a designated waste collection area that is:

- located on a concrete slab;
- located to the side or rear of the premises;
- screened from public view.

#### Advice

4. 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.
5. The developer/owner must demonstrate compliance with all conditions of approval prior to obtaining a certificate of classification for the use of any new buildings.
6. The developer may still require approval for plumbing and drainage works, building works or other works under other relevant legislation prior to commencement of works.

#### Background:

Elders Rural Services Australia LTD have made an application for a Material Change of Use (MCU) Development Permit on Lot 31 on JC55710 located at 40 Byrne, Julia Creek for a Shop.

The land is within the Residential zone of the McKinlay Shire Planning Scheme 2019 and is currently used for Residential Purposes. The proposed development Consist of a temporary office Building as found in attachment 6.1.3.

As part of the proposed development, a Code Assessable Material Change of Use (MCU) for a Shop was required in order to comply with the Planning Act 2016 and Council's Planning Scheme. The development does not trigger referral agency assessment or public notification requirements.

The development was assessed against the Township and General Development code of the McKinlay Shire Planning Scheme 2019. A copy of the Planning Report outlining compliance with the codes can be found in attachment 6.1.1.

Moved Cr: J Lynch

Seconded Cr. P Curr

CARRIED 4/0

**Attendance** – Cr. S Royes re-entered the meeting room at 9:17am.

## 5. CLOSURE OF MEETING



The Chair of the meeting Mayor Philip Curr declared the meeting closed at 9:18am.

A handwritten signature in black ink, appearing to read "Philip Curr".