



MCKINLAY SHIRE COUNCIL

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARDROOM, CIVIC CENTRE
JULIA CREEK

19 September 2023

ORDER OF BUSINESS

1. Opening
2. Attendance
3. Declaration of Conflict of Interest
- 4.0 Confirmation of minutes
- 4.1 Confirmed Ordinary Council Meeting Minutes 15 August 2023
- 4.2 Business Arising out of minutes of previous Meeting

5. ENGINEERING REPORT

- 5.1 Engineering Works Monthly Report
- 5.2 Extension of Engagement of DRFA Project Managers

6. ENVIRONMENTAL & REGULATORY SERVICES REPORT

- 6.1 Environmental and Regulatory Services Monthly Report
- 6.2 CONFIDENTIAL

7. COMMUNITY SERVICES REPORT

- 7.1 Community Services Monthly Report
- 7.2 Caravan Park Bookings Terms and Conditions Policy
- 7.2.1 Caravan Park Bookings Terms and Conditions Policy V3
- 7.3 In-kind Support Request – McKinlay Shire Cultural Association Inc. & Julia Creek Historical Society Inc.
- 7.4 Regional Arts Development Fund – Quick Response Applications

8. CORPORATE SERVICES REPORT

- 8.1 Corporate Services Monthly Report

9. CHIEF EXECUTIVE OFFICERS REPORT

- 9.1 CEO Monthly Report

10. WORKPLACE HEALTH AND SAFETY

- 10.1 Workplace Health and Safety

1. OPENING BUSINESS

All Councillors having signed the Attendance Book, Mayor Philip Curr declared the meeting open at 08:31am.

2. ATTENDANCE

Mayor: Cr. P Curr

Members: Cr. J Fegan, Cr. S Royes, Cr. T Pratt, Cr. J Lynch

Staff:

Chief Executive Officer, Mr. Trevor Williams

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

Director of Corporate & Community Services, Ms. Tenneil Cody

Environmental Regulatory Services, Team Leader, Ms. Megan Pellow

Executive Assistant, Mrs. Melissa Mussig

Apologies:

Other people in attendance:

3. DECLARATION OF CONFLICT OF INTEREST

4. CONFIRMATION OF MINUTES

4.1 Confirmation of Minutes

Confirmation of Minutes of the Ordinary Meeting of Council held on the 15 August 2023 be confirmed.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 15 August 2023 be confirmed.

Resolution No. 019/2324

Minutes of the Ordinary Meeting of Council held on 15 August 2023 confirmed.

Moved Cr. T Pratt

Seconded Cr. J Lynch

CARRIED 5/0

4.2 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

5. ENGINEERING SERVICES

5.1 Engineering Works Report

This report outlines the general activities for the Engineering Department for the month of August 2023.

RECOMMENDATION

That Council receives the Engineering Services monthly report for August 2023.

Resolution 020/2324

Council receives the Engineering Services monthly report for August 2023.

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 5/0

5.2 Extension of Engagement of DRFA Project Managers

Project Delivery Managers (PDM) are currently engaged undertaking Project Management of Council's 2022 and 2023 DRFA projects. The original appointment was through 31st December 2023. Both projects will go beyond this date. This report considers a potential extension of the engagement and authorising the Chief Executive Officer to raise the relevant purchase orders.

RECOMMENDATION

That Council resolves to;

- a) Extend Project Delivery Managers (PDM)DRFA engagement through to 31st December 2024 and;
- b) Authorise the Chief Executive Officer to raise the relevant purchase orders with PDM to finalise the 2022 and 2023 DRFA Projects.

Resolution 021/2324

That Council resolves to;

- a) Extend Project Delivery Managers (PDM)DRFA engagement through to 31st December 2024 and;
- b) Authorise the Chief Executive Officer to raise the relevant purchase orders with PDM to finalise the 2022 and 2023 DRFA Projects.

