



# MCKINLAY SHIRE COUNCIL

## ***CONFIRMED MINUTES***

OF THE

***ORDINARY MEETING OF COUNCIL***

HELD AT THE

BOARD ROOM, CIVIC CENTRE  
JULIA CREEK

19<sup>th</sup> November 2013

CONFIRMED MINUTES

**TABLE OF CONTENTS**

1. Opening	3
2. Attendance	3
3. Confirmation of Minutes	3
4. Business Arising out of minutes of previous Meetings	3
<b><u>5. ENGINEERING REPORT</u></b>	<b>3</b>
5.1 Report - Engineering Works Report	3
<b><u>6. ENVIRONMENT AND REGULATORY SERVICES REPORT</u></b>	<b>4</b>
6.1 Report – Environment and Regulatory Services Report	4
6.2 Report – Development Application – MCK 2012_08 Westlund – Accommodation Building and Caravan Park	4
6.3 Report - Development Application – MCK 2012_06 McAuley Earthmoving Extractive Industry	6
6.4 Report - Proposal for Council to register for the National Regulatory System for Community Housing	8
6.5 CONFIDENTIAL Report - Reserve – Julia Creek Paddocks	9
<b><u>7. COMMUNITY SERVICES REPORT</u></b>	<b>10</b>
7.1 Report – Community Services Report	10
7.2 Report – Sponsorship Request – Hughenden Country Music Festival	10
7.3 Report - Regional Arts Development Fund Round 1 Approvals	10
7.4 Report - Julia Creek Seniors Living Project – Naming of Facility	11
<b><u>8. CORPORATE SERVICES REPORT</u></b>	<b>11</b>
8.1 Report – Corporate Services Report	11
8.2 Report – Register of Delegations	11
8.3 Report - First Quarter Review of the 2013-2014 Operational Plan	11
<b><u>9. CHIEF EXECUTIVE OFFICER REPORT</u></b>	<b>12</b>
9.1 Report – Chief Executive Officers Report	12
9.2 Report - 2012/13 Annual Report Adoption	12
Members Business	13
Close	13



CONFIRMED MINUTES

**Procedural Motion**

Moved Cr. Batt

Seconded Cr. Curr

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.86/1314

- The meeting was closed to the public at 10:03am

**Attendance** - Director of Environment and Regulatory Services Geoff Rintoul and Executive Assistant Linda McNab left the meeting at 10:03am

**Procedural Motion**

Moved Cr. Walker

Seconded Cr. Hick

That Council reopen the meeting to the public.

CARRIED

Resolution No.87/1314

- The meeting was re-opened to the public at 10:28am

**Attendance** - Director of Environment and Regulatory Services Geoff Rintoul and Executive Assistant Linda McNab re- entered the meeting at 10:28am

**RECESS: 10:28am – 10:39am** The Mayor adjourned the meeting for morning tea

**6. ENVIRONMENT AND REGULATORY SERVICES REPORT**

**6.1 Environment and Regulatory Works Report**

Moved Cr. Walker

Seconded Cr. Batt

That Council receive the Environment and Regulatory Works Report

CARRIED

Resolution No.88/1314

**6.2 Development Application - MCK 2012\_08 Westlund - Accommodation Building & Caravan Park**

Georgina Westlund made application to Council for Development Approval for the establishment of a Caravan Park and Public Gallery at Lot 1 ON N6311, 1 Railway Street, Nelia. Following further investigation into the intended uses that would occur on site, the definition of the proposal was changed to "Accommodation Building & Caravan Park" with ancillary commercial and community uses. It is this definition that is reflected in the Decision Notice.

As part of the proposed development, a Material Change of Use Impact Assessment was required in order to comply with Sustainable Planning Act 2009 and Councils Planning Scheme. This matter was not required to be referred to any agency. Council planning consultant has provided a report that details that the proposed usage is generally consistent with the planning scheme and is also conditioned in order to ensure compliance with the relevant legislative requirements.

