



BURDEKIN SHIRE COUNCIL



AGENDA

ORDINARY COUNCIL MEETING

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

on 09 August 2011

COMMENCING AT 9:00AM



TUESDAY 9 AUGUST 2011

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BURDEKIN SHIRE COUNCIL



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- **PRAYER**
 - **DECLARATIONS OF INTEREST**
 - **MINUTES AND BUSINESS ARISING**

ITEM-1 Ordinary Council Meeting Minutes - 26 July 2011

Recommendation

That the minutes of the Ordinary Council Meeting held on 26 July 2011 be received as a true and correct record.



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 26 July 2011

COMMENCING AT 9:00AM



26 JULY 2011

ORDER OF BUSINESS:

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Ordinary Council Meeting 26 July 2011



BURDEKIN SHIRE COUNCIL



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Ordinary Council Meeting 26 July 2011

ATTENDANCE

Councillors 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. K. Holt - Chief Executive Officer
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. W. Saldumbide - Manager Operations
Mr. K. Byers - Manager Technical Services
Mr. M. Ingle – Manager Design Office
Miss L. Govan – Co-Ordinator Environmental Health

Minutes Clerk – Mrs. Vicki Walker

• PRAYER

The meeting prayer was delivered by Reverend Paul Clark of the Uniting Church.

• DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Cr. Loizou declared a conflict of interest in respect of Agenda Item 9 as the applicant is a relative.

Cr. Dalle Cort declared a conflict of interest in respect of Agenda Item 10 as the applicant is a member of her immediate family.

Cr. McLaughlin declared a conflict of interest in respect of Agenda Item 11 as the applicant is her brother-in-law's brother.

• MINUTES AND BUSINESS ARISING

ITEM-1 Ordinary Council Meeting Minutes - 12 July 2011

Recommendation

That the minutes of the Ordinary Council Meeting held on 12 July 2011 be received as a true and correct record.

Resolution

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

CARRIED

ITEM-2 Budget Meeting Minutes - 27 June 2011

Recommendation

That the minutes of the Budget Meeting held on 27 June 2011 be received as a true and correct record.

Resolution

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

CARRIED

ITEM-3 Burdekin Cultural Complex Board Minutes - 18 April 2011

Recommendation

That the minutes of the Burdekin Cultural Complex Board Meeting held on 18 April 2011 be received and adopted.

Resolution

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

CARRIED

• REPORTS

ITEM-4 Rating Statement as at 30 June 2011

Recommendation

That the Rating Statement as at 30 June 2011 be received and adopted.

Resolution

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

CARRIED

ITEM-5 Capital Projects Monthly Report for period ending 30 June 2011

Recommendation

That the Capital Projects Monthly Report for period ending 30 June 2011 be received.

Resolution

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

CARRIED

ITEM-6 Operating Statement for period ending 30 June 2011

Recommendation

That the Operating Statement for the period ending 30 June 2011 be received.

Resolution

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

CARRIED

• **ENVIRONMENT & OPERATIONS**

ITEM-7 Application for Permit to Occupy over Lot 1 on PER206578 - Plantation Creek (Parish of Morrill, County of Gladstone)

Executive Summary

A request has been received from Department of Environment & Resource Management (DERM), seeking Council's views in respect of the Permit to Occupy over land described as Lot 1 on PER206578, Plantation Creek (Parish of Morrill, County of Gladstone), in accordance with the Departments requirements.

Recommendation

That Council offers no objection to the request from Department of Environment and Resource Management for the Permit to Occupy over land described as Lot 1 on PER206578, Plantation Creek (Parish of Morrill, County of Gladstone).

Resolution

Moved Councillor Gazzola, seconded Councillor Lewis that the recommendation be adopted.

CARRIED

ITEM-8 WJ & AR Clifford - Development Application for Material Change of Use for Storage Units at Masonic Hall, 99 - 101 Tenth Avenue, Home Hill (Lot 205 & 206 on H6168, Parish of Inkerman, County of Salisbury)

Executive Summary

An application has been received from WJ & AR Clifford seeking approval for a Material Change of Use for storage units at 99 - 101 Tenth Avenue, Home Hill (Lot 205 & 206 on H6168, Parish of Inkerman, County of Salisbury). A Development Application (Impact 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 Storage Units at 99 - 101 Tenth Avenue, Home Hill (Lot 205 & 206 on H6168, Parish of Inkerman, County of Salisbury) subject to the following conditions:

GENERAL

- 1.1 The conditions of the development permit must be achieved 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 supporting documents in the application submitted.
- 1.3 All wastes and rubbish shall be stored, collected and disposed of to the satisfaction of the Chief Executive Officer, and in accordance with the Environmental Protection (Interim Waste) Regulations 1996, with full cost borne by the applicant. No wastes or rubbish shall be burned on-site;

DRAINAGE

- 2.1 Stormwater drainage from paved/sealed and roofed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer. All stormwater under the footpath shall be 125x75 Duragal Heavy Duty RHS. There shall be no discharge across the surface of the footpath.

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- 2.2 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;
 - 2.3 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

PUBLIC UTILITY SERVICES

3. 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;

ROADWORKS

- 4.1 Construct a minimum 6m wide industrial crossover (150mm thick, 32 mPa concrete, F72 mesh) for both accesses, from the invert of the existing kerbing and channeling to the property boundary and re-profile the footpath each side of the proposed driveway to comply with the Disability Discrimination Act.
- 4.2 Provide to Council prior to the commencement of works a cross section at 1:50 scale from the side of Tenth Avenue to the property boundary showing existing and design levels for the crossovers in condition 4.1. The cross sections shall detail all proposed materials, dimensions and grades of the crossover.

AMENITY

5. Any night and outdoor lighting must be designed, conducted and operated in accordance with 'AS 4282 – Control of the obtrusive effects of outdoor lighting'. Lighting for the car park is not to cause a nuisance to any persons;

Resolution

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

CARRIED

ITEM-9 Theodosiou Investments Pty Ltd - Application to Register an Existing Lawful Fettered Use over 129 MacKenzie Street, Ayr (Lot 6 on RP905018 Parish of Antill, County of Gladstone)

Councillor Loizou declared a conflict of interest in respect of this application as the applicant is a relative, and left the meeting.

Executive Summary

A request has been received from Everson Town Planning, on behalf of Theodosiou Investments Pty Ltd, to register an Existing Lawful Fettered Use for a Vehicle and Machinery Sales premises at 129 Mackenzie Street, Ayr (Lot 6 on RP905018, Parish of Antill, County of Gladstone)

Recommendation

That Council approves the request to register an Existing Lawful Fettered Use for a "Vehicle and Machinery Sales" premises at 129 Mackenzie Street, Ayr (Lot 6 on RP905018, Parish of Antill, County of Gladstone) and include this request in Council's Register of Existing Lawful Fettered Uses.

Resolution

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

CARRIED

Councillor Loizou returned to the meeting.

ITEM-10 David Adcock- Representations on Conditions of Development Approval for Reconfiguring a Lot at 12A Ramtron Place, Ayr (Lot 4 on SP227229 Parish of Antill, County of Gladstone)

Councillor Dalle Cort declared a conflict of interest in respect of this application as the applicant is a member of her immediate family, and left the meeting.

Executive Summary

A letter dated 22nd June, 2011 has been received from David Adcock making representations pursuant to Section 361 of SPA. The representations seek to remove condition 8 of the original Decision Notice dated 27th May, 2011.

Recommendation

In accordance with Section 363 of SPA, Council refuses the request for a Negotiated Decision to remove condition 8 for Reconfiguring a Lot at 12A Ramtron Place, Ayr (Lot 4 on SP227229, Parish of Antill, County of Gladstone).

Resolution

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

FOR: Councillor Loizou

AGAINST: Councillors McLaughlin, Haynes, Lewis, Gazziola and List

LOST 1/5

This application was laid on the table until later in the meeting pending further investigations.

Councillor Dalle Cort returned to the meeting.

ITEM-11 Paul Vass - Development Application for Reconfiguring a Lot at 1544 & 1578 Kirknie Road, Kirknie (Lots 1 & 2 on RP743103, Parish of Leichhardt Downs, County of Salisbury)

The Mayor, Councillor McLaughlin declared a conflict of interest in respect of this application as the applicant is her brother-in-law's brother, and left the meeting.

Deputy Mayor, Councillor Loizou assumed the Chair.

Executive Summary

An application has been received from Brazier Motti on behalf of their client Paul Vass seeking approval for Reconfiguring a Lot (boundary realignment) at 1544 & 1578 Kirknie Road, Kirknie (Lots 1 & 2 on RP743103, Parish of Leichhardt Downs, County of Salisbury). 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 1544 & 1578 Kirknie Road, Kirknie (Lots 1 & 2 on RP743103, Parish of Leichhardt Downs, 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 Brazier Motti plan numbered 55846/001A;
 - (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;

DRAINAGE

4. 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.

PUBLIC UTILITY SERVICES

5. 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.

ENVIRONMENT & HEALTH

- 6.1 No Dwelling House (Class 1A) or Domestic Shed (Class 10) is to be constructed within 500m of the entire boundary of proposed Lots 3 and 4 that abuts Lot 1 on RP869335.
- 6.2 Vegetation must not be cleared 100m from the high bank of the Burdekin River or within 50m from the high bank of any other waterway.

Resolution

Moved Councillor Haynes, seconded Councillor Lewis that the recommendation be adopted.

CARRIED

The Mayor, Councillor McLaughlin returned to the meeting and resumed the Chair.

• CORPORATE & COMMUNITY SERVICES

ITEM-12 Draft Public Interest Disclosure Policy

Executive Summary

Under s28 of the *Public Interest Disclosure Act 2010*, Council is required to develop, implement and maintain a management program to deal with public interest disclosures (PIDs).

A draft PID policy is attached for consideration and adoption.

Recommendation

That Council adopts the Public Interest Disclosure Policy and makes the document available on Council's website.

Resolution

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

CARRIED

ITEM-13 Contribution towards 2011-2012 Bountiful Burdekin

Executive Summary

The Lower Burdekin Newspaper Company has requested a contribution of \$14,500 (inc. GST) for the production of the 2011-12 edition of the Bountiful Burdekin publication, being the equivalent amount requested in 2010-11.

Recommendation

Council approves funding of \$14,500.00 (GST Inc.) to contribute towards the production of 30,000 copies of the 2011-2012 edition of the Bountiful Burdekin publication in A5 format in full gloss, to include a full page Council advertisement, Mayor's welcome message and photo, two maps of the area, a half page advertisement for the Burdekin Tourism Assn and the printing of the Burdekin Tourism Website address on the bottom of each page of the publication.

Resolution

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

CARRIED

ITEM-10 Further Consideration - David Adcock Representation on Conditions of Development Approval for Reconfiguring a Lot at 12A Ramtron Place, Ayr (Lot 4 on SP227229 Parish of Antill, County of Gladstone)

Councillor Dalle Cort declared a conflict of interest in respect of this matter as the applicant is a member of her immediate family, and left the meeting.

Councillors further discussed the above application which was laid on the table earlier in the meeting pending further investigation.

Director Environment and Operations, Mr. Williams and Manager Planning and Development, Mr. Great reported on the outcome of further enquiries made in respect of this application.

Resolution

Moved Councillor Lewis, seconded Councillor Gazzola that Council amends condition 8 for Reconfiguring a Lot at 12A Ramtron Place, Ayr (Lot 4 on SP227229, Parish of Antill, County of Gladstone) to read the following:

-
- 8 *That any development including excavation or filling, building, plumbing or drainage works must not be located within 20m of the edge of the existing easement (Easement No. P RP725952) on the proposed lots to which this approval relates.*

CARRIED

Reasons for not adopting Officers' Recommendation

1. A 50m set back is not imposed on existing subdivisions in the area.
2. A 50m set back will limit further subdivision in the area.
3. Effluent disposal is monitored through the Plumbing Regulations.
4. Amended Condition 8 still protects the amenity of, and access to, the waterway in the area.

Councillor Dalle Cort returned to the meeting.

ITEM-16 Local Law Making Process - July 2011

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 outlines a process for consideration and adoption.

Council at a previous meeting held on 28 September 2010 adopted a local law making process. The local law making process recommended in this report is in greater detail and provides more flexibility in relation to the steps undertaken, e.g. undertaking more than one step at a time.

