

BURDEKIN SHIRE COUNCIL

MINUTES - ORDINARY COUNCIL MEETING HELD ON 14TH SEPTEMBER, 2010

CLAUSE 1

ATTENDANCE

Crs. L.A. McLaughlin (Mayor), L. Loizou (Deputy Mayor), T.P. List, E. Gazziola, P.M. Dalle Cort, M.J. Haynes and R.H. Lewis

Mr. D.P. Mulcahy - Director Corporate and Community Services
Mr. T.G. Williams - Director Environment and Operations
Mr. S. Great - Manager Planning and Development
Mr. K. Byers - Manager Technical Services
Miss T. Jensen - Manager Environment and Health

Minutes Clerk - Miss K. Smith

Apologies - Mr. K. Holt - Chief Executive Officer

CLAUSE 2

MEETING PRAYER

The meeting prayer was delivered by Pastor Les Henaway of the Burdekin Community Church.

CLAUSE 3

DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Cr. McLaughlin declared conflicts of interest in respect of the following reports:

- Report 1 - Environment and Operations Agenda as the applicant is a family friend;
- Report 4 - Environment and Operations Agenda as the applicant is Cr. McLaughlin's brother in law's brother;
- Report 8 - Environment and Operations Agenda as the applicant is a family friend; and
- Report 10 - Environment and Operations Agenda as Cr. McLaughlin is the applicant.

CLAUSE 4

**MINUTES OF ORDINARY COUNCIL MEETING HELD ON 24TH AUGUST, 2010
RECEIVED**

Moved Cr. Loizou, seconded Cr. Gazziola that the minutes of the Ordinary Council Meeting held on 24th August, 2010 be received as a true and

correct record.

CARRIED

CLAUSE 5 **CLAUSE 18 - COUNCIL APPROVES THE ATTENDANCE OF CR. MCLAUGHLIN AT THE LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND PROFESSIONAL DEVELOPMENT WORKSHOP TO BE HELD ON AN ALTERNATE DATE (I-SEC)**

Cr. McLaughlin advised that she was unable to attend the Local Government Association of Queensland Professional Development Workshop to be held in Townsville on 3rd November, 2010.

Moved Cr. Lewis, seconded Cr. Loizou that Council approves the attendance of Cr. McLaughlin at the Local Government Association of Queensland Professional Development Workshop to be held on an alternate date.

CARRIED

CLAUSE 6 **MINUTES OF BURDEKIN BE ACTIVE MEETING HELD ON 4TH AUGUST, 2010 RECEIVED AND ADOPTED**

Moved Cr. Gazziola, seconded Cr. Haynes that the minutes of the Burdekin Be Active Meeting held on 4th August, 2010 be received.

CARRIED

Moved Cr. List, seconded Cr. Gazziola that the minutes of the Burdekin Be Active Meeting held on 4th August, 2010 be adopted.

CARRIED

CLAUSE 7 **MINUTES OF BURDEKIN SHIRE YOUTH COUNCIL MEETING HELD ON 9TH AUGUST, 2010 RECEIVED AND ADOPTED**

Moved Cr. List, seconded Cr. Lewis that the minutes of the Burdekin Shire Youth Council Meeting held on 9th August, 2010 be received.

CARRIED

Moved Cr. Loizou, seconded Cr. Gazziola that the minutes of the Burdekin Shire Youth Council Meeting held on 9th August, 2010 be adopted.

CARRIED

CLAUSE 8

**MINUTES OF BURDEKIN ROAD SAFETY ADVISORY COMMITTEE MEETING HELD
ON 25TH AUGUST, 2010 RECEIVED AND ADOPTED**

Moved Cr. List, seconded Cr. Haynes that the minutes of the Burdekin Road Safety Advisory Committee Meeting held on 25th August, 2010 be received.

CARRIED

Moved Cr. Gazziola, seconded Cr. Haynes that the minutes of the Burdekin Road Safety Advisory Committee Meeting held on 25th August, 2010 be adopted.

CARRIED

CLAUSE 9

**COUNCIL APPROVES DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE
OF USE FOR VEHICLE AND MACHINERY SALES - BEACH ROAD, AYR - NEIL'S
PARTS (AUSTRALIA) PTY LTD
(I-PLANDEV)**

984211 - Cons 10-06 - Mr S Great, Manager Planning and Development - Report - Development application for material change of use for vehicle and machinery sales - Beach Road, Ayr - Neil's Parts (Australia) Pty Ltd.

Moved Cr. Gazziola, seconded Cr. Dalle Cort that Council approves the development application for a material change of use for vehicle & machinery sales at Beach Road, Ayr (Lot 21 on RP850054 & Lot 22 on RP865842, Parish of Antill, County of Gladstone) subject to the following conditions:

GENERAL

1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.