CONFIRMED MINUTES

Moved Cr. Curr

Seconded Cr. Hick

That Council in accordance with the Sustainable Planning Act 2009 as amended notify the applicant that the application for a Development Permit for a Material Change of Use for an Accommodation Building and Caravan Park at Lot 1 ON N6311, 1 Railway Street, Nelia, is approved subject to the conditions detailed below:

**A. ASSESSEMENT MANAGERS CONDITIONS (Council)**

Impact Assessable Material Change of Use  
Accommodation Building and Caravan Park

Conditions of Approval:

**General**

- 1 Development is to be undertaken generally in accordance with the approved plans, except where conditions of approval dictate otherwise.
- 2 The proposed development is to comply with all conditions of approval prior to commencement of use.
- 3 The developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval with all works being undertaken to Council standard.

**Landscaping**

- 4 The existing vegetation along the southern and western site boundaries is to be retained to act as landscaping for the purpose of providing internal user amenity and to buffer the site from adjoining residential uses. Should any vegetation clearing be required along these boundaries, additional landscaping will be required. Designs for the required landscaping are to be lodged with Council for approval prior to the associated vegetation clearing taking place.
- 5 Where the surface of the ground is disturbed by construction activities and is not subsequently covered by a building, paving or other landscaping, the surface is to be restored to its original condition by:
  - stockpiling and respreading the original topsoil;
  - planting the affected area with species to match the original plant cover;
  - maintaining the plants until they are established;
  - if the original vegetation required maintenance, on-going maintenance to the new plants to promote healthy and vigorous growth.

**Amenity**

- 6 All new air conditioning units, mechanical ventilation units, service equipment and refrigeration units are to be screened from view from the street.
- 7 All new lighting is to be installed in accordance with Australian Standard AS1158: Public Lighting Code.
- 8 All new outdoor lighting is to be provided in accordance with Australian Standard AS4282-1987 Control of the obtrusive effects of outdoor lighting.
- 9 The developer is to ensure all refuse storage areas are surfaced with an impervious material, are screened from view from the street and are accessible by a hose-cock.
- 10 Effective property numbering is to be installed along the road frontage prior to the issuing of a certificate of classification for the Accommodation Building..
- 11 The developer is to provide a 1.8m high screen fence along all internal boundaries i.e. non-road frontage boundaries. The fencing is to be erected prior to the issuing of a certificate of classification for the Accommodation Building work and is to be maintained for the duration of the use.

**Civil Works**

CONFIRMED MINUTES

- 12 The developer is required to undertake the necessary works to provide three (3) on-street car parks designed and constructed in accordance with AS2890 (2.7m x 5.4m) with a minimum of one (1) car park designed and designated for people with a disability. The disabled person's park is to be the space closest to main entry of the Accommodation Building.
- 13 The developer is to maintain the existing on-site waste water treatment system at its current capacity for the duration of the use.

Note: to remove doubt, this condition in no way limits the ability to upgrade the on-site waste water treatment system so long as the upgrade is undertaken in accordance with WSAA Sewerage Code of Australia.

- 14 The developer is to ensure the site is provided with an on-site water supply suitable for domestic purposes and capable of achieving a continuous flow rate of 0.25 litres per second.
- 15 The developer is to ensure all driveway and parking areas are constructed of a durable, dust-free surface.
- 16 All driveway and parking areas are to be designed and constructed in accordance with Australian Standard AS2890.1-2004 Parking Facilities – Off-street car parking, with the exception of car park widths which are to be a minimum of 2.7m wide.
- 17 All parking areas are to be designed in accordance with AS1428 – Design for Access and Mobility.
- 18 The developer is to ensure all parking spaces are clearly delineated by line marking, including the labelling of disabled parking spaces.
- 19 The developer must ensure that no ponding of stormwater occurs on adjacent allotments as a result of works associated with the proposal and that no stormwater formerly flowing onto the premises is diverted onto other neighbouring allotments.
- 20 During any construction phase, the developer is required to implement a Dust, Soil Erosion and Sediment Control regime so as not to cause nuisance to neighbouring properties and to manage the containment of material on site.
- 21 During any construction phase any damages to the road reserve must be replaced by the developer in accordance with Council standards at the full cost to the developer.

