



**MINUTES OF THE GENERAL MEETING OF THE BARCOO SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, JUNDAH, MONDAY, 24TH OCTOBER, 2011
COMMENCING AT 8:00 AM.**

ATTENDANCE:

Councillors B Scott (Mayor), M Pratt (Deputy), P Batt, I Groves, J Pidgeon, B O'Brien (CEO), Robyn Eastwell (EA), Ms Kim Corbett (Manager of Corporate Services)

Mayor Cr Scott opened the meeting and welcomed all in attendance.

CONDOLENCES

The Council expressed sympathy to the family and friends of the following:-
Liz Ross

APOLOGIES

Nil

DECLARATION OF INTERESTS

Cr P Batt - Bursary Application Roger Batt

CONFIRMATION OF MEETING MINUTES

RESOLUTION: 2011.10.01

That the minutes of the General Meeting of the Barcoo Shire Council held on 12th September, 2011, be confirmed as a true and accurate account of the proceedings, with the rewriting of the following,

"Resolution: 2011.09.19

That the Barcoo Shire Council supports constitutional recognition of Local Government and encourages all Federal this to be put to the people of Australia via a federal referendum as soon as practically possible."

to

"That the Barcoo 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."

*Moved: Cr Batt
Seconded: Cr Pidgeon
CARRIED: 5/0*



BUSINESS ARISING

- Statement of Intent for roads - new versions

CORPORATE SERVICES REPORT

RESOLUTION: 2011.10.02

That the Corporate Services Report for August 2011 be received and noted.

*Moved: Cr Pratt
Seconded: Cr Groves
CARRIED: 5/0*

RESOLUTION: 2011.10.03

That the following Key Financial Statistics, Operating Statements, Balance Sheet, Cash Flow Statements, Debtors Analysis, Revenue & Expenditure and Cheque Register be received.

*Moved: Cr Pidgeon
Seconded: Cr Batt
CARRIED: 5/0*

ATTENDANCE:

Council broke for morning tea at 9:53am and resumed at 10:30am. When the meeting resumed, Ms Kim Corbett was not in attendance. Mr Peter Pidgeon, Rural Lands Officer and Mr Mike Brown, Works Manager was in attendance.

LAND & ANIMAL MANAGEMENT

RESOLUTION: 2011.10.04

That the Land & Animal Management report be received and noted.

*Moved: Cr Pratt
Seconded: Cr Pidgeon
CARRIED: 5/0*

Application Third Dog - C Morris

RESOLUTION: 2011.10.05

That Council approve the housing of a third dog at 22 Miles Street in line with the guidelines set down by Council in its current Local Laws and Local Law Policies.

*Moved: Cr Groves
Seconded: Cr Pratt
CARRIED: 5/0*

LAND & ANIMAL MANAGEMENT cont.

Agistments

RESOLUTION: 2011.10.06

That Council approve the following agistments.

Windorah Common

K Geiger & M Lampard - 7 horses and 7 cattle

N Geiger - 20 cattle

D Geiger - 20 cattle

D Ward - 4 horses

Jundah Common

K Field - 6 horses

Stonehenge Common

L Steedman - 14 cattle

R Steedman - 20 cattle

Moved: Cr Pidgeon

Seconded: Cr Batt

CARRIED: 5/0

ATTENDANCE:

Mr Peter Pidgeon left the meeting at 11:08am.

WORKS & SERVICES REPORT

RESOLUTION: 2011.10.07

That the Works Report be received and noted.

Moved: Cr Pratt

Seconded: Cr Groves

CARRIED: 5/0

Council gave their appreciation to the employees who assisted in fighting fires near Windorah and Jundah.

ATTENDANCE:

Mr Mike Brown, Works Manager, departed the meeting at 12:15pm.

EXECUTIVE REPORT

RESOLUTION: 2011.10.08

That the Chief Executive's Report prepared by Bob O'Brien, Chief Executive Officer be received and noted.

Moved: Cr Pidgeon

Seconded: Cr Pratt

CARRIED: 5/0

Residential Land Windorah

RESOLUTION: 2011.10.09

That Council request quotations from suitable qualified Auction Houses with a view to auctioning serviced Lots 33-40 on Plan (as soon as practically possible) with the stipulation that within 2 years of the purchase date, the land is fenced and a building plan is lodged and approved.

Moved: Cr Groves

Seconded: Cr Batt

CARRIED: 5/0

ATTENDANCE:

Council broke for lunch at 12:32pm and resumed at 1:41pm.

Quotation - Telstra Fibre Initiative

1. Scope

The scope of the detailed network feasibility study is coverage, site, engineering and other investigations and studies as required to enable us to provide you with a more detailed and firm proposal for the following works:

- i. Installing an optical fiber cable from Telstra's Boulia Telephone exchange to Telstra's Birdsville radio terminal site with the cable traversing via Telstra's Bedourie township radio terminal site; and
- ii. Installing an optical fiber cable from Telstra's Isisford Telephone exchange to Telstra's Windorah Telephone exchange with the cable traversing via Telstra's facilities at Stonehenge and Jundah;

and thereafter to enable us to prepare an Enterprise Agreement for such works.

