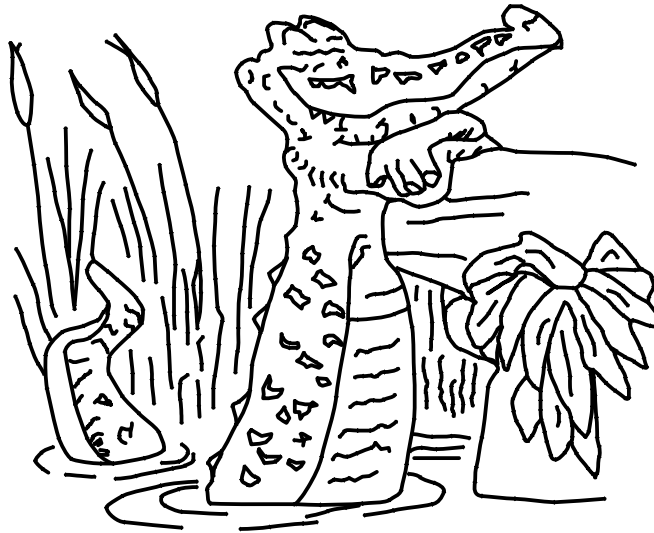


BURKE SHIRE COUNCIL



Minutes of Ordinary Meeting

held on

19 August 2009

UNCONFIRMED

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01. OPENING OF MEETING

The Chair declared the Meeting open at 9.46am.

02. PRESENT

Cr Annie Clarke (Mayor - Chair)
Cr Ernie Camp (Deputy Mayor)
Cr Tracy Forshaw
Cr Bill Olive

Leanne Mash, Chief Executive Officer
Fred de Waard, Temporary Projects Officer
Jenny Williams, Executive Assistant Records Officer (Minutes Clerk)

03. PRAYER

Cr Camp led Council in Prayer.

03.1 CONDOLENCES

Council offers its sincere condolences to the family of Leila Anderson.

Also to Gary Gray - Parliamentary Secretary for Northern Australia - on the passing of his father.

04. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)

Minutes from Ordinary Meeting 15 July 2009

Moved: Cr Olive

Seconded: Cr Forshaw

That the Minutes of the Ordinary Meeting of Council held on 15 July 2009 as presented be confirmed by Council.

CARRIED 01.090819

ATTENDANCE

Cr Murray entered the Chambers at 9.51am.

05. MAYORAL MINUTE AND REPORT

The Mayor delivered a verbal report on various matters

Cr Clarke expressed her heartfelt thanks for the personal efforts made by Cr Camp to represent Council and region at the last Northern Gulf Catchment meeting with the State Government delegation to discuss the effect of the recent flood event on the region's properties.

06. COUNCILLOR REPORTS

Verbal Councillor reports were presented to the Meeting.

ATTENDANCE

Cr Murray left the Meeting from 11:06am to 11:08am.

07. CHIEF EXECUTIVE OFFICERS REPORTS

Moved: Cr Olive
Seconded: Cr Forshaw

That

A) the Chief Executive Officers Standing Business Papers for Information as presented in Reports 09.01.01 to 09.01.02 of the Business Papers be received by Council and noted; and

B) the Chief Executive Officers Business Papers for Council Consideration and Decision as presented in Reports 09.02.01 to 09.02.11 of the Business Papers be received for consideration.

CARRIED 02. 090819

Letter of Appreciation to the volunteers at information centre

FILE: TOU/01

Moved: Cr Clarke
Seconded: Cr Forshaw

That Council send a letter of appreciation to Dianne Dillon and Carrol Cunningham for their time spent volunteering at the Information Centre

CARRIED 03. 090819

09.02.01 Upcoming Meetings

FILE: CON/01

Council has been invited to attend a number of upcoming meetings.

