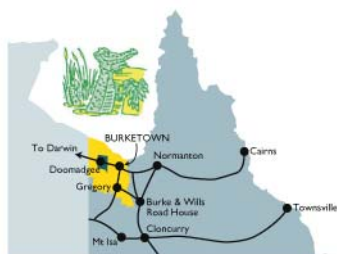




Confirmed Minutes
Burke Shire Council Ordinary General Meeting
Wednesday 19th October 2011
9.00am Council Chamber

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01. Opening of Meeting

The Chair declared the Meeting open at 9.18 am.

02. Present

Cr Annie Clarke, Mayor - Chair
Cr Ernie Camp, Deputy Mayor
Cr Tracy Forshaw
Cr Bill Olive
Cr Tonya Murray

Gary Letts, Chief Executive Officer
Jenny Williams, Executive Assistant (minutes)

03. Prayer

Cr Forshaw led Council in Prayer.

04. Consideration of applications for leave of absence

That Council notes that no consideration of applications for leave of absence were received.

Moved: Cr Murray
Seconded: Cr Forshaw

Carried 01.111019 5/0

05. Confirmation of Minutes of Previous Meeting(s)

05.01 General Meeting Wednesday 21 September 2011

That the Minutes of the General Meeting of Council held on Wednesday 21st September as presented be confirmed by Council.

Moved: Cr Forshaw
Seconded: Cr Murray

Carried 02.111019 5/0

FILE: BCS/G/CM/Minutes

06. Condolences

No condolences noted for the meeting.

Attendance

Tony Jarvis entered the meeting at 9.35am.

07. Mayoral Minute and Report

That the verbal report provided by Councillor Clarke be noted by Council.

Moved: Cr Clarke
Seconded: Cr Olive

Carried 03.111019 5/0

08. Councillor Reports

That the verbal reports provided by Councillors Camp, Olive, Murray and Forshaw be noted by Council.

Moved: Cr Forshaw
Seconded: Cr Murray

Carried 04.111019 5/0

09. Consideration of Notice(s) of Motion and Petitions

09.01 Notices of Motion

09.02 Petitions

That Council notes that no Notices(s) of Motion and Petitions were received.

Moved: Cr Olive
Seconded: Cr Murray

Carried 05.111019 5/0

10. Chief Executive Officers Reports

10.01.01 Chief Executive Officer Monthly Update Report

That Council notes the contents of the Chief Executive Officers October 2011 Monthly Update Report.

Moved Cr Camp
Seconded Cr Murray

Carried 06.111019 5/0

FILE NO:BCS/G/CM/R/CEO

Attendance

Cr Clarke left the meeting at 10.37 to 10.39am. Cr Camp took chair during this time.

Attendance

Cr Olive left the meeting at 10.56 to 10.58am.

15 New business of an urgent nature admitted by Council

15.03 EOI 11-26 – EOI For Salvage and Demolition of House in Burketown

That a reminder notice be sent out to Burke Shire local contact list and anyone who has expressed interest up to the closing date to include the wording – For sale and removal of the building described in EOI 11-26.

Moved Cr Forshaw
Seconded Cr Murray

Carried 07.111019 5/0

FILE NO: BCS/TAQ/2011/11-26

15.04 Letter to Community Groups – Health Licencing

That a letter be sent to all community groups with information on the new food handling legislation.

Moved Cr Forshaw
Seconded Cr Camp

Carried 08.111019 5/0

FILE NO: BCS/LAE/Lic/FP/2011

10. Chief Executive Officers Reports

10.01.02 Queensland Public Interest Law Clearing House Inc (QPILCH)

That Council accepts the report as presented for distribution to the Shire.

Moved Cr Clarke
Seconded Cr Forshaw

Carried 09.111019 5/0

FILE NO: BCS/G/LS

10.01.03 Constitutional Recognition of Local Government

That Council writes to the ALGA in support for local government to be committed in achieving financial constitutional recognition, that as a sector our preferred model is one to secure continued direct Commonwealth funding for local communities, and that our council is committed to supporting our community to achieve a Yes vote in the referendum.

Moved Cr Forshaw
Seconded Cr Olive

Carried 10.111019 5/0

FILE NO: BCS/GR/FL

10.02.01 Community Officer Monthly Update Report

That Council notes the contents of the Community Officers October 2011 Monthly Update Report

Moved Cr Clarke
Seconded Cr Murray

Carried 11.111019 5/0

FILE NO: BCS/G/CM/R/CO

10.02.02 Community Officer 2012 Order of the Outback Ball (OOTOB)

That council adopts the advisory committee proposal for the 2012 Order of the Outback Ball to be held in the Burketown Hall on Saturday 30th June 2012;and

Council sends advice to the committee that the theme for the OOTOB will be on the Burke and Wills event and that the committee liaise with the RPO for knowledge on Burke and Wills.

Moved Cr Forshaw
Seconded Cr Camp

Carried 12.111019 5/0

FILE NO: BCS/CommR/E/OOTO

10.02.03 Home and Community Care Monthly Update Report

That Council notes the contents of the Home and Community Care Team Leader Officers October 2011 Monthly Update Report.