1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the plans & supporting material submitted.

BUILDING WORK

2. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

ROADWORKS

3. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

ACCESS AND CAR PARKING

4.1 Provide 5 customer carparks to service the proposal. The customer carparks are to be located at the front of the existing building (on-street) and are to be line marked for parallel parking. The customer carparks are to be designed and constructed in accordance with the provisions contained in Schedule 2 – Vehicle Parking Rates & Standards, Division 3 of the Planning Scheme.

4.2 Access to the premises, car parking and manoeuvring areas must be constructed in an all weather low glare paving, exposed aggregate concrete or similar material to the satisfaction of the Chief Executive Officer.

4.3 Access from Hanson Street shall be via the existing industrial concrete access. Any additional access from Hanson Street in future will require approval from Council.

DRAINAGE

5.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

5.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

EXTERNAL WORKS

6. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

OPERATIONAL WORKS

7. An approval under the Sustainable Planning Act must be obtained before any Operational Works are carried out. Plans and specifications for all operational works must be submitted with the application.

CARRIED

CLAUSE 10

COUNCIL APPROVES DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - 304 GARDNER ROAD, WANGARATTA - BRUCE MACELROY (I-PLANDEV)

984213 - Sub 10-30 - Mr S Great - Manager Planning and Development - Report - Development application for reconfiguring a Lot - 304 Gardner Road, Wangaratta - Bruce MacElroy.

Moved Cr. Loizou, seconded Cr. Dalle Cort that Council approves the development application for reconfiguring a Lot (Subdivision) at 304

Gardner Road, Wangaratta (Lot 1 on RP737587, Parish of Inkerman, County of Salisbury), subject to the following conditions:

GENERAL

1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges in arrears in respect of the land, the subject of the application, are paid in full.

1.2 Pay the sum of \$47-80 calculated on the basis of a charge of \$23-90 per lot to be levied on the Council by the Department of Environment & Resource Management for each new valuation.

ROADWORKS

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

PROPOSAL PLAN

3. The reconfiguration of the land must be carried out generally in accordance with:-

(a) (i) the proposed Cleve McGuane Surveys Pty Ltd plans numbered 28532-1a.

(ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council.

Except where modified by the conditions of approval and any approval issued there under; and

(b) any approval issued under this approval; and

(c) any development permit for operational works relating to the reconfiguring of a lot.

PUBLIC UTILITY SERVICES

4. If any existing public utility service including telephone, electricity, water, sewerage or gas needs to be altered or relocated to complete the reconfiguration the developer must bear the cost of alteration or relocation.

CARRIED

CLAUSE 11

COUNCIL APPROVES DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - 32 & 34 DRYSDALE STREET, BRANDON - JEAN TAIT (I-PLANDEV)

984230 - Sub 10-31 - Mr S Great, Manager Planning and Development - Report - Development application for reconfiguring a Lot 32 & 34 Drysdale Street, Brandon - Jean Tait.

Moved Cr. Dalle Cort, seconded Cr. Haynes that Council approves the development application for reconfiguring a Lot (Boundary Realignment) at 32 and 34 Drysdale Street, Brandon (Lots 84 and 85 on RP704909, Parish of Jarvisfield, County of Gladstone), subject to the following conditions:

GENERAL

- 1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges in arrears in respect of the land, the subject of the application, are paid in full.
- 1.2 Pay the sum of \$47.80 calculated on the basis of a charge of \$23-90 per lot to be levied on the Council by the Department of Environment and Resource Management for each new valuation.

ROADWORKS

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

PROPOSAL PLAN

3. The reconfiguration of the land must be carried out generally in accordance with:-
 - (a) (i) the proposed Brazier Motti plan numbered 55747/002A;
 - (ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council; and
 - (b) any approval issued under this approval; and
 - (c) any development permit for operational works relating to the reconfiguring of a lot.

PUBLIC UTILITY SERVICES

4. If any existing public utility service including telephone, electricity, water, sewerage or gas needs to be altered or relocated to complete the reconfiguration the developer must bear the cost of alteration or relocation.

OPERATIONAL WORKS

5. Where operational works are required to be carried out for the reconfiguration, the developer must, within a period of two years from the date of this permit and prior to the commencement of any work, lodge with Council an application for a development permit for operational works. As part of such application, the developer must submit:-

- (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the Professional Engineer's Act 2002 and is a current Registered Professional Engineer of Queensland; and
- (b) a certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice;

ELECTRICITY SUPPLY

6. The developer must prior to release of formal Plan of Survey submit a letter from Ergon Energy (or other suitable entity) stating that satisfactory arrangements have

been made with it for the provision of an electricity supply to the subdivision.

