



# MCKINLAY SHIRE COUNCIL

## ***CONFIRMED MINUTES***

OF THE

## ***ORDINARY MEETING OF COUNCIL***

HELD AT THE

BOARDROOM, CIVIC CENTRE  
JULIA CREEK

18<sup>th</sup> March 2020

## **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

### **7. COMMUNITY SERVICES REPORT**

- 7.1 Community Services Monthly Report
- 7.2 Community Benefit Assistance Scheme Round 2
- 7.3 Engagement of Contractor to Complete repairs at McKinlay Tennis Courts

### **8. CORPORATE SERVICES REPORT**

- 8.1 Corporate Services Monthly Report

### **9. CHIEF EXECUTIVE OFFICERS REPORT**

- 9.1 CEO Status Report
- 9.2 LATE – DAF Collaborative Agreement
- 9.3 LATE – Kynuna Township Water Issues
- 9.4 LATE CONFIDENTIAL – AECOM Project Management Fee

### **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, Mayor Belinda Murphy declared the meeting open at 10:10am, an hour delay due to receiving a presentation from John Montgomery & Rebecca Mantle of Tourism and Events Queensland (TEQ.)

**2. ATTENDANCE** ▲

**Mayor:** Cr. B Murphy

**Members:** Cr. N Walker, Cr. Janene Fegan, Cr. P Curr

**Staff:**

Chief Executive Officer, Dr. Edwina Marks  
 Director of Corporate & Community Services, Ms. Tenneil Cody  
 Works Manager, Mr. Michael McConnell  
 Project & Asset Manager, Mr. David Sechtig  
 Executive Assistant, Ms. Maggie Rudolph

**Other people in attendance:**

TEQ Representatives

**Apologies:**

Cr. S Royes

**PROCEDURAL MOTION**

Cr. Shauna Royes requests the acceptance of a leave of absence from the March 18<sup>th</sup> Ordinary Meeting of Council.

**Resolution No. 215/1920**

Cr. Shauna Royes is granted a leave of absence from the March 18<sup>th</sup> Ordinary Meeting of Council.

Moved Cr. J Fegan

Seconded Cr. P Curr

CARRIED 4/0

**3. DECLARATION OF CONFLICT OF INTEREST** ▲**Cr. J Fegan**

1. I declare that I have conflict of interest in the matter of agenda item 7.2 as defined by *section 175D* of the *Local Government Act 2009* as follows:

- a) Julia Creek Turf Club stands to gain a benefit or suffer a loss depending on the outcome of Council's consideration of this matter.
- b) The nature of my conflict is that I am a committee member of Julia Creek Turf Club.

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

2. I declare that I have material personal interest in the matter of agenda item 9.3 as defined by *section 175B* of the *Local Government Act 2009* as follows:

- a) My husband Trevor Fegan and I own Marwill Pty Ltd, which stands 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 Pty Ltd having quoted on the project discussed in item 9.3.
- c) My relationship with Marwill Pty Ltd is that my husband and I own the business.

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

#### **Cr. B. Murphy**

1. I declare that I have a material personal interest in the matter of item 9.4 as defined by *section 175B* of the *Local Government Act 2009* as follows:

- a) My spouse Kevin Wayne Murphy is the sole director of KW Murphy Holdings 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 my KW Murphy Holdings Pty Ltd having Plant Hire.
- c) My relationship with Kevin Wayne Murphy is he is my husband.

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

#### **4. CONFIRMATION OF MINUTES** ▲

Confirmation of Minutes of the Ordinary Meeting of Council held on 20<sup>th</sup> February 2020.

#### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on 20<sup>th</sup> February 2020 be confirmed.

#### **Resolution No. 216/1920**

The Minutes of the Ordinary Meeting of Council held on 20<sup>th</sup> February 2020 are confirmed.

Moved Cr. N Walker

Seconded Cr. J Fegan

CARRIED 4/0

#### **4.2 BUSINESS ARISING FROM PREVIOUS MINUTES** ▲

Nil

#### **5. ENGINEERING SERVICES** ▲

**Attendance** – Project & Asset Manager, David Sechtig and Works Manager Mick McConnell entered the meeting room at 10:12am.

