CLONCURRY SHIRE COUNCIL
ORDINARY MEETING MINUTES
15 February 2011

Minutes of the Ordinary Meeting of the Cloncurry Shire Council held in the Council Chambers, Cloncurry on Tuesday 15 February 2011.

1.0 OPENING OF MEETING

The meeting opened at 8:08am

2.0 PRESENT

Cr Andrew Daniels (Mayor); Cr Colin Ferguson, Cr Greg Campbell (Deputy Mayor), Cr Bob McDonald; Mr Graham King (Chief Executive Officer), and Mrs Joanne Green (Minute Clerk).

3.0 LEAVE OF ABSENCE/CONDOLENCES

Condolences were offered to the family of Mitchell Greham.

4.0 DEPUTATIONS

The Chief Executive Officer advised that the following deputations will be attending the meeting:-

- Mark Roberts and Myles Johnston, Xstrata, will be attending the meeting at 12 noon to discuss the Load Out Facility.

5.0 MAYOR'S REPORT

Cr Daniels had no issues to report.

6.0 COUNCILLORS' REPORTS

⇒ *Cr Ferguson: - Nil*
⇒ *Cr Campbell: - Nil*
⇒ *Cr McDonald: - Regional Road Group Meeting; Selwyn Road*
⇒ *Cr Vernon:- Nil*

7.0 CONFIRMATION OF MINUTES

7.1 Minutes from the Ordinary Meeting on 1 February 2011

Moved: Cr Vernon	**Seconded: Cr Ferguson**
That the minutes of the Ordinary Meeting held on 1 February 2011 be confirmed.	
CARRIED: 01.110215	

8.0 ITEMS DEFERRED FROM PREVIOUS MEETINGS

Kalkadoon Report – ILUA Agreement – Deferred to *In Committee Matters 16.3.*

Council's Manager of Operations, Tom Arnold entered the Chambers at 8:08am to provide his report.

11.0 ENGINEERING (WORKS) REPORT

11.1 Works Report – General

Noted by Council.

11.2 Ernest Henry Mine,12 January 2011, requesting reduction in speed limit on the Zingari Road in the vicinity of the EHM Village turn off from 100km/hr to 80km/hr

Moved: Cr Campbell **Seconded: Cr Ferguson**

That Council approve the speed reduction from 100km/hr to 80km/hr in the vicinity of the EHM Village entrance.

CARRIED: 02.110215

11.3 Cloncurry Constructions, 24 June 2010, making application of route specific permit for a forklift

Moved: Cr Vernon **Seconded: Cr Ferguson**

That Council approve Cloncurry Constructions Route Specific Permit's for a Forklift registrations C03569 and C03405.

CARRIED: 03.110215

11.4 YBD Constructions, 24 June 2010, making application of route specific permit for a forklift

Moved: Cr Vernon **Seconded: Cr Ferguson**

That Council approve YBD Constructions Route Specific Permit for a Forklift registration C59185.

CARRIED: 04.110215

11.5 Central Hotel, 22 June 2010, making application of route specific permit for a forklift

Moved: Cr Vernon **Seconded: Cr Ferguson**

That Council approve Central Hotel's Route Specific Permit for a Forklift registration C18402.

CARRIED: 05.110215

11.6 Hurles Carriers, 22 June 2010, making application of route specific permit for a forklift

Moved: Cr Vernon **Seconded: Cr Ferguson**

That Council approve Hurles Carriers Route Specific Permit for a Forklift registration C30431.

CARRIED: 06.110215

North West Star representative, Neil Ratley, entered meeting at 8:37am.
Council's Manager of Operations left the Chambers at 8:42am.
Council's Town Planning and Building Administration Officer, Larinda Turrell entered the meeting at 8:43. Cr Vernon left the council meeting for a personal appointment at 8:44am.

9.0 TOWN PLANNING, BUILDING & DEVELOPMENT REPORT

Cr McDonald declared a material personal interest and departed meeting room at 8:44am.

9.1 New Town Planning Applications

TP01/11 – Ivanhoe Cloncurry Mine Pty Ltd
Development application seeking a *Development Permit for a Material Change of Use and Operational Works: General Industry (Extractive Industry), Development Permit for a Material Change of Use: Environmentally Relevant Activity (ERA 16 Extracting), and Development Permit for Removing quarry material from a watercourse or lake.*
Mort River, Chatsworth Station, Via Cloncurry
Lot 13 on SP150177

Cr McDonald re-entered the meeting room at 8:46am.