Moved: Cr Camp
Seconded: Cr Murray

That Council attend the following:

Northern Australia Land & Water Taskforce Sustainable Water Forum: Mayor and CEO – September 3 2009

EMQ Pre-Season Workshop: CEO, Mayor or Delegate – October 8 2009

Gulf Future Visions Workshop: All Available Councillors and CEO – October 14 2009

The Burke Shire Council General Meeting date be move to Tuesday 13th October

CARRIED 04. 090819

09.02.02 Councillor Expense Policy

FILE: COU/01

Council previously adopted a draft Councillor Expenses Reimbursement Policy which was forwarded to the Department of Infrastructure and Planning for approval prior to consideration for adoption. The Department has since advised that Council may adopt the revised policy.

Moved: Cr Forshaw
Seconded: Cr Murray

That, in accord with Section 250AS of the Local Government Act 1993, Council adopt the Revised Councillor Expenses Reimbursement Policy as set out in pages 12 to 16 of the Minutes of Council meeting held on 17th June 2009;

That, in accord with Section 236B of the Local Government Act 1993, Council authorise the payment of reasonable expenses incurred and the provision of facilities to its councillors according to the adopted Councillor Expenses Reimbursement Policy;

That, in accord with Section 250AT of the Local Government Act 1993, the Chief Executive Officer issue a public notice regarding Council's approval of the Councillor Expenses Reimbursement Policy.

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CARRIED 05. 090819

09.02.03 Request for Property Rating Categories

FILE: RAT/01

A request has been received for details of rating categories applying to specific properties in the Shire by a person other than the property owner (or agent) of those properties.

Moved: Cr Camp
Seconded: Cr Olive

That the writer be advised that Council is seeking legal advice as to what property rating data information it may legally release to persons other than the property owner (or their agent) with respect to the request made and Council will be in a position to respond once such legal advice is available.

CARRIED 06. 090819

09.02.04 Exposure Draft Local Government (Beneficial Enterprises and Business Activities) Regulation

FILE: LGA/01.14

The Department will be releasing a series of exposure drafts on regulations for comment from local governments over the next few months as part of the implementation of the new Local Government Act. These regulations replace sections of the 1993 Local Government Act which have been removed from the new Local Government Act.

Moved: Cr Forshaw
Seconded: Cr Olive

That Council make no submission on the Draft Local Government (Beneficial Enterprises and Business Activities) Regulation as it will have little relevance to Burke Shire Council.

CARRIED 07.090819

09.02.05 Ergon Energy – Use of part of land adjoining Power Station - Burketown

FILE: LEA/16

Ergon Energy have again approached Council to determine if they can utilise part of the Council controlled land next their power station in Burketown for the storage of additional fuel for the power station to better “flood proof” the power stations fuel supply over the wet season. A proposed draft licence to allow this to happen was presented.

Moved: Cr Camp
Seconded: Cr Forshaw

That Council advise Ergon Energy that, given the essential nature of power supply to the area, Council supports their request to utilise part of the land described as Lot 19 on CP B13620 for fuel storage and ancillary storage for the adjoining power station subject to:

- a) Ergon Energy obtaining the appropriate Development approvals (MCU, ERA, BA, Reconfiguring a lot etc) and securing appropriate tenure (Freehold) of the land for Council to allow this to proceed;
- b) Council obtaining Ministerial Approval to dispense with the tendering requirements for the lease or licensing of this part of the land or, in the absence of such approval, tendering out the lease or licence of that part of the land for the purpose sought once appropriate tenure is obtained for the land;
- c) an appropriate negotiated lease or licence agreement being entered into between Council and Ergon Energy for the part of the site required by Ergon Energy.

CARRIED 08.090819

UNCONFIRMED

09.02.06 Federal Government Rural Infrastructure Program

FILE: GRA/23

Correspondence has been received from the West Wimmera Shire Council attaching a copy of a letter to the Federal Minister for Infrastructure, Transport, Regional Development and Local Government. West Wimmera Shire Council believes the allocation of the Federal Government Rural Infrastructure Program disadvantages Councils with populations under 5,000 unfairly. It believes the small Councils that need the funding given they often have significant infrastructure that needs maintaining.

