



MCKINLAY SHIRE COUNCIL

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARD ROOM, CIVIC CENTRE
JULIA CREEK

17th December 2013

CONFIRMED MINUTES

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Procedural Motion

Moved Cr. Hick

Seconded Cr. Batt

That Council reopen the meeting to the public.

CARRIED

Resolution No.109/1314

- The meeting was re-opened to the public at 9:55am

5.2 Engineering Works Division - Structure

Council at its December briefing session discussed the structure of the engineering department. The discussions revolved around the skills and future direction the council wished to head.

Three structures were discussed with option 1 being recommended as the base structure and option 2 being recommended as the best option to increase resources as required depending on the construction season. The preferred structure has one new position of water and wastewater operator, four modified positions being Stores/Cost Clerk, Workshop and Fleet Manager, Diesel Fitter and Roads Inspector.

Should the construction season include RPC works external resources will be utilized for contract administration and site supervision.

Moved Cr. Curr

Seconded Cr. Batt

That Council adopts option1 for the Engineering Works Division structure and utilise external resources as required for the undertaking of RPC and contract works.

To complement this structure it is recommended that:

1. That Council engage a company to develop and implement an IMS (Integrated Management System)
2. That Council develops a complete new set of Competence based performance position descriptions and staff review process.
3. That HR in conjunction with the DOE and WM complete a review of LGE award terms and conditions
4. That HR under take research into developing a Leadership Development Program including provision of costs involved in such a program.

CARRIED

Resolution No. 110/1314

Attendance - Director of Environment and Regulatory Services Geoff Rintoul entered the meeting at 9:56am

6. ENVIRONMENT AND REGULATORY SERVICES REPORT

6.1 Environment and Regulatory Works Report

Moved Cr. Curr

Seconded Cr. Walker

That Council receive the Environment and Regulatory Works Report

CARRIED

Resolution No.111/1314

RECESS: 10:11am – 10:26am The Mayor adjourned the meeting for morning tea

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Cr. Murphy declared a perceived conflict of interest (as per section 173 of the *Local Government Act 2009*) in relation to item 6.2 Request for Shade Structure Julia Creek Reserves.

Cr. Murphy dealt with the perceived conflict of interest by stating that it was her determination that their personal interest is not of sufficient significance that would lead to her making a decision on this matter that is contrary to the public interest. Cr. Murphy participated in the discussion and voting on this matter.

6.2 Request for Shade Structure Julia Creek Reserves

McKinlay Shire Council leases ten (10) paddocks in the Julia Creek area for the predominant use as grazing and keeping of horse and the like.

Council has received a request from the leasee of McIntyre Park Paddock No. 2 for a shade structure to be erected on the paddock to provide shade of horses. The request is based on previous discussions with and approval from Council some years ago (possibly dating back 4-5 years) that shade structures would be installed on the paddock due to no trees etc. being available. It is understood that this matter was budgeted for about two (2) years ago, however was not progressed.

Existing shade structure located along Kynuna Road paddocks are about 4.5x4.5 meters square and consist of a quite basic structure. On inspection it is unlikely these structures had building approval for a class 10 structure. Whilst the request has only been received from one leasee, it would be considered fair and reasonable that other leasee would also be entitled to a structure - essentially for the same or similar reasons. This would include three (3) structures at McIntyre Park and three (3) structures at the Julia Creek Pasturage Reserve paddocks.

A commercially available structure which similar to a free standing car port of about 5.5x5.5 meters square is available at a cost of about \$2K plus installation. A total cost per structure is including installation and building approval would be circa \$3.75K or about \$22K in total. These structures have not been budgeted for in this financial year.

Moved Cr. Walker

Seconded Cr. Hick

That Council:

1. Approved the installation of three (3) shade structures at the McIntyre Park Reserve Paddock to be installed no later than the end of the March 2013/2014 financial year; given the previous Councils commitment and;
2. The funds for the installation of the shade structures as detailed in 1 above is funded from existing current CAPEX budget.

CARRIED

Resolution No. 112/1314

6.3 Review of Julia Creek Truck Wash fees.

This report considers a review of fees for and the use of the Julia Creek truck Wash Facility following a number of representations to Council by facility users. Further consideration is given for delegation to be given for assessment of the response from Councils insurers in their assessment of the damage to the facility some months ago.

The representations concerned the cost of the use of the facility compared to others in the region and consideration for local users. Since the adoption of the current fees, usage at the facility had dropped significantly in the last 4-5 months or so.

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The current fee to use the facility is for the 2013/14 financial year is \$1.00 per minute with a minimum charge of 3 minutes (\$3.00) GST Exclusive. Fees are collected by Councils contractor, Advata who operate a billing service across Australia.

Following a review of fees and charges within regional Queensland, Council has considered the options for a tiered fees system to recognise local users and the cost impact during drought conditions. Further consideration also being given for the intended use for the management of the spread of weed seeds across the Shire and region.

After consideration of fees from regional facilities, a fee structure has been revised to take into account local users as well as the need to recover operational cost for the facility. Recovery being based on all usage at the facility including the under chassis wash and the monitoring of the facility.