The local law making process has been provided by King and Company, Solicitors who are undertaking the local law project work for Burdekin Shire, Hinchinbrook Shire, Charters Towers Regional and Townsville City Councils.

Recommendation

That in accordance with Section 29 of the Local Government Act 2009, the Council adopts a process for making each local law of Council as detailed below:

The process—

- (a) applies to the making of—
 - (i) each local law that is an adopted model local law; and
 - (ii) each local law that is a subordinate local law; and
 - (iii) each other local law; but
- (b) does not apply to a local law that is an interim local law.

Making a local law that is an adopted model local law

The process (model local law making process) stated in this resolution must be used to make a local law that is an adopted model local law.

- Step 1 — By resolution, propose to adopt the model local law.
- Step 2 — If the model local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.
- Step 3 — By resolution—
 - (a) adopt the model local law; and
 - (b) if there is an existing local law about the matter that is inconsistent with what is adopted—amend or repeal the existing local law so that there is no inconsistency.
- Step 4 — Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (3) inclusive of the *Local Government Act 2009*.
- Step 5 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.
- Step 6 — Within 7 days after the notice is published in the gazette, give the Minister—
 - (a) a copy of the notice; and
 - (b) a certified copy of the local law; and
 - (c) if the local law contains 1 or more anti-competitive provisions—
 - (i) advice of each anti-competitive provision; and
 - (ii) the reasons for their inclusion.
- Step 7 — Update the local government's register of its local laws.

Making a subordinate local law

The process (subordinate local law making process) stated in this resolution must be used to make a subordinate local law (a proposed subordinate local law).

The local government may start the process for making a subordinate local law even though the process for making the local law (including a model local law) on which the subordinate local law is to be based (the proposed authorizing law) has not finished.

The local government may use steps 1 to 5 of the subordinate local law making process (other than actually making the subordinate local law) before the proposed authorizing law is made if—

- (a) in making the proposed authorizing law, the local government has to satisfy—
 - (i) the model local law making process; or
 - (ii) the other local law making process; and
- (b) if the proposed authorizing law is made under the other local law making process—
the notice about the subordinate local law under step 2 of the subordinate local law making process is published no earlier than the notice about the proposed authorizing law under step 3 of the other local law making process is published.

For the avoidance of doubt, a subordinate local law made by the local government using the process detailed in this resolution may provide for the local government to, from time to time, by resolution, reference or incorporate information.

For example, under the *Local Government (Operations) Regulation 2010*—

- (a) the identification guidelines for the identification of anti-competitive provisions are a document made by the department and available for inspection on the department's website; and
- (b) the public interest test guidelines are a document made by the department and available for inspection on the department's website.

Step 1 — By resolution, propose to make the proposed subordinate local law.

Step 2 — Consult with the public about the proposed subordinate local law for at least 21 days (the consultation period) by—

- (a) publishing a notice (also a consultation notice) about the proposed subordinate local law at least once in a newspaper circulating generally in the local government's area; and
- (b) displaying the consultation notice in a conspicuous place in the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
- (c) making a copy of the proposed subordinate local law available for inspection at the local government's public office during the consultation period; and
- (d) making copies of the proposed subordinate local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following—

-
- (a) the name of the proposed subordinate local law; and
 - (b) the name of—
 - (i) the local law allowing the proposed subordinate local law to be made; or
 - (ii) if the local government has started the process for making a subordinate local law even though the process for making the proposed authorizing law on which the subordinate local law is to be based has not finished — the proposed authorizing law; and
 - (c) the purpose and general effect of the proposed subordinate local law; and
 - (d) the length of the consultation period and the first and last days of the period; and
 - (e) that written submissions by any person supporting or objecting to the proposed subordinate local law may be made and given to the local government on or before the last day of the consultation period stating—
 - (i) the grounds of the submission; and
 - (ii) the facts and circumstances relied on in support of the grounds.

If the local government decides, by resolution, that the proposed subordinate local law only amends an existing subordinate local law to make an insubstantial change, and the amendment does not affect an anti-competitive provision, the local government may proceed to step 5 without satisfying any of step 2 to step 4 inclusive.

Step 3 — If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 2, and this step 3, may be undertaken contemporaneously.

Step 4 — Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it—

- (a) is the written submission of any person about the proposed subordinate local law; and
- (b) states—
 - (i) the grounds of the submission; and
 - (ii) the facts and circumstances relied on in support of the

grounds; and

- (c) is given to the local government on or before the last day of the consultation period.

Step 5 — By resolution, decide whether to—

- (a) make the proposed subordinate local law as advertised; or
- (b) make the proposed subordinate local law with amendments; or
- (c) not proceed with the making of the proposed subordinate local law.

If the local government resolves to proceed with the making of the proposed subordinate local law with amendments, and the amendments are substantial, the local government may again —

- (a) consult with the public at step 2; and
- (b) accept and consider every submission properly made to the local government at step 4.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

Step 6 — Let the public know that the subordinate local law has been made, by publishing a notice of the making of the subordinate local law in accordance with the requirements of section 29B(1) to (3) inclusive of the *Local Government Act 2009*.

Step 7 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the subordinate local law may be inspected and purchased at the local government's public office.

Step 8 — Within 7 days after the notice is published in the gazette, give the Minister—

- (a) a copy of the notice; and
- (b) a certified copy of the subordinate local law; and
- (c) if the subordinate local law contains 1 or more anti-competitive provisions—
 - (i) advice of each anti-competitive provision; and
 - (ii) the reasons for their inclusion.

Step 9 — Update the local government's register of its local laws.

Making an “other” local law

The process (other local law making process) stated in this resolution must be used to make a local law (a proposed local law) other than—

- (a) a model local law; or
- (b) an interim local law; or
- (c) a subordinate local law.

Step 1 — By resolution, propose to make the proposed local law.

Step 2 — Consult with relevant government entities about the overall State interest in the proposed local law.

Step 3 — Consult with the public about the proposed local law for at least 21 days (the consultation period) by—

- (a) publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government's area; and
- (b) displaying the consultation notice in a conspicuous place at the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
- (c) making a copy of the proposed local law available for inspection at the local government's public office during the consultation period; and
- (d) making copies of the proposed local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following—

- (a) the name of the proposed local law; and
- (b) the purpose and general effect of the proposed local law; and
- (c) the length of the consultation period and the first and last days of the period; and
- (d) that written submissions by any person supporting or objecting to the proposed local law may be made and given to the local government on or before the last day of the consultation period stating—
 - (i) the grounds of the submission; and
 - (ii) the facts and circumstances relied on in support of the

grounds.

If the local government decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial change, the local government may proceed to step 6 without satisfying step 3 or step 5.

For the avoidance of doubt, step 2, and this step 3, may be undertaken contemporaneously.

Step 4 — If the proposed local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 2, step 3, and this step 4, may be undertaken contemporaneously.

Step 5 — Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it —

- (a) is the written submission of any person about the proposed local law; and
- (b) states—
 - (i) the grounds of the submission; and
 - (ii) the facts and circumstances relied on in support of the grounds; and
- (c) is given to the local government on or before the last day of the consultation period.

Step 6 By resolution, decide whether to—

- (a) proceed with the making of the proposed local law as advertised; or
- (b) proceed with the making of the proposed local law with amendments; or
- (c) not proceed with the making of the proposed local law.

If the local government resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, the local government may again —

- (a) consult with the public at step 3; and
- (b) accept and consider every submission properly made to the local government at step 5.

For the avoidance of doubt, if an amendment changes an anti-

competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

Step 7 Give the Minister the following —

- (a) a copy of the proposed local law; and
- (b) a drafting certificate for the proposed local law; and
- (c) information required by the Minister or under a regulation.

Step 8 Subject to section 29A (4) of the *Local Government Act 2009*, proceed further in making the proposed local law.

Step 9 By resolution, decide whether to—

- (a) make the proposed local law as advertised; or
- (b) make the proposed local law with amendments; or
- (c) not proceed with the making of the proposed local law.

If the local government resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, the local government may again —

- (a) consult with the public at step 3; and
- (b) accept and consider every submission properly made to the local government at step 5.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

Step 10 — Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (3) inclusive of the *Local Government Act 2009*.

Step 11 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.

Step 12 — Within 7 days after the notice is published in the gazette, give the Minister—

- (a) a copy of the notice; and
- (b) a certified copy of the local law; and

(c) if the local law contains 1 or more anti-competitive provisions—

- (i) advice of each anti-competitive provision; and
- (ii) the reasons for their inclusion.

Step 13— Update the local government's register of its local laws.

Resolution

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

CARRIED

ITEM-14 Local Law Review - Anti-Competitive Provisions and Public Interest Testing (PIT)

Executive Summary

As part of the National Competition Policy reforms and in accordance with legislation Council is required to conduct a Public Interest Test on possible anti-competitive provisions identified in the proposed local laws and subordinate local laws.

To streamline this process it is recommended that Council delegates the necessary powers to the Chief Executive Officer to conduct the Public Interest Test process.

King and Company have identified the likely anti-competitive provisions in each proposed local law and subordinate local law.

Public Interest Test Plans have been provided to Council to facilitate the required course of action.

Recommendation

That the Council, pursuant to section 257 of the *Local Government Act 2009* ("the Act"), delegates 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 particularised 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 particularised 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.

1. 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;
- (d) Local Law No. 6 (Bathing Reserves) 2011 and each subordinate local law made under the local law which contains a possible anti-competitive provision.

Resolution

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

CARRIED

ITEM-15 Proposed Local Laws and Subordinate Local Laws

Executive Summary

Council is looking to adopt a new suite of local laws and subordinate local laws. Staff have been liaising with neighbouring councils including Townsville, Hinchinbrook and Charters Towers and King and Company, Solicitors to achieve more uniform and consistent local laws for the region.

In accordance with the process adopted for making a local law, Council must by resolution:

- a. adopt the model local laws detailed in this report.
- b. propose to make the proposed local laws and subordinate local laws detailed in this report.

Recommendation

That Council —

- a. proposes to adopt each model local law listed in schedule 1; and
- b. proposes to make each proposed local law listed in schedule 2; and
- c. proposes to make each proposed subordinate local law listed in schedule 3.

SCHEDULE 1

- a. Model Local Law No. 5 (Parking) 2011;

-
- b. Model Local Law No. 6 (Bathing Reserves) 2011.

SCHEDULE 2

- a. Local Law (Repealing) Local Law (No. 1) 2011;
- b. Local Law No. 1 (Administration) 2011;
- c. Local Law No. 2 (Animal Management) 2011;
- d. Local Law No. 3 (Community and Environmental Management) 2011'
- e. Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;
- f. Local Law No. 7 (Aerodromes) 2011.

SCHEDULE 3

- a. Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011;
- b. Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011;
- c. Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011;
- d. Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011;
- e. Subordinate Local Law No. 1.5 (Keeping of Animals) 2011;
- f. Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011;
- g. Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011;
- h. Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011;
- i. Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011;
- j. Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011;
- k. Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011;
- l. Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011;
- m. Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011;
- n. Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011;

-
- o. Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2011;
 - p. Subordinate Local Law No. 1.16 (Gates and Grids) 2011;
 - q. Subordinate Local Law No. 1.17 (Reservation of Bathing Reserve for Training Competition etc) 2011;
 - r. Subordinate Local Law No. 1.18 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2011;
 - s. Subordinate Local Law No. 1.19 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2011;
 - t. Subordinate Local Law No. 1.20 (Parking in a Loading Zone by Displaying a Commercial Vehicle Identification Label) 2011;
 - u. Subordinate Local Law No. 2 (Animal Management) 2011;
 - v. Subordinate Local Law No. 3 (Community and Environmental Management) 2011;
 - w. Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;
 - x. Subordinate Local Law No. 5 (Parking) 2011;
 - y. Subordinate Local Law No. 6 (Bathing Reserves) 2011.

Resolution

Moved Councillor Gazzola, seconded Councillor List that the recommendation be adopted subject to the following amendments:

Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011 – Amend title to “Operation of Rental Accommodation” – Amendment to Section 7 – Term of Approval and Section 8 – Term of Renewal of an Approval.

Subordinate Local Law No. 5 (Parking) 2011 – Amendment to Section 6 dealing with declaration of off-street regulated parking areas; Amendment to Schedule 2 to better define the off-street regulated parking areas including insertion of appropriate maps.

Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011 – Deletion of Section 6(14), (31) and (32).

Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011 – Amendment to Schedule 1 altering number of people from 50 to 100.

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 – Amendment to Schedule 2 dealing with restricted activities for Local Government controlled areas or roads as follows:

-
- Allow Funny Dunny Park and boat ramps permitted camping for a maximum of 4 days in any 14 day period
 - Amend reference to “48 continuous hours” to “2 days”.

CARRIED

During consideration of the above report Deputy Mayor, Cr. Loizou assumed the Chair when the Mayor, Cr. McLaughlin left the meeting for a short period.

- **CORRESPONDENCE FOR INFORMATION**

- **NOTICES OF MOTION**

- **URGENT BUSINESS**

- **GENERAL BUSINESS**

GB-1 Council to approach Department of Transport and Main Roads regarding Consultation Process for Bruce Highway Works through Brandon

Cr. Haynes raised concerns expressed by Brandon residents regarding the consultation process undertaken thus far by the Department of Main Roads and Transport in relation to the major highway works proposed to be undertaken through Brandon.

Resolution

Moved Councillor Haynes, seconded Councillor Loizou that Council approaches the Department of Transport and Main Roads to request that they undertake appropriate community consultation in relation to the major highway works through Brandon prior to and during the construction process.

CARRIED

GB-2 Councillors to attend Queensland Local Government Association Conference at Gold Coast - 3-6 October 2011

Resolution

Moved Councillor Lewis, seconded Councillor Gazziola that the Mayor, Councillor McLaughlin and Councillors Loizou, List and Haynes be authorised to attend the Queensland

Local Government Association Conference to be held at the Gold Coast from 3 to 6 October 2011.

CARRIED

GB-3 Councillor McLaughlin authorised to attend Course at Mt. Macedon - 23-26 August 2011

Resolution

Moved Councillor Loizou, seconded Councillor List that the Mayor, Cr. McLaughlin be authorised to attend a course (Co-ordinate Resources within a Multi-Agency Response) at the Australian Emergency Management Institute at Mt. Macedon from 23 – 26 August, 2011.

CARRIED

LUNCHEON ADJOURNMENT

Following the luncheon adjournment Deputy Mayor, Cr. Loizou assumed the Chair as the Mayor, Cr. McLaughlin was absent due to a prior appointment.

GB-4 Motion to approve installation of Parallel Parking in Cameron Street lost

Design Office Manager, Mr. Ingle reported on investigations undertaken in relation to parking near Cameron and Chippendale Streets, Ayr as requested by Council.

Resolution

Moved Councillor Dalle Cort, seconded Councillor Gazziola that parallel parking bays be installed in Cameron Street, Ayr near the intersection with Chippendale Street (as per Plan SP-082 tabled).

FOR: Councillors Dalle Cort and Gazziola

AGAINST: Councillors Haynes, Lewis, List and Loizou

LOST 2/4

The Mayor, Cr. McLaughlin returned to the meeting at this stage and resumed the Chair.

• IN COMMITTEE DISCUSSIONS

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

Resolution

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

72(1) (e) - Contracts proposed to be made by Council;

72(1) (h) – other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage;

for the purpose of discussing:

- BSC/11/24, TBSC/11/25, TBSC/11/26, TBSC/11/27 – Management of Council Caravan Parks and Swimming Pools (Report emailed to all Councillors);
- Home Hill Golf Club Drainage;
- Options for Dirty Water;
- Sewerage to Sutcliffe Estate.

CARRIED

ORDINARY MEETING OF COUNCIL RESUMED

Resolution

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

CARRIED

ITEM-17 Council accepts Tenders for Management of Home Hill Swimming Pool and Caravan Park, Ayr Swimming Pool and Burdekin Cascades Caravan Park

Resolution

Moved Councillor Loizou, seconded Councillor Haynes that Council:

1. Accepts the tender of Sharon Danziger and Peter Nielsen to provide the services required under Tender TBSC/11/26 & 27 – Management of Home Hill Swimming Pool and Caravan Park.
2. Accepts the tender of Lynette Johnson to provide the services required under Tender TBSC/11/25 – Management of Ayr Swimming Pool.
3. Accepts the tender of Anthony Hunt and Marilyn Walton to provide the services required under Tender TBSC/11/24 – Management of Burdekin Cascades Caravan Park.

-
4. Expresses appreciation in writing to other applicants for taking the time and effort in tendering.
 5. Writes to the previous management contract holders thanking them for their management services.

FOR: Councillors Dalle Cort, Haynes, Lewis, Gazzola, List and Loizou

AGAINST: Councillor McLaughlin

CARRIED 6/1

- **DELEGATIONS**

11.30am – Presentation of BHP Billiton Cannington Mine North Queensland Sport Development Bursaries to Brianne Rossato and Mackenzie Falco.

There being no further business the meeting closed at 4.40 p.m.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 9 August 2011.

MAYOR

ITEM-2 Burdekin Building Safer Communities Action Team Minutes - 8 June 2011

Recommendation

That the minutes of the Burdekin Building Safer Communities Action Team Meeting held on 8 June, 2011 be received and adopted.

Minutes of Meeting
Burdekin Building Safer Communities Action Team (BSCAT)
Meeting held on 8th June, 2011

Held in the John Hy-Peake Room at the Burdekin Shire Council
The meeting commenced at 11.00 am

ATTENDANCE

Brad Taylor	Crime Prevention Officer, QPS, Townsville
Cr Lyn McLaughlin	Mayor, Burdekin Shire Council
Tammy Quagliata	Burdekin Shire Council
Snr Sgt. Steve Barton	Officer in Charge, QPS, Ayr
Cheryl Lawrence	BCA, Mental Health Youth Support
Sgt. Dan Caesar	Burdekin PCYC
Natalie Saroglia	Burdekin Neighbourhood Centre
Jeannie Zonta	BCA, Rural Health
Sgt. Adrian Rieck	QPS, Giru

APOLOGIES

Cr Pierina Dalle Cort	Ayr Chamber of Commerce
Sue Collier	Burdekin Centre for Rural Health
Damian Coe	Burdekin Youth Patrol
Tony Vaccaro	Burdekin Shire Council
Jason & Lynda Robins	Burdekin Night Alert
Robert Tomarchio	Community Member
Jodi Pringle	Qld Youth Services
Jodi Saville	Tville Probation and Parole

Acronyms:

Burdekin Shire Council	BSC
Queensland Police Service	QPS
Councillor	Cr
Burdekin Community Association	BCA
BSCAT	Building Safer Communities Action Team

CONFIRMATION OF PREVIOUS MINUTES

Moved Lyn McLaughlin, seconded Cheryl Lawrence that the minutes of the BSCAT Meeting held on 11th May, 2011 be received as a true and correct record.

CARRIED

BUSINESS FROM MINUTES

Volunteers in Policing (VIP's)

Snr. Sgt. Barton advised that two local residents had now undertaken the course to become VIP's (Volunteers in Policing). Brad Taylor advised that he had spoken with Sgt. Glenn Lawrence in relation to holding further courses in the Burdekin for VIP's. It was agreed that the group aim to have more media coverage on the work of the VIP's, so that further interest can be sought in the Community, prior to holding another Course.

Home/Car Security Audits

It was noted that only 1 response was received following the recent media coverage on free home security audits in the Burdekin. The new VIP's would be undertaking the home audit today. Cheryl Lawrence undertook to promote the home security audits at her displays in the future. It was also noted that the VIP's would be conducting personal security audits of the Ayr Hospital and Medical centre car parks.

Discussions were held in relation to further educating the community on personal security in the home and vehicles. It was suggested that a message could be broadcasted through the local radio station using well known local voices eg. Mayor or Snr. Sgt. Barton. Snr. Sgt. Steve Barton undertook to liaise with Sweet FM Radio Station in relation to this matter.

It was further agreed that an advertisement for free Home Security Audits be placed in the Seniors Magazine, Roundabout. Snr. Sgt. Steve Barton undertook to arrange this.

Travellers Beware Posters

Following the previous meeting, it was agreed that the posters would be best distributed by a police officer in uniform, this hopefully making more of an impact. Snr. Sgt. Barton advised that the first lot of posters had already been delivered and the remainder would be delivered by the VIP's (in uniform) within the next few weeks.

CCTV & Lighting Plan for Tommie Tie Park

Brad Taylor advised that he had been liaising with Tony Vaccaro in relation to this matter. At present, Council is still waiting on a service agreement from the Federal Government before proceeding with the project (\$50,000 Funding). Council staff are currently designing a plan for the area for lighting and CCTV's. Brad Taylor, Snr. Sgt Steve Barton, Keith Loader and Tony Vaccaro will then visit the site.

CORRESPONDENCE

Inward Correspondence

- **Jason Robins, Burdekin Night Alert Security** - Congratulating the Committee on receiving funding for CCTV's and solar lighting at Tommie Tie Park, however expressing disappointment that they were not given the opportunity to provide a quote and advice for this project.

Outward Correspondence

- **Jason Robins, Burdekin Night Alert Security** - In response to their correspondence, advising that there were two amounts of funding obtained for the installations of CCTV's and Solar Lighting at Tommie Tie Park, Ayr; one from Qld Police Services and the other from Council on behalf of BSCAT. It was noted that BSCAT have not yet commenced the project and are waiting on the service agreement from the Federal Government before quotations are sought.

Moved Snr. Sgt. Steve Barton, seconded Cheryl Lawrence that the inward correspondence be received and the outward adopted.

CARRIED

POLICE REPORT ON CRIME DEMOGRAPHICS

Snr. Sgt. Steve Barton, Officer in Charge, Ayr Police advised that in May their had been an overall decrease in crime throughout the district. It was further noted that CCTV footage had assisted in solving a crime at the Silverlink Caravan Park, Ayr.

Cr. Lyn McLaughlin advised that in relation to discussions held at the previous meeting regarding penalties for repeat offenders; she had not yet been in contact with the Magistrates office. It was noted that the concerns should be driven by the Community as a whole.

GENERAL BUSINESS

Stay on Your Feet Expo – Friday 17th June, 2011

It was noted that Brad Taylor would be manning the BSCAT Display at the Stay on your Feet Expo and would also be giving a presentation on home security at the expo.

Community Grant Scheme (Road Safety & Crime Prevention)

Brad Taylor provided information in relation to the Road Safety and Crime Prevention Community Grant Scheme which is on offer from Qld Police Services, partnered with Suncorp Insurance. Over \$300,000 in grants will be available over the next two years, with one-off grants being awarded to local communities to develop and implement road safety and crime prevention projects throughout Qld. Applications for the first round are now open and are due by 15th July, 2011.

It was agreed that BSCAT should apply for funding in this round and discussions were held on funding projects and ideas. The following ideas were put forward:

- Solar lighting for walking path through Plantation Park.
- Solar lighting for walking path through Nelsons Lagoon.
- Purchase of a portable bike riding track to teach children bike safety and road rules etc. *(It was resolved to contact the schools regarding their current curriculum for bike safety within the school prior to seeking funds)*

Any further ideas should be forwarded to Tammy Quagliata at the Council. Brad Taylor undertook to look into the requirements for funding before a project is decided upon. It was resolved that Council officers proceed with the funding application.

It was further noted that Qld Police were eligible to and would be applying for funding.

Cheryl Lawrence also raised concerns in relation to the education of learner/provisional drivers regarding wide loads and pilot vehicles. It was noted that these concerns be forwarded to Council's Road Safety Committee to address.

Safety Warning re Backpackers visiting Alva Beach

Snr. Sgt. Steve Barton reported on several recent incidents where backpackers were being stranded on sandbanks by incoming tides at Alva Beach. Concerns were raised, and it was suggested that the Committee could possibly look at installing some signage warning tourists and locals of the dangers of rising tides in the area. Cr. McLaughlin advised Snr. Sgt. Barton to liaise with Director of Environment & Operations, Mr. Trevor Williams in relation to the matter.

Portable CCTV Cameras - Farm Cam available for use

Sgt. Adrian Rieck from Giru Police addressed the meeting in relation to new portable Farm Cam's that have been donated to the Burdekin BSCAT Committee on behalf of the Giru Lions Club. It was noted that the cameras are currently being trialled and will soon be available to borrow from BSCAT who will liaise with the local Police in relation to the matter. The cameras were obtained to catch offenders and reduce property theft on rural and remote farms in the district. Sgt. Adrian Rieck advised that there has been an increase in fuel and equipment going missing from sheds and farms and the police were currently looking at addressing the issues, with assistance from BSCAT and use of the farm cams.