SEWERAGE SUPPLY WORKS INTERNAL

7. Proposed Lot 2 of the development must be connected to Council's sewerage scheme. The sewerage connection must be provided at a location approved by Council and at the full cost of the applicant.

WATER SUPPLY WORKS INTERNAL

8.1 Proposed Lot 2 of the development must be connected to Council's reticulated water supply. The water connection must be provided at a location approved by Council and at the full cost of the developer.

8.2 The applicant must provide a certified statement from a licensed plumber that no existing interconnecting water supply plumbing crosses the boundaries between the proposed lots.

CARRIED

CLAUSE 12 **COUNCIL APPROVES DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - 87 KLONDYKE ROAD, AYR - JIM BREADSELL (I-PLANDEV)**

984260 - Sub 10-33 - Mr S Great, Manager Planning and Development - Report - Development application for reconfiguring a Lot by an access easement - 87 Klondyke Road, Ayr - Jim Breadsell.

Moved Cr. Dalle Cort, seconded Cr. Loizou that Council approves the development application for reconfiguring a Lot (access easement) at 87 Klondyke Road, Ayr (Lot 103 on SP217493, Parish of Antill, County of Gladstone) subject to the following conditions:

GENERAL

1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges in arrears in respect of the land, the subject of the application, are paid in full.

1.2 The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

PROPOSAL PLAN

2. The reconfiguration of the land must be carried out generally in accordance with:

- (a) (i) the proposed Cleve McGuane Surveys plan numbered 28438-1;
- (ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council; and
- (b) any approval issued under this approval; and
- (c) any development permit for operational works relating to the reconfiguring of a lot;

TIME FOR COMPLIANCE

3. Unless otherwise specified by these conditions, the conditions must be complied with prior to approval of the Plan of Survey.

PUBLIC UTILITY SERVICES

4. If any existing public utility service including telephone, electricity, water, sewerage or gas needs to be altered or relocated to complete the reconfiguration the developer must bear the cost of alteration or relocation.

CARRIED

CLAUSE 13

COUNCIL APPROVES DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - 126 & 132 SHEEPSTATION CREEK ROAD, 11 & 61 AIRVILLE ROAD, MOUNT KELLY, 173 AIRD MILLAN ROAD, AIRD MILLAN AND 89 PARKER ROAD, AYR - DENNY RES (I-PLANDEV)

984283 - Sub 10-25 - Mr S Great, Manager Planning and Development - Development application for reconfiguring a Lot - 126 & 132 Sheepstation Creek Road, 11 and 61 Airville Road, Mount Kelly, 173 Airdmillan Road, Airdmillan and 89 Parker Road, Ayr - Denny Res.

Moved Cr. Dalle Cort, seconded Cr. Loizou that Council approves the development application for reconfiguring a Lot (Boundary Realignment) at 126 and 132 Sheepstation Creek Road, 11 and 61 Airville Road, Mount Kelly, 173 Airdmillan Road, Airdmillan and 89 Parker Road, Ayr (Lots 2 & 3 on RP738529, Lots 2 & 3 on RP710641, Parish of Jarvisfield, County of Gladstone & Lot 6 & 8 on SP201172, Parish of Antill, County of Gladstone), subject to the following conditions:

GENERAL

1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges in arrears in respect of the land, the subject of the application, are paid in full.

1.2 Pay the sum of \$143-40 calculated on the basis of a charge of \$23-90 per lot to be levied on the Council by the Department of Environment & Resource Management for each new valuation.

1.3 Grant Council easements F and H for drainage purposes, as shown on proposal plan SP232868 by Brazier Motti. Proposed easement F is to be increased in width by five meters along the portion of easement that runs parallel to Clayton Street. The easements are to be granted free of compensation and be prepared by Council's solicitor with all costs involved including survey costs, preparation and registration of the easements to be borne by Council.

1.4 Grant Council an easement for drainage purposes over the existing drain within existing Lot 8 on SP201172, as shown on the proposed

reconfiguration plan. The easement shall extend for a width of 3m from the top of bank on each side of the drain. The easements are to be granted free of compensation and be prepared by Council's solicitor with all costs involved including survey costs, preparation and registration of the easements to be borne by Council.

ROADWORKS

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

PROPOSAL PLAN

3. The reconfiguration of the land must be carried out generally in accordance with:-

(a) (i) the proposed Brazier Motti plans numbered 55735/002A &55732/001A.

(ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council.

Except where modified by the conditions of approval and any approval issued there under; and

(b) any approval issued under this approval; and

(c) any development permit for operational works relating to the reconfiguring of a lot.

PUBLIC UTILITY SERVICES

4. If any existing public utility service including telephone, electricity, water, sewerage or gas needs to be altered or relocated to complete the reconfiguration the developer must bear the cost of alteration or relocation.

