



Unconfirmed Minutes
Burke Shire Council Ordinary General Meeting
Wednesday 15 December 2010
9.30am Council Chamber

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01. Opening of Meeting

The Chair declared the Meeting open at 9.30am

02. Present

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

Absent Cr Annie Clarke, Mayor

Gary Letts, Chief Executive Officer
Jenny Williams, Executive Assistant

03. Prayer

Cr Camp led Council in Prayer.

04. Consideration of applications for leave of absence

Cr Annie Clarke away for this meeting.

05. Confirmation of Minutes of Previous Meeting(s)

05.01 General Meeting 17th November 2010.

FILE: BCS/G/CM/M

Moved: Cr Forshaw
Seconded: Cr Murray

That the Minutes of the General Meeting of Council held on 17th November 2010 as presented be confirmed by Council

Carried 01.101215

05.02 Special Meeting 23rd November 2010

FILE: BCS/G/CM/M

Moved: Cr Olive
Seconded: Cr Camp

That the Minutes of the Special Meeting of Council held on 23rd November 2010 as presented be confirmed by Council.

Carried 02.101215

06. Condolences

Council noted the passing of Cr George Creed OAM (formal Mayor Gladstone Regional Council, Calliope Shire Council) and expressed their condolences to the families and community affected by the New Zealand Pike River coalmine disaster:-

Conrad John Adams, 43, Greymouth	Malcolm Campbell, 25, Greymouth (Scotland)
Glenn Peter Cruse , 35, Cobden	Allan John Dixon , 59, Rununga
Zen Wodin Drew, 21, Greymouth	Christopher Peter Duggan , 31, Greymouth.
Joseph Ray Dunbar , 17, Greymouth	John Leonard Hale , 45, Ruatapu
Daniel Thomas Herk , 36, Rununga	David Mark Hoggart , 33, Foxton
Richard Bennett Holling , 41, Blackball	Andrew David Hurren, 32, Hokitika
Jacobus (Koos) Albertus Jonker, 47, Cobden (South African)	
William John (Willy) Joynson, 49, Australia	Riki Steve Keane , 28, Greymouth
Terry David Kitchin , 41, Rununga	Samuel Mackie, 26, Greymouth.
Francis Skiddy Marden , 41, Rununga	Michael Nolan Hanmer Monk , 23, Greymouth
Stuart Gilbert Mudge , 31, Rununga	Kane Barry Nieper , 33, Greymouth
Peter O'Neill , 55, Rununga	Milton John Osborne, 54, Ngahere
Brendan John Palmer, 27, Cobden	Benjamin David Rockhouse, 21, Greymouth
Peter James Rodger , 40, Greymouth (Scotland)	Blair David Sims , 28, Greymouth
Joshua Adam Ufer , 25, Australia	Keith Thomas Valli , 62, Wairio

08. Councillor Reports

Cr Ernie Camp

I attended the meeting at MMG Century site with fellow councillors and senior staff. It was good to re engage with Century regarding road works. It is imperative that we keep taking discussions forward for the betterment of both parties and not look backward at discussions/decisions made in a different economic and political time. We need to be mindful of the potential end of the mine and the financial and social implications of such and start making plans/adjustments now to be ready for the changed conditions.

I also attended the GSD meeting on Mornington Island with Councillors Murray and Forshaw. It was interesting to look around the island community and see what efforts are being made to progress the Shire. We discussed the recent Community Cabinet delegations in Mt Isa, the recent pastoral tour with DEEDI reps, possible delegations early next year dependant on sitting times and/or in conjunction with other visits to member shires eg bridge opening in Etheridge, NBN, wild rivers, marine parks and RDA participation. Cr Forshaw was nominated as GSD's rep of this organisation – thank you to Tracy for agreeing to represent the region in this influential process.

I attended the recent Burketown State School Speech Night and Christmas Tree. It was great to see the dedication of the staff, the clean and bright school facilities and the enthusiasm and politeness of the children. I attended the Gregory educational Facility's Graduation day and the same dedication, enthusiasm and inviting school facilities were in evidence there. It is a credit to the staff, children and families.