2. Costs

- a) The extended infrastructure will be costed in two formats:
 - i. Costing for the extended infrastructure to be fully designed and constructed by Telstra; and
 - ii. Costing for the extended infrastructure to be designed and constructed by Telstra, with the option for the Barcoo and Diamantina Shire Councils to provide third party support during the project. The exact level of third party support will be scoped during the detailed network feasibility study.
- b) You agree to pay \$62,308 (exclusive of GST) for us to carry out the detailed network feasibility study (**Charges**), such amount to be paid within 30 days of the issue by us of a tax invoice.

- c) We reserve the right to charge interest on the Charges until the invoice is paid in full, the rate of interest being the Reserve Bank's Official Cash Rate (as published in the Australian Financial Review) plus 5%.
- d) Where GST is imposed on any supply made under this letter by Telstra to you, you must pay, in addition to and at the same time as the GST Exclusive Consideration is payable or to be provided for the supply, an additional amount calculated by multiplying the value of that GST Exclusive Consideration (without deduction or set-off) by the prevailing GST rate. Telstra will provide a Tax Invoice to you after Telstra's internal approval to carry out the network feasibility has been granted in accordance with clause 3.1.
- e) In this paragraph:

"GST" has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 (Cth).

"GST Exclusive Consideration" means any consideration payable under this agreement that either does not include an amount referable to GST or, if the consideration is inclusive of GST, is that consideration excluding the amount referable to GST using the rate of GST in force at the time the parties agreed on the consideration.

"Tax Invoice" has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 (Cth).

The charges are payable irrespective of whether you decide to proceed with engaging Telstra to perform the work at the sites. However, if you accept the Firm Proposal and enter into a contract with Telstra for the extended infrastructure in accordance with that Firm Proposal (**Enterprise Agreement**) within 90 days of the provision of the Firm Proposal, the amount of the charges that you have, at that time, paid, will be deducted from any capital contribution you are required to pay under the Enterprise Agreement.

RESOLUTION: 2011.10.10

That Council accept the Quotation as stated on the basis that Diamantina Shire share equally the costs to deliver an optic fibre cable to Stonehenge, Jundah, Windorah, Birdsville and Bedourie at an indicative cost of \$62,308 ex GST.

Moved: Cr Pratt

Seconded: Cr Groves

CARRIED: 5/0

Community Plan

An expression of interest Mrs Chris Capel was table as per the Chief Executives report for the provision of planning, facilitating and drafting Council Community Plan.

RESOLUTION: 2011.10.11

That Council approve Chris Capel to produce the Barcoo Shires Community Plan in accordance with the Local Government Act requirements.

Moved: Cr Batt

Seconded: Cr Groves

CARRIED: 5/0

EXECUTIVE REPORT

Development Proposal

Written advice has been received from Mrs. Kath Zelenko who has given in principal agreement to the following:

1. Exchange of Council owned house on the corner of Garrick and Archer Street.
2. A new 12 X 6 Garage be constructed on the above site
3. Colour Bond Fencing on the north and west sides and a new mesh fence to the street fronting sides.
4. House painted inside and out and floor coverings upgraded where necessary
5. Building and Plumbing inspection carried out with all necessary repairs undertaken
6. Ramp access to back entrance and path to clothes line
7. Help from Council to move all belongings from Dickson Street to Garrick Street
8. Plus Cash payment of \$70,000

RESOLUTION: 2011.10.12

That Council delegate the CEO to progress with the development proposal and to progress the purchase and land exchange at 22 Dickson Street and 32 Garrick Street respectively and to facilitate the handover at the convenience of both parties.

*Moved: Cr Pratt
Seconded: Cr Groves
CARRIED: 5/0*

Windorah Airport Fuel

Subsequent to the ongoing negotiations regarding the purchase of the facilities at the Windorah Airport it is recommended that Council purchase the existing Business and Facilities in order to continue a quality assured service of both Jet-A1 fuel and Avgas to private and commercial customers, and that Council ensure that all statutory requirements are addressed when developing a new facility and service.

RESOLUTION: 2011.10.13

That Council facilitate the purchase of the current Business and associated facilities at the Windorah Airport to the value of \$50,000 from Mr. Mervyn C and Mrs. Marjorie A Ploger

*Moved: Cr Groves
Seconded: Cr Batt
CARRIED: 5/0*

EXECUTIVE REPORT cont.

ATTENDANCE:

Council broke for afternoon tea at 3.10pm and resumed at 3.53pm

RAPAD Urban Water Program.

Tabled for consideration is the Draft terms of Reference provided by the Remote Area Planning and Development Board for a audit of all Council Water Infrastructure. This document was discussed recently at the initial Technical Group meeting. It is recommended that Council endorse these documents.

RESOLUTION: 2011.10.14

That Council endorse the urban water program draft terms of reference as proposed by the Remote Area Planning and Development Board.