CARRIED

The Mayor, Cr. McLaughlin declared conflicts of interest in respect of the following reports and left the meeting.

- Report 1 - Environment and Operations Agenda as the applicant is a family friend;
- Report 4 - Environment and Operations Agenda as the applicant is Cr. McLaughlin's brother in law's brother;
- Report 8 - Environment and Operations Agenda as the applicant is a family friend; and
- Report 10 - Environment and Operations Agenda as Cr. McLaughlin is the applicant.

Deputy Mayor, Cr. Loizou assumed the Chair.

CLAUSE 14

**COUNCIL OFFERS NO OBJECTION TO REQUEST FOR SURRENDER OF EXISTING PERMIT TO OCCUPY 44/5446 IN THE NAMES OF KENNETH HENRY MILLER, ELLEN ELIZABETH MILLER AND BRUCE MILLER AND RE-ISSUE THE PERMIT OVER LAND DESCRIBED AS LOT 116 ON GS472, BARRETT ROAD, AIRVILLE IN THE NAME OF BRUCE WILLIAM MILLER SOLEY
(I-PLANDEV)**

983746 - 01-04-05A - Mr S Great, Manager Planning and Development - Report - Surrender and re-issue of permit to occupy 44/5446 (pump site) - Lot 116 on GS472, Barrett Road, Airville - Kenneth, Ellen and Bruce Miller - Groves and Clarke Solicitors.

Moved Cr. Lewis, seconded Cr. Haynes that Council offers no objection to the request from Groves & Clark for the surrender of the existing Permit to Occupy 44/5446 in the names of Kenneth Henry Miller, Ellen Elizabeth Miller and Bruce William Miller and re-issue the permit over land described as Lot 116 on GS472, Barrett Road, Airville (Parish of Jarvisfield, County of Gladstone) in the name of Bruce William Miller solely.

CARRIED

CLAUSE 15

COUNCIL APPROVES DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - 37 HURNEY ROAD AND 106 GEORGEES ROAD, HOME HILL - PAUL VASS (I-PLANDEV)

984213 - Sub 10-30 - Mr S Great, Manager Planning and Development - Report - Development application for reconfiguring a Lot - 37 Hurney Road and 106 Georgees Road, Home Hill - Paul Vass.

Moved Cr. Lewis, seconded Cr. Dalle Cort that Council approves the development application for reconfiguring a Lot (Boundary Realignment) at 37 Hurney Road & 106 Georgees Road, Home Hill (Lot 2 on RP738536 & Lot 205 on SB114, Parish of Inkerman, County of Salisbury), subject to the following conditions:

GENERAL

1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges in arrears in respect of the land, the subject of the application, are paid in full.

1.2 Pay the sum of \$47-80 calculated on the basis of a charge of \$23-90 per lot to be levied on the Council by the Department of Environment & Resource Management for each new valuation.

1.3 Grant Council an easement for drainage purposes that covers the existing drain, within Lot 2 on RP738536, from top of bank to top of bank and extends a further 3 metres from the top of bank on each side. The easement is to be granted free of compensation and be prepared by Council's Solicitor with the costs involved including survey costs, preparation and registration of the easement to be borne by Council.

1.4 Grant Council an easement for drainage purposes 10 metres wide from Hurney Road to the existing drain. The easement shall commence on the Northern boundary of Lot 2 on RP738536, opposite the culvert under Hurney Road, and extend perpendicular to the road boundary. The easement is to be granted free of compensation and be prepared by Council's Solicitor with the costs involved including survey costs, preparation and registration of the easement to be borne by Council.

ROADWORKS

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

PROPOSAL PLAN

3. The reconfiguration of the land must be carried out generally in accordance with:-

- (a) (i) the proposed Brazier Motti plan numbered 55569/001B.
- (ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council.

Except where modified by the conditions of approval and any approval issued there under; and

- (b) any approval issued under this approval; and
- (c) any development permit for operational works relating to the reconfiguring of a lot.

PUBLIC UTILITY SERVICES

4. If any existing public utility service including telephone, electricity, water, sewerage or gas needs to be altered or relocated to complete the reconfiguration the developer must bear the cost of alteration or relocation.

CARRIED

CLAUSE 16

**IN ACCORDANCE WITH SECTION 363 OF THE SUSTAINABLE PLANNING ACT,
COUNCIL REFUSES THE REQUEST TO REMOVE CONDITION 2.2 FROM THE
ORIGINAL DEVELOPMENT PERMIT ISSUED ON 27TH JULY, 2010 OVER LAND
DESCRIBED AS 137-139 BEACH ROAD, AYR
(I-PLANDEV)**

984289 - Sub 10-26 - Mr S Great, Manager Planning and Development - Report - Representations made regarding development permit for reconfiguring a Lot - 137-139 Beach Road, Ayr - Richard Bonato.