It was resolved that BSCAT write a letter of thanks to the Giru Lions for their kind donation of the farm cams to assist with reducing property theft on rural and remote farm areas in the shire.

Other General Business

- Sgt. Dan Caesar from Burdekin PCYC gave an update on activities at the PCYC including boxing, kindy gym and blue light discos. It was further noted that the PCYC Bus would be available from mid-June.
- Natalie Saroglia provided information on Women's Self Defence Courses as well as Life Skills Training available in Ayr. It was noted there were Anger Management courses available as part of the life skills training and members were encouraged to forward this information to any relevant contacts.

Action Plan

It was resolved that the BSCAT Action Plan be broken into sections and distributed to members for review and or comment/change. Tammy Quagliata undertook to arrange circulation of sections of the Action Plan for review.

There being no further business, the meeting closed at 12.30pm

NEXT MEETING - Wednesday 13th July at 11.00am.

ACTION ITEMS

From June Meeting

Action	Person(s) responsible	Status
Promote Home Security Audits at Display Stand	Cheryl Lawrence	
Liaise with Sweet FM in relation to having a personal safety message recorded and regularly broadcasted on the radio	Snr. Sgt. Steve Barton	
Place advertisement for free Home Security Audits in seniors Roundabout Magazine	Snr. Sgt. Steve Barton	
Funding Application for Community Grant Scheme (Road Safety and Crime Prevention) – due 15 th July, 2011	Tammy Quagliata Tony Vaccaro	
Contact local schools seeking information in relation to their current curriculum for bike safety within the school	Tammy Quagliata	
Forward the Committee's concerns regarding education of learner/provisional drivers re wide loads and pilot vehicles to the Burdekin Road Safety Committee.	Tammy Quagliata	
Liaise with Trevor Williams in relation to signage to be placed at Alva Beach warning tourists and locals of the dangers of the rising tide in the area.	Snr. Sgt. Steve Barton	
Review of Action Plan	All members	Ongoing

From May meeting

Action	Person(s) responsible	Status
Correspond with Sgt. Glenn Lawrence in relation to holding another VIP's course for Burdekin residents towards the end of the year. (following the Initial Course)	Tammy Quagliata	
Undertake Home Security Audits within the Burdekin Shire	Brad Taylor	
Delivery of 'Travellers Beware' posters to Backpacker establishments	Tammy Quagliata Brad Taylor Snr. Sgt. Steve Barton	Ongoing
Place advertisement in paper to support Burdekin Stay on Your Feet Expo	Tammy Quagliata	✓
Liaise with Keith Loader from Delta Backpackers in relation to developing a plan for the Tommie Tie Park Lighting and CCTV Project prior to next meeting.	Brad Taylor Snr. Sgt. Steve Barton Tony Vaccaro	Ongoing
Liaise with a representative from Alcohol, Tobacco and other Drugs and Substances (ATODS) in relation to revitalising the Burdekin Liquor Accord.	Snr. Sgt. Steve Barton	
Raise that issue of Home Hill Night Audits with Council	Pierina Dalle Cort	

ITEM-3 Burdekin Shire Youth Council Minutes - 20 June 2011

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 20 June, 2011 be received and adopted.

Burdekin Shire Council

Minutes – Burdekin Shire Youth Council Meeting held on 20th June, 2011

Held in the John Drysdale Chamber
The meeting commenced at 3.30pm

CLAUSE 1

ATTENDANCE

Sophie Ricca - Youth Mayor
Lexi Haselton - Secretary
Chris Moretto – BCHS
Ellanah Ritchie – ASHS
Jade Boxall – ASHS
Justin Zani – WYR
Jaynae Zaro - ASHS
Lachlan Grantz - BCHS
Laura Sloan – ASHS
Maddelyn Giddy - BCHS
Shannon Dillon - ASHS
Shannyn Pattinson - BCHS
Zoie Borellini - ASHS

Tammy Quagliata - Burdekin Shire Council
Jodi Pringle - Qld Youth Services

Apologies for absence

Tony Vaccaro – BSC
Mayor Lyn McLaughlin - BSC
Kate Andrews - Deputy Youth Mayor
Emily Thompson – ASHS
Jessie Henaway – ASHS
Meg Andrews – ASHS
Tahlia Connolly - BCHS

CLAUSE 2

MINUTES RECEIVED

Moved Zoie Borellini, seconded Laura Sloan that the Minutes of the Burdekin Shire Youth Council Meeting held on 30th May, 2011 be received noting the following amendment:

Clause 8 - The Youth Fun Day would be held on 6th July from 10am to 2pm, not 10am to 12midday.

CARRIED

CLAUSE 3

CORRESPONDENCE

Inward Correspondence

1. Australian Drug Foundation – forwarding a resource catalogue for winter 2011.
2. Sunwater Burdekin Water Festival Committee - Forwarding information and an entry form for the 2011 Ergon Energy Wearable Art Competition to be run in conjunction with the Tastes of the Burdekin Food Fair.

-
3. Shae Gall, Personalised Graphic Promotions - Providing information on their new fundraising programme, where children design and creation products to sell to family/friends.

Outward Correspondence

1. Tastes of the Burdekin Committee - Forwarding application for stall at the Tastes of the Burdekin Food Fair to be held on 16th July from 4pm to 9pm.
2. Burdekin Delta Cinemas - Advising that Youth Council are interested in holding a movie night with an upcoming PG movie and asking that they keep in contact with regards to available movies.
3. Chris Grantz, Pantry Door - Advising that youth council members Maddelyn Giddy, Shannyn Pattinson and Laura Sloan are interested in offering assistance in table waiting for the Landcare Conference in September.

Zoie Borellini advised that she was also keen to be a waiter at the Landcare Conference on behalf of the Burdekin Shire Youth Council. Tammy Quagliata undertook to forward her contact details to the Pantry Door.

Moved Shannyn Pattinson, seconded Maddelyn Giddy that the inward correspondence be received and the outward adopted.

CARRIED

CLAUSE 4 INVOLVEMENT IN BURDEKIN RELAY FOR LIFE – 13TH & 14TH AUGUST, 2011

Tammy Quagliata advised that unless parental supervision was provided, the Youth Council would be unable to take part in the Burdekin Relay for Life. Members were encouraged to seek their parents support for this and return forms prior to the next meeting, so that the team can be finalised.

CLAUSE 5 EXPRESSIONS OF INTEREST OPEN FOR BURDEKIN UNPLUGGED TALENT COMPETITION PROPOSED TO BE HELD ON FRIDAY 26TH AUGUST, 2011

Tammy Quagliata tabled posters and expressions of interest forms for Burdekin Unplugged – a Youth Talent Competition proposed to be held on Friday 26th August, 2011. The event is open to musicians, singers, performers and entertainers. There will be a \$20 entry fee and will be plenty of cash & prizes up for grabs.

Members were encouraged to circulate posters and flyers around schools for the event. The event will go ahead if there are a minimum of 6 performers. Expressions of interest will close on 22nd July, 2011.

CLAUSE 6 INVOLVEMENT IN TASTES OF THE BURDEKIN TO BE HELD ON 16TH JULY 2011 – FACE PAINTING STALL & SURVEYS

It was noted that Youth Council Members will be undertaking Face painting at the Tastes of the Burdekin on Saturday 16th July 2011 from 4pm to 8pm.

Face painting will cost \$3.00/child. A roster was developed for face painting and members were encouraged to help out at the event.

Tammy Quagliata advised that Youth Council members have been approached in relation to collecting 300 surveys at the Tastes of the Burdekin, to assist the organising Committee. The Committee has offered a \$150 donation to members.

It was resolved that youth council agree to collect surveys at the Tastes of the Burdekin in addition to their face painting stall.

CLAUSE 7 YOUTH FUN DAY AT PCYC TO BE HELD ON WEDNESDAY 6TH JULY, 2011

Jodi Pringle provided more information on the Youth Fun Day to be held at the PCYC grounds on the 6th July from 10am to 2pm. The fun day has been planned so there are many activities such as laser skirmish, mini boot camp, dance & music workshops, soccer games & touch football games.

Members have agreed with Jodi that the idea of helping out at different stalls throughout the day was a good and should be successful idea. Members will be selling drinks and taking turns by following a roster. Not only will there be games and activities to participate in, but there will be survey's on computers which anyone can take part in for the chance of winning an Ipad.

CLAUSE 8 YOUTH COUNCIL PROMOTIONAL ITEMS

Tammy Quagliata advised that the water bottles and wrist bands had now arrived and some of the merchandise was tabled. Discussions were held in relation to the sale of these items.

Moved Chris Moretto, seconded Shannyn Pattinson that the Youth Council promotional items be available for sale for wrist bands \$3.00 and water bottles \$7.00.

CARRIED

CLAUSE 9 APPOINTMENT OF YOUTH REPRESENTATIVES ON THE BURDEKIN BE ACTIVE ADVISORY COMMITTEE MEETING

Tammy Quagliata advised that the Burdekin Be Active Advisory Committee is seeking youth representation as part of the group. The Burdekin be Active Committee is an advisory group to Council which focuses on creating active and healthy lifestyles in the Burdekin.

Moved Chris Moretto, seconded Lachlan Grantz that youth council members Lexi Haselton and Sophie Ricca be appointed as youth representatives on the Burdekin Be Active Advisory Committee.

CARRIED

It was noted the meetings are held on the first Wednesday of each month from 3.30pm at the Council Chambers.

CLAUSE 11 REPORT ON ATTENDANCE BY YOUTH MEMBERS TO THE DALAI LAMA VISIT IN BRISBANE

Youth Council Members Sophie Ricca, Justin Zani and Shannon Dillon reported on their recent attendance at the Dalai Lama visit in Brisbane, as part of the Regional Youth Engagement Project.

Members noted that this was a worthwhile experience and it was hoped that a youth forum would be held in the Burdekin Shire as part as follow up from this visit.

CLAUSE 12 OTHER GENERAL BUSINESS

- Discussions were held in relation to the continuation of Youth Council's involvement in the Happiness Group at the Ayr and Home Hill Homes for the Aged. It was agreed that Mondays and Tuesdays are quite busy days and it is very hard to get attendance on these days. It was resolved to correspond with the Home for the Aged to see if any other days would be suitable, perhaps Wednesdays or Thursdays.

NEXT MEETING – Monday 18th July, 2011 at 3:30pm

There being no further business, the meeting closed at 4:25pm

Lexi Haselton
SECRETARY

ACTIONS FROM MEETING

Action	Person(s) responsible	Status
Collect Surveys at Tastes of the Burdekin to be held on Saturday 16 th July, 2011	All members	
Provide Facepainting at Tastes of the Burdekin to be held on Saturday 16 th July, 2011 from 4pm to 8pm.	All members	
Seek parental supervision for Youth Council to take part in Relay for Life.	All Members	
Develop 2011 Youth Council Newsletter	Danielle Torrisi	
Hold a suitable Movie Night at Burdekin Delta Cinemas	Tammy Quagliata	Ongoing – waiting for a suitable Movie
Investigate possible tent for use at Burdekin Relay for Life	Lexi Haselton	
Waiters for Pantry Door at Landcare Conference – 21 st to 23 rd September, 2011	Maddelyn Giddy Shannyn Pattinson Laura Sloan Zoie Borellini	

- **REPORTS**

- **ENVIRONMENT & OPERATIONS**

ITEM-4 Permit to Occupy over land described as Lot 3 on AP2106 - Plantation Creek, Airdmillan (Parish of Antill, County of Gladstone)

Document Information

Referring Letter No: 1087181

File No: 01-04-05A

Name of Applicant: N/A

Location: Lot 3 on AP2106 Plantation Creek, Airdmillan, Parish of Antill, County of Gladstone)

Author and Title: S. Great – Manager Planning and Development

Executive Summary

A request has been received from Department of Environment & Resource Management (DERM), seeking Council's views in respect of the Permit to Occupy over land described as Lot 3 on AP2106, Plantation Creek, Airdmillan (Parish of Antill, County of Gladstone), in accordance with the Departments requirements.