Moved Cr. J Lynch

Seconded Cr. T Pratt

CARRIED 5/0

ENVIROMENTAL AND REGULATORY SERVICES**6.1 Environmental and Regulatory Services Report**

This report outlines the general activities, revenue and expenditure for the department for the period August 2023.

RECOMMENDATION

That Council receives the August 2023 Environmental and Regulatory Services Report.

Resolution No. 022/2324

Council receives the August 2023 Environmental and Regulatory Services Report.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

PROCEDURAL MOTION

That the meeting be closed to the public in accordance with Section 275 (1) (e) of the Local Government Regulation 2012.

Resolution No. 023/2324

Council resolves to close the meeting to the public in accordance with Section 275 (1) (e) of the Local Government Regulation 2012.

Moved Cr. J Fegan

Seconded Cr. P Curr

CARRIED 5/0

6.2 This report is CONFIDENTIAL in accordance with *Section 254J (3)(e) and (h) of the Local Government Regulation 2012*, as the report will discuss negotiations relating to the taking of land (native title interest) by the local government under the *Acquisition of Land Act 1967* and consideration of legal advice obtained.

PROCEDURAL MOTION**Resolution No. 024/2324**

Council resolves to re-open the Ordinary Meeting of Council to the public.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

RECOMMENDATION

1. That:-

- a. Council has served a Notice of Intention to Acquire Native Title Rights and Interests ("the Notice") over land and waters described as Lot 54 CP JC55713 ("the Project Area") on Queensland South Native Title Services, the native title representative body for the area;
- b. Council has served a Notice of Intention to Resume Non-Native Title Rights and Interests ("the NN Notice") over land and waters described as Lot 54 CP JC55713 on North Queensland Energy Pty Ltd, Greenvale Mining Ltd and V205 Pty Ltd.
- c. Council did not receive an objection to either the Notice or the NN Notice;
- d. Council has identified that the following human rights may be affected by its

decision:

(A) The right not to be arbitrarily deprived of property.

(B) The right to freedom of movement.

(C) The cultural rights of Aboriginal and Torres Strait Islander peoples.

(E) Council has considered the factors set out in s13(2) of the Human Rights Act 2019 (Qld) and concluded that it would not be capricious, unjust, or unreasonable to limit these rights in the Project Area for the purpose of proceeding with the proposed grant of freehold. In reaching this conclusion Council has weighed up a range of issues including the following:

(A) A search of the Queensland Indigenous cultural heritage register and database on 23 August 2023 shows that:

i. there is no Cultural Heritage Party or Cultural Heritage Body for the Project Area.

ii. there is no cultural heritage site points, no Aboriginal cultural heritage and no record of either a cultural heritage management plan, a designated landscape area, a cultural heritage study area or a national heritage area for the Project Area.

(B) The Mitakoodi & Mayi People are the closest identifiable Aboriginal party (as their now discontinued claim included parts of Julia Creek to the west of the Project Area). To ensure certainty Council wrote to the Mitakoodi & Mayi People at their address recorded in the Queensland Indigenous cultural heritage register and database, and was advised that the solicitors at that address no longer represent the group.

(C) There are no other known traditional groups with cultural rights in the Project Area.

(D) The purpose of the acquisition (limitation) is to enable Council to use the area to benefit the local community. The past use of the area included grading the area and storage of vehicles and machinery. The past use will have affected the cultural rights held in the area. Council is unaware of any existing cultural rights and notes there is no site registered in the Aboriginal cultural heritage database or register.

(E) The nature of the limitation is constituent with a free and democratic society, as laws providing for the compulsory acquisition of property (including rights to compensation) has been accepted in Australian society for many decades.

(F) The limitation is necessary for urban planning purposes.

(G) The limit to freedom of movement is slight given the size and the past use of the Project Area.

(H) Council is not satisfied that a less restrictive and reasonably available limitation is available, particularly given the existing native title landscape.

(I) Council is bound to comply with the Aboriginal Cultural Heritage Act 2003 (Qld).