Thanks to all the staff that have worked hard to ensure that work is completed prior to, and in preparation for, the Wet. Best wishes for the festive season and the coming year to all staff and their family from me and my family.

Cr Forshaw Report

- Gregory Downs School Awards & Christmas Break-up 21/11/2010
 - Adrienne Brady graduated from Year 7 – is off to boarding school in 2011.
 - The Gregory School has 2 new students for 2011.
 - The community oval is near completion – the pop-up sprinkler system has arrived and will be installed shortly, then grass seeds will be planted to take advantage of the wet.
- MMG Century Mines Meeting – 23/11/2010
 - Discussion re closure of the mine – BSC to be a part of the discussions
 - Road Agreement and Maintenance on the Gregory/Century Mine Turnoff
 - Mine Tour
 - Special Meeting re Tenders
- GSD Meeting – Mornington Island 25/11/2010
 - Tour of the Island Community and new waste facilities
 - Wild Rivers discussion
 - Beef and Roads Expo – to be held next year
 - GSD nominated me for a position on the board on Regional Development Australia (RDA) – the Minister has to decide – hopefully this will give the Gulf another voice about rural and remote regions.
 - Bridge opening at Etheridge in January 2011
 - GSD delegations to Canberra next year
 - Housing development in Doomadgee & Mornington
- Gulf Energy Group – (GSD Teleconference) 7/12/2010
 - Renewal Energy and IT Roadshow – across the Gulf late May/Early June
 - Solar Panels for Burketown Kindy have been approved. More applications have gone in for the different shires for more solar panels on community buildings.
 - Info on Ergon Customer Council
 - Info on Power Savvy Program – roll programme in the Gulf later next year
 - AusAgave – growing agave as fuel source for electricity and bio fuel.
- Native Title Determination & Waanyi Celebrations 9/12/2010
 - Held at MMG Century Mine – Ian and I both went up to Century. It was a really friendly and happy day for everyone that was there.
- Local Disaster Meeting & Workshop 14/12/2010
 - Gregory SES shed has new radio and antenna installed – can communicate all over the Gulf down to past Boulia. SES installed solar panels to keep the battery charged for the radio and to provide a 12 volt light for the shed (no power at Gregory).
- Dr Don Bowley – Australian of Year Award – Local Hero Qld.
 - Gregory QCWA ladies put in the nomination for Dr Don – RFDS Mt Isa. He has been awarded the Qld Local Hero. He will now proceed to the national awards. Dr Don said that the award will let him highlight the rural and remote health issues/funding.
 - Update of Gregory RFDS Health Clinic – work to proceed after the wet.

Cr Murray Report

Attended the following meetings:-

- MMG Century – discussions around the Gregory to Century Road
- GSD – Mornington Island - first GSD meeting found it very interesting
- Waanyi Determination at Century Mine
- Gulf Trust Fund – applications have been assessed – some applications did not meet the criteria – money left over will be held and added to next year's amount.

The following received grants –

Burketown Kindy – nutrition program and scholarship to help a local teacher aid through training.

Yapatjarra Aboriginal Health Mount Isa – supporting the region with aboriginal health.

Next year the grant will be advertised earlier and help will be provided with completing applications.

- Council Breakup – attended BBQ with staff.
- Burke Shire Christmas Party – amazing there was snow in Burketown, was well run and appreciate all the work Council staff went to complete this event.

Cr Olive Report

Attended the following meetings:-

- Century Meeting – discussions around the Gregory to Century Road
- Roads are looking good to the border; Council staff have been doing a good job.

10. Chief Executive Officers Reports

Moved Cr Forshaw
Seconded Cr Murray

That the Chief Executive Officer's Standing Business Papers for Information as presented in Report 10.01.01 to 10.01.05 of the Business Papers be received by Council and noted; and

The Chief Executive Officer's Business Papers for Council Consideration and Decision as presented in Report 10.02.01 of the Business Papers be received for consideration.

Carried 03.101215

10.01.03 Draft Burke Shire Local Disaster Management Plan 2010

FILE: BCS/EmergM/LDMG/M/2010

That the Draft Burke Shire Local Disaster Management Plan 2010 will be put up for public comment and will come back to the February Council meeting for adoption.