**Advice**

Council would like to advise the applicant that provisions of the *Aboriginal Cultural Heritage Act 2003* and the *Queensland Heritage Act 1992* may apply to this development.

CARRIED

Resolution No. 89/1314

Cr. Murphy declared a real conflict of interest (as per section 173 of the Local Government Act 2009), in relation to agenda item 6.3 . *Development Application - MCK 2012\_06 McAuley Earthmoving Extractive Industry and ERA*. Cr. Murphy has considered her position and made the decision to leave, taking no part in the debate or decision of the meeting. Cr. Batt will chair the meeting in absence of the Mayor.

**Attendance:** Cr. Murphy left the meeting at 11:00am

**6.3 Development Application - MCK 2012\_06 McAuley Earthmoving Extractive Industry and ERA**

McAuley Earthmoving P/L made application to Council for Development Approval for the establishment of an Extractive Industry & ERA (Rock extraction & screening) at Eloise Copper Mine on Lot 4 on BD164, Oorindi Road, McKinlay.

As part of the proposed development, a Material Change of Use Code Assessment was required in order to comply with Sustainable Planning Act 2009 and Councils Planning Scheme. The application was referred to two (2) referral agencies as required under the Sustainable Planning Act 2009. These agencies being the Department of Natural Resources and Mines (DNRM) and the Department of Environment and Heritage

CONFIRMED MINUTES

Protection (DEHP). The DEHP had no specific conditions for the development as the site is already controlled by the overarching approval for the mine.

Council planning consultant has provided a report that details that the proposed usage is generally consistent with the planning scheme and is also conditioned and or licensed by the relevant agency.

Moved Cr. Walker

Seconded Cr. Curr

That Council in accordance with the Sustainable Planning Act 2009 as amended notify the applicant that the application for a Development Permit for a Material Change of Use for an Extractive Industry & ERA (Rock extraction & screening) Eloise Copper Mine Oorindi Road, McKinlay Lot 4 on BD1645 , is approved subject to the conditions detailed below:

**A. ASSESSEMENT MANAGERS CONDITIONS (Council)**

**General**

- 1 Development is to be undertaken generally in accordance with the approved plans, except where conditions of approval dictate otherwise.
- 2 The proposed development is to comply with all conditions of approval prior to commencement of use.
- 3 The developer shall bear the cost of all alterations necessary to public utility mains, services or installations necessitated by this approval with all works being undertaken to Council standard.

**Amenity**

- 4 All new buildings, structures and permanent equipment associated with the use are to be located or screened from view from the road reserve or public space and not to exceed 10m in height from the natural ground level.
- 5 Any new lighting is to be installed in accordance with Australian Standard AS1158: Public Lighting Code.
- 6 Any new outdoor lighting is to be provided in accordance with Australian Standard AS4282-1987 Control of the obtrusive effects of outdoor lighting.
- 7 The developer is to ensure all new refuse storage areas are surfaced with an impervious material and are to be accessible by a hose-cock for washing down.
- 8 Effective property numbering is to be installed along the primary road frontage adjacent to the main entry point to the site
- 9 The design, location and size of any proposed signage is to be lodged with Council for approval prior to installation.

**Infrastructure and Services**

- 10 The site is to be serviced by a single bore capable of delivering a water supply suitable for domestic purposes with a continuous flow rate of 0.25 litres per second.
- 11 The developer must ensure that no ponding of stormwater occurs on adjacent allotments as a result of works associated with the proposal and that no stormwater formerly flowing onto the premises is diverted onto other neighbouring allotments.
- 12 The developer is required to implement a Dust, Soil Erosion and Sediment Control regime so as ensure the containment of material on site.