They have written to the Minister and our State Association and the Federal Association pointing out the inequalities and whilst they believe it would be unlikely the Government would make good the past shortfall, they are seeking assurances that if there are future programs the distribution of funds would recognise the needs of smaller population shires.

Moved: Cr Clarke
Seconded: Cr Forshaw

That Council support the stance adopted by West Wimmera Shire Council and write a letter of support on this stance to the relevant Minister pointing out also that it is the smaller remote local governments, such as Burke Shire, which are often in need of grants for basic infrastructure such as roads for community access, power for communities etc that are taken for granted in the more developed areas of the larger local government areas.

CARRIED 09.090819

09.02.07 Minor Tourism Infrastructure Grants

FILE: GRA/24

Advice has been received from Russell Boswell, Manager Savannah Way Ltd, of the details of the new Minor Tourism Infrastructure Grants for up to \$50,000. Russell has advised that Savannah Way Limited could make applications on Council's behalf or work with Council to develop proposals, provide letters of support for accessing the grant. Applications close 3rd September.

Moved: Cr Camp
Seconded: Cr Murray

That Council utilise Savannah Way Ltd to lodge and application for the following projects in order of priority:

- A Making safe the old Albert River Bridge for pedestrian/recreational use traffic (drop down railings etc) and the provision of solar lighting for the area
- B Update interpretive signage
- C Caravan dump spots – Adels Grove/Lawn Hill
- D Directional Signage – Tourist ventures

CARRIED 10. 090819

ATTENDANCE

Cr Forshaw left the Meeting from 11:38am to 11:40am.

09.02.08 Insurance – Swimming Pool

FILE: SPO/06, INS/01

Advice has received from Council's insurers that, whilst Council's insurance cover for the swimming pool remains in place, Council would be best advised to undertake a risk analysis on the operation of the swimming pool in the current unsupervised manner.

Moved: Cr Camp
Seconded: Cr Olive

That Council have cost estimates obtained for its consideration for the preparation of a detailed and documented risk assessment undertaken of the current method of operation of Council's swimming pool in Burketown.

CARRIED 11.090819

UNCONFIRMED

09.02.09 Woodslake Restoration Project

FILE: ABC/02.01

Review of Council's involvement in the Woodslake Restoration Project following an enquiry from a member of the public with respect to the works being undertaken.

Moved: Cr Olive
Seconded: Cr Forshaw

That Council ask the CLCAC to advise on the status of the establishment of a joint steering committee and the general status of the project reminding them that Council's offer of assistance was conditional on these matters.

CARRIED 12.090819

09.02.10 Request for service of Fire Truck – Burketown Rural Fire Brigade

FILE: EME/10

A request has been received for Council to service the Burketown Rural Fire Brigade vehicle.

Moved: Cr Murray
Seconded: Cr Olive

That Council provide the assistance sought provided the cost of same is recorded as a Council donation and the Burketown Rural Fire Brigade acknowledge Council's assistance to the brigade.

CARRIED 13.090819

09.02.11 Membership of Savannah Way Ltd

FILE: TOU/02

Advice has been received as to the subscription levels for membership of the Savannah Way Ltd.

Moved: Cr Clarke
Seconded: Cr Murray

That Council take out a Gold Member membership of Savannah Way Ltd at a cost of \$990 per annum.

CARRIED 14.090819

ADJOURNMENT

That Chair adjourned the Meeting for a morning tea break from 11:49am to 12:01pm.

ATTENDANCE

Upon resumption all present at the time of adjournment were present except Cr Camp and Fred de Waard.

Mr Dennis Kerr, Director Engineering Services, attended the Meeting at 12:01pm.

08. DIRECTOR ENGINEERING SERVICES REPORTS

Moved: Cr Murray
Seconded: Cr Olive

That

a) the Director Engineering Services Standing Business Papers for Information as presented in Reports 10.01.01 to 10.01.02 of the Business Papers be received by Council and noted; and

b) the Director Engineering Services Business Papers for Council Consideration and Decision as presented in Reports 10.02.01 to 10.02.02 of the Business Papers be received for consideration.