Recommendation

That Council offers no objection to the request from Department of Environment and Resource Management for the Permit to Occupy over land described as Lot 3 on AP2106, Plantation Creek, Airdmillan (Parish of Antill, County of Gladstone).

Background Information

Correspondence has been received from Department of Environment and Resource Management, requesting Council's views on the Permit to Occupy over land described as Lot 3 on AP2106, Plantation Creek, Airdmillan (Parish of Antill, County of Gladstone).

Council's views in respect of the Permit to Occupy are requested in accordance with Department of Environment and Resource Management requirements.

Council's Manager – Environment and Health, Tracy Jensen has recommended that Council offers no objection to the request.

Link to Corporate/Operational Plan

N/A

Consultation

All relative Council departments have been consulted, there was no external consultation required for this application.

Legal Authority or Implications

N/A

Policy Implications

N/A

Financial and Resource Implications

N/A

Report prepared by:

S Great - Manager Planning and Development

Report authorised by:

S Great - Manager Planning and Development

Attachments



ITEM-5 Justin & Rachel Martin - Development Application for Material Change of Use for Residential Use-Dwelling House at 30 Hoey Street, Ayr (Lot 1 on RP700033, Parish of Antill, County of Gladstone)

Document Information

Referring Letter No: 1078643

File No: CONS 11/0008

Name of Applicant: Justin & Rachel Martin

Location: 30 Hoey Street, Ayr (Lot 1 on RP700033 Parish of Antill, County of Gladstone)

Author and Title: S Great – Manager Planning and Development

Executive Summary

An application has been received from Justin & Rachel Martin seeking approval for a Material Change of Use for Residential Use-Dwelling House at 30 Hoey Street, Ayr. (Lot 1 on RP700033 Parish of Antill, County of Gladstone). A Development Application (Impact 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 Residential Use-Dwelling House at 30 Hoey Street, Ayr (Lot 1 on RP700033, Parish of Antill, County of Gladstone) subject to the following conditions:

GENERAL

- 1.1 The conditions of the development permit must be achieved 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 supporting documents in the application submitted.

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.

DRAINAGE

3. 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.

BUILDING WORK

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

EXTERNAL WORKS

5. 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.

ENVIRONMENT AND HEALTH

- 6.1 **No residential dwelling, unit or other occupancy is permitted on the site, unless:
A full acoustic assessment is completed by a suitably qualified acoustic engineer that:**
 - shows orientation of the building and rooms to minimise noise impact on occupiers from adjacent business
 - indicates consideration of appropriate building materials, openings eg windows and doors, location of balconies, veranda's or the like and the impact on reducing noise
 - ensures that properly designed and constructed acoustic barriers will minimise noise from the commercial premises.

- 6.2 The acoustic assessment report is approved by Council

6.3. Additional condition to be raised from the floor

Background Information

The following comments are from the Manager of Planning & Development, Mr Shane Great:

The land is zoned 'Industrial' with the proposal triggering an 'Impact Assessable' Development Application for Material Change of Use for Residential Use-Dwelling House. The application has been assessed against the Material Change of Use (MCU) Code under the provisions of the Burdekin Shire Council's IPA Planning Scheme.

The Application:

The applicants' intent is to construct a new dwelling house on Lot 1 on RP700033. The lot is currently zoned 'Industrial'. In accordance with the planning scheme requirements, this zoning requires a Development Permit to be obtained before a house can be built on the land. The lot was originally owned by the current owners of the bakery. The property has since changed hands and has been vacant for many years. Previously, given it was part of the operations of the bakery, it inherited an 'industrial' zone. Discussions at a recent Development Assessment Team meeting highlighted the fact that if this application was to be

supported by Council, it should contain conditions that minimise the potential incompatible land uses apparent between a residential and industrial zoned lot. As part of the recommendation, officers have recommended the need for the applicant to obtain a noise assessment report that will assist in controlling these concerns.

Site Description/Surrounding Land Uses:

The subject property is located on land in Hoey Street, Ayr. The land has an area of 1214m² is of a regular shape and is considered relatively flat. The dominant land use is residential with an existing bakery located on the adjoining property.

Conclusion:

Council's Development Assessment Team members have assessed the application and have included reasonable and relevant conditions as part of the recommended approval. Given that the proposal complies with the provisions contained in Council's IPA Planning Scheme, it is recommended that Council approves the application subject to the abovementioned conditions.

Link to Corporate/Operational Plan

N/A

Consultation

All relative Council Departments have been consulted there were no external agencies triggered for this application. The application was advertised in the Ayr Advocate on Friday 1st July, 2011 and at the closing date for submissions on Friday 22nd July 2011, no submissions were received.

Legal Authority or Implications

N/A

Policy Implications

N/A

Financial and Resource Implications

N/A

Report prepared by:

S Great – Manager Planning and Development

Report authorised by:

S Great – Manager Planning and Development

Attachments



Planning Scheme

-  Rural
-  - Rural Industry Sub Area
-  - Rural Nature Based Recreation Sub Area
-  - Rural Settlement Sub Area
-  Residential
-  - Residential Low Density Sub Area

Zone Map

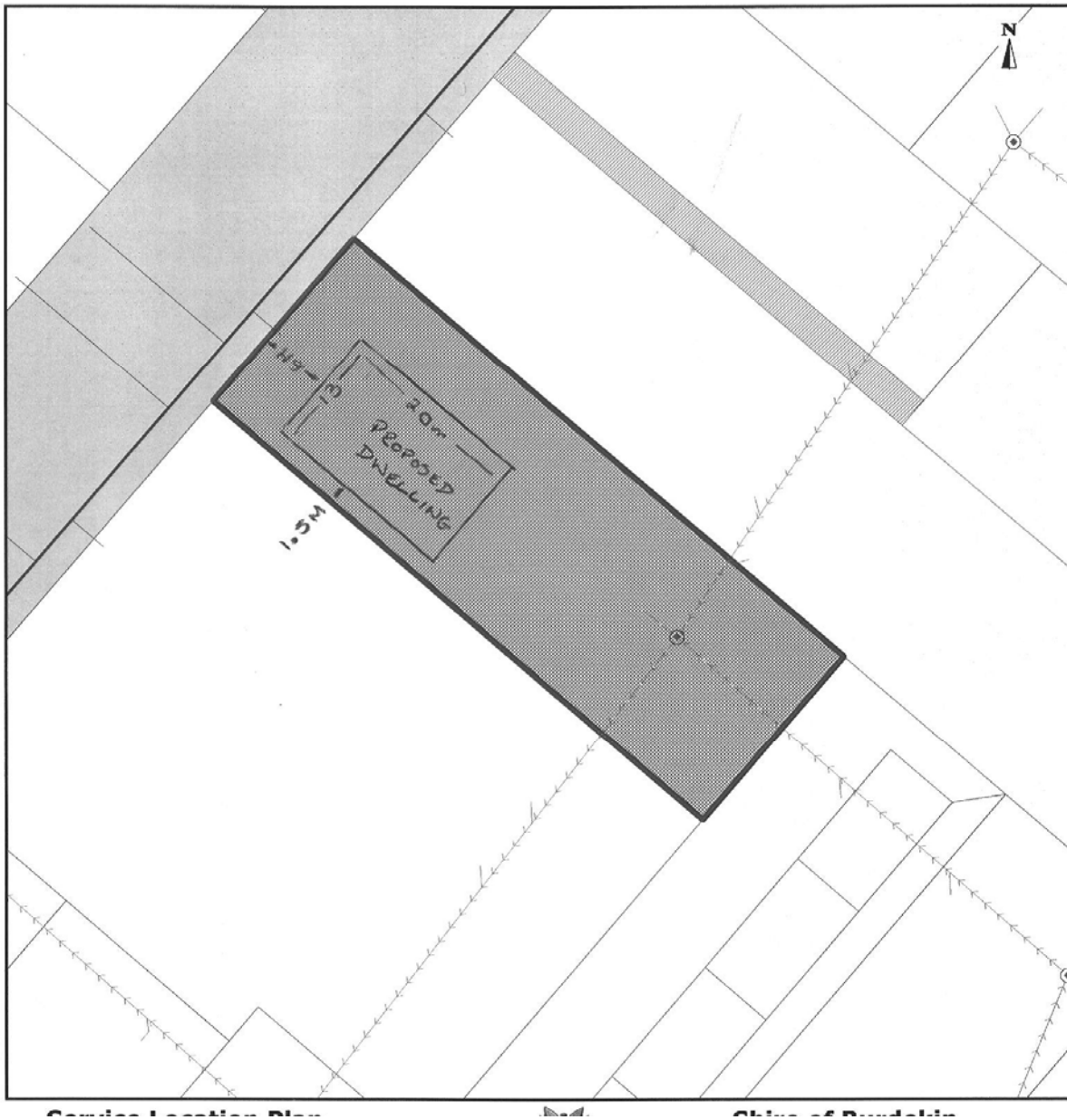
-  Retail and Commercial
-  Industrial
-  - Extractive Industry Sub Area
-  - Industry Investigation Sub Area
-  Public Purpose
-  Community Infrastructure Designation

-  Village
-  Open Space & Recreation



Created on Friday, 29
July 2011





ITEM-6 David Cox - Development Application for Reconfiguring a Lot at 26 Lookout Road & 17 Castorina Drive, Mt Kelly (Lots 63 & 64 on SP236399, Parish of Northcote, County of Gladstone)

Document Information

Referring Letter No: 1018170

File No: Sub 11/0007

Name of Applicant: David Cox

Location: 26 Lookout Road & 17 Castorina Drive, Mt Kelly (Lots 63 & 64 on SP236399 Parish of Northcote, County of Gladstone)

Author and Title: S Great – Manager Planning and Development

Executive Summary

An application has been received from Brazier Motti on behalf of their client David Cox seeking approval for Reconfiguring a Lot (boundary realignment) at 26 Lookout Road & 17 Castorina Drive, Ayr (Lots 63 & 64 on SP236399 Parish of Northcote, 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 26 Lookout Road & 17 Castorina Drive, Mt Kelly (Lots 63 & 64 on SP236399 Parish of Northcote, 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 \$59-60 calculated on the basis of a charge of \$29-80 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 Brazier Motti plans numbered 55592/003A;
 - (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.

ADVICE (Note: These are not conditions)

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

Background Information

The following comments are from the Manager of Planning & Development, Mr Shane Great:

The land is zoned 'Rural', and includes a 'Rural Settlement Sub Area' overlay, with the proposal triggering a 'code assessable' development application for Reconfiguring a Lot. The application has been assessed against the Reconfiguration of a Lot (ROL) Code under the provisions of the Burdekin Shire Council's IPA Planning Scheme. This proposal meets the objectives as stated in the code.

The Application:

The proposal seeks to realign lots 63 & 64 on SP236399. The subject site has approximately 232m frontage to Castorina Drive and 143m frontage to Lookout Road with a total area of 11.669 hectares. Lot 64 on SP236399 has an existing dwelling and shed constructed on it. It is the applicant's intent to create proposed lot 66 for the purposes of containing the existing dwelling and shed while proposed Lot 65 will be developed for future rural settlement residential land uses.

Effluent Disposal:

A site assessment report from Nicoll Beattie Pty. Ltd. confirms that the proposed lots have adequate area to construct proper on-site effluent treatment areas. The report states that the surface soils are well suited to the land application of primary treated effluent from conventional septic tanks. The report concludes that there are no known environmental or public health constraints to the on-site treatment of domestic waste and the subject soils are generally well suited to the on-site treatment of domestic waste.

Surrounding Land Uses:

The surrounding area has a mix of rural residential and agricultural land uses. This amenity is apparent throughout the entire Mount Kelly area.

Conclusion:

Council's Development Assessment Team members have assessed the application and have included reasonable and relevant conditions as part of the recommended approval. Previous subdivision approvals have insured that both proposed lots have existing potable water supply, fire fighting, and road infrastructure. Given that the proposal complies with the provisions contained in Council's IPA Planning Scheme and in particular the acceptable solutions of the 'Reconfiguration of a Lot' zone code, it is recommended that Council approves the application subject to the abovementioned conditions.

Link to Corporate/Operational Plan

N/A

Consultation

All relative Council Departments have been consulted. Advices have been received detailing any specific requirements. Reasonable and relevant conditions have been included in the recommendation.