Moved Cr Camp
Seconded Cr Murray

Carried 13.111019 5/0

FILE NO: BCS/CommS/HACC/CR

10.02.04 Regional Partnership Officer Monthly Report

1. That Council notes the contents of the Regional Partnership Officers Burke Shire Council Cemeteries Project Report Update; and
2. That Council not accept David Ireland tourism promotion offer and advise him; and
3. That the CEO and a available councillor/s meet with Savannah Way LTD CEO on *Friday 11 November at 3.30pm* to discuss upgrade of membership proposal.

Moved Cr Murray
Seconded Cr Olive

Carried 14.111019 5/0

FILE NO: BCS/G/CM/R/RPO

Attendance

Cr Murray left the meeting from 12.08pm to 12.09pm.

Gary Letts left the meeting from 12.09pm to 12.11pm

Debbie Glyde entered the meeting at 12.11pm

11. Finance Manager Reports

11.01.01 Finance Manager Monthly Update Report

That Council notes the contents of the Finance Manager October Monthly Update Report.

Moved Cr Murray
Seconded Cr Olive

Carried 15.111019 5/0

FILE NO: BCS/G/CM/R/FM

Attendance

Tom Ortiz entered the meeting at 12.24pm

11.01.02 Revenue of Statement Schedule of Rates and Charges

That in accordance with Section 106 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* Council amends the Revenue Statement – Schedule of Rates and Charges for 2011-12 financial years as presented.

Moved Cr Clarke
Seconded Cr Olive

Carried 16.111019 5/0

FILE NO: BCS/PAP/Policy

Attendance

Cr Camp left the meeting from 12.33pm to 12.35pm.

Adjournment

That Council adjourn the proceedings of standing orders at 1.02pm for Lunch.

Resume Proceedings

That Council resume proceedings of standing orders at 1.35pm all were present except Cr Murray.

Attendance

Deborah Glyde entered the meeting at 1.36pm.

11.01.03 Westpac Bank Account

- 1 That Council approves the opening of a bank account to earn interest, whilst leaving the existing operating account and having excess funds sweep to the new account; and
- 2 Council set the amount of \$500,000 to be the amount left in the operating account daily.

Moved Cr Clarke
Seconded Cr Olive

Carried 17.111019 4/0

FILE NO: BCS/FM/B/GI

11.02.01 Payroll HR Monthly Update Report

That Council notes the contents of the Payroll and HR Officers October 2011 Monthly Update Report.

Moved Cr Forshaw
Seconded Cr Camp

Carried 18.111019 4/0

FILE NO: BCS/G/CM/R/PHR

Attendance

Deborah Glyde left the meeting at 1.49pm.
Dennis Kerr entered the meeting at 1.51pm.
Cr Murray entered the meeting at 1.51pm.

12. Director Engineering Services Reports

12.01.01 Director of Engineering Services Monthly Update Report

That Council notes the contents of the Director of Engineering Services October 2011 Monthly Update Report.

Moved Cr Murray
Seconded Cr Camp

Carried 19.111019 5/0

FILE NO: BCS/G/CM/R/DES

Attendance

Cr Clarke left the meeting from 2.21pm to 2.24pm. Cr Camp took chair during this time.
Cr Camp left the meeting from 2.28pm to 2.33pm.
Jenny Williams left the meeting from 2.28pm to 2.35pm.

Declaration: Material Personal Interest

Cr Forshaw declared a material personal interest in report 15.01 and left the meeting at 2.42pm.

15 New business of an urgent nature admitted by Council

15.01 Late Item - Camooweal Road 6801 Progress Meeting

That council calls for the original contract to be honoured immediately; and

Council works strongly with the PBC to come to an agreement regarding future work practices and processes; and

That Council owing to the length of time being taken for a decision to be made by DTMR that council calls on the premier to direct DTMR to honour the original contract because of the potential loss of \$28M of flood damage restoration, restricted access to Burke Shire and Doomadgee communities and the impending wet season.

Moved: Cr Camp
Seconded: Cr Olive

Carried 20.111019 4/0

FILE NO: BCS/EmergM/NDRRA/2010

Note - Following from the recommendation from Department of Transport and Main Roads that BSC road crews complete the windrows and Forshaw Contracting (the legal tenderers) not at this stage be involved, council resolves the above.

Attendance

Dennis Kerr left the meeting at 3.24pm
Cr Forshaw entered the meeting at 3.24pm.
Cr Clarke left the meeting from 3.26pm to 3.27pm. Cr Camp took chair during this time.

Attendance

Cr Clarke left the meeting from 3.50pm, Cr Camp took chair position.

15.02 Late Item - Priority Infrastructure Plan

- (1) Pursuant to Section 1.1 of Step 1 of Stage 1 of Part 1 of the Statutory Guideline 02/09 making and amending local planning instruments made under the SPA 2009, Council proposes to amend the Planning Scheme to incorporate a Priority Infrastructure Plan (PIP); and
- (2) The Chief Executive Officer is given delegated authority to take the necessary steps to publicly notify the proposed amendments upon receipt of the Minister's letter of approval to publicly notify the Planning Scheme amendments.