CARRIED 15.090819

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ATTENDANCE

Cr Camp re-entered the Meeting at 12:03pm.
Fred de Waard re-entered the Meeting at 12.04pm.
Fred de Waard left the Meeting from 12:22pm.

ADJOURNMENT

That Chair adjourned the Meeting for lunch from 12:25pm to 1.39pm.

ATTENDANCE

Upon resumption all present at the time of adjournment were present except Cr Murray.

ATTENDANCE

Cr Murray re-entered the Meeting at 1:40pm

10.02.02 TIDS Allocations

FILE: ROA/19.09

Providing a proposed reallocation proposal for the TIDS funding.

Moved: Cr Camp

Seconded: Cr Forshaw

That Council endorse the allocation of part of the 2009-2010 allocation of TIDS category C funding totalling \$1,184,000 to include the following four (4) specific projects on the Roads Alliance LRRS (Local Roads of Regional Significance) Gregory-Lawn Hill Road as follows:

- 1 Survey Planning and Design Immediately West of the Century Mine Road turnoff (\$39,000)
- 2 Immediately West of Big Archie Creek Upgrade Pavement to Sealed Standard (\$750,000)
- 3 Invert Upgrade at Little Archie Creek to have a concrete overlay (\$147,500)
- 4 1km section fronting Adel's Grove Tourist facility (\$247,500)

CARRIED 16.090819

ATTENDANCE

Fred de Waard left the Meeting from 1:50pm to 1.52pm
Ms Zoe Belz, Director Finance & Community Services, attended the Meeting at 1:52pm.

ATTENDANCE

Mr Dennis Kerr, Director Engineering Services, left the Meeting at 1.53pm.

09. DIRECTOR FINANCE & COMMUNITY SERVICES REPORTS

Moved: Cr Olive

Seconded: Cr Murray

That

- a) the Director Finance & Community Services Standing Business Papers for Information as presented in Reports 11.01.01 to 11.01.02 of the Business Papers be received by Council and noted; and
- b) the Director Finance & Community Services Business Papers for Council Consideration and Decision as presented in reports 11.02.01 to 11.02.02 of the Business Papers be received for consideration.

CARRIED 17.090819

ATTENDANCE

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Fred de Waard left the Meeting from 2:11pm to 2.12pm.
Cr Camp left the chambers form 3:05pm to 3:06pm.

11.02.01 Budget 2009/2010

FILE: BUD/15

Presenting the Budget papers for 2009/2010.

Moved: Cr Camp

Seconded: Cr Forshaw

That

- 1 The Borrowing Policy for 2009/2010 as presented be adopted by Council;
- 2 The Revenue Policy for 2009/2010 as presented be adopted by Council;
- 3 The Revenue Statement for 2009/2010 as presented be adopted by Council;
- 4 The Schedule of Rates and Charges for 2009/2010 as presented be adopted by Council;
- 5 The Budget as set out in the Income Statement, Balance Sheet, Cashflow Statement, Statement of Changes in Equity, Allocation of Surpluses and Reserves Movement statements as presented for the 2009/20010 year and subsequent indicative amounts for the following five(5) years as presented be adopted by Council;
- 6 That the National Competition Statement for 2009/2010 as presented by adopted by Council;
- 7 That the detailed Revenue and Expenditure Notes, Proposed Capital Expenditure Notes and Plant Replacement Program Notes as presented be adopted by Council;
- 8 That the Rating Outcome report as presented be noted by Council.
- 9 That the Operational Plan for 2009/2010 as presented be adopted by Council (To be presented separately)

CARRIED 18.090715

11.02.02 Delegated Authority to change date for bridge opening

FILE: BRI/08, EVE/23

Moved: Cr Forshaw

Seconded: Cr Olive

That the Mayor and CEO have delegated authority to change the date of the Gumbummunda (Albert River) Bridge Opening.