Moved Cr. Lewis, seconded Cr. Gazziola that in accordance with Section 363 of the Sustainable Planning Act, Council refuses the request to remove condition 2.2 from the original development permit issued on 27th July, 2010 over land described as 137-139 Beach Road, Ayr (Lot 3 on RP910223, Parish of Antill, County of Gladstone)

FOR: Crs. Loizou, Gazziola, Haynes and Lewis

AGAINST: Crs. List and Dalle Cort

CARRIED 4/2

CLAUSE 17

**COUNCIL TO BRING FORWARD DISCUSSIONS IN RELATION TO BITUMEN ROAD
ACCESS TO VILLAGE SUBDIVISIONS
(I-PLANDEV)**

Moved Cr. Lewis, seconded Cr. Haynes that Council brings forward discussions in relation to bitumen road access to village subdivisions.

CARRIED

CLAUSE 18

**COUNCIL APPROVES THE DEVELOPMENT APPLICATION FOR A MATERIAL
CHANGE OF USE FOR DWELLING HOUSE IN A BUSHFIRE HAZARD AREA - 22
LOOKOUT ROAD, MOUNT KELLY - M & L MCLAUGHLIN
(I-PLANDEV)**

984326 - Cons 10-20 - Mr S Great, Manager Planning and Development - Report - Development application for material change of use for dwelling house in a bushfire hazard area - 22 Lookout Road, Mount Kelly - M & L McLaughlin.

Moved Cr. Gazziola, seconded Cr. Lewis that Council approves the development application for a material change of use for dwelling house in a bushfire hazard area at 22 Lookout Road, Mount Kelly (Lot 46 on SP134582, Parish of Northcote, County of Gladstone) subject to the following conditions:

GENERAL

1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.

1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the bushfire management plan, site plan & any other supporting material submitted.

BUILDING WORK

2. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

CARRIED

The Mayor, Cr. McLaughlin returned to the meeting and assumed the Chair.

CLAUSE 19

**COUNCIL APPROVES DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR MOTOR VEHICLE WORKSHOP - 122-124 EIGHTH AVENUE, HOME HILL - A & K MECHANICAL REPAIRS
(I-PLANDEV)**

984315 - Cons 10-08 - Mr S Great, Manager Planning and Development - Report - Development application for material change of use for a motor vehicle workshop - 122-124 Eighth Avenue, Home Hill - A & K Mechanical Repairs.

Moved Cr. Loizou, seconded Cr. Dalle Cort that Council approves the development application for a material change of use for motor vehicle workshop at 122-124 Eighth Avenue, Home Hill (Lot 14 on RP718965, Parish of Salisbury, County of Inkerman) subject to the following conditions:

GENERAL

1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.

1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the plans & supporting material submitted.

1.3 The applicant must obtain a trade waste permit before commencement of the use.

BUILDING WORK

2. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

ROADWORKS

3. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

ACCESS AND CAR PARKING

4.1 Provide 5 customer carparks to service the proposal. The customer carparks are to be located in accordance with the site plan submitted as part of the supporting material to this application. The customer carparks are to be designed and constructed in accordance with the provisions contained in Schedule 2 – Vehicle Parking Rates & Standards, Division 3 of the Planning Scheme.

4.2 Access to the premises, car parking and manoeuvring areas must be constructed in an all weather low glare paving, exposed aggregate concrete or similar material to the satisfaction of the Chief Executive Officer.

DRAINAGE

5.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

5.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system;

EXTERNAL WORKS

6. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development

OPERATIONAL WORKS

7. An approval under the Sustainable Planning Act must be obtained before any Operational Works are carried out. Plans and specifications for all operational works must be submitted with the application.

CARRIED

CLAUSE 20

COUNCIL APPROVES DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - 260 HOEY ROAD, 123 & 167 TOMLINS ROAD, 489 WATerview ROAD & 15 CACCIOLA ROAD, BRANDON - PETER LANDO (I-PLANDEV)

984330 - Sub 10-32 - Mr S Great, Manager Planning and Development - Report - Development application for reconfiguring a Lot - 260 Hoey Road, 123 & 167 Tomlins Road, 489 Waterview Road & 15 Cacciola Road, Brandon(Lot 1 on RP712827, Lots 1 & 2 on RP726376, Lot 2 on RP729554 & Lot 1 on RP710940, Parish of Jarvisfield, County of Gladstone), subject to the following conditions:

Moved Cr. Loizou, seconded Cr. Gazziola that Council approves the development application for reconfiguring a Lot (Boundary Realignment) at 260 Hoey Road, 123 & 167 Tomlins Road, 489 Waterview Road & 15 Cacciola Road, Brandon(Lot 1 on RP712827, Lots 1 & 2 on RP726376, Lot 2 on RP729554 & Lot 1 on RP710940, Parish of Jarvisfield, County of Gladstone), subject to the following conditions:

GENERAL

1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges in arrears in respect of the land, the subject of the application, are paid in full.