Referral Agencies

The application triggered a referral to the Department of Environment and Resource Management (DERM) as a concurrence agency due to the proposed new boundaries having the ability to have assessable operational works carried out on them in an area mapped with remnant vegetation. The applicant was required to lodge a 'Property Vegetation Management Plan' to assist with the assessment of the development application by the Department of Environment and Resource Management as a concurrence agency for vegetation matters. A Concurrence Agency Response has been received and will be included in any Decision Notice sent to the applicant. Minimal conditions were imposed by the DERM and dealt with limiting the ability to clear additional vegetation without prior approvals being obtained from the department.

In accordance with the SPA a copy of the decision notice will be forwarded to DERM.

Legal Authority or Implications

N/A

Policy Implications

N/A

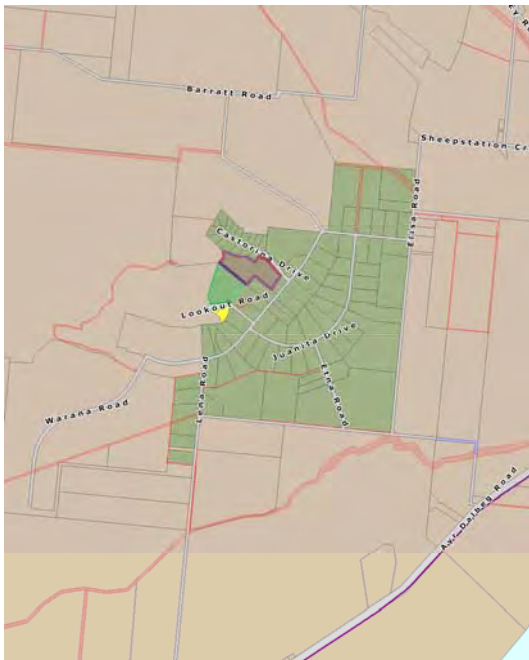
Financial and Resource Implications

N/A

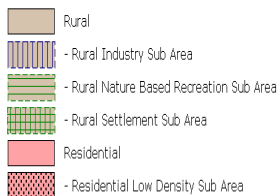
Report prepared by:
S Great - Manager Planning & Development

Report authorised by:
S Great - Manager Planning & Development

Attachments



Planning Scheme

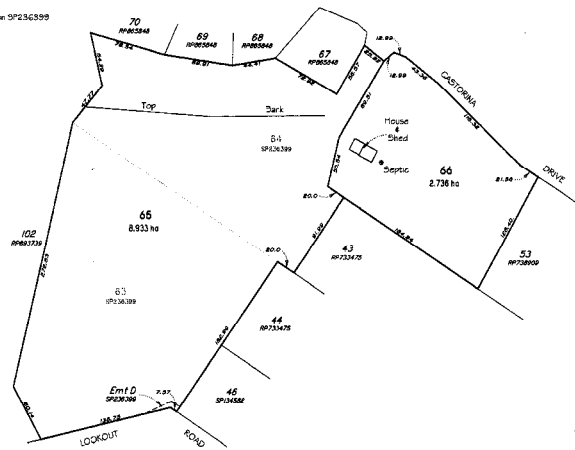


Zone Map



Created on Wednesday, 3 August 2011

**PROPOSED
RECONFIGURATION**
Lots 65 & 66
Cancelling lots 63 & 64 on SP236399
Town of Northcote
County of Gladstone
Shire of Dundas



311 **EXCHANGES**
www.311exchanges.com.au
for more information
project management mapping and GIS

Date: 31 January 2011
Site No: 6601000001
Plan No: 6601000001
Scale: 1:500
Drawn: AT

This plan is prepared for the Shire of Dundas and is not to be used for any other purpose without the written consent of the Shire of Dundas. It is not to be used for any other purpose without the written consent of the Shire of Dundas.

ITEM-7 Fry and Davenport Roads Water Supply**Document Information****Referring Letter No:** N/A**File No:** 5/5/1C**Name of Applicant:** N/A**Location:** Fry and Davenport Roads, Home Hill**Author and Title:** Wayne Saldumbide – Manager of Operations

Executive Summary

Council currently provides a trickle potable water supply to five residences on Fry and Davenport Roads in the Groper Creek area. A failure of the existing 25mm PVC water supply main has highlighted a number of issues with the mains condition and location.

The main is located in private property over which Council has no easement. The opportunity to locate and repair any failures is only possible during a brief window after harvest of the cane crop.

Experience with PVC water mains indicates that once failures start to occur, the main is nearing the end of its useful life and other failures are imminent.

Increasing the size of the water main to accommodate the possible future inclusion of the Groper Creek community into the potable water supply would require a commitment from Council to ensure that the value of the additional investment was not lost.

Recommendation

Council resolves to abandon the current asset and replace with a new polyethylene main from Coppo Road along Groper Creek Road to its intersection with Fry Road, then continuing along Fry Road to its intersection with Davenport Road and connecting into the existing supply pipe at this location.

Background Information

In May of this year, residents of Fry and Davenport Roads experienced a loss of water supply to their properties. Council Officers investigations revealed a likely failure in the 25mm PVC supply main located in private property. Officers were unable to determine the exact location of the failure due to the mains location under a cane paddock with a viable crop.

Council has been augmenting the supply by delivering water by truck to allow residents to fill storage tanks.

Link to Corporate/Operational Plan

Values

Customer Focus – to recognise and value the importance of our customers and to deliver excellence in services provided to both our external and internal customers;

Infrastructure

Objective – To provide, maintain and facilitate appropriate infrastructure to service the Shire's existing and future service levels. Continue augmenting existing Water and Waste Water Schemes to maintain existing standards and cater for future growth.

Consultation

N/A

Legal Authority or Implications

If existing alignment is taken Council would need to acquire an easement over land described as Lots 1 & 2 RP733805 Parish of Inkerman for the purpose of supplying water to existing properties. Council would incur costs for negotiations of easement, identification survey and registration and possible cost of compensation to owner.

Policy Implications

N/A

Financial and Resource Implications

Order of cost estimate to replace existing supply mains on existing alignment - \$35,000 not including costs to negotiate easement, ID survey and registration of plans and possible compensation to owner.

Order of cost estimate to install new supply main along recommended route - \$50,000.

Additional estimated cost in the order of \$15,000 to upgrade diameter of main for the 1.5km section along Groper Creek Road from Coppo Road to Fry Road to accommodate future inclusion of Groper Creek community into potable water supply.

Council has no current commitment in the 5 year plan to extend the potable water supply to the Groper Creek community and without such a commitment the risk is that any investment made today would be lost if no action is taken in the future.

Report prepared by:

Wayne Saldumbide – Manager of Operations

Report authorised by:

Trevor Williams – Director of Environment & Operations

Attachments

NIL

- **CORPORATE & COMMUNITY SERVICES**

ITEM-8 Burdekin Library - Fish Pond Renovation

Document Information

Referring Letter No: N/A

File No: 03-08-03L 12

Name of Applicant: Director Corporate & Community Services

Location: Burdekin Library – Ayr

Author and Title: Dan Mulcahy, Director of Corporate & Community Services

Executive Summary

Council has budgeted monies for the renovation of the fish pond area at the Burdekin Library, Ayr to create more floor space for library operations and to enhance the protection and viewing of the Mirka Mora mural. The renovations impact on use of the Music Loft located above.

Recommendation

That Council approves the renovation of the fish pond area at the Burdekin Library, Ayr including glass on the first floor (Music Loft) utilising carry over capital funds from the 2010-11 Budget and that more detailed quotes be obtained to determine whether to use the existing glass or new glass.

Background Information

Carry over capital funding of \$60,000 is available to remove the fish pond area at the Burdekin Library, Ayr. The purpose of the renovation is as follows:

- to remove the water source which can create humidity and cause a deleterious effect on the Mirka Mora mural;
- to improve the accessibility and viewing of the Mirka Mora mural which could become a major tourist attraction; and
- to create additional floor space for library operations and activities.

This project will also link in with new budgeted works proposed for the Ayr Library.

Impacts

The proposed renovations may have an impact on the library operations and the use of the Music Loft located above. The issues are as follows:

- noise impact from Music Loft activities on library operations and patrons;
- privacy requirements of some bookings at the Music Loft;
- installation of glass in the Music Loft may reduce the functionality of the room;
- a reduction in the void will reduce the visibility of the mural;
- installation of glass in the Music Loft may reduce the viewing impact of the mural from that room;

Income from Music Loft rentals for the 2010-11 financial year was \$1,255. This excludes non-fee paying users such as the Burdekin Theatre Drama Academy.

Attached is a sample analysis of Music Loft bookings for a 9 month period and the type of impact they might have on the library operations.

Renovation Options

The cost estimates below are not quotes but are estimates received from a Quantity Surveyor.

Option	Cost Estimate
1. Renovate + no glass to upper floor	\$18,000
2. Renovate + use existing glass on upper floor	\$33,000
3. Renovate + use new glass on upper floor	\$46,000
4. Renovate + use new glass on upper floor + infill the floor void by 2 metres with parquetry	\$60,000

Conclusion

Although the hire income does not appear to be high, additional non-fee uses of the Music Loft indicate a reasonable usage of the Music Loft and a worthwhile feature for the Theatre function.

If usage of the Music Loft was to continue it is recommended that glass be installed in the Music Loft to provide for noise reduction between the 2 floors. It is further recommended that more detailed quotes be obtained to determine whether to use the existing glass or new glass.

Link to Corporate/Operational Plan

5.5 Provide ongoing support for art, culture, youth, sport, recreation and welfare.

5.6 Provide library resources and facilities to support informational, recreational, educational and cultural needs of the community.

Consultation

Manager, Library Services; Burdekin Theatre Manager; Burdekin Building Design.

Legal Authority or Implications

N/A

Policy Implications

N/A

Financial and Resource Implications

Carryover capital funds of \$60,000 are available from the 2010-11 budget.

Report prepared by:

Dan Mulcahy, Director Corporate & Community Services

Report authorised by:

Dan Mulcahy, Director Corporate & Community Services

Attachments

1. Sample Analysis of Music Loft Bookings – Impact on Library

Sample Analysis of Music Loft Bookings - Impact on Library

Library Hours- Ayr

Tuesday to Friday

9-30 am to 5-00 pm

Saturday

9-00 am to 4-00 pm

Impact Type					
Event	Particulars	Morning	Afternoon	One-off	Evening (No Impact)
Raw Dance Company	23 March Workshop			X	
Townsville Choral Society	7 May dressing room 1pm - 4pm		X	X	
"Marriage of Figaro" cocktail party	11 May			X	X
Burdekin Junior Esiteddfod	afternoon 13-28 May		X		
Upbeat 2000 Dance School	Mon/Tues 3pm to 6pm		X		
Burdekin Theatre Drama Academy	3 x afternoon + Saturday morn	X	X		
"Breast Wishes" cocktail party	2 July			X	X
Tastes of the Burdekin	Body Art workshop 11 - 15 July	?	?		
Burdekin Quilters	27 - 31 July	?	?		
Landcare State Conference	19 - 23 September	?	?	X	
Upbeat 2000 Dance School	20 - 26 November dressing room	X	X		
Simply Dance	27 Nov - 3 Dec dressing room	X	X		

Issues

1. Noise impact from Music Loft activities on Library operations and patrons
2. Privacy requirement of some bookings of Music Loft
3. Installation of glass in Music Loft will reduce functionality of room
4. Reduction in void will reduce visibility of mural?
5. Installation of glass in Music Loft might reduce impact of mural?
6. Income from Music Loft rentals for 2010-11 f/y was \$1,255. This excludes non-fee paying uses e.g. Burd Theatre Drama Academy.

ITEM-9 Proposed Trustee Lease - Vodafone

Document Information

Referring Letter No: 1077803, 1076903

File No: 01-04-05F, 01-04-12A

Name of Applicant: Total Communications Infrastructure

Location: Home Hill Race Course (Lot 173 on Plan SB155)

Author and Title: Connie Elton, Corporate Management Support Officer

Executive Summary

Total Communications Infrastructure (TCI) has been appointed by Vodafone to acquire a site in Home Hill to enhance network coverage to the area. A proposal has been received to construct a new base station facility at the Home Hill Race Course.

The facility is proposed to be located on the southern side fronting the Bruce Highway.