The revised fee structure is as follows:

1. \$1.00 per minute with a minimum charge of 3 minutes (\$3.00) GST Exclusive for all users located outside the McKinlay Shire Local Government Area; and
2. \$0.40 per minute with a minimum charge of 3 minutes (\$1.20) GST Exclusive for all users located within and based in the McKinlay Shire Local Government Area;

Council's insurers will be advising Council of the outcome of its assessment of damage to the northern wall of the main drive through at the facility in late December 2013. This assessment is likely result in the advising of Council on a valuation of damage to the wall and its repair costs. Discussion already held with Council has considered the need for the rebuilding of the wall or its removal as it is generally considered redundant and not suitable for an ongoing operation.

Moved Cr. Walker

Seconded Cr. Batt

That Council:

1. Amends the 2013/14 Schedule of fees and Charges as follows:
 - a. \$1.00 per minute with a minimum charge of 3 minutes (\$3.00) GST Exclusive for all users located outside the McKinlay Shire Local Government Area; and
 - b. \$0.40 per minute with a minimum charge of 3 minutes (\$1.20) GST Exclusive for all users located within and based in the McKinlay Shire Local Government Area;
2. A billing system be investigated for the Under Chassis wash in order to levy the fees as detailed in 1 above; and
3. A monitoring system including surveillance cameras is installed at the facility to assist in the management and control of the facility.
4. Council delegate the Mayor and CEO to:
 - a. provide formal direction to Councils insurers regarding either acceptance of the repair to the northern wall of the truck was: or
 - b. Approve payment in lieu of works being carried out by the insurer.

CARRIED

Resolution No.113/1314

6.4 Request to provide support for Works at Motor Bike Facility Julia Creek.

Council has received a request for a number of local youth who utilise an area of land located to the east of the existing Julia Creek Sewerage Treatment Plant for in-kind support to repair/upgrade and utilise the land for a motor cycle/cross country track.

The area crosses over two (2) separate lots being Lot 6 SP 229811 and Lot 57 on SP 222372.

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The site has been in use for some time as an informal bike track; however is in need of some maintenance and repair. The area was originally developed some years ago and recently an area where spoil etc was left from the adjoining ponds. The area is used by a number of local enthusiasts for both push bike and motorcycle activities.

It was noted that Council Officers will seek further legal advice on this Issue.

6.5 Application for Permit To Occupy Lot 7 on Crown Plan SX8 Parish of Beeantha

Council has received a request from the Department of Natural Resources and Mines (DNRM) to provide views and/or requirements regarding the application for Permit to Occupy Lot 7 on Crown Plan SX8 Parish of Beeantha. This application also cancels the existing Permit to Occupy 0/212030 over the same lot.

The lot is located on Nelia Bunda Road and an unnamed road (Proposed Road). The lot is approximately 176.4 Ha with the current and intended usage of the lot is for grazing purposes by the adjoining property owners/leases.

Moved Cr. Hick

Seconded Cr. Walker

That Council advises the Department of Natural Resources and Mines that in regards to Application for Permit to Occupy Lot 7 on Crown Plan SX8 Parish of Beeantha:

1. Council has no objections for the granting of the Permit to Occupy; and
2. Access to the existing Nelia Bunda Road reserve is maintained for maintenance and access purposes.

CARRIED

Resolution No.114/1314

6.6 Application for Permit To Occupy Lot 24 on AL79 (Water Reserve) McKinlay.

Council has received a request from the Department of Natural Resources and Mines (DNRM) to provide views and/or requirements regarding the application for Permit to Occupy Lot 24 on AL79 (Water Reserve) McKinlay. The request also includes a request for Council to consider to become a Trustee for the reserve. This is a new application over this land.

The lot is located at McKinlay Township and bounded by the McKinlay River, Mainland and Bell Street and the Landsborough Highway. The lot is approximately 4.45 Ha.

This application for a Permit to Occupy formalises an existing use for grazing purposes. The application is as a result of a direction from Council for a neighbouring property to deal with a number of compliance matters relating to livestock.

Moved Cr. Walker

Seconded Cr. Hick

That Council advises the Department of Natural Resources and Mines that in regards to Application for Permit to Occupy Lot 24 on AL79 Parish of McKinlay:

1. Council has no objections for the granting of the Permit to Occupy;
2. The lot is used for grazing purposes only;
3. Council does not wish to accept trusteeship of the lot; and
4. The lot is fenced and maintained to prevent the egress of livestock onto the adjoining roads and township properties.

CARRIED

Resolution No.115/1314

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8.3 Tourism Marketing Partnership Opportunity

The Council has been invited to be a financial partner in a project to promote the Shire on a National and International level. The Dirt and Dust Festival Inc has a proposal from Media Production company RJMedia to produce an international TV Special showcasing Julia Creek and the Queensland Outback through the DirtnDust Festival.

The cost of the proposal is \$50,000 (excluding GST). Currently the financial partners of this project are Tourism Events Queensland, Overlanders Way Committee and Dirt and Dust. This television special will be broadcast into over 30 countries.