Moved: Cr Forshaw
Seconded: Cr Murray

Carried 21.111019 4/0

FILE NO: BCS/DBC/Plan/PIP

13 Consideration of committee recommendations

That Council notes that no consideration of committee recommendations were received.

Moved: Cr Camp
Seconded: Cr Olive

Carried 22.111019 4/0

14 Closed session reports

That Council move into closed session to discuss confidential items as stated in the *Local Government (Operations) Regulation 2010* in Chapter 5 Administration, Part 2 Local government meetings and committees, under *Sections 72 (1) (a, f, and g)*.

Council moved into closed session at 3.52pm.

Moved Cr Forshaw
Seconded Cr Murray

Carried 23.111019 4/0

Attendance

Gary Letts left the meeting from 3.53 to 3.54pm.

Attendance

Cr Clarke entered the meeting at 3.54pm and resumed chair.

Attendance

Gary Letts and Jenny Williams left the meeting at 4.01pm.

Attendance

Tony Jarvis entered the meeting from 4.30pm to 4.45pm.

Attendance

Gary Letts entered the meeting from 5.00pm to 5.25pm.

Attendance

Jenny Williams entered the meeting at 5.26pm.

Move into Open Session

That the meeting resume in open session to consider recommendations arising out of the closed session.

Council resumed open session at 5.27pm.

Moved Cr Olive
Seconded Cr Forshaw

Carried 24.111019 5/0

14.01 Native Title Update

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with *Local Government (Operations) Regulation 2010 in Chapter 5 Administration, Part 2 Local government meetings and committees, under Sections 72 (1)* and that the document remain confidential unless council decides otherwise by resolution; and
2. Subject to any further additions or alterations to the draft determination orders that may impact on local government interest:
 - Burke Shire Council approves, and is prepared to consent to the draft determination orders for QUD 579 of 2005 (Kalkadoon Peoples).
 - Burke Shire Council authorise the Mayor to endorse on its behalf any incidental changes made to the draft determination prior to execution.
 - Burke Shire Council authorises Gilkerson Legal to execute an agreement under section 87 of the Native Title Act 1993 confirming Council's consent to the draft determination orders."; and
3. Having reviewed a draft Indigenous Land Use Agreement ("ILUA") between the registered native title claimants for Native Title Determination Application QUD579/2005 (Kalkadoon People #4) and Boulia Shire Council, Mount Isa City Council, Burke Shire Council, McKinlay Shire Council and Cloncurry Shire Council, a copy of which was tabled at Council's ordinary meeting on 19 October 2011;-
 - Council authorises the Mayor and Chief Executive Officer to sign the ILUA on Council's `behalf."
 - Council authorise the Mayor to endorse on its behalf any incidental changes made to the Kalkadoon People ILUA prior to execution.
4. Council instructs Gilkerson Legal to take every action practicable to address the 'validation' and 'compensation' issues raised by the Kalkadoon People so that a further Indigenous Land Use Agreement incorporating all the issues anticipated by the template ILUA can be finalised.

Moved Cr Camp
Seconded Cr Murray

Carried 25.111019 5/0

FILE NO: BCS/NT

14.02 Report on Observations

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with *Local Government (Operations) Regulation 2010 in Chapter 5 Administration, Part 2 Local government meetings and committees, under Sections 72 (1)* and that the document remain confidential unless council decides otherwise by resolution; and
2. Report noted by Council

Moved Cr Clarke
Seconded Cr Olive

Carried 26.111019 5/0

FILE NO: BCS/G/OS

14.03 Staff Matters

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with *Local Government (Operations) Regulation 2010 in Chapter 5 Administration, Part 2 Local government meetings and committees, under Sections 72 (1)* and that the document remain confidential unless council decides otherwise by resolution; and
2. That Council notes the contents of the Chief Executive Officers Staff Matters Report.
3. Delegate the Mayor to hold discussions with the CEO on staff matters.

Moved Cr Murray
Seconded Cr Forshaw

Carried 27.111019 5/0

FILE NO: HR/W

14.04 Workplace Health and Safety Officers Monthly Status Report

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with *Local Government (Operations) Regulation 2010 in Chapter 5 Administration, Part 2 Local government meetings and committees, under Sections 72 (1)* and that the document remain confidential unless council decides otherwise by resolution; and
2. That Council notes the contents of the Ranger/WHSO Officer October 2011 Monthly Update Report.

Moved Cr Camp
Seconded Cr Clarke

Carried 28.111019 5/0

FILE NO: BCS/G/CM/R/RWHSO

16. Deputations and presentation scheduled for meeting

None received

17. Closure of Meeting

The Chair declared the Meeting closed at 5.38 pm.

I hereby certify that these pages numbered 1 to 12 - constitute the Confirmed minutes of the Council Meeting of Burke Shire Council held on Wednesday 19 October 2011.

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MAYOR