1.2 Pay the sum of \$119-50 calculated on the basis of a charge of \$23-90 per lot to be levied on the Council by the Department of Environment & Resource Management for each new valuation.

1.3 Grant Council an easement for drainage purposes. The easement shall encompass the existing drainage path linking culverts under Hoey and Sayers Roads. The easement shall be from top of bank to top of bank with a minimum width of 10m. The easement is to be granted free of compensation and be prepared by Council's Solicitor with the costs involved including survey costs, preparation and registration of the easement to be borne by Council.

ROADWORKS

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

PROPOSAL PLAN

3.1 The reconfiguration of the land must be carried out generally in accordance with:-

- (a) (i) the proposed Brazier Motti plans numbered 55766/001A & 55766/002A.
- (ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council.

Except where modified by the conditions of approval and any approval issued there under; and

- (b) any approval issued under this approval; and
- (c) any development permit for operational works relating to the reconfiguring of a lot.

PUBLIC UTILITY SERVICES

4. If any existing public utility service including telephone, electricity, water, sewerage or gas needs to be altered or relocated to complete the reconfiguration the developer must bear the cost of alteration or relocation.

CARRIED

CLAUSE 21

COUNCIL AGREES TO APPLY TO THE ATTORNEY GENERAL AND MINISTER FOR INDUSTRIAL RELATIONS FOR THE APPOINTMENT OF AYR AND HOME HILL 2011 PUBLIC HOLIDAYS

(I-ADMIN)

976151 - 03-06-07 - Mr D P Mulcahy, Director Corporate Community Services - Report - Appointment of 2011 Public Holidays - Attorney General and Minister for Industrial Relations.

Moved Cr. Dalle Cort, seconded Cr. Haynes that Council applies to the Attorney-General and Minister for Industrial Relations for the appointment of the following public holidays in 2011:

- Wednesday 29 June, 2011 – for the northern side of the Burdekin River – Ayr Annual Show Holiday
- Tuesday, 1 November, 2011 – for the southern side of the Burdekin River – Home Hill Harvest Festival public holiday.

CARRIED

CLAUSE 22

**COUNCIL TO INVITE EXPRESSIONS OF INTEREST FOR THE LEASE OF THE FORMER LOWER BURDEKIN TABLE TENNIS ASSOCIATION - LOT 91 ON GS980 AND WRITE-OFF RECENTLY LEVIED RATES ON THE PROPERTY OF \$2,101.70 FOR THE PERIOD 22ND JULY 2010 TO 30 JUNE 2011
(I-GPO)**

983868 - 01-04-05F - Mr D P Mulcahy, Director Corporate and Community Services - Report - Relinquished Lease - Little Drysdale Street, Ayr - Lower Burdekin Table Tennis Association.

Moved Cr. Loizou, seconded Cr. Gazziola that;

1. Council invites expressions of interest for the lease of the former Lower Burdekin Table Tennis Association building and surrounding land of total area 1174 sq.metres and described as part of Reserve for Local Government (Recreation and Sports Ground) Purposes R173 being part of Lot 91 on Plan GS980, Parish of Antill, County of Gladstone.
2. Council agrees to write-off recently levied rates on the property of \$2,101.70 for the period 22/7/10 to 30/6/11, noting that the former lessee, Lower Burdekin Table Tennis Association is no longer operational and is not using the property.

CARRIED

CLAUSE 23

EXPRESSIONS OF INTEREST TO BE INVITED TO LEASE FROM COUNCIL ALL OR PART OF CAMPING AND WATER RESERVE R.84

984215 - 01-04-05 - Mr D P Mulcahy, Director of Corporate and Community Services - Report - Lease of camping and water reserve R.84 - Corner Brown and Barratta Roads, Mona Park - E Parker.

Moved Cr. Dalle Cort, seconded Cr. Loizou that expressions of interest be invited to lease from Council, in an "as is" condition, all or part of camping and water reserve R.84.

CARRIED

CLAUSE 24

CORRESPONDENCE FOR INFORMATION

1. **979582 * MF-07 & MF-09
Queensland Rail (QR) - Brisbane**

Appointment of Mr Steve Bowley as Principal Stakeholder Adviser for Local Government and Communities.

2. 979687 * MF-02

Australian International Trade Association - AITA

Invitation to 2010 International Mission to China - 10-21 October 2010.

3. 980004 * 03-08-11C

Townsville Enterprise Limited

Townsville Airport North Queensland Tourism Awards - 23 October 2010.