Moved Cr. Hick

Seconded Cr. Walker

That Council enters into a partnership with Tourism Events Qld, Outback Tourism Association and Dirt and Dust Festival Inc for a TV Broadcast and Distribution project to promote the Shire in a national and international market with a financial commitment of \$9,500.

CARRIED

Resolution No. 121/1314

9. CHIEF EXECUTIVE OFFICERS REPORT

9.1 Chief Executive Officers Report

Moved Cr. Batt

Seconded Cr. Walker

That Council receive the Chief Executive Officers Report.

CARRIED

Resolution No. 122/1314

Procedural Motion

Moved Cr. Curr

Seconded Cr. Hick

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

CARRIED

Resolution No.123/1314

- The meeting was closed to the public at 12:26pm

Procedural Motion

Moved Cr. Walker

Seconded Cr. Batt

That Council reopen the meeting to the public.

CARRIED

Resolution No.124/1314

- The meeting was re-opened to the public at 12:53pm

9.2 Native Title Determination (Yulluna People) 189/2010

The Council's legal advisers for this Native Title Determination have provided advice to update Council as a local government respondent to the Federal Court proceedings QUD 189/2010 (Yulluna People) and in

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particular to seek Council's endorsement of the terms of a draft consent determination recognizing the Yulluna People as the holders of certain native title rights and interests.

Further advice is also provided with regard to the endorsement of an agreement between the Yulluna People and local government.

Moved Cr. Hick

Seconded Cr. Batt

Having considered the draft determination orders tabled at the Council's ordinary meeting on 17 December 2013, The Council:

- approves, and is prepared to consent to the draft determination orders for QUD189/2010 (Yulluna People.)
- authorises the Mayor / Chief Executive Officer to endorse on its behalf any incidental changes made to the draft determination prior to execution.
- authorises Gilkerson Legal to execute an agreement under section 87 of the Native Title Act 1993 confirming Council's consent to the draft determination orders. And having reviewed a draft Indigenous Land Use Agreement ("ILUA") between the Applicants for Native Title Determination Application QUD189/2010 (Yulluna People #3), Yulluna Aboriginal Corporation, Boulia Shire Council; Cloncurry Shire Council and McKinlay Shire Council a copy of which was tabled at Council's ordinary meeting on 17 December 2013
- Council authorises the Mayor and Chief Executive Officer to sign the ILUA on Council's behalf.
- Council authorises the Chief Executive Officer to endorse on its behalf any incidental changes made to the Yulluna People ILUA prior to execution.

CARRIED

Resolution No. 125/1314

9.3 Solar Farm Project- Request for Letter of Support

The Council will recall discussions have been held over the past few months with representatives from, Overland Sun Farming, regarding a proposed solar power project to be developed in Julia Creek. In addition, the Council is aware, an application has been lodged with the State to acquire land in Julia Creek on the southern side of the railway and adjacent to the Ergon depot so that Council will be in a position to support the development by leasing the land to the solar farm proponents as it has been identified as the most suitable site in Julia Creek for the project.

Recently, Mr Ben Barnett, Director, Overland Sun Farming held further discussions with the Mayor, Deputy Mayor and myself seeking a letter of support for the project to assist in funding submissions to the Federal agency ARENA.

I sought legal advice on the wording of the 'support' letter and have been advised the letter is consistent with Council's obligations under the Local Government Act.

Moved Cr. Walker

Seconded Cr. Curr

That Council confirm the Mayor providing a letter supporting a solar farm project for Julia Creek.

CARRIED

Resolution No. 127/1314

9.4 McKinlay Bush Nurse- Trust Funds

The Council is aware of the management issues associated with the McKinlay Bush Nurses Clinic and the fact Central Northwest Queensland Medicare Local (CNWQML) no longer funds this service. It is also acknowledged the Queensland Health Minister has committed to funding the service for at least another year and possibly longer.

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Given this situation and Council contributes to the service by way of providing the clinic building and accommodation for staff, CNWQML has offered to transfer to Council particular assets, which will be listed, comprising the furniture and fittings for use in the clinic and, in addition, trustee funds held on behalf of the community since the 'old' bush nurse service transferred remaining funds to CNWQML a number of years ago. The Council has been advised by CNWQML there are no guidelines as to what the trust funds can be expended on and it is not linked to any service provision or funding agreements through Medicare Local.

Moved Cr. Curr

Seconded Cr. Walker

That Council accept the offer from Central North West Queensland Medicare Local to transfer unconditionally to Council the McKinlay Bush Nurse 'clinic' assets , which are to be listed, and funds to be held in trust which were originally transferred from the previously established Bush Nurse Service on the understanding these funds will be authorized for expenditure associated with the operations of the clinic and/or associated buildings ,following consultation and direction from the McKinlay community.

CARRIED

Resolution No. 128/1314

10. MEMBERS BUSINESS

Council would like to pass on their condolences to the Wilson family for the tragic loss of their daughter Peyton who had grown up in our community and will be missed but not forgotten.

11. CLOSURE OF MEETING

The Chair of the meeting, Cr. Belinda Murphy, Mayor, declared the meeting closed at 1:03pm

Cr Belinda Murphy
Mayor