Moved Cr Forshaw
Seconded Cr Olive

Carried 04.101215

Adjournment

Meeting adjourned for a break from 11.05am to 11.26am.
Upon resumption, all were present at the time of adjournment.

Attendance

Acting Community Officer, Billie Henderson entered the meeting from 11.26am to 11.50am.

10.02.01 Calendar of Events

Calendar of Events - dates and events for 2011 to be approved by Councillors.

FILE: BCS/CR/E/EC

Moved Cr Camp
Seconded Cr Forshaw

That Council approved the following dates and events as part of the 2010/2011 Community Events budget:

Tuesday 26 January 2011 – Australia Day (Ambassador Tim Page)
Monday 25 April 2011 – Anzac Day
Saturday 20 June to Sunday 26 June 2011 – Tidy Yard Competition

And that Council approved the following event dates for 2011/2012 Community Events.

Saturday 2 July 2011 – Arts and Crafts Show (with presentation of Tidy Yard Awards)
TBA date – ArTour Drama Group
Thursday 4th August 2011 – Local Government Week
Thursday 25th August 2011 – Seniors Week
September or October (date to be confirmed) – Great Northern Clean Up
Tuesday 1 November 2011 – Melbourne Cup Day
Saturday 10 December 2011 - Community Christmas in the Park

Carried 05.101215

Attendance

Finance manager, Debbie Glyde entered the meeting from at 11.57am.

11. Finance Manager Reports

Moved Cr Olive
Seconded Cr Murray

The Finance Services Officer's Standing Business Papers for Information as presented in Report 11.01.01 to 11.01.03 of the Business Papers be received by Council and noted; and

The Finance Services Officer's Business Papers for Council Consideration and Decision as presented in Report 11.02.01 of the Business Papers be received for consideration.

Carried 06.101215

11.02.01 Recreational Leave Policy

The Leave Policy was adopted by Council at its last meeting and an error was made. This error had recorded that Annual Leave entitlements was 30 days per year and should have read 25 days per year.

FILE: BCS/CM/POLICY/A

Moved Cr Forshaw
Seconded Cr Murray

That Council adopts the amended Burke Shire Council Recreational Leave Policy.

Carried 07.101215

Attendance

Finance Manager, Debbie Glyde left the meeting at 12.30pm.

Adjournment

Meeting adjourned for a lunch from 12.30pm to 1.17pm.
Upon resumption, all were present at the time of adjournment.

12. Director Engineering Services Reports

Moved Cr Murray
Seconded Cr Olive

The Director Engineering Services Standing Business Papers for Information as presented in Reports 12.01.01 to 12.01.04 of the Business Papers be received by Council and noted.

Carried 08.101215

Attendance

Director of Engineering Services, Dennis Kerr entered the meeting at 1.18pm.

Cr Bill Olive left the meeting from 1.56pm to 1.57pm.

Cr Bill Olive left the meeting from 2.11pm to 2.40pm.

Director of Engineering Services, Dennis Kerr left the meeting at 2.45pm.

12.01 Storage of Avgas and Jet A1 for emergency purposes

FILE: BCS/EmergM/LDMG/M/2010

Moved Cr Camp
Seconded Cr Forshaw

That Council stockpile 5 drums of Jet A1 and 5 drums of Avgas to be placed at Hells Gate and Gregory points for emergency services purposes, with expiry dates checked on a regular basis. Payment as per approval by Emergency Trust fund members.

Carried 09.101215

14 Closed session reports

Moved Cr Murray
Seconded Cr Forshaw

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) and (f)*. Council moved into closed session at 2.47pm.

Carried 10.101215

Declaration: Conflict of Interest

Cr Murray declared a conflict of interest, as her family are members involved in the Gangalidda Garawa Claim.

Move into Open Session

Moved Cr Murray
Seconded Cr Olive

That the meeting resume in open session to consider recommendations arising out of the closed session. Council resumed open session at 3.12pm.

