



MCKINLAY SHIRE COUNCIL

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARDROOM, CIVIC CENTRE
JULIA CREEK

16th July 2019

ORDER OF BUSINESS

1. Opening
2. Attendance
3. Declaration of Conflict of Interest
4. Confirmation of Minutes
- 4.2 Business Arising out of minutes of previous Meeting

5. ENGINEERING SERVICES

- 5.1 Engineering Works Monthly Report

6. ENVIRONMENTAL & REGULATORY SERVICES REPORT

- 6.1 Environmental & Regulatory Services Monthly Report
- 6.2 Making of Local Law
- 6.3 Local Laws & Littering

7. COMMUNITY SERVICES REPORT

- 7.1 Community Services Monthly Report

8. CORPORATE SERVICES REPORT

- 8.1 Corporate Services Monthly Report
- 8.2 Seek to Acquire or Sell Land for Overdue Rates Charges

9. CHIEF EXECUTIVE OFFICERS REPORT

- 9.1 CONFIDENTIAL Deed of Assignment re Plant Hire No. 171801
- 9.2 Tender Consideration Plan – Plant Hire
- 9.3 CCTV Policy
- 9.4 Grids and Gates Policy
- 9.5 Small Business Grants Policy and Procedure
- 9.6 Acquisition of Dirt 'n' Dust Venue Lot 18-19
- 9.7 Councillors LGAQ Motions
- 9.8 LATE – Delegations to the CEO
- 9.9 LATE – Office of the Coordinator-General Correspondence
- 9.10 LATE – Reserves Under Trusteeship of Hughenden District Improvement Board
- 9.11 LATE – Lot 56 on Crown Plan EN24 – Reserve for tank purposes

10. WORKPLACE HEALTH AND SAFETY

- 10.1 Workplace Health and Safety Monthly Report

11. MEMBERS BUSINESS

12. CLOSE

1. OPENING BUSINESS ▲

All Councillors having signed the Attendance Book, Deputy Mayor Neil Walker declared the meeting open at 9:10am.

2. ATTENDANCE ▲

Deputy Mayor: Cr. N Walker

Members: Cr. P Curr, Cr. S Royes, Cr. J Fegan

Staff:

Chief Executive Officer, Mr. Des Niesler

Director of Corporate and Community Services, Ms. Tenneil Cody

Director of Engineering, Environmental & Regulatory Services, Mr. David McKinley

Executive Assistant, Ms. Maggie Rudolph

Other people in attendance:

Nil

PROCEDURAL MOTION

Mayor, Cr Belinda Murphy requests the acceptance of a leave of absence from the July 2019 Ordinary Meeting of Council.

Resolution No. 001/1920

Cr Belinda Murphy is granted a leave of absence from the July 2019 Ordinary Meeting of Council.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 4/0

3. DECLARATION OF CONFLICT OF INTEREST ▲**Cr. P. Curr**

1. I declare that I have a Conflict of Interest in the matter of item 9.5 as defined by section 175D of the *Local Government Act 2009* as follows:

- a) My sister-in-law, Amanda Stevens is the owner of Gravel & Grace which would stand to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter
- b) The gain or loss is due to Gravel & Grace being a small business that would qualify for the small business grant
- c) My relationship with Amanda Stevens is she is my sister-in-law

Cr. J. Fegan

1. I declare that I have a Material Personal Interest in the matter of item 9.5 as defined by section 175B of the *Local Government Act 2009* as follows:

- a) My spouse Trevor Fegan and I Janene Fegan are directors of Marwill Pty Ltd which would stand to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter
- b) The gain or loss is due to Marwill being a small business that would qualify for the small business grant
- c) My relationship with Trevor Fegan is he is my husband

Cr. S. Royes

1. I declare that I have a Conflict of Interest in the matter of item 9.5 as defined by section 175D of the Local Government Act 2009 as follows:

- a) I Shauna Royes am an employee of Booth Rural which would stand to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter
- b) The gain or loss is due to Booth Rural being a small business that would qualify for the small business grant
- c) My relationship with Booth Rural is that they are my employer

4. CONFIRMATION OF MINUTES ▲

Confirmation of Minutes of the Ordinary Meeting of Council held on 18th June 2019.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 18th June 2019 be confirmed.