TP02/11 – Ausfuel
Development application seeking a *Development Permit for a Material Change of Use and Operation Works: Office & Ablution Block*
Lot 1 Phillip Street, Cloncurry
Lot 1 on RP737914

Noted by Council

9.2 Written Agreement/Consultation for Proposed Works – Works on Roads CLPW Cloncurry Shire Council, Station St, Duchess

Moved: Cr Daniels **Seconded: Cr McDonald**

That written approval be given on the condition that Ergon Energy reinstate any Council asset or property to its original state.

CARRIED: 07.110215

The Town Planning and Building Administration Officer, departed the Chambers at 8:48 am.

The Manager Environmental Health, Water & Sewerage Services, Shane Noon, entered the Chambers at 8:48am to provide his report.

10.0 ENVIRONMENTAL HEALTH, WATER AND SEWERAGE REPORT

10.1 Environmental Health Report – General

Noted by Council.

10.2 Waste Management

Noted by Council.

10.3 Waste Collection

Noted by Council.
10.4 Cemeteries

Noted by Council.

10.5 Town Animals

Noted by Council.

10.6 Mosquito Treatment

Noted by Council.

10.7 Stock Routes and Declared pests

Noted by Council.

The Manager Environmental Health, Water & Sewerage Services, left the Chambers at 9:09am. The Manager Community Development, Karen Elphick entered the Chambers at 9:10am to provide her report.

12.0 COMMUNITY DEVELOPMENT

12.1 2011 Stockman's Challenge & Campdraft Sponsorship

Noted by Council.

12.2 Application to waive fees at Cloncurry Racecourse

Moved: Cr McDonald **Seconded: Cr Ferguson**

That Council support the fundraising and awareness event by refunding the hire fee for the event at $260.00.

CARRIED: 08.110215

Moved: Cr McDonald **Seconded: Cr Campbell**

That Council donate $100 towards the Breast Cancer Awareness afternoon/luncheon being held at Cloncurry Race Course on Saturday 5th March 2011.

CARRIED: 09.110215

Karen Elphick left the Chambers at 9:23am.Council's Finance Manager, Arminda David, entered the Chambers at 9:26am to provide her report. Cr Vernon returned to the meeting room at 9:27am.

14.0 FINANCE REPORT

14.1 Schedules of Payments – January 2011

Moved: Cr McDonald **Seconded: Cr Ferguson**

That the payments for the period 1 January to 31 January 2011 be noted.

CARRIED: 10.110215

14.2 Financial Reports to 31 January 2011

Moved: Cr McDonald **Seconded: Cr Campbell**

That the financial reports for the one month ended 31 January 2011 as provided be received.

CARRIED: 11.110215

14.3 Financial Matters Report as at 31 January 2011

Noted by Council.

14.4 Queensland Treasury Corporation (QTC) Cash Fund Account Statement January 2011

Noted by Council.

Arminda David departed the meeting at 9:50am

14.5 Request for refund on overpayment – ML2747, 2748 & 90090, Assessment 01462-09700-000

Moved: Cr McDonald **Seconded: Cr Campbell**

That Council advises the rate payer of assessment 1462-097, that Council has reviewed their request for a refund of their over payment and that the amount of $266,723.86 will be refunded to their nominated bank account.

CARRIED: 12.110215

Neil Ratley departed the meeting at 10:00am. Council's Manager of Operations, Tom Arnold, reentered the meeting at 10:00am to discuss Butchers Creek Crossing. He departed the meeting room at 10:27am.

15.0 CORRESPONDENCE REPORT

15.1 General Documents/Correspondence received

Nil received.

15.2 Department of Infrastructure and Planning, 10 January 2011 – Date Claimer of 24th March 2011 at Mt Isa for Governance Panel Sessions

Noted by Council.

15.3 Australian Local Government Association, 14 February 2011, Constitutional Recognition of Local Government – a Role for Councils

Moved: Cr Campbell **Seconded: Cr McDonald**

Cloncurry Shire Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

CARRIED: 13.110215

The meeting adjourned at 10:45am for morning tea. Council's Town Planning and Building Administration Officer, Ms Larinda Turrell entered the Chambers.
Council Manager Environmental Health, Water & Sewerage, Mr Shane Noon, entered the meeting room at 11:00am.

The meeting reconvened at 11:09 am with all those previously in attendance present.

Moved: Cr Vernon **Seconded: Cr Daniels**
That the meeting move into committee at 11:11 to discuss a planning/legal issue.
CARRIED: 14.110215

16.0 IN COMMITTEE MATTERS REPORT

16.1 MID Pty Ltd Preliminary Approval to Override the Planning Scheme & Reconfiguration a Lot for Rural Residential and General Business & Industry Purposes Negotiated Decision.

