



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

**HELD AT COUNCIL ADMINISTRATION BUILDING,
145 YOUNG STREET, AYR**

ON 28 SEPTEMBER 2010

COMMENCING AT 9:00AM



TUESDAY 28 SEPTEMBER 2010

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ATTENDANCE

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

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. T. Vaccaro - Economic and Community Development Manager

Miss T. Jensen - Manager Environment and Health

Mr. G. Pappalardo - Manager Operations

Mr. K. Byers - Manager Technical Services

Minutes Clerk – Miss S. Cronin

APOLOGIES: Cr. R.H. Lewis – Leave of absence

- **PRAYER**

The meeting prayer was delivered by Leanne Holmes of the Catholic Church.

- **IN COMMITTEE DISCUSSIONS**

Council meets In Committee under Section 72 of Local Government (Operations) Regulation 2010

Resolution

Moved Councillor Gazziola, seconded Councillor Loizou that the Council meets in committee under the following sections of the Local Government (Operations) Regulation 2010;

Section 72(1) (a) – the appointment, dismissal or discipline of employees;

Section 72(1) (c) – the local government's budget;

Section 72(1) (g) – any action to be taken by the local government under the Planning Act, including deciding applications made to it under the Act;

For the purpose of discussing:

- Employee matters;
- Planning issues;
- Carry over capital budget items;
- Proposed financial statements;
- Proposed water meter reading dates; and
- Request for Burdekin Junior Soccer.

CARRIED

Ordinary Meeting of Council Resumed

Resolution

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

CARRIED

- DECLARATION OF INTERESTS**

The Mayor called for declarations of interest.

No declarations of interest were declared at this stage. However, Cr. Dalle Cort declared a conflict of interest later in the meeting in respect of the Correspondence for Information Agenda – Item 32 as she is a member of the Wunjunga Progress Association.

- MINUTES AND BUSINESS ARISING**

ITEM-1 Minutes of Ordinary Council Meeting held on 14 September 2010

Recommendation

That the Minutes of the Ordinary Council Meeting held on 14 September 2010 be received as a true and correct record.

Resolution

Moved Councillor Haynes, seconded Councillor Dalle Cort that the recommendation be adopted.

CARRIED

- REPORTS**

ITEM-2 Capital Projects Monthly Report for Period Ending 31 August 2010

Recommendation

That the Capital Projects Monthly Report for period ending 31 August 2010 be received.

Resolution

Moved Councillor Loizou, seconded Councillor List that the recommendation be adopted.

CARRIED

ITEM-3 Operating Statement for Period Ending 31 August 2010

Recommendation

That the Operating Statement for the period ending 31 August 2010 be received.

Resolution

Moved Councillor Gazziola, seconded Councillor Dalle Cort that the recommendation be adopted.

CARRIED

ITEM-4 Rating Statement as at 20 September 2010

Recommendation

That the Rating Statement as at 20 September 2010 be received and adopted.

Resolution

Moved Councillor Loizou, seconded Councillor List that the recommendation be adopted.

CARRIED

• ENVIRONMENT & OPERATIONS

ITEM-5 Material Change of Use for Intensive Agriculture for Grove Farming Company at 33148 Bruce Highway (Lot25 on SP101945)

Executive Summary

An application has been received from Grove Farming Company Pty Ltd, seeking approval for a Material Change of Use for Intensive Agriculture at 33148 Bruce Highway, Giru (Lot 25 on SP101945, Parish of Selkirk, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme

Recommendation

That Council approves the Development Application for a Material Change of Use for Intensive Agriculture at 33148 Bruce Highway, Giru (Lot 25 on SP101945, Parish of Selkirk, 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 site plan & any other supporting material submitted.
- 1.3 Grant Council an easement for drainage purposes over the existing lagoon within existing Lot 25 of SP101945. The easement shall extend for a width of 3m from the top of bank on each side of the lagoon. The easement is 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 No sugar cane is to be hauled along the Bruce Highway from this lot.

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.

Item 5 was withdrawn pending further investigation.