Resolution No. 002/1920

The Minutes of Ordinary Meeting of Council held on 18th June 2019 are confirmed, after amending the General Business notes.

Moved Cr. S. Royes

Seconded Cr. P. Curr

CARRIED 4/0

4.2 BUSINESS ARISING FROM PREVIOUS MINUTES ▲

CEO Des Niesler - Notes item 9.2 Road Access Policy, of page 8 in the June Unconfirmed Minutes – he has brought this back to Council for resolution.

Cr. Janene Fegan – Has more signs to mention that are faded and in need of replacing, regarding Members Business and Engineering in the June Unconfirmed Minutes.

5. ENGINEERING SERVICES ▲

5.1 Engineering Works Report

Council is presented with the Engineering Works Report, which outlines the general activities, revenue and expenditure for the department for the period of June 2019.

RECOMMENDATION

That Council receives the June 2019 Engineering Works Report.

Resolution No. 003/1920

Council receives the June 2019 Engineering Works Report.

Moved Cr. J. Fegan

Seconded Cr. P. Curr

CARRIED 4/0

6. ENVIRONMENTAL AND REGULATORY SERVICES ▲

6.1 Environmental and Regulatory Services Report

Council is presented with the monthly Environmental and Regulatory Services Report, which outlines the general activities, revenue and expenditure for the department for the period of May 2019.

RECOMMENDATION

That Council receives the June 2019 Environmental and Regulatory Services Report.

Resolution No. 004/1920

Council receives the June 2019 Environmental and Regulatory Services Report.

Moved Cr. P. Curr

Seconded Cr. J. Fegan

CARRIED 4/0

6.2 Making of Local Laws

Council has completed its consultation with the public regarding its proposed local laws and subordinate local laws. One properly made submission was received. Council has received correspondence from the Chief Executive of the Department of Transport & Main Roads detailing the written agreement between the parties about the application of the Local Laws to state-controlled roads in Council's local government area. A copy of this letter is to be displayed on Council's website. Council are to amend Subordinate Local Law No 1 (Administration) 2019 to reflect the content of the written agreement of the chief executive.

Considering all the steps have been made Council are now at the position to proceed with the making of, actually make each proposed local law and subordinate law as advertised, but:-

- Note the content of various public interest test reports and implement the recommendations of each public interest test report
- Amend all local laws and subordinate local laws in omission of each reference of 2018 to 2019
- Also amended, in the case of subordinate local law No 1 (administration) 2019 to ensure constancy with the written agreement of the Chief Executive

RECOMMENDATION

Council resolves to—

- a) having considered the content of a public interest test report in relation to anti-competitive provisions contained in each of Local Law No. 1 (Administration) 2018 and Subordinate Local Law No. 1 (Administration) 2018 – note the content of the public interest test report and implement the recommendations of the public interest test report; and
- b) having considered the content of a public interest test report in relation to anti-competitive provisions contained in each of Local Law No. 2 (Animal Management) 2018, Subordinate Local Law No. 2 (Animal Management) 2018 and Subordinate Local Law No. 1 (Administration) 2018 (prescribed activity keeping of animals) – note the content of the public interest test report and implement the recommendations of the public interest test report; and
- c) having considered the content of a public interest test report in relation to anti-competitive provisions contained in each of Local Law No. 3 (Community and Environmental Management) 2018 and Subordinate Local Law No. 3 (Community and Environmental Management) 2018 – note the content of the public interest test report and implement the recommendations of the public interest test report; and
- d) proceed with the making of, and make, local laws which incorporate model local laws, as listed in schedule 1 (as advertised, but amended by the omission of each reference to '2018', and the insertion instead of a reference to '2019'); and
- e) proceed with the making of, and make, each proposed subordinate local law listed in schedule 2 as advertised, but amended as follows—
 - i) by the omission of each reference to '2018', and the insertion instead of a reference to '2019'; and
 - ii) Subordinate Local Law No. 1 (Administration) 2019, schedule 5, sections 1 and 2 —
omit, insert—

'The State-controlled roads to which the authorising local law applies are Flinders Highway, Goldring Street, Landsborough Highway, Kynuna (including 1km either side of the town) and Landsborough Highway, McKinlay (including 1km either side of the town).