*Moved: Cr Pratt
Seconded: Cr Batt
CARRIED: 5/0*

Local Laws

Under the instructions from Council Solicitors undertaking the review of Council Local Laws the following resolutions where tabled.

RESOLUTION: 2011.10.15

That Council hereby resolves-

- (a) to note the results of the consultation with relevant government entities about the overall State interest in the proposed "other" local laws of Council; and*
- (b) to approve the details of how Council officers proposed to address the issues raised by the relevant government entities; and*
- (c) to amend Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 as follows-*
 - I. footnote 2, 'Land Regulation 1995'-
omit, insert
'Land Regulation 2009';*
 - II. section 11 -
omit, insert -
 - i. '11 Compliance notice about a road or footpath crossing
 - 1. The local government may give a compliance notice to a person who is the owner or occupier of land adjoining or adjacent to a road to do 1 or more of the following—
 - a. perform work on the land or the road;*
 - b. construct a vehicle crossing to provide vehicular access between the land and the road to a standard specified by the local government in the compliance notice;*
 - c. maintain or repair a vehicle crossing which provides vehicular access between the land and the road to a****

standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing-

- i. is not effective for its intended purpose; or*
 - ii. is causing a nuisance or poses a risk of a nuisance;*
- or*

iii. constitutes an actual or potential safety hazard;

d. alter a vehicle crossing, or construct a new or modified vehicle crossing between the land and the road to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing is no longer adequate having regard to-

- i. the volume or nature of traffic using the vehicle crossing; or*
- ii. the manner in which the vehicle crossing; or*
- iii. changes in the use of the land to which the vehicle crossing provides access; or*
- iv. changes in the usual or expected standard of vehicle crossing provision in the relevant locality.*

2. However, a compliance notice may only be given under subsection (1) if the work to be carried out is required as a direct result of the intentional act or negligence of the person and, in the reasonable opinion of an authorised person, the work should be performed to-

- a. protect public health, safety of amenity; or*
- b. prevent environmental harm or environmental nuisance; or*

prevent interference with the safe movement of traffic or the safe use of a road’.

Moved: Cr Pidgeon

Seconded: Cr Groves

CARRIED: 5/0

EXECUTIVE REPORT cont.

Public Interest Test Plan

RESOLUTION: 2011.10.16

That Council resolves, pursuant to section 257 of the Local Government Act 2009 ("the Act"), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 18 of the Local Government (Operations) Regulation 2010 to decide-

- (a) how the public interest test of each local law and subordinate local law particularized in the schedule is to be conducted; and*
- (b) the matters with which the public interest test report in relation to each local law and subordinate local law particularized in the schedule must deal; and*
- (c) the consultation process for the public interest test and how the process is to be used in the public interest test.*

SCHEDULE

- (a) Local Law No. 1 (Administration) 2011 and each subordinate local law made under the local law which contains a possible anti-competitive provision;*
- (b) Local Law No. 2 (Animal Management) 2011 and each subordinate local law made under the local law which contains a possible anti-competitive provision;*
- (c) Local Law No. 3 (Community and Environmental Management) 2011 and each subordinate local law made under the local law which contains a possible anti-competitive provision.*

*Moved: Cr Pratt
Seconded: Cr Pidgeon
CARRIED: 5/0*

COMMUNITY & TOURISM REPORT

RESOLUTION: 2011.10.17

That the Community & Development report be received and noted.

*Moved: Cr Pratt
Seconded: Cr Groves
CARRIED: 5/0*

RESOLUTION: 2011.10.18

That Council appoint Cr Groves as a representative for the RADF.

*Moved: Cr Batt
Seconded: Cr Pratt
CARRIED: 5/0*

ATTENDANCE:

Cr Batt left the meeting at 4:45pm.

COMMUNITY & TOURISM REPORT

Bursary Application - Roger Batt

RESOLUTION: 2011.10.19

That Council contribute \$2,500 towards his career each year over the four years for out of pocket expenses and living away from home, after giving council his results each year.

Moved: Cr Pratt

Seconded: Cr Pidgeon

CARRIED: 5/0

ATTENDANCE:

Cr Batt re-entered the meeting 4:52pm.

CORRESPONDENCE

- Dept of Infrastructure & Transport - Roads to Recovery update
- RAPAD - Submission for NBN
- Dept of Local Government & Planning - Community Plan

MEMBERS BUSINESS

Cr Pidgeon

- Power may be run from Windorah solar

Cr Batt

- Jim Nunn compliment Shire's roads

Cr Groves

- GPS Stockpiles

Cr Pratt

- nil

Cr Scott

Attendance at meetings

Date	Function	Place
3/10	Russell Patten & Mitch Field - Telstra Optic Fibre	Brisbane
3/10	Strategic Planning Division - DTMR	Brisbane
4-6/10	LGAQ Conference	Gold Coast

RESOLUTION: 2011.10.20

That the Council approve the Mayor's representations.

Moved: Cr Groves

Seconded: Cr Batt

CARRIED: 5/0



Next Meeting: 14th November 2011, Windorah

Meeting Closed: 5:19pm

Mayor Cr Bruce L Scott: _____