CONFIRMED MINUTES

**Advice**

The proponent is also required to comply with the requirements of the attached referral agency responses. The applicant should note that this development approval in no way removes the need to obtain any other permits, licences, approvals or the like required under other legislation or governing policy applicable to the proposal.

Council would like to advise the applicant that provisions of the *Aboriginal Cultural Heritage Act 2003 and the Queensland Heritage Act 1992* may apply to this development

CARRIED

Resolution No.90/1314

**Attendance:** Cr. Murphy re-entered the meeting at 11:08am

**6.4 Proposal for Council to register for the National Regulatory System for Community Housing (NRSCH).**

This report considers the options available to McKinlay Shire Council for the ongoing provisions for Social Housing within the Shire and specifically Julia Creek.

Effective January 2014, Council will need to register for the National Regulatory System for Community Housing (NRSCH). Registration will add additional administrative and likely cost burden on the provision of this service.

The social housing stock presently located in Hickman Street/Old Normanton Road were constructed using grant funds of circa \$750K and supported by McKinlay Shire Council providing the land and about \$19K.

The provisions of social housing is at best cost neutral for Council to continue to deliver the service and as this housing stock ages, the cost to revenue gap will continue to widen.

Options available to Council at the present, they include:

1. Continue to operate a community housing service.
2. Buy out the current housing stock from the State.
3. To transfer the assets back to the State.

Moved Cr. Batt

Seconded Cr. Curr

That Council:

1. Advises the Department of Housing and Public Works that it wishes to transfer the current Social Housing stock and services back to the State. and
2. Delegate the Mayor and CEO the authority to negotiate with the department the transfer of the housing and lands.

CARRIED

Resolution No.91/1314



CONFIRMED MINUTES

**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.92/1314

- The meeting was closed to the public at 11:21am

**Procedural Motion**

Moved Cr. Hick

Seconded Cr. Walker

That Council reopen the meeting to the public.

CARRIED

Resolution No.93/1314

- The meeting was re-opened to the public at 11:55am

**6.5 Reserve – Julia Creek Horse Paddocks**

This report reviews the provision and allocation of paddocks available to the general community for the keeping of horses and the like for those who do not generally have sufficient land available for keeping of same. McKinlay Shire Council leases ten (10) paddocks in the Julia Creek area for the predominant use as grazing and keeping of horses. Another two (2) paddocks are used on a commercial basis for grazing cattle, noting that these paddocks are significantly larger than the "horse" paddocks. Further two (2) paddocks (Kynuna Road Paddocks 1 and 2) are committed to the management of the McIntyre Park reserve and therefore not included.

All paddocks are located on reserves where Council is trustee. Traditionally the paddocks have been managed under both formal and informal lease arrangements. However these leases create an administrative and cost burden to Council. Senior staff has been in the process of reviewing this arrangement with a view to reduce the overall costs and administrative requirements of managing the paddocks. A formal direction is being sought to provide staff with guidance for a move forward.

During the review process two (2) paddocks have become available for use. In order to make these paddocks available prior to the above matter being resolved, Expressions of Interest (EOI) were advertised in order to allow usage whilst more formal arrangements for the paddocks were made. Council received 4 responses from the EOI. Given a number of the respondents are well known in the community and in order to negate any possible conflicts, it is considered more appropriate for Council to make the decision on who is allocated the paddocks and for what duration.

Moved Cr. Batt

Seconded Cr. Walker

That Council approves the following for the management of Julia Creek Reserves for commercial and recreational use:

1. The following two (2) paddocks are advertised to and as detailed below until 20 Sep 2014 where they will be re-advertised with fees and conditions established in the 2014/15 budget







CONFIRMED MINUTES

**10. MEMBERS BUSINESS**

**11. CLOSURE OF MEETING**

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

\_\_\_\_\_  
Cr Belinda Murphy  
Mayor