2. Council resolves to:

a. proceed with the compulsory acquisition of native title over Lot 54 CP JC55713 as particularised in the Notice;

b. proceed with the resumption of non-native title over Lot 54 CP JC55713 as particularised in the NN Notice;

c. apply to the Minister administering the Acquisition of Land Act 1967 (Qld) (ALA) that any native title rights and interests and non-native title rights over Lot 54 CP JC55713 be acquired for purposes relating to urban planning (ALA Schedule 1, Part 10); and

d. instruct its solicitors to prepare and lodge an application to acquire native title and resume non-native title to the Minister for the Department of Resources to gazette the acquisition."

Resolution No. 025/2324

1. That:-

- a. Council has served a Notice of Intention to Acquire Native Title Rights and Interests ("the Notice") over land and waters described as Lot 54 CP JC55713 ("the Project Area") on Queensland South Native Title Services, the native title representative body for the area;
- b. Council has served a Notice of Intention to Resume Non-Native Title Rights and Interests ("the NN Notice") over land and waters described as Lot 54 CP JC55713 on North Queensland Energy Pty Ltd, Greenvale Mining Ltd and V205 Pty Ltd.
- c. Council did not receive an objection to either the Notice or the NN Notice;
- d. Council has identified that the following human rights may be affected by its decision:

(A) The right not to be arbitrarily deprived of property.

(B) The right to freedom of movement.

(C) The cultural rights of Aboriginal and Torres Strait Islander peoples.

(E) Council has considered the factors set out in s13(2) of the Human Rights Act 2019 (Qld) and concluded that it would not be capricious, unjust, or unreasonable to limit these rights in the Project Area for the purpose of proceeding with the proposed grant of freehold. In reaching this conclusion Council has weighed up a range of issues including the following:

(A) A search of the Queensland Indigenous cultural heritage register and database on 23 August 2023 shows that:

i. there is no Cultural Heritage Party or Cultural Heritage Body for the Project Area.

ii. there is no cultural heritage site points, no Aboriginal cultural heritage and no record of either a cultural heritage management plan, a designated landscape area, a cultural heritage study area or a national heritage area for the Project Area.

(B) The Mitakoodi & Mayi People are the closest identifiable Aboriginal party (as their now discontinued claim included parts of Julia Creek to the west of the Project Area). To ensure certainty Council wrote to the Mitakoodi & Mayi People at their address recorded in the Queensland Indigenous cultural heritage register and database, and was advised that the solicitors at that address no longer represent the group.

(C) There are no other known traditional groups with cultural rights in the Project Area.

(D) The purpose of the acquisition (limitation) is to enable Council to use the area to benefit the local community. The past use of the area included grading the area and storage of vehicles and machinery. The past use will have affected the cultural rights held in the area. Council is unaware of any existing cultural rights and notes there is no site registered in the Aboriginal cultural heritage database or register.

(E) The nature of the limitation is constituent with a free and democratic society, as laws providing for the compulsory acquisition of property (including rights to compensation) has been accepted in Australian society for many decades.

(F) The limitation is necessary for urban planning purposes.

(G) The limit to freedom of movement is slight given the size and the past use of the Project Area.

(H) Council is not satisfied that a less restrictive and reasonably available limitation is available, particularly given the existing native title landscape.

(I) Council is bound to comply with the Aboriginal Cultural Heritage Act 2003 (Qld).

2. Council resolves to:

- a. proceed with the compulsory acquisition of native title over Lot 54 CP JC55713 as particularised in the Notice;
- b. proceed with the resumption of non-native title over Lot 54 CP JC55713 as

particularised in the NN Notice;

c. apply to the Minister administering the Acquisition of Land Act 1967 (Qld) (ALA) that any native title rights and interests and non-native title rights over Lot 54 CP JC55713 be acquired for purposes relating to urban planning (ALA Schedule 1, Part 10); and
 d. instruct its solicitors to prepare and lodge an application to acquire native title and resume non-native title to the Minister for the Department of Resources to gazette the acquisition.”