The application of the authorising local law to the State-controlled roads is subject to the following limitations —

- the chief executive's written agreement under the Transport Operations (Road Use Management) Act 1995, section 66(5)(b), relates only to activities listed under section 66(3)(a), (b), (c) and (f);

- a public liability insurance policy held by the applicant for an activity on a State-controlled road must clearly state the State of Queensland acting through the Department of Transport and Main Roads (TMR) as a "Named Party" or Interest Noted;

- if an approval is issued by the local government, the local government is responsible for all aspects of compliance and enforcement;

- each application for an approval must be referred, by the local government, to TMR for comment;

- the local government must provide a reasonable time frame for TMR to consider, and comment on, each application;

- the local government may only issue an approval for a maximum period of 1 year;

- each application to renew or extend an approval must be referred to TMR for comment.

Section 4 applies if—

- an application for the undertaking of a prescribed activity includes footpath dining or roadside vending; and

- the prescribed activity is to be undertaken on a State-controlled road to which the authorising local law applies; and

- the authorising local law and this subordinate local law do not specify requirements for the undertaking of the prescribed activity or the requirements of the authorising local law and this subordinate local law are of a lesser standard.

The undertaking of the prescribed activity must be assessed as follows—

- roadside vending and footpath dining must be assessed by the local government against, at a minimum, the specific permission criteria outlined in the Roadside Vending on State-controlled Roads – Technical Assessment Guide;

- footpath dining must be assessed by the local government against, at a minimum, the specific permission criteria outlined in the Footpath dining on State-controlled Roads — Self Assessment Guideline.

For the prescribed activity of the installation of advertising devices —

- the application of the authorising local law to the State-controlled roads is limited to the following—

- footway signs;

- real estate signs;

- charity prize home devices;

- roadside vendor signs (including signs about cars for sale on State-controlled roads); and

- while the local government may impose additional requirements for an advertising device within the boundaries of the State-controlled roads, where the local government does not have conditions or where the local government's standard approval conditions are of a lesser standard, the advertising devices referred to in paragraph (a) shall be subject to the specific permission criteria outlined in the Roadside Advertising Manual 2017, as reviewed from time to time, by the Department of Transport and Main Roads; and

agreement has not been given by the chief executive for the local government to manage other types of advertising devices, for example, electronic and static billboards and static illuminated advertising devices on street name signs as outlined in the Roadside Advertising Manual 2017.’.

iii) Subordinate Local Law No. 1 (Administration) 2019, schedule 8, section 1, after ‘and roads’—
insert—

‘If the prescribed activity is to be undertaken on a State-controlled road identified in schedule 5, section 1 —

for the Transport Operations (Road Use Management) Act 1995, section 66(5)(b), the chief executive’s written agreement is detailed in a letter to the local government dated 8 April, 2019; and

relevantly, the written agreement is detailed in schedule 5, sections 1 to 4.’.

iv) Subordinate Local Law No. 1 (Administration) 2019, schedule 10, section 1, after ‘advertising devices’—

insert—

‘If the prescribed activity is to be undertaken on a State-controlled road identified in schedule 5, section 1 —

(a) for the Transport Operations (Road Use Management) Act 1995, section 66(5)(b), the chief executive’s written agreement is detailed in a letter to the local government dated 8 April, 2019; and

(b) relevantly, the written agreement is detailed in schedule 5, sections 1, 2 and 5.’

SCHEDULE 1

1. Model Local Law No. 1 (Administration) 2010, to be known as Local Law No. 1 (Administration) 2019;
2. Model Local Law No. 2 (Animal Management) 2010, to be known as Local Law No. 2 (Animal Management) 2019;
3. Model Local law No. 3 (Community and Environmental Management) 2010, to be known as Local Law No. 3 (Community and Environmental Management) 2019;
4. Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2010, to be known as Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019.

SCHEDULE 2

1. Subordinate Local Law No. 1 (Administration) 2019;
2. Subordinate Local Law No. 2 (Animal Management) 2019;
3. Subordinate Local Law No. 3 (Community and Environmental Management) 2019;
4. Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019.