4. 981133 * 01-07-08 & 01-05-01B

Local Government Association of Queensland Inc - LGAQ

LGAQ News Release - Queensland Leading the Way in Waste Levy Strategy.

5. 981223 * 01-10-26 & 01-07-08

Local Government Association of Queensland Inc - LGAQ

Survey - Local Governments Creating Healthy Communities.

6. 981225 * 01-10-17 & 03-08-11E

Burdekin Recreational Sportfishing Club Inc

Thank you letter - Donation for Annual Interclub Challenge - 24-25 July 2010.

7. 981236 * 01-10-15

Burdekin Art Society Inc

Thank you for donation towards Water Festival Art Exhibition.

8. 981853 * 01-07-09

North Queensland Local Government Association - NQLGA Executive

Notice of NQLGA Conference - Port Douglas - 3-5 November 2010.

9. 982105 * MF-01 & MF-26

NBN Co Limited

Guidelines for Fibre to Premises Underground Deployment.

10. 982106 * MF-02

Giru Agricultural Horticultural & Industrial Society Inc

Giru Show - 11 September 2010 - Giru.

11. 982107 * MF-19 & MF-33 & MF-02

Townsville Enterprise Limited

Complimentary tickets - Townsville Airport 2010 North Queensland Tourism Awards - 23 October 2010 - Townsville.

12. 982108 * MF-03

Dott Giuliano Martini - Mayor of the City of Vo

Thank you letter for hospitality from Mayor of Comune Di Vo and advising he would be proud to start an official friendship between Comune Di Vo and Burdekin Shire.

13. 982109 * MF-26

Hon Andrew Fraser MP - Treasurer of Queensland - Member for Mount Coot-tha

Twelve month trial for Regional First Home Owner Grant.

14. 982253 * 01-07-12

Local Government Managers Australia (LGMA) - QLD VIC NSW & WA

LGMA Queensland Annual State Conference - 12-15 October 2010 - Sunshine Coast.

15. 982403 * 01-03-01 & 01-08-01

Department of Environment and Resource Management - Brisbane

New Land Valuation Bill 2010 introduced into Parliament.

16. 982725 * 01-11-03B

Museum of Tropical Queensland - Queensland Museum

Report - Museum of Tropical Queensland Community Pass Program 2009-10.

17. 982726 * 03-06-04

Surf Life Saving Queensland - Brisbane

Surf Life Saving Queensland Annual Report - Season 2009-2010.

18. 982737 * 03-08-11M

Hon Stirling Hinchliffe MP - Member for Stafford - Minister for Infrastructure and Planning

Invitation to Mayor to participate as a member of a taskforce to oversee the preparation of the Townsville Futures Plan.

19. 982843 * 03-08-11E

Guardian Knights Pty Ltd / Trading As Burdekin Night Alert

Congratulations of the success of the Burdekin Crime Prevention Conference 2010.

20. 985369 * 02-04-07

Jeff Schultz and Marlene Schultz

Thank you for facilities at Home Hill Comfort Stop.

**21. 983636 * 01-10-17
Burdekin Community Association Inc**

Invitation - Thirty Fifth Annual General Meeting - 28 September 2010.

**22. 983637 * 01-10-25
Department of Environment and Resource Management - Cairns**

New Regional Services Director - Department of Environment and Resource Management, North Region - Andrew Buckley.

**23. 983638 * 03-08-11I & 05-03-01
Coordinator General's Department - Department of Infrastructure**

Request for comments on Draft Terms of Reference - CopperString Project.

**24. 983782 * 03-08-29
Planet Ark Environmental Foundation**

Burdekin Shire Council's Support of National Tree Day.

**25. 983783 * 12-01-02
Local Government Association of Queensland Inc - LGAQ**

2nd National Local Government Environment Conference 2010 - 10-12 November 2010 - Surfers Paradise.

**26. 983824 * 03-08-03S
U3A Network - Queensland**

Inquiry regarding establishment of U3A's in regional Queensland.

**27. 984110 * 03-06-01
Townsville Enterprise Limited**

Information regarding free camping areas and proximity to existing caravan parks.

CLAUSE 25

**INVITATION TO TOWNSVILLE AIRPORT 2010 NORTH QUEENSLAND TOURISM AWARDS
(I-SEC)**

980004 - 03-08-11C - Townsville Enterprise - Townsville Airport 2010 North Queensland Tourism Awards

It was resolved that:

1. Any Councillor wishing to attend the Townsville Airport 2010 North Queensland Tourism Awards should advise the Mayor at the earliest opportunity.
2. If Councillors are unavailable to attend, the complimentary tickets provided to Council by Townsville Enterprise Limited to the Townsville

Airport 2010 North Queensland Tourism Awards be given to the Burdekin Tourism Association to enable the association to represent the Burdekin.