CARRIED 19.090715

11. CLOSED SESSION REPORTS

Moved: Cr Murray

Seconded: Cr Olive

That Council move into closed session to discuss Confidential Items under *Sections 463(a), (b) and (h) of the Local Government Act 1993.*

CARRIED 20.090715

ATTENDANCE

Ms Zoe Belz, Manager Community Services, and Jenny Williams, Minutes Clerk, left the chambers at 3.10pm.

ADJOURNMENT

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The Meeting adjourned for afternoon tea from 3:10pm to 3.30pm.

DECLARATION OF MATERIAL PERSONAL INTEREST AND ATTENDANCE

Cr Clarke declared a material personal interest in item 13.06 and left the Meeting at 4.05pm . Cr Clarke returned to the meeting at 4.16pm.

Move into Open Session

Moved: Cr Forshaw
Seconded: Cr Olive

That the Meeting resume in Open Session to consider recommendations arising out of the Closed Session.

CARRIED 21.090715

13.06 Update on CMC Matters

FILE: CJC/01

Moved: Cr Forshaw
Seconded: Cr Olive

Part A : That Council note the advice from the CMC that Council's differential rural rating system does not give rise to any suspicion of misconduct and that Council has given a full explanation of the rating system in use in its circular to all Shire residents in June 2009 and that Council is of the view that this explanation satisfies the CMC's suggestion that such an explanation be provided to Council's property owners

CARRIED 22.090715

DECLARATION OF MATERIAL PERSONAL INTEREST AND ATTENDANCE

Cr Clarke declared a material personal interest in item 13.06 Part B and left the Meeting at 4.31pm and returned at 4.35pm.

Moved: Cr Camp
Seconded: Cr Olive

Part B: Determine with respect to the purchase of helicopter services instigated by the Mayor, Cr Annie Clarke earlier in 2009 and the complaints lodged with Council regarding this matter that despite:

- a. the minor cost of this matter to Council;
- b. the urgency of getting to Burketown for the meeting with the Tim Mulherin; Minister for Department of Primary Industries, Betty Kiernan MP; State Member for Mount Isa, John Cotter; Agforce President and Elliot Dunn; Area Director Mount Isa (Emergency Management Queensland).

Council is of the view that, in accord with Section 250S(3), the complaint on this matter is considered proven and Council is of the view that a minor breach of the Code has occurred however Council has decided under Section 250S(5) to take no further action on this matter as:

- c. there is no evidence of the then CEO informing the Mayor of the requirements of Council's purchasing policy;
- d. There is no evidence of any personal benefit attaching to this minor breach; and
- e. All Councillors (including the Mayor) have since been briefed on the requirements of the new Purchasing Policy adopted by Council and Council considers it unlikely that there would be any repeat breaches of this type.

CARRIED 23.090715

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LATE ITEMS

10.01.04 Waste Management Proposal

FILE: WAS/01

Following on from discussion regarding Burke Shires Waste issues particularly with issues regarding site access and disposal facilities and region logistics it is now clear that a facility that can be mobilised would have distinct advantages.

There is machinery available that has the ability to grid, pulp, shred all matter of types of waste, this can include; Automotive, Electrical, Food, Catering, Glass, Industrial, Metals, Municipal Bio Waste, House Hold Waste, Food, Tyres, Rubber, Plastics, White Goods and Paper. The unit is able to be container mounted allowing for mobility, take to where is most convenient to process waste.

A unit could be set up in both towns for approximately \$200,000 each which would allow innovative waste solutions and service levels equal to anywhere in the world at a manageable cost.

Moved: Cr Forshaw

Seconded: Cr Murray

That a late Business Paper for Council Consideration and Decision as presented in Report 10.01.04 be received for consideration.

CARRIED 24.090715

12. CLOSURE OF MEETING

The Chair declared the Meeting closed at 4.50pm.

13. MINUTES CERTIFICATE

Hereby certify that these pages numbered 1 to 15 constitute the confirmed minutes of the Meeting of Burke Shire Council held on Wednesday 15th July 2009.

These Minutes are yet to be confirmed.

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MAYOR