Resolution No. 005/1920

Council resolves to—

- f) having considered the content of a public interest test report in relation to anti-competitive provisions contained in each of Local Law No. 1 (Administration) 2018 and Subordinate Local Law No. 1 (Administration) 2018 – note the content of the public interest test report and implement the recommendations of the public interest test report; and
- g) having considered the content of a public interest test report in relation to anti-competitive provisions contained in each of Local Law No. 2 (Animal Management) 2018, Subordinate Local Law No. 2 (Animal Management) 2018 and Subordinate Local Law No. 1 (Administration) 2018 (prescribed activity keeping of animals) – note the content of the public interest test report and implement the recommendations of the

- public interest test report; and
- h) having considered the content of a public interest test report in relation to anti-competitive provisions contained in each of Local Law No. 3 (Community and Environmental Management) 2018 and Subordinate Local Law No. 3 (Community and Environmental Management) 2018 – note the content of the public interest test report and implement the recommendations of the public interest test report; and
- i) proceed with the making of, and make, local laws which incorporate model local laws, as listed in schedule 1 (as advertised, but amended by the omission of each reference to ‘2018’, and the insertion instead of a reference to ‘2019’); and
- j) proceed with the making of, and make, each proposed subordinate local law listed in schedule 2 as advertised, but amended as follows—

- i) by the omission of each reference to ‘2018’, and the insertion instead of a reference to ‘2019’; and
- ii) Subordinate Local Law No. 1 (Administration) 2019, schedule 5, sections 1 and 2 — omit, insert—

‘The State-controlled roads to which the authorising local law applies are Flinders Highway, Goldring Street, Landsborough Highway, Kynuna (including 1km either side of the town) and Landsborough Highway, McKinlay (including 1km either side of the town).

The application of the authorising local law to the State-controlled roads is subject to the following limitations —

the chief executive’s written agreement under the Transport Operations (Road Use Management) Act 1995, section 66(5)(b), relates only to activities listed under section 66(3)(a), (b), (c) and (f);

a public liability insurance policy held by the applicant for an activity on a State-controlled road must clearly state the State of Queensland acting through the Department of Transport and Main Roads (TMR) as a “Named Party” or Interest Noted;

if an approval is issued by the local government, the local government is responsible for all aspects of compliance and enforcement;

each application for an approval must be referred, by the local government, to TMR for comment;

the local government must provide a reasonable time frame for TMR to consider, and comment on, each application;

the local government may only issue an approval for a maximum period of 1 year;

each application to renew or extend an approval must be referred to TMR for comment.

Section 4 applies if—

an application for the undertaking of a prescribed activity includes footpath dining or roadside vending; and

the prescribed activity is to be undertaken on a State-controlled road to which the authorising local law applies; and

the authorising local law and this subordinate local law do not specify requirements for the undertaking of the prescribed activity or the requirements of the authorising local law and this subordinate local law are of a lesser standard.

The undertaking of the prescribed activity must be assessed as follows—

roadside vending and footpath dining must be assessed by the local government against, at a minimum, the specific permission criteria outlined in the Roadside Vending on State-controlled Roads – Technical Assessment Guide;

footpath dining must be assessed by the local government against, at a minimum, the specific permission criteria outlined in the Footpath dining on State-controlled Roads — Self Assessment Guideline.

For the prescribed activity of the installation of advertising devices —

the application of the authorising local law to the State-controlled roads is limited to the

following—

footway signs;

real estate signs;

charity prize home devices;

roadside vendor signs (including signs about cars for sale on State-controlled roads);
and

while the local government may impose additional requirements for an advertising device within the boundaries of the State-controlled roads, where the local government does not have conditions or where the local government's standard approval conditions are of a lesser standard, the advertising devices referred to in paragraph (a) shall be subject to the specific permission criteria outlined in the Roadside Advertising Manual 2017, as reviewed from time to time, by the Department of Transport and Main Roads; and

agreement has not been given by the chief executive for the local government to manage other types of advertising devices, for example, electronic and static billboards and static illuminated advertising devices on street name signs as outlined in the Roadside Advertising Manual 2017.'.

iii) Subordinate Local Law No. 1 (Administration) 2019, schedule 8, section 1, after 'and roads'—
insert—

'If the prescribed activity is to be undertaken on a State-controlled road identified in schedule 5, section 1 —

for the Transport Operations (Road Use Management) Act 1995, section 66(5)(b), the chief executive's written agreement is detailed in a letter to the local government dated 8 April, 2019; and

relevantly, the written agreement is detailed in schedule 5, sections 1 to 4.'