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

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 August 2023.

RECOMMENDATION

That Council receives the Community Services monthly report for August 2023.

Resolution No. 026/2324

Council receives the Community Services monthly report for August 2023.

Moved Cr. J Lynch

Seconded Cr. J Fegan

CARRIED 5/0

7.2 Caravan Park Bookings Terms and Conditions Policy

Council approved and implemented the Caravan Park Bookings Terms and Conditions Policy V2.0 in November 2022. This policy has been reviewed, updated, and presented to Council for adoption.

RECOMMENDATION

That Council adopt the updated Caravan Park Bookings Terms and Conditions Policy V3.0.

Resolution No. 027/2324

That Council adopt the updated Caravan Park Bookings Terms and Conditions Policy V3.0.

Moved Cr. T Pratt

Seconded Cr. J Lynch

CARRIED 5/0

7.3 In-kind Support Request – McKinlay Shire Cultural Association Inc. & Julia Creek Historical Society Inc.

Council has received an in-kind support request from McKinlay Shire Cultural Association Inc. & Julia Creek Historical Society Inc. for 25 hours of staff support to digitize a number of copies of old 'Prickly Post' newspapers to ensure a cultural heritage legacy record for McKinlay Shire.

RECOMMENDATION

Council resolves to approve the in-kind support request to allow the digitization of 'Prickly Post' newspapers to ensure a cultural heritage legacy record for McKinlay Shire.

Resolution No. 028/2324

Council resolves to approve the in-kind support request to allow the digitization of 'Prickly Post' newspapers to ensure a cultural heritage legacy record for McKinlay Shire.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

7.4 Regional Arts Development Fund – Quick Response Applications

Council has received two (2) Regional Arts Development Fund (RADF) Quick Response Applications that were assessed by the RADF Committee and recommended for approval:

- McKinlay Shire Council presents 'A Bee Story' - \$4,730
- McKinlay Crafty Old School House Inc. Mosaic Workshop - \$1,450

RECOMMENDATION

That Council resolves to support the recommendations made by the RADF Committee to support:

- McKinlay Shire Council presents 'A Bee Story' - \$4,730
- McKinlay Crafty Old School House Inc Mosaic Workshop - \$1,450

Resolution No. 029/2324

That Council support the recommendations made by the RADF Committee to support:

- McKinlay Shire Council presents 'A Bee Story' - \$4,730
- McKinlay Crafty Old School House Inc Mosaic Workshop - \$1,450

Moved Cr. T Pratt

Seconded Cr. J Lynch

CARRIED 5/0

8. CORPORATE SERVICES**8.1 The Corporate Services Report**

The Corporate Services Report as of August 2023 which summarises the financial performance and position is presented to Council.

RECOMMENDATION

That Council receives the monthly Corporate Services Report for the period ending August 2023.

Resolution No. 030/2324

Council receives the monthly Corporate Services Report for the period ending August 2023.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 5/0

9. CHIEF EXECUTIVE OFFICER**9.1 Chief Executive Officer's Report**

In addition to the information provided below, a verbal update will be given on current matters headlined in the body of the report which have arisen from the Office of the Chief Executive Officer.

RECOMMENDATION

That Council receive and note the report from the Chief Executive Officer for the period ending 9th August 2023 except where amended or varied by separate resolution of Council.

Resolution No. 031/2324

That Council receive and note the report from the Chief Executive Officer for the period ending 9th August 2023 except where amended or varied by separate resolution of Council.

Moved Cr. J Fegan

Seconded Cr. J Lynch

CARRIED 4/0

9.1.2 Deputy Premier's Forum - Townsville

The mayor and I are attending the Deputy Premier's Forum on the Queensland New-Industry Development Strategy in Townsville on Thursday 21 September. Following the forum, we shall also meet with the Acting Director of the Critical Minerals Unit.