Recommendation

That the Council approves in principle a trustee lease under Section 57 of the Land Act 1994 to Vodafone over part of Lot 173 SB155 under the following terms:

- a) Purpose – location of a new base station and equipment shelter to facilitate network coverage in the area.
- b) Area – approximately 6.4m x 10.4m of land described as Lot 173 on Plan SB155, Reserve for Recreation R.46.
- c) Term – The lease shall be for twenty (20) years.
- d) Rental - \$8,000 per annum. Rent will increase by 3% fixed per annum on each anniversary of the commencement date during the term and any consecutive lease term.
- e) Access – Agreement is to be sought between Vodafone and the Burdekin Race Club with respect to gaining unrestricted access to the facility.
- f) Vodafone to pay all of Councils legal costs incurred during the negotiation and preparation of the tenure agreement up to \$1500. Vodafone will also pay any stamp duty or registration fees payable in relation to the Lease.
- g) Vodafone to give consideration to the existing easement held by the South Burdekin Water Board over Lots 334 and 173 on SB155 when surveying the land and determining the proposed lease boundaries.

Background Information

Total Communications Infrastructure (TCI) has been appointed by Vodafone to acquire a site in Home Hill to provide network coverage to the area.

TCI has identified vacant land on the southern side of Reserve R.46 fronting the Bruce Highway as a candidate for the installation of the new base station facility. The land is leased by the Burdekin Race Club and is described as Lot 173 on Plan SB155 and has a total area of 7.704 hectares.

TCI inspected the Home Hill Water Tower as a potential site, however access was a problem due to the lift which is now decommissioned and the external stairs in need of some maintenance. If Council had a preference for Vodafone to accommodate the proposed mobile base station facility on the water tank a further site inspection would need to be conducted by TCI to confirm:

1. Site location / cabin location etc.
2. Power supply route.
3. Structural analysis from Council to confirm the structure is sound for Vodafone's proposed additional and future installations.
4. Future of the Water Tower taking into consideration that the lift has been decommissioned and will be removed later this year.

TCI have indicated there is evidence that the proposed racetrack option would provide better radio frequency mobile network coverage on the Bruce Highway.

The Vodafone proposal outlines the following:

- a) Vodafone would install three (3) antennas on a 40m monopole along with associated infrastructure such as feeders and cable tray to the Vodafone equipment shelter being housed on ground level within a proposed fenced lease area of 6.4m x 10.4m. Underground power would run from the site to an existing meter box.
- b) Vodafone will have unrestricted access to the premises.
- c) Vodafone have offered to pay rental of \$8,000 in the first year indexed by 3% per annum compounding annually
- d) Vodafone to pay all of Councils legal costs incurred during the negotiation and preparation of the tenure agreement up to \$1500. Vodafone will also pay any stamp duty or registration fees payable in relation to the Lease.
- e) Vodafone will install and operate the facility in accordance with the relevant Australian Standards and regulations.
- f) Vodafone has a global insurance policy for public liability along with internationally standard indemnity and warranty positions.
- g) It is acknowledged that the construction of the facility will require the submission of a development application to the Burdekin Shire Council being the relevant consent authority.
- h) The offer is subject to Vodafone and Burdekin Shire Councils final approval.

The proposal suggests a lease term of five (5) years with further terms of 3 x 5 years to be exercised automatically. Council recommends offering a twenty (20) year lease with no further terms, to remain consistent with similar leases entered into by Council. Previous dealings with the Department of Environment and Resource Management (DERM) also indicate further terms are not supported for leases of this nature.

The South Burdekin Water Board hold an easement over Lots 334 and 173 on SB155 burdening the land. Vodafone will need to give consideration to the existing easement when surveying the land and determining the proposed lease boundaries.

Council has received verbal approval and support for the proposal from Warren Daniel, President of the Burdekin Race Club. The Club has advised the proposed installation will not impact on current and future operations.

In the past council has entered into similar leases with telecommunications providers over the Ayr Water Tower and Reserve for Local Government R.167, Millaroo.

Link to Corporate/Operational Plan

N/A

Consultation

Discussions with the TCI Property Consultant, the Burdekin Race Club President, Mr Warren Daniel, Burdekin Shire Councils Manager of Operations and Director of Corporate and Community Services.

Legal Authority or Implications

Compliance with Land Act 1994 and DERM Policy for Secondary Use of Trust Land PUX/901/209.

Policy Implications

Nil

Financial and Resource Implications

Transaction will result in unbudgeted income.

Report prepared by:

Connie Elton, Corporate Management Support Officer

Report authorised by:

Dan Mulcahy, Director, Corporate and Community Services

Attachments

1. Vodafone Proposal



TCI, Level 1, 211 Montague Street, West End, QLD 4101
PO Box 5840 West End QLD 4101
T: +61 (07) 3332 1712 F: +61 (07) 3332 1799
todd.blamey@tcipl.com.au
M: 0404 856 744
www.tcipl.com.au

16th June 2011

Dan Mulcahy
Director, Corporate and Community Services
Burdekin Shire Council
PO Box 974
Ayr, QLD 4807

Email: burdekinsc@burdekin.qld.gov.au

Dear Dan,

Heads of Agreement for proposed Lease from Burdekin Shire Council to Vodafone Network Pty Limited

Site number: 4719

Site Name: Home Hill

Premises: Lot 333 SB155 being Burdekin Race Club 28710 Bruce Hwy, Home Hill, Qld 4806

Further to our recent letter dated 9th May 2011 and your reply dated the 17th May 2011, I confirm Total Communications Infrastructure Pty Limited (TCI) acts on behalf of Vodafone Network Pty Limited (Vodafone) in the acquisition, deployment and management of its network throughout Australia.

Vodafone is seeking to enhance its network coverage in the Home Hill area. To achieve this coverage it needs to construct a new base station facility. As discussed, your property has been identified as potential candidate to accommodate this proposed facility.

The Proposal

Based on our initial investigations, we anticipate the facility would comprise of three (3) antennae and two (2) dishes on top of a 40m monopole along with associated infrastructure such as feeders and cable tray to the Vodafone equipment shelter being housed on ground level within a proposed fenced leased area of 6.4m x 10.4m. The preferred location would be on the vacant block of land within the Burdekin Racecourse fronting the Bruce Highway, Home Hill as per attached photo. A sketch and plan will be forwarded next week when available.

Preliminary drawings will be prepared for your approval once an in-principle commercial agreement is reached.

Sydney
Melbourne
Brisbane
Adelaide
Perth

The Commercial Offer

This proposal presents an opportunity to secure a regular income for part of your property that might otherwise be unproductive or unlikely to draw a rental income. Vodafone would look to enter into a Lease agreement with you on the following terms;

Lessee	Vodafone Network Pty Ltd
Lessor	Burdekin Shire Council
Licensed Areas	An area of approximately of 6.4m x 10.4m being part of the area and property known as being Lot 333 SB155 on 28710 Bruce Highway, Home Hill, Qld 4806 (pending design and location to be approved by both parties).
Access to Premises	Vodafone will have unrestricted access to the Premises 24 hours a day, 7 days a week during the term of the Lease and any holding over period.
Term	5 years
Further Terms	3 x 5 year terms to be exercised automatically
Commencement Date	TBA
Rent	\$8,000 per annum.
Rent Review	The rent will be increased by 3% fixed per annum on each anniversary of the commencement date during the term and any consecutive lease term.
Payment of Rent	<p>Vodafone requires a 12 week Fit Out Period starting on the date that Vodafone takes physical access to the Premises to construct the Facility.</p> <p>The first year's rent to be paid from the earlier of the</p> <ul style="list-style-type: none"> a) the day following the expiry of the 12 week construction Fit Out Period b) The date the lessee commencement of transmission of signals from the Premises. <p>Subsequent rent/licence fee payments will be made monthly in advance by EFT deposit directly into your nominated account.</p>

Sydney
Melbourne
Brisbane
Adelaide
Perth

Legal & Other Costs	Vodafone will agree to cover your legal costs incurred during the negotiation and preparation of the tenure agreement up to \$1500. Vodafone will pay any stamp duty or registration fees payable in relation to the Lease.
Lease Documentation	A copy of Vodafone's standard Lease for this type of Facility and which will be forwarded in due course. Following return of the signed Heads of Agreement, Vodafone's lawyers will issue to you / your solicitor a draft version of the Lease which will incorporate the terms and conditions set out in this Heads of Agreement.
GST	Unless otherwise stated, all amounts quoted in this Heads of Agreement are exclusive of GST.
Australian Standards	Vodafone will install and operate the Facility in accordance with the relevant Australian Standards and regulations.
Insurance, Indemnity & Warranty	Vodafone has a global insurance policy for public liability along with internationally standard indemnity and warranty positions. The arrangements applicable to this transaction are more fully set out in the lease.
Authority Approvals	It is acknowledged that the construction of the Facility will require the submission of a development application to Burdekin Shire Council being the relevant consent authority. The Lessor hereby irrevocably consents to Vodafone lodging all necessary applications with the relevant authorities and will provide all necessary assistance if required to facilitate obtaining of these approvals and consents.
Vodafone's Requirements	This offer is subject to: <ul style="list-style-type: none"> • Vodafone's final approval; • Vodafone obtaining approval from any statutory authority or other relevant authority to enter into the Lease and construct its Facility

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Melbourne
Brisbane
Adelaide
Perth


Moving Forward

Please confirm your acceptance of this offer by signing and dating the last page of the **duplicate** copy of this Heads of Agreement and returning it to us, along with the Supplier Details Checklist by email to todd.blamey@tcipl.com.au or by fax to 07 93332 1799.

Once we have received the executed Heads of Agreement, we will instruct Vodafone's solicitors to issue a draft document to your solicitor (unless otherwise advised by you), incorporating the above terms and conditions.

If you have any questions in relation to this Heads of Agreement, please do not hesitate to contact me.

Yours faithfully



TODD BLAMEY
Property Consultant

Attached:

1. Duplicate copy of this Heads of Agreement (original in mail)

The Lessor (or authorised representative) accepts the above terms and conditions.

DATE:

Sydney
Melbourne
Brisbane
Adelaide
Perth

EXECUTION CLAUSE WHERE LESSOR IS A LOCAL COUNCIL WITHIN QUEENSLAND

EXECUTED by:

Signature of Burdekin Shire Council

Signature of Witness

Name

Name

Sydney
Melbourne
Brisbane
Adelaide
Perth

Total Communications Infrastructure Pty Ltd

ABN 74 095 043 057

**SUPPLIER DETAILS CHECKLIST**

(PLEASE COMPLETE & RETURN WITH THE SIGNED HEADS OF TERMS)

Lessor's Notice Details

Contact Name	
Position	
Address	
Phone	
Mobile	
Email:	

Lessor's Banking Details

Name of Bank	
Branch Address	
A/C Number	
BSB	
A/C Name	

Lessor's Solicitors Contact Details

Solicitor	
Address	
Phone	
Fax	
Email	

Sydney
Melbourne
Brisbane
Adelaide
Perth



Site Name : Home Hill
Site Number : 4719

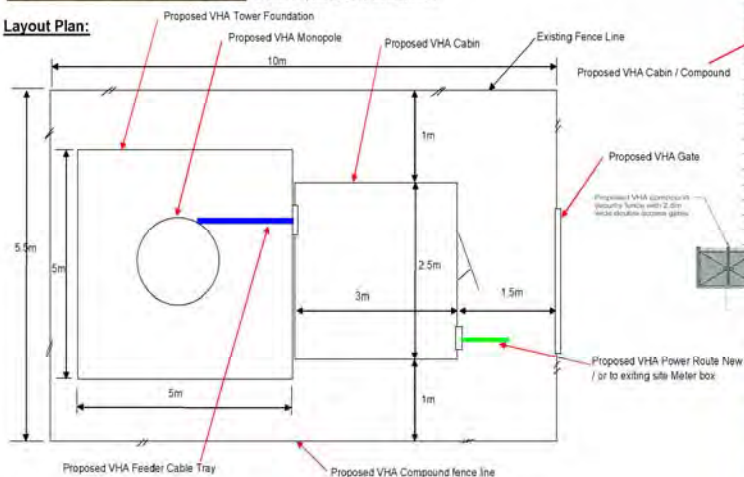
Site Photo:



VHA proposal Notes:

1. Underground Power to VHA site from existing meter box on site.
2. Proposed VHA Cabin size = 2.5m x 3.0m on concrete piers.
3. Proposed VHA Compound size = 10.4m x 6.4m.
4. Shelter on Bored piers TBC with Structural Engineer.
5. 3 x Panel antennas one per sector TBC by RF Engineer.
6. 2 x Microwave dish 1200mm TBC by TX designer.
7. Greenfield Site.
8. Site compound size and orientation TBC.