iv) Subordinate Local Law No. 1 (Administration) 2019, schedule 10, section 1, after 'advertising devices'—
insert—

'If the prescribed activity is to be undertaken on a State-controlled road identified in schedule 5, section 1 —

(a) for the Transport Operations (Road Use Management) Act 1995, section 66(5)(b), the chief executive's written agreement is detailed in a letter to the local government dated 8 April, 2019; and

(b) relevantly, the written agreement is detailed in schedule 5, sections 1, 2 and 5.'

SCHEDULE 1

5. Model Local Law No. 1 (Administration) 2010, to be known as Local Law No. 1 (Administration) 2019;
6. Model Local Law No. 2 (Animal Management) 2010, to be known as Local Law No. 2 (Animal Management) 2019;
7. Model Local law No. 3 (Community and Environmental Management) 2010, to be known as Local Law No. 3 (Community and Environmental Management) 2019;
8. Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2010, to be known as Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019.

SCHEDULE 2

5. Subordinate Local Law No. 1 (Administration) 2019;
6. Subordinate Local Law No. 2 (Animal Management) 2019;
7. Subordinate Local Law No. 3 (Community and Environmental Management) 2019;

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019.

Moved Cr. P. Curr

Seconded Cr. S. Royes

CARRIED 4/0

6.3 Local Laws & Littering

Council is presented with a report containing the advice from Preston Law regarding how Council deals with littering.

RECOMMENDATION

That Council receives the advice from Preston Law regarding how Council deals with littering.

Resolution No. 006/1920

Council receives the advice from Preston Law regarding how Council deals with littering.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 4/0

Attendance – Cr. N. Walker left the meeting room at 10:08am.

Attendance – Executive Assistant, Maggie Rudolph, left and re-entered the meeting room at 10:08am.

Attendance – Cr. P. Curr left the meeting room at 10:09am.

Attendance – Cr. N. Walker re-entered the meeting room at 10:09am.

Attendance – Cr. P. Curr re-entered the meeting room at 10:11am.

Attendance – Director of Corporate & Community Services, Tenneil Cody, entered the meeting room at 10:11am.

Attendance – Director of Engineering, Environmental & Regulatory Services, David McKinley left the meeting room at 10:12am.

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 June 2019.

RECOMMENDATION

That Council receives the Community Services monthly report for June 2019.

Resolution No. 007/1920

Council receives the Community Services monthly report for June 2019.

Moved Cr. P. Curr

Seconded Cr. S. Royes

CARRIED 4/0

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

The Corporate Services Report as of 30th June 2019, which summarizes the financial performance and position is presented to Council.

RECOMMENDATION

That Council receives the monthly Corporate Services Report for the period ending 30th June 2019.

Resolution No. 008/1920

Council receives the monthly Corporate Services Report for the period ending 30th June 2019.

Moved Cr. S. Royes

Seconded Cr. J. Fegan

CARRIED 4/0

8.2 Seek to Acquire or Sell Land for Overdue Rates Charges – Assessment Number 50-77 Goldring Street, Julia Creek, Lot 8 on JC55710

In accordance with Section 140 (1) (c) (i) of the Local Government Regulation 2012 Council has the authority to sell the land at 77 Goldring Street, Julia Creek, more particularly described as Lot 8 on JC55710 for overdue rates or charges as some or all of the overdue rates and charges have been overdue for at least three (3) years.

In accordance with Section 148 (a)(i) and (ii) of the Local Government Regulation 2012 Council has the authority to acquire the land at 77 Goldring Street, Julia Creek, more particularly described as Lot 8 on JC55710 for overdue rates or charges as some or all of the overdue rates and charges have been overdue for at least three (3) years.

Through liaising with King & Company Solicitors, they advise that Council should ultimately form a view as to whether it wants to sell the land or seek to acquire the land for the overdue rates and charges.