Carried 11.101215

14.01 Community Cabinet Meeting

FILE: BCS/GR/M/CC

Noted – Letter received from Hon Neil Roberts MP (Minister for Police, Corrective Services and Emergency Services)

14.02 Gregory Water Treatment Plant

FILE: BCS/WS/GW/WTP

Noted - Email sent to contractor requesting further information, waiting on an update.

14.03 Ergon Energy Fuel Storage Lease

FILE: BCS/CP/Leases/PL/Ergon

Correspondence received from planning consultant in regards to proposed diesel fuel storage lease for Lot 19 on CP B13620 Anthony Street Burketown between Burke Shire Council and Ergon Energy.

Moved Cr Forshaw
Seconded Cr Murray

Recommendation

1. That Ergon Energy lodge an application for reconfiguration (DERM will be required to sign a Resource Entitlement form as owners of the land to allow the application to be lodged); and
2. That Ergon Energy be required to lodge an Application for Material Change of Use (DERM will be required to sign);
3. The applications can then be processed and approved by Council to create the lot, the subject of the Trustee lease.

Carried 12.101215

Declaration: Conflict of Interest

Cr Murray declared a conflict of interest, as her family are members involved in the Gangalidda Garawa Claim.

14.04 Gangalidda Garawa Claim Update

Report to Council which addresses a range of native title issues specific to the Gangalidda Garawa claim.

FILE: BCS/NT/QUD6022 and BCS/NT/QUD84

Moved Cr Olive
Seconded Cr Camp

Cr Murray voted for the motion.

- 6.1 That Council adopt the same position as the State of Queensland with regard to the evidence provided by the Gangalidda Garawa People to support their claim that the elements of "connection" to Area B of the two claim areas, as required under s223 of the *Native Title Act 1993*, are satisfied; and
- 6.2 That Council instruct Gilkerson Legal to request the State of Queensland to secure the surrender of native title and interests over the following parcels of land during the State's tenure resolution ILUA negotiations with the Gangalidda Garawa People:
 - Part of Lot 122 on PC 12 being the area where the infrastructure that supports the treatment of sewerage and the treatment of water for the township of Burketown (including ponds, a shed and fencing) is constructed.
 - The ten parcels currently held by DOC as reserves and identified in Schedule Seven (to enable Council to acquire freehold title over these parcels).
 - The gravel pit extensions at one of more or the following pits that fall within either the Gangalidda Garawa determination area of the Gangalidda Garawa claim area:

Walford Pit
Ridge Pit
Nicholson Pit
Hells Gate Pit
Guldara Pit
Egilabria Pit
Armrayald Pit
Eight 'Mile Pit; and

- 6.3 Should the Nicholson gravel pit fall within the Waanyi determination area, the Council instruct Gilkerson Legal to give notice to the legal representative of the Waanyi People that native title must be resolved in order to extend this pit; and
- 6.4 That Council instruct Gilkerson Legal to undertake an assessment as to whether native title has been extinguished over any of the eight proposed gravel pit extension sites; and
- 6.5 That Council instruct Gilkerson Legal to continue negotiations in order to meet its duty of care under the *Aboriginal Cultural Heritage Act 2003* with regard to the eight proposed gravel pit extension sites and if practicable record the agreement reached in the proposed local government ILUA with the Gangalidda Garawa People; and
- 6.6 That Council instruct Gilkerson Legal to advise the Waanyi People through HWL Ebsworths Lawyers and Carpentaria Land Council Aboriginal Corporation that:
- (a) Councils preferred option is negotiate an ILUA with the Waanyi People for its entire local government area including a consent to enable Lot 17 on AP11667 to be dedicated as a reserve for recreation and open space purposes without extinguishing native title;
 - (b) Council will proceed with compulsory acquisition of native title over Lot 17 on AP11667 if arrangements to commence ILUA negotiations are not agreed by 30 March 2011, in order to comply with the conditions imposed by the Department of Natural Resources and Environment Management.

Carried 13.101215

14.05 Copy of Valuation Report

FILE: PF/106-00000-00

Noted – Reply to Correspondent that Council is legally not able to give out a copy of the valuation report.

16. Closure of Meeting

The Chair declared the Meeting closed at 3.17pm.