**Attendance** – Cr. P Curr left the meeting room at 11:32am.

**Attendance** – Cr. P Curr re-entered the meeting room at 11:35am.

**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 February 2020.

**RECOMMENDATION**

That Council receives the February 2020 Engineering Works Report.

**Resolution No. 217/1920**

Council receives the February 2020 Engineering Works Report.

Moved Cr. P Curr

Seconded Cr. N Walker

CARRIED 4/0

**Attendance** – Project & Asset Manager, David Sechtig and Works Manager Mick McConnell entered the meeting room at 11:58am.

**Attendance** – Executive Assistant, Maggie Rudolph left and re-entered the meeting room at 12:05pm.

**Attendance** – Executive Assistant, Maggie Rudolph left and re-entered the meeting room at 12:14pm.

**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 February 2020.

**RECOMMENDATION**

That Council receives the February 2020 Environmental and Regulatory Services Report.

**Resolution No. 218/1920**

Council receives the February 2020 Environmental and Regulatory Services Report.

Moved Cr. N Walker

Seconded Cr. P Curr

CARRIED 4/0

**Attendance** – Director of Corporate and Community Services, Tenneil Cody entered the meeting room at 12:15pm.

**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 February 2020.

**RECOMMENDATION**

That Council receives the Community Services monthly report for February 2020.

**Resolution No. 219/1920**

Council receives the Community Services monthly report for February 2020.

Moved Cr. J Fegan

Seconded Cr. N Walker

CARRIED 4/0

**Attendance** – Cr. J Fegan left the meeting room, having declared a Conflict of Interest in the matter of Agenda Item 7.2 as defined by *Section 175D* of the *Local Government Act 2009*, and left the meeting room at 12:28am taking no part in the meeting or discussion.

**7.2 Community Benefit Assistance Scheme Round 2**

The Community Benefit Assistance Scheme Round Two has been advertised throughout January and February seeking applications for assistance with equipment, infrastructure or volunteer support.

**RECOMMENDATION**

That Council fund local organisations the following amounts under the Community Benefit Assistance Scheme program:

- Julia Creek Combined Sporting Association - \$1,589.80
- Julia Creek P&C Association - \$1,999
- Julia Creek Sporting Shooters Association – either \$4,344.25 for both infrastructure and equipment; or \$3,146.75 for infrastructure; or \$1,197.50 for equipment
- Julia Creek Turf Club - \$2,090
- Julia Creek Campdraft Association - \$795.20

**Resolution No. 220/1920**

Council resolves to fund local organisations the following amounts under the Community Benefit Assistance Scheme program:

- Julia Creek Combined Sporting Association - \$1,589.80
- Julia Creek P&C Association - \$1,999
- Julia Creek Sporting Shooters Association - \$4,344.25 for both infrastructure and equipment
- Julia Creek Turf Club - \$2,090
- Julia Creek Campdraft Association - \$795.20

Moved Cr. P Curr

Seconded Cr. N Walker

CARRIED 3/0

**Attendance** – Director of Corporate and Community Services, Tenneil Cody left and re-entered the meeting room at 12:31pm.

**Attendance** – Cr. J Fegan re-entered the meeting room at 12:32pm.

**7.3 Engagement of Contractor to complete repairs at McKinlay Tennis Courts**

Council has received funding to repair sporting facilities affected by the 2019 Monsoonal Rain Event which include McKinlay Tennis Courts. Council has engaged Macca's Sports Turf Company to provide inspection, assessment and quotation to fully repair the facility.

**RECOMMENDATION**

That Council resolves to approve Macca's Sports Turf Company to complete the required works as per the specialised nature of the services and their arrangement with Townsville City Council Register of Prequalified Suppliers, for the total amount of \$80,050 excluding GST.

**Resolution No. 221/1920**

Council resolves to approve Macca's Sports Turf Company to complete the required works as per the specialised nature of the services and their arrangement with Townsville City Council Register of Prequalified Suppliers, for the total amount of \$80,050 excluding GST.

Moved Cr. J Fegan

Seconded Cr. P Curr

CARRIED 4/0

**8. CORPORATE SERVICES** ▲

**8.1 Corporate Services Report**

The Corporate Services Report as of 29<sup>th</sup> February 2020, which summarizes the financial performance and position is presented to Council.