RECOMMENDATION:

That Council resolve to:

- (a) sell the land located at 77 Goldring Street, Julia Creek, more particularly described as Lot 8 on JC55710 (“the Land”) by way of auction for overdue rates and charges pursuant to section 140(2) of the Local Government Regulation 2012 by issuing a Notice of Intention to Sell, with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements.
- (b) delegate to the Chief Executive Officer, its power to:
 - i. give a Notice of Intention to Sell to all interested parties; and
 - ii. take all further steps required under sections 141, 142, 143, 144, 145 and 146 of the Local Government Regulation 2012 to effect the sale of the Land.”

Or

- (a) Seek to acquire the land located at 77 Goldring Street, Julia Creek, more particularly described as Lot 8 on JC55710 (“the Land”) by way of concluding that the land is valueless or of so little value that if sold the proceeds would be less than the amount of the overdue rates or, pursuant to section 148(a)(i) and (ii) of the Local Government Regulation 2012, by obtaining a written report about the market value of the land from a registered valuer.
- (b) delegate to the Chief Executive Officer, its power to:
 - i. give a Notice of Intention to Acquire to all interested parties; and

- ii. take all further steps required under sections 148, 149, 150 and 151 of the Local Government Regulation 2012 to effect the acquisition of the land.

Resolution No. 009/1920

Council resolves to:

(a) Seek to acquire the land located at 77 Goldring Street, Julia Creek, more particularly described as Lot 8 on JC55710 ("the Land") by way of concluding that the land is valueless or of so little value that if sold the proceeds would be less than the amount of the overdue rates or, pursuant to section 148(a)(i) and (ii) of the Local Government Regulation 2012, by obtaining a written report about the market value of the land from a registered valuer.

(b) delegate to the Chief Executive Officer, its power to:

i. give a Notice of Intention to Acquire to all interested parties; and

ii. take all further steps required under sections 148, 149, 150 and 151 of the Local Government Regulation 2012 to effect the acquisition of the land.

Moved Cr. P. Curr

Seconded Cr. J. Fegan

CARRIED 4/0

Attendance – Director of Corporate & Community Services, Tenneil Cody, left the meeting room at 10:37am.

9. CHIEF EXECUTIVE OFFICER

PROCEDURAL MOTION

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

Resolution No. 010/1920

Council closed the meeting to the public in accordance with *Section 275 (1) (h) of the Local Government Regulation 2012*.

Moved Cr. J. Fegan

Seconded Cr. S. Royes

CARRIED 4/0

The Ordinary Meeting of Council closed to the public at 10:40am.

9.1 CONFIDENTIAL Deed of Assignment and Consent regarding Deed of Agreement (Pre-qualified Supplier for Hire of Plant) No. 181919

This report is CONFIDENTIAL in accordance with *Section 275 (1) (h) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillor's consider it necessary to discuss *(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*.

Council has received application by two (2) parties to implement Section 18.14 of *the Deed of Agreement (Pre-qualified Supplier for Hire of Plant) No. 17180*, and submits here with a completed Deed of Assignment and Consent, by both parties for consent under *Section 18.14 (b) The Supplier must not transfer, assign or*

otherwise dispose of its interest in this Deed without obtaining the prior written consent of the Principal, which consent may be withheld in its absolute discretion.

RECOMMENDATION

That Council resolves to:

- (a) accept the draft Deed of Assignment and Consent for approval; and
- (b) consent to the assignment of Plant owned by Elrose Plant Hire to Alexander Plant Hire, under the Deed of Assignment and Consent.

PROCEDURAL MOTION

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

Resolution No. 011/1920

Council re-opened the Ordinary Meeting of Council to the public.

Moved Cr. S. Royes

Seconded Cr. J. Fegan

CARRIED 4/0

The Ordinary Meeting of Council re-opened to the public at 10:50am.

Resolution No. 012/1920

That Council resolves to:

- (a) accept the draft Deed of Assignment and Consent for approval; and
- (b) consent to the assignment of Plant owned by Elrose Plant Hire to Alexander Plant Hire, under the Deed of Assignment and Consent.

Moved Cr. P. Curr

Seconded Cr. S. Royes

CARRIED 4/0

9.2 Tender Consideration Plan – Plant Hire

The proposed Tender Consideration Plan for the update and extension of the current Register of Pre-Qualified Suppliers – Plant Hire for a further 12 months until 31 December 2020 is presented to Council.