Larinda Turrell departed the meeting room at 11:49am to seek further information.
Mr Shane Noon, departed the meeting room at 11:55am.

Moved: Cr Daniels **Seconded: Cr McDonald**
That the meeting move out of committee at 12pm.
CARRIED: 15.110215

The meeting adjourned at 12 noon to receive deputation from Xstrata Copper, Mark Roberts and Myles Johnston to discuss the Load Out Facility. Lunch was served during this time. Mr Roberts and Mr Johnston departed the meeting room at 1:10pm.

The meeting reconvened at 1:10pm with all those previously attending.

Manager of Community Development, Ms Karen Elphick, entered the meeting at 1:50pm to discuss Item 16.2.

Moved: Cr Vernon **Seconded: Cr Daniels**
That the meeting move into committee at 1:50 to discuss a planning/legal issue and a contract.
CARRIED: 14.110215

Larinda Turrell re-entered the meeting room at 2:25pm to discuss Item 16.1 & 16.3.

Moved: Cr Daniels **Seconded: Cr McDonald**
That the meeting move out of committee at 2:27pm
CARRIED: 15.110215

16.1 MID Pty Ltd Preliminary Approval to Override the Planning Scheme & Reconfiguration a Lot for Rural Residential and General Business & Industry Purposes Negotiated Decision.

Moved: Cr Vernon **Seconded: Cr Daniels**
That Council instruct their lawyers to negotiate resolution of Planning and Environment Court Appeal BD847 of 2010 in accordance with the draft Judgment and Annexure A as provided by the Appellant's lawyers on 14 February 2011 attached hereto, with the exception of negotiating a further condition to be included in Annexure A that provides for the vehicle access to proposed lot 43 to be provided by a dedicated access easement or a battleaxe shape lot to connect with the internal road cul-de-sac.
CARRIED: 16.110215

Moved: Cr Vernon **Seconded: Cr Daniels**

That Council instruct their lawyers to request an amended plan of development be provided by the Appellant to reflect the condition relating to vehicle access to proposed lot 43.

CARRIED: 17.110215

Moved: Cr McDonald **Seconded: Cr Vernon**

That Council delegate authority to the Chief Executive Officer to negotiate any final general terms or minor amendments to the draft Judgment and Annexure A to that Judgment which may require alteration for final orders to be made before the Planning and Environment Court.

CARRIED: 18.110215

16.2 Cloncurry Community Precinct – Sub consultants

Moved: Cr Daniels **Seconded: Cr Vernon**
That Council accept quotes for sub-consultants (as listed below) for the Cloncurry Community Precinct project totaling $237,091.

Civil Structural **$82,300**
- **LCJ Engineers (LOCAL BUY)**

Electrical & Mechanical **$118,400**
- **Ashburner Francis Consulting Engineers**

Building Certifier **$11,891**
- **Incert Innovative Certifiers**

Quantity Surveyor **$24,500**
- **Rider Levett Bucknall**

CARRIED: 19.110215

16.3 Kalkadoon Report – ILUA Agreement

Moved: Cr Daniels **Seconded: Cr Ferguson**
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 01 February 2010 that Council authorises the Mayor and Chief Executive Officer to sign the ILUA on Council's behalf."
Further, that Council authorise the Mayor to endorse on its behalf any incidental changes (including the insertion of local government and community interests in Schedules 6 and 7) made to the Kalkadoon People ILUA prior to execution.
Further, that when a response is received from the Department of Environment and Resource Management
(DERM) to Council's application for a grant of freehold title over Lot 51 on AP7720; Part of Lot 41 on AP7720; Lot 56 on AP5086 and Lot 5 on TG18; a report be provided to Council setting out the options open to Council to meet any condition regarding resolution of native title which is attached to DERM's response.
Further, that Council through Gilkerson Lawyers organise a meeting with Kalkadoon People to resolve land issues at Kajabbi.

CARRIED: 20.110215

Larinda Turrell departed the meeting room at 2:31pm.

17.0 CHIEF EXECUTIVE OFFICER REPORT

CEO gave a report on the progress of the Community Plan. Karen Elphick departed the meeting room at 2:35pm.

18.0 GENERAL BUSINESS

Moved: Cr Daniels **Seconded: Cr Vernon**
That Cr Ferguson be authorised to attend future North Queensland Sports Foundation Board Meetings.
CARRIED: 21.110215

The meeting concluded at 2:39pm.