**RECOMMENDATION**

That Council receives the monthly Corporate Services Report for the period ending 29<sup>th</sup> February 2020.

**Resolution No. 222/1920**

Council receives the monthly Corporate Services Report for the period ending 29<sup>th</sup> February 2020

Moved Cr. J Fegan

Seconded Cr. N Walker

CARRIED 4/0

**Attendance** – Director of Corporate and Community Services, Tenneil Cody left the meeting room at 12:45am.

**9. CHIEF EXECUTIVE OFFICER** ▲

**9.1 CEO Status Report**

Council is presented with a Status Report from the Chief Executive Officer, which provides an overview of ongoing items of Council business.

**RECOMMENDATION**

That Council receives the CEO's Status Report.

**Resolution No. 223/1920**

Council receives the CEO's Status Report.

Moved Cr. P Curr

Seconded Cr. J Fegan

CARRIED 4/0

**PROCEDURAL MOTION**

That Council accept late agenda items;

- a) 9.2 LATE DAF Collaborative Agreement,
- b) 9.3 LATE Kynuna Township Water Issues, and
- c) 9.4 LATE CONFIDENTIAL DRFA 2019 – AECOM Project Management Fee.

**Resolution No. 224/1920**

Council accepts late agenda items;

- a) 9.2 LATE DAF Collaborative Agreement,
- b) 9.3 LATE Kynuna Township Water Issues, and
- c) 9.4 LATE CONFIDENTIAL DRFA 2019 – AECOM Project Management Fee.

Moved Cr. J Fegan

Seconded Cr. N Walker

CARRIED 4/0

**9.2 LATE DAF Collaborative Agreement**

Council is presented with a Collaborative Agreement between the Department of Agriculture and Fisheries and McKinlay Shire Council to complete the Integrated Livestock Service Delivery Centre project.

**RECOMMENDATION**

That Council endorse the Collaborative Agreement, as presented, between DAF and McKinlay Shire Council.

**Resolution No. 225/1920**

Council endorses the Collaborative Agreement, as presented, between DAF and McKinlay Shire Council, noting that the contribution includes GST.

Moved Cr. P Curr

Seconded Cr. J Fegan

CARRIED 4/0

**Attendance** – Cr. J Fegan left the meeting room, having declared a material personal interest in the matter of Agenda Item 9.3 as defined by *Section 175B* of the *Local Government Act 2009*, and left the meeting room at 1:07pm taking no part in the meeting or discussion.

**9.3 LATE Kynuna Township Water Issues**

Council is presented with a report on the water issue solutions for Kynuna.

**RECOMMENDATION**

That Council;

- a) Endorses an additional \$9,000 to complete the installation of the Kynuna tank project including earthmoving and connections of pipes and fittings.



- b) Endorses the purchase and installation of water filters for houses in Kynuna at an estimated budget of \$35,000.00.
- c) Endorse these additional funds to be taken from reserves and amend the 2019/20 Budget accordingly.

#### **Resolution No. 226/1920**

Council;

- a) Endorses an additional \$9,000 to complete the installation of the Kynuna tank project including earthmoving and connections of pipes and fittings.
- b) Endorses the purchase and installation of water filters for houses in Kynuna at an estimated budget of \$35,000.00.
- c) Endorse these additional funds to be taken from reserves and amend the 2019/20 Budget accordingly.

Moved Cr. N Walker

Seconded Cr. P Curr

CARRIED 3/0

**Attendance** – Cr. P Curr and Cr. B Murphy left the meeting room at 1:15pm.

**Attendance** – Cr. J Fegan and Cr. B Murphy re-entered the meeting room at 1:17pm.

**Attendance** – Cr. P Curr re-entered the meeting room at 1:18pm.

**Attendance** – Cr. N Walker left the meeting room at 1:18pm.

**Attendance** – Executive Assistant, Maggie Rudolph left the meeting room at 1:18pm.

**Attendance** – Cr. N Walker re-entered the meeting room at 1:19pm.

**Attendance** – Executive Assistant, Maggie Rudolph re-entered the meeting room at 1:20pm.

**Attendance** – Cr. B Murphy left the meeting room, having declared a material personal interest in the matter of Agenda Item 9.3 as defined by *Section 175B* of the *Local Government Act 2009*, and left the meeting room at 1:21pm taking no part in the meeting or discussion.