RECOMMENDATION

That Council resolves to:

1. prepare a tender consideration plan (Plan) pursuant to section 230 of the Local Government Regulation 2012 to:
 - a. update the current Register of Pre Qualified Suppliers – Plant Hire to include new local Suppliers who qualify for appointment; and
 - b. extend the Register of Pre Qualified Suppliers - Plant Hire for a further 12 months to expire on 31 December 2020; and
2. to adopt the Plan prepared and recommended in this Report; and

3. to delegate the authority to the Chief Executive Officer to appoint new suitably qualified local Suppliers to the Register and to notify the Suppliers on the current Register of Pre Qualified Suppliers – Plant Hire of Councils intention to extend the Register for a further 12 month period and, subject to the current financial delegation of the Chief Executive Officer, to negotiate, make, vary and discharge any contracts entered into with the Suppliers under this extended arrangement and to sign all relevant documentation as necessary or required.

Resolution No. 013/1920

Council resolves to defer this item for further discussion.

Moved Cr. J. Fegan

Seconded Cr. P. Curr

CARRIED 4/0

9.3 CCTV Policy

Council is presented with a CCTV Policy for use of CCTV cameras on Council properties.

RECOMMENDATION

That Council resolve to adopt the CCTV Policy, as presented.

Resolution No. 014/1920

Council resolves to adopt the CCTV Policy, as presented.

Moved Cr. S. Royes

Seconded Cr. J. Fegan

CARRIED 4/0

9.4 Grids and Gates Policy

Council is presented with a Grids and Gates Policy. CEO asks that Council review highlighted items in the draft policy, before confirming the adoption of this policy.

RECOMMENDATION

That Council resolve to adopt the Grids and Gates Policy, as presented.

Resolution No. 015/1920

Council resolves to defer this item for the next Ordinary Council Meeting.

Moved Cr. P. Curr

Seconded Cr. J. Fegan

CARRIED 4/0

9.4.a Road Access Policy Amendment

Council is presented with the Meaning of Road as stated in the Land Act 1994. This Section of the Land Act 1994 is proposed to be read in conjunction with Appendix A of Council's Road Access Policy.

RECOMMENDATION

That Council resolve to include the amendment to the Road Access Policy, as presented to Council.

Resolution No. 016/1920

Council resolves to include the amendment to the Road Access Policy, as presented to Council.

Moved Cr. S. Royes

Seconded Cr. J. Fegan

CARRIED 4/0

9.5 Small Business Grants Policy and Procedure

Council is presented with a Small Business Grants Policy and a Small Business Grants Procedure.

PROCEDURAL MOTION

Resolution No. 017/1920

Council resolve to delegate the decision to the Chief Executive Officer, under *Section 257 (1) (b)* of the *Local Government Act 2009*, as a consequence of *Section 175C(3)* and *175E(6)* of the *Local Government Act 2009*.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 4/0

Attendance – In accordance with *Section 175C (2) (a) (i) - (iii)* and *Section 175E (2)* of the *Local Government Act 2009*, Cr. S. Royes, Cr. J. Fegan and Cr. P. Curr, having all declared a Material Personal Interest and/or a Conflict of Interest in the matter of Agenda Item 9.5 as defined by *Section 175B* and *175D* of the *Local Government Act 2009*, left the meeting room at 11:33am, taking no part in the meeting or discussion.

Therefore, as a majority of Councillors no longer exists because of *Sections 175C* and *175E* of the *Local Government Act 2009*, the Chief Executive Officer, under delegated authority of *Section 257* of the *Local Government Act 2009*, adopts the Small Business Grant Policy and Procedure as presented.

Attendance – Chief Executive Officer, Des Niesler left the meeting room at 11:51am.

Attendance – Chief Executive Officer, Des Niesler, Cr. P. Curr, Cr. J. Fegan and Cr. S. Royes re-entered the meeting room at 11:52am.

9.6 Acquisition of Dirt 'n' Dust Venue Lot 18-19 on CPJC55713

Based on the attached letter provided by Dirt 'n' Dust, it has been proposed to instigate discussions with Dirt 'n' Dust representatives over the sale or acquisition of Lot 18-19 on CPJC55713.

RECOMMENDATION

That Council resolve to instigate discussions with Dirt 'n' Dust representatives over the sale or acquisition of Lot 18-19 on CPJC55713.