CLAUSE 26

COUNCIL APPROVES THE ATTENDANCE OF TWO COUNCILLORS AT THE NORTH QUEENSLAND LOCAL GOVERNMENT ASSOCIATION CONFERENCE TO BE HELD IN PORT DOUGLAS FROM 3RD TO 5TH NOVEMBER, 2010
(I-SEC)

981853 - 01-07-09 - Correspondence for Information - Notice of North Queensland Local Government Association Conference - Port Douglas - 3rd to 5th November, 2010.

Moved Cr. Loizou, seconded Cr. Haynes that Council approves the attendance of two Councillors at the North Queensland Local Government Association Conference to be held in Port Douglas from 3rd to 5th November, 2010.

CARRIED

CLAUSE 27

COUNCIL AUTHORISES NEGOTIATIONS WITH D & J.B. RES FOR THE PURCHASE OF APPROXIMATELY 400 SQUARE METRES OF LAND - LOT 38 RP702289 - FOR THE PURPOSE OF CREATING A T INTERSECTION TO IMPROVE ROAD SAFETY NOTING THAT THE AREA WILL BE DEDICATED AS ROAD IF REQUIRED
(A-DCCS)

Moved Cr. Dalle Cort, seconded Cr. Gazziola that Council authorises negotiations with D & J.B. Res for the purchase of approximately 400 square metres of land, being part of Lot 38 on RP702289, located at the corner of Airdmillan Road and Parker Road, Ayr for the purpose of creating a T-intersection to improve road safety in the area, noting that the area will be dedicated as road if required.

CARRIED

CLAUSE 28

COUNCILLORS BRIEFED ON THE REQUEST FROM BURDEKIN PRODUCTIVITY SERVICES IN RELATION TO A DECLARED PEST ANIMALS CONTROL OFFICER

Miss Tracey Jensen, Manager Environment & Health briefed Councillors on the request from Burdekin Productivity Services in relation to a Declared Pest Animals Control Officer.

It was resolved that a copy of the minutes of the next North Queensland Regional Organisation of Councils be submitted to Council which will clearly define the roles and contributions of participating Councils in the program.

CLAUSE 29

COUNCILLORS BRIEFED ON THE COSTS AND IMPLICATIONS OF LISTING ITCH GRASS AS A LOCALLY DECLARED HIGH RISK PLANT

Miss Tracey Jensen, Manager Environment and Health briefed Councillors on the costs and implications of listing Itch Grass as a locally declared high risk plant.

CLAUSE 30

COUNCIL OFFICERS TO INVESTIGATE COSTS ASSOCIATED WITH PLANTING SHRUBS/BUSHES TO SCREEN THE BYPASS SIDE OF THE AYR CEMETERY AND PROVIDE A REPORT BACK TO COUNCIL
(I-OPS)

Moved Cr. Dalle Cort, seconded Cr. Gazziola that Council Officers investigate costs associated with planting shrubs/bushes to screen the bypass side of the Ayr Cemetery and provide a report back to Council.

CARRIED

CLAUSE 31

COUNCIL APPROVES A SYSTEMATIC INSPECTION PROGRAM UNDER THE LOCAL GOVERNMENT ACT 2009 TO ASSIST IN THE UPGRADING OF THE DOG AND CAT REGISTRATION REGISTER COMMENCING ON 4TH OCTOBER 2010 FOR A PERIOD OF THREE MONTHS
(A-DEO) / (I-ENV)

985450 - 01-05-01H - Miss Tracey Jensen, Manager Environment and Health - Report - Approved Systematic Inspection Program.

Moved Cr. Dalle Cort, seconded Cr. Lewis that:

1. Council approves a systematic inspection program, under the Local Government Act 2009 to assist in the upgrading of the dog and cat registration register and determine compliance with Council's Keeping and Control Animals Local Law Section 111 Animal Management (Cats and Dogs) Act 2008.
2. The program is to commence on 4th October 2010 for a period of three months with all properties in the shire to be included in the program, commencing with the urban areas.
3. The program is to be advertised giving a minimum of fourteen (14) days notice as required by Local Government Act 2009.

CARRIED

CLAUSE 32

COUNCIL MEETS IN COMMITTEE UNDER SECTION 72.(1) OF THE LOCAL GOVERNMENT ACT 2009

Moved Cr. Lewis, seconded Cr. Gazziola that the Council meets in committee under the following section of the Local Government Act, 2009;

Section 72.(1) (a) - the appointment, dismissal or discipline of employees for the purpose of discussing employee matters.

CARRIED

CLAUSE 33

ORDINARY MEETING OF COUNCIL RESUMED

Moved Cr. Loizou, seconded Cr. Haynes that the ordinary meeting of Council be resumed.

CARRIED

There being no further business the meeting closed at 12.40pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 28th September, 2010.

MAYOR