#### **9.4 LATE CONFIDENTIAL DRFA 2019 – AECOM Project Management Fee**

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

#### **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. 227/1920**

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 3/0

**RECOMMENDATION**

That Council;

- a) Acknowledge that the Local Government is now in Caretaker period and that this decision is defined as a major policy decision – significant procurement activities - and Ministerial approval for decisions in exceptional circumstances would be required,
- b) That this matter be referred for such approval on the grounds that it is urgent due to wet season delivery and negotiation delays, that the decision outcome will improve the ability of the Council to recover costs as well as improving the value for money proposition for the State Government and to not make this decision at this time would mean that contractors on standing order arrangements and project management personnel would have to wait up to one month before work could actively recommence causing potential risk of financial losses to the Local Government (Council) in conjunction with other disasters,
- c) Endorse the AECOM proposal of revised fees of \$3,514,949 for project management fees for the DRFA submissions McSC.0003.1819E, MsSC 0004.1819E, McSC 0005.1819; McSC 0008.1819E, MsSC 0010.18.19E; McSc 0011.1819E; McSC 0014.1819E subject to this Ministerial approval being satisfactorily obtained without delay, and
- d) That Council meet with AECOM to ensure project delivery is reviewed and the delivery model is effective.

**PROCEDURAL MOTION****Resolution No. 228/1920**

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

Moved Cr. J Fegan

Seconded Cr. P Curr

CARRIED 3/0

**Resolution No. 229/1920**

That Council;

- a) Acknowledge that the Local Government is now in Caretaker period and that this decision is defined as a major policy decision – significant procurement activities - and Ministerial approval for decisions in exceptional circumstances would be required,
- b) That this matter be referred for such approval on the grounds that it is urgent due to wet season delivery and negotiation delays, that the decision outcome will improve the ability of the Council to recover costs as well as improving the value for money proposition for the State Government and to not make this decision at this time would mean that contractors on standing order arrangements and project management personnel would have to wait up to one month before work could actively recommence causing potential risk of financial losses to the Local Government (Council) in conjunction with other disasters,
- c) Endorse the AECOM proposal of revised fees of \$3,514,949 for project management fees for the DRFA submissions McSC.0003.1819E, MsSC 0004.1819E, McSC 0005.1819; McSC 0008.1819E, MsSC 0010.18.19E; McSc 0011.1819E; McSC 0014.1819E subject to this Ministerial approval being satisfactorily obtained without delay, and
- d) That Council meet with AECOM to ensure project delivery is reviewed and the delivery model is effective.

Moved Cr. P Curr

Seconded Cr. J Fegan

CARRIED 3/0

**Attendance** – Executive Assistant, Maggie Rudolph left and re-entered the meeting room at 1:45pm.

**Attendance** – Cr. B Murphy re-entered the meeting room at 1:45pm.

**Attendance** – Director of Corporate and Community Services, Tenneil Cody re-entered the meeting room at 1:46pm.

## 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 February 2020.

## 11. MEMBERS BUSINESS ▲

|                     |  |
|---------------------|--|
| <b>Cr. N Walker</b> | <ul style="list-style-type: none"> <li>- Work Camp update – suggests for next council they appoint Colin Malone to work with</li> <li>- Questions regarding recycling and the dump</li> <li>- Thanks Belinda Murphy for her 8 years service as Mayor</li> </ul>  |
| <b>Cr. J Fegan</b>  | <ul style="list-style-type: none"> <li>- CAN meeting last week – encouragement of community to read CAN minutes</li> </ul>   |
| <b>Cr. B Murphy</b> | <ul style="list-style-type: none"> <li>- COVID-19 – about to have LDMG regarding this today</li> <li>- Thank you to Councillors Shauna Royes and Janene Fegan for the last 4 years service</li> <li>- Thank you to Councillors Philip Curr and Neil Walker for the last 8 years service</li> <li>- Thank you to all Council staff for the last 8 years as Mayor</li> <li>- Would like to see the new council have a FB live Anzac Service</li> </ul> |

## 12. CLOSURE OF MEETING ▲

The Chair of the meeting Mayor Belinda Murphy declared the meeting closed at 2:10pm.



Mayor Belinda Murphy