Resolution No. 018/1920

Council resolves to defer this item.

Moved Cr. P Curr

Seconded Cr. S Royes

CARRIED 4/0

9.7 Councillors LGAQ Motions

LGAQ is requesting any motions Council may want to consider to submit to LGAQ as part of the LGAQ Annual Conference.

RECOMMENDATION

That Council resolve to:

- 1) determine if there are any motions Councillors want to bring to the LGAQ annual conference; and
- 2) that if there are motions to submit, that they be endorsed by Council.

Resolution No. 019/1920

Council resolves to:

- 1) determine if there are any motions Councillors want to bring to the LGAQ annual conference; and
- 2) that if there are motions to submit, that they be endorsed by Council.

Moved Cr. P Curr

Seconded Cr. J Fegan

CARRIED 4/0

PROCEDURAL MOTION**Resolution No. 020/1920**

Council resolves to accept late Agenda Items, 9.8 Delegations to the CEO, 9.9 Office of the Coordinator-General Correspondence, 9.10 Reserves Under Trusteeship of Hughenden District Improvement Board and 9.11 Lot 56 on Crown Plan EN24 – Reserve for tank purposes.

Moved Cr. P Curr

Seconded Cr. S Royes

CARRIED 4/0

9.8 LATE – Delegations to the CEO

Section (257) (5) of the Local Government Act 2009 states A delegation to the chief executive officer under subsection (1) must be reviewed annually by the local government.

RECOMMENDATION

That Council resolve to adopt the Register of Delegations of Council to CEO.

Resolution No. 021/1920

Council resolves to adopt the Register of Delegations of Council to CEO, for the term of the current Chief Executive Officer.

Moved Cr. P Curr

Seconded Cr. J Fegan

CARRIED 4/0

9.9 LATE – Office of the Coordinator-General Correspondence

Council is presented with a letter from the Office of the coordinator-General regarding the application of the Strong and Sustainable Resource Communities Act 2017 to the Mount Colin Mine, Barbara Project and the Cloncurry Operations (including the Great Australia Mine, the Wallace South Mine and the Wynberg Mine), owned by Round Oak Minerals Pty Limited.

CEO asks Council for consideration of a reply to the decisions by the Office of the Coordinator-General.

CEO presents a recommended draft letter of reply.

RECOMMENDATION

That Council resolve to have the CEO proceed with the letter of reply, as drafted, pending any other input Council offers based on their consideration.

Resolution No. 022/1920

Council accepts the correspondence and notes the response by the CEO.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 4/0

9.10 LATE – Reserves Under Trusteeship of Hughenden District Improvement Board

The State Land Asset Management of the Department of Natural Resources, Mines and Energy has contacted the CEO to confirm if Council has reconsidered its views provided in response dated 1 May 2019 regarding the proposal to transfer the trusteeship of two lots from the Hughenden District Improvement Board to McKinlay Shire Council.

RECOMMENDATION

That Council resolve to not amend their previous position.

Resolution No. 023/1920

Council resolves to not amend their previous position.

Moved Cr. S Royes

Seconded Cr. S Royes

CARRIED 4/0

9.11 LATE – Lot 56 on Crown Plan EN24 – Reserve for tank purposes

The State Land Asset Management of the Department of Natural Resources, Mines and Energy has contacted the CEO to confirm if Council wishes to proceed with the amendment of the reserve appointment to Council as trustee of Lot 56 on Crown Plan EN24.

RECOMMENDATION

That Council resolve to accept trusteeship of Lot 56 on Crown Plan EN 24.

Resolution No. 024/1920

Council resolves to accept trusteeship of Lot 56 on Crown Plan EN 24.

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 4/0

10. WORKPLACE HEALTH AND SAFETY



10.1 Workplace Health and Safety Monthly Report

Council is presented with the monthly Workplace Health and Safety report, which provides an overview of the operations for the month of June 2019.

11. MEMBERS BUSINESS ▲

Cr. J. Fegan – enquires about the landscaping at the Doctor's House

Cr. N. Walker – notes the success of the Governor-General's visit and Thank You Dinner

12. CLOSURE OF MEETING ▲

The Chair of the meeting Deputy Mayor Neil Walker declared the meeting closed at 1:25pm.



Deputy Mayor Neil Walker