ITEM-6 **Development Application for Reconfiguring a Lot at 292 & 300 Sexton Highway, Brandon (Lot 1 on RP742511 & Lot 8 on RP721756)**

Executive Summary

An application has been received from Cleve McGuane Surveys Pty Ltd on behalf of their client David Defranciscis seeking approval for Reconfiguring a lot (Boundary Realignment) at 292 and 300 Sexton Highway, Brandon (Lot 1 on RP742511 & Lot 8 on RP721756, Parish of Jarvisfield, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

Recommendation

That Council approves the Development Application for Reconfiguring a Lot (Boundary Realignment) at 292 and 300 Sexton Highway, Brandon (Lot 1 on RP742511 & Lot 8 on

RP721756, 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 & Resource Management for each new valuation.
- 1.3 The applicant must provide a certified statement from a licensed plumber that no existing interconnecting water supply plumbing cross the boundaries between the proposed lots.
- 1.4 Provide evidence from a suitably qualified person that proposed lot 7 can be provided with on-site treatment of sewerage in accordance with the On Site Sewerage Code and AS/NZS 1547:2000.

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 plans numbered 28540-1, sheet 1 & 2;
(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.

Resolution

Moved Councillor Dalle Cort, seconded Councillor Gazziola that the recommendation be adopted.

CARRIED

- **CORPORATE & COMMUNITY SERVICES**

ITEM-7 Local Law Making Process**Executive Summary**

The new Local Government Act 2009 provides that each local government may decide its own process for making a local law. This report details processes for consideration and adoption.

Recommendation

That in accordance with Section 29 of the Local Government Act 2009, the Council adopt the processes for making a model local law and a local law as tabled.

Resolution

Moved Councillor Loizou, seconded Councillor Gazziola that the recommendation be adopted.

CARRIED

ITEM-8 Submission of Proposed Financial Statements to Auditor and Council**Executive Summary**

In accordance with legislation in the Local Government Finance Standard 2005, financial statements must be forwarded to the Auditor-General and to a meeting of the Local Government.

Recommendation

It is recommended that the Council receive the proposed financial statements for the 2009/10 financial year in accordance with Section 49 of the Local Government Finance Standard.

Resolution

Moved Councillor Dalle Cort, seconded Councillor Haynes that the recommendation be adopted.

CARRIED

- CORRESPONDENCE FOR INFORMATION

CI-1 Comments regarding visit to Town of Ayr referred to Building Safer Communities Action Team

Resolution

It was resolved that comments regarding visit to the Town of Ayr contained within letter number 984603 be referred to the Building Safer Communities Action Team.

Councillor Dalle Cort declared a conflict of interest in respect of the following item as she is a member of the Wunjunga Progress Association and left the meeting.

CI-2 Council to forward \$5,000.00 to Wunjunga Progress Association re Funny Dunny Park

Resolution

Moved Councillor Loizou, seconded Councillor Gazziola that Council forwards \$5,000 to the Wunjunga Progress Association and that the balance of \$5,000 received from Wunjunga Progress Association be used for operations and maintenance of the Funny Dunny Park and surrounds.

For: Councillors McLaughlin, List, Gazziola, Loizou and Dalle Cort
Against: Councillor Haynes

CARRIED 5/1

Councillor Dalle Cort returned to the meeting at this stage.

- NOTICES OF MOTION

Nil

- URGENT BUSINESS

Nil

- **GENERAL BUSINESS**

GB-1 Council to correspond with Regulated Waste Transporter objecting to implementation of charges without notification - New fees for Oil Collection Service at Shire Transfer Stations to commence on 1 November, 2010

Moved Councillor Haynes, seconded Councillor Gazziola that Council corresponds with its regulated waste transporter strongly objecting to being charged for drum removal without receiving previous advice of such a change in procedure.

CARRIED

Moved Councillor Haynes, seconded Councillor Dalle Cort that Council adopts the following fees for receipt of drums at transfer stations, such fees to commence on 1 November, 2010 and that publicity and/or advertising be given to the new fees.

5L drum - \$5.30
10L drum - \$7.95
20L drum - \$11.70
60L drum - \$16.45
205L drum - \$28.60

CARRIED

- **DELEGATIONS**

Nil

- **IN COMMITTEE DISCUSSIONS**

Council meets In Committee under Section 72 of Local Government (Operations) Regulation 2010

Moved Councillor Haynes, seconded Councillor Loizou that the Council meets in committee under the following sections of the Local Government (Operations) Regulation 2010:

Section 72(1) (c) – the local government's budget;

for the purpose of discussing:

- Update on asset management.

CARRIED

Ordinary Meeting of Council Resumed

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

CARRIED

There being no further business the meeting closed at 4.05pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 12th October, 2010.

MAYOR