It is recommended Council approves the attendance of Cr. Curr to the Deputy Premier's Forum in Townsville on 21st September 2023.

RECOMMENDATION

Council approves the attendance of Councilor Curr to the Deputy Premier's Forum in Townsville on 21st September 2023.

Resolution No. 032/2324

Council approves the attendance of Councilor Curr to the Deputy Premier's Forum in Townsville on 21st September 2023.

Moved Cr. J Fegan

Seconded Cr. T Pratt

CARRIED 5/0

9.1.3 MITEZ Meeting Townsville 26 October 2023

The next MITEZ meeting will be held on 26th October in Townsville. The meeting will include the AGM for the organization.

It is recommended Council approve the attendance of Councilor Fegan to the next MITEZ meeting in Townsville on the 26th October 2023.

RECOMMENDATION

Council approves the attendance of Councilor Fegan to the next MITEZ Meeting in Townsville on 26th October 2023.

Resolution No. 033/2324

Council approves the attendance of Councilor Fegan to the next MITEZ Meeting in Townsville on 26th October 2023.

Moved Cr. T Pratt

Seconded Cr. P Curr

CARRIED 5/0

9.2 Council Meeting Dates 2024

In accordance with Section 277 (1) of the Local Government Regulation 2012 Council must “at least once in each year, publish a notice of the days and times when- (a) its ordinary meetings will be held;”. This report is prepared for council to confirm the meeting dates for 2024.

Meetings will be held in the Julia Creek Civic Centre Boardroom, 29 Burke Street Julia Creek QLD 4823. All meetings will commence at 9:00am, unless otherwise notified.

RECOMMENDATION

The proposed dates for Briefing and Ordinary Meetings of Council for 2024 are as follows:

BRIEFING MEETINGS

	No January Meeting
Tuesday	6 February 2024
Tuesday	5 March 2024
Tuesday	9 April 2024
Tuesday	7 May 2024
Tuesday	4 June 2024
Tuesday	2 July 2024
Tuesday	6 August 2024
Tuesday	3 September 2024
Tuesday	1 October 2024
Tuesday	5 November 2024
Tuesday	No December Meeting

ORDINARY MEETINGS OF COUNCIL

Tuesday	16 January 2024
Tuesday	20 February 2024
Tuesday	19 March 2024
Tuesday	16 April 2024
Tuesday	21 May 2024
Tuesday	18 June 2024
Tuesday	16 July 2024
Tuesday	20 August 2024
Tuesday	17 September 2024
Tuesday	15 October 2024
Tuesday	19 November 2024
Tuesday	3 December 2024

Resolution No. 034/2324**BRIEFING MEETINGS**

No January Meeting
6 February 2024
5 March 2024
9 April 2024
7 May 2024
4 June 2024
2 July 2024
6 August 2024

ORDINARY MEETINGS OF COUNCIL

Tuesday	16 January 2024
Tuesday	20 February 2024
Tuesday	19 March 2024
Tuesday	16 April 2024
Tuesday	21 May 2024
Tuesday	18 June 2024
Tuesday	16 July 2024
Tuesday	20 August 2024

3 September 2024	Tuesday	17 September 2024
1 October 2024	Tuesday	15 October 2024
5 November 2024	Tuesday	19 November 2024
No December Meeting	Tuesday	3 December 2024

Moved Cr. J Lynch Seconded Cr. J Fegan

CARRIED 5/0

10. WORKPLACE HEALTH AND SAFETY ▲

10.1 Workplace Health and Safety

This report outlines the general status of Work Health and Safety at McKinlay Shire Council for the period of August 2023.

RECOMMENDATION

That Council receives the August 2023 WHS Report.

Resolution No. 035/2324

That Council receives the August 2023 WHS Report.

Moved Cr. J Lynch Seconded Cr. P Curr

CARRIED 5/0

General Business – Councillor Requests

11. CLOSURE OF MEETING

The Chair of the meeting Mayor Philip Curr declared the meeting closed at 10:27am.