Layout Plan:



Elevation Plan:



VHA proposed Antenna Configuration

	Sector 1	Sector 2	Sector 3
Antenna Model	742266	742266	742266
Manufacturer	Kathrein	Kathrein	Kathrein
Antenna ID No	TBC	TBC	TBC
Feeder ID No	TBC	TBC	TBC
Height - Phase Centre (m) Approx.	40	40	40
Height - Mount (m)	TBC	TBC	TBC
Vertical Orientation	Upright	Upright	Upright
Swearing Degrees Approx	90	200	320

ITEM-10 Adopt Land Management Plan and Call for Expressions of Interest over Home Hill Showgrounds

Document Information

Referring Letter No: 1078624

File No: 01-04-05, 03-06-07

Name of Applicant: N/A

Location: Home Hill Showgrounds Reserve

Author and Title: Connie Elton, Corporate Management Support Officer

Executive Summary

Council at its meeting held on 28th June 2011 recommended undertaking community consultation by way of public advertisement on a Draft Land Management Plan prepared for the Home Hill Showgrounds, Reserve for Recreation and Showgrounds R.95.

The Land Management Plan was advertised for public comment in the Home Hill Observer, Thursday 7th July. Comments in respect of the plan closed Monday 1st August 2011. No comments were received.

Council is now progressing the next steps in respect of formalising tenure over the reserve.

Recommendation

That Council agrees to take the following actions with respect to the Home Hill Showgrounds, Reserve for Recreation and Showgrounds R.95 (Lots 91 and 99 on Plan SB202) Parish of Inkerman, County of Salisbury:

- a) adopt the Land Management Plan attached;
- b) forward the Land Management Plan to the Department of Environment and Resource Management (DERM) for approval; and
- c) subject to approval from DERM, invite expressions of interest for lease of the reserve.

Background Information

In November 2010 the Gudjuda Reference Group Aboriginal Corporation Inc. submitted an expression of interest for a long term agreement for use and maintenance of the full grounds and facilities at the Home Hill Showgrounds.

Advice from the Department of Environment and Resource Management (DERM) was received instructing Council to develop a Draft Land Management Plan to present to the public to address and attend to any divergent views amongst the community and stakeholders. In their letter of 16th June 2011 the Department advised they had reviewed the

draft Land Management Plan prepared by Council and consider it appropriate for public consultation.

Council at its meeting held on 28th June 2011 approved to undertake community consultation, by way of public advertisement on a Draft Land Management Plan. An advertisement appeared in the Home Hill Observer, Thursday 7th July 2011 and closed Monday 1st August 2011. No comments were received in respect of the plan.

Council is now required to adopt the Land Management Plan, and approve to move forward with advertising for expressions of interest over the Reserve.

Link to Corporate/Operational Plan

6.1 Promote community participation, support community groups, and maintain and grow social capital.

6.4 Facilitate and provide ongoing support for approved community groups.

Consultation

Community consultation on a Draft Land Management Plan and discussions with DERM.

Legal Authority or Implications

In accordance with DERM Policy on Secondary Use of Trust Land and the Land Act 1994.

Policy Implications

N/A

Financial and Resource Implications

N/A

Report prepared by:

Connie Elton, Corporate Management Support Officer

Report authorised by:

Dan Mulcahy, Director, Corporate and Community Services

Attachments

1. Land Management Plan – Home Hill Showgrounds



BURDEKIN SHIRE COUNCIL

**BASIC TRUST LAND MANAGEMENT PLAN
HOME HILL SHOWGROUNDS
RESERVE R.95**

Land Management Plan Duration: Minimum of 10 years - maximum of 30 years or from the date of approval to the expiry of the Trustee Lease.

1. COMPLIANCE WITH LEGISLATION, PLANNING SCHEMES ETC

This Land Management Plan is prepared in accordance with the Land Act 1994 and Department of Environment and Resource Management (DERM) Policies - Policy Number: PUX/901/209.

It is the responsibility of the Lessees to ensure that all activities conducted on the Reserve are done so within the provisions of all Local Laws, Council Planning Scheme, State and Commonwealth Statutes (and amendments).

2. TRUSTEE DETAILS

Burdekin Shire Council
PO Box 974
Ayr 4807

3. EXISTING TENURE OF THE SUBJECT LAND

Trust Land Description	Reserve for Recreation & Showgrounds R.95	Reserve for Recreation & Showgrounds R.95
Lot and Plan	Lot 91 on plan SB202	Lot 99 on plan SB202
Parish	Inkerman	Inkerman
County	Salisbury	Salisbury
Local Government	Burdekin Shire Council	Burdekin Shire Council
Area of Land	Approx 5.061 Hectares	Approx 3.518 Hectares
Conditions of Tenure	Trustee Lease	Trustee Lease

4. EXISTING DESCRIPTION OF THE SUBJECT LAND

History of the Subject Land

Council was appointed Trustee of Lots 91 and 99 on SB202 on 3rd March 1979.

Council at its meeting held on 19th December, 2002 agreed to assume unfettered control of the said land and fixed improvements following correspondence from the Home Hill Agricultural, Horticultural and Industrial Society's Solicitors regarding the winding up of the Society.

In 2003 the Home Hill Agricultural, Horticultural and Industrial Society recorded a resolution that it no longer intends to conduct an Annual Show or any other activities on Lot 91 on SB202 and intends to wind up its affairs. The Society's incorporation was cancelled on 16th July 2004.

Prior to the appointment of the Council as Trustee, the majority of the existing improvements were erected and development had been undertaken.

Local Area Description

The reserve is zoned 'Public Purpose'. Council is responsible to ensure that the activities on the reserve conform to the Burdekin Shire Planning Scheme which took effect on 11 April 2008.

Land nearby to the reserve is zoned "Industrial". Use of the Reserve for recreation and showgrounds purposes is unlikely to interfere with adjacent land owners.

Existing Use and Interests:

The primary purpose of the Reserve is gazetted for recreation and showgrounds purposes (lawful fettered uses include: exhibitions, funfairs, rodeo yards, dog trials, agricultural related activities, showgrounds, travelling circuses and travelling stock). There has been limited use of the Reserve facilities due to the discontinuation of the Annual Home Hill Show in 2003.

Council have continued to maintain the grounds and facilities located on the Reserve and have periodically reviewed the intrinsic value of the land to warrant retention for its gazetted purposes. Previous interest has been expressed to utilise the reserve for the operation of a motorhome park for the parking of self-contained motorhomes, however such proposal never came to fruition due to the complexity and timing of the required approval processes.

From May 2010, the upstairs of the Main Pavilion at the Home Hill Showgrounds has been used by the Rock Solid Home Hill Boxing Club for the purposes of establishing a boxing training programme designed to assist the core issues of youth disengagement and violence within the local community.

The Lower Burdekin Historical Society stores historical equipment in the downstairs area of the Main Pavilion.

Exclusivity & Restrictions on Existing Interests:

Currently no exclusivity or restrictions exist apart from fencing to protect existing assets.

Existing Infrastructure:

Existing improvements include horse stables, public hall, luncheon booth, ablutions, bar enclosures, sheds, arena and perimeter fencing, ticket booths and power poles and power boxes.

Council has conducted an inspection of the improvements located on the Reserve. The following were inspected in 2010 and were recommended to be demolished.

- The announcers' boxes near the rodeo yards
- Tin shed at rear of the rodeo yards
- Open structure near the main pavilion
- Admission office near the main gate
- Old bar near the rodeo yards

All other buildings on site appear to be structurally sound but require minor repairs and/or repainting.

Native Title Status:

To be advised by the Department of Environment and Resource Management (DERM).

5. PROPOSED USES/S OF THE SUBJECT LAND

Use of the area will be in accordance with the Land Act 1994 and the policies of the Department of Environment and Resource Management.

Due to the location of parks and schools in the area, passive use of the Reserve by residents is limited. Ad hoc requests are received and will continue to be received from members of the community to utilise parts of the Reserve and approval is sought from Council on a case by case basis. No existing Trustee Lease exists over the Reserve therefore Council is supportive of the following proposed secondary uses:

1. Use by Community/Not for Profit Associations

Council has encouraged limited secondary use of the land by community based not-for-profit organisations, recreation clubs and associations' where it is related to the activities of recreation and showgrounds.

Council also approves in principal to entering into a trustee lease with a community/not for profit association incorporated under an Act that has an

objective to improve the sporting, recreational, welfare, cultural, social, economic or business interests of the Shire.

For example, an association may have an initiative that aims to support the training and employment opportunities for the under-employed and unemployed indigenous and non-indigenous people of the Burdekin district.

Council would support a proposal which intends on utilising part of the reserve to conduct “Social Enterprise” activities which generate business and employment opportunities through but not limited to the following training, development and sustainable business ventures:

Commercial Nursery

For native plants, shrubs and trees grown for the revegetation projects in the Shire.

Retail/Wholesale

Commercial supply of native indigenous plants to the public and wholesale plant industry and the development of rental potted plant services for business, government and industry organisations through the Townsville NQ Region.

Intensive Production

“Cash” crops (as per the UK model of Allotments) - each entity growing produce that will be sold locally or through markets/farmers market outlets.

Training Venue

For the vocational areas of horticulture, small business, heavy vehicle driver training, mining, quarry and earth moving equipment, conservation, LandCare revegetation projects and land management practices, building and construction.

Onsite training rooms and administration accommodation would also be located at the venue.

Constraints and Opportunities of the Proposed Use by Associations:

It will be a constraint of any Trustee Lessee, to ensure activities conducted upon the Reserve are done so in accordance with this Land Management Plan and without undue interruption or obstruction to existing uses.

Opportunity exists for community based not-for-profit community organizations or associations or individuals to occupy the reserve to encourage community participation, and utilize/improve/develop existing infrastructure.

Opportunities identified include improving and encouraging community participation/utilisation of the Reserve while assisting in the revegetation, rehabilitation and maintenance of the Showgrounds and perimeter roads. Socially and economically the development, training, education and sustainable business ventures aim to benefit employers and indigenous and non-indigenous members of the community.

Exclusivity and Restrictions of Proposed Use by Associations and Associated Development:

Association use is subject to Council approval and may be subject to Government approval if funding is provided.

The extent of the public's right of access has been reviewed. Council understands the existing fencing promotes exclusive use; however the fencing is required to prevent public intrusion and to protect the assets and grounds of the area.

Clubs and associations being generally categorised as recreational, community based or non-profit organisations and not construed as commercial will be permitted to use the premises.

Restricted club permits and general purpose permits will generally be allowed subject to the specific approval by Council.

Gaming licences will not be allowed.

Any leased area will be available for use by other community groups or individuals providing permission is obtained by the Trustee Lessee.

All forms of development such as changes in land use or the erection of any fixed improvements will require the approval of the Council.

Commerciality:

Commercial use of the land will not be considered if the nature of those commercial activities has a negative effect on the public's interest.

Minor commercial activity will be considered providing:

1. The lessee is a community based non-profit organisation.

2. Funds levied are to maintain or develop the facilities of the Reserve or to provide a service for the public.
3. The scale of income generated is light to moderate, and the activities carried out to generate funds are derived from activities carried out in accordance with the Reserve purpose.
4. Only a small area is occupied by profit making facilities.

2. Motorhome Park (Motorhomes Only)

The Council agrees in principle (subject to formal approval of a Material Change of Use application and compliance with Local Laws); to the use of part of the land for the purposes of conducting the operation of a motorhome park for the parking of self-contained motorhomes only.

Constraints and Opportunities:

It will be a constraint of any Trustee Lessee, to ensure activities conducted upon the Reserve are done so in accordance with this Land Management Plan and without undue interruption or obstruction to existing uses.

The motorhome park is not to evolve into a commercial activity by incremental progression.

Council's support of a restricted motorhome park is based on the following:

- The motorhome traveller is a low infrastructure tourist and tends not to frequent caravan parks.
- If low infrastructure, low cost parks are available, the motorhome traveller is likely to stop.
- Anecdotal feedback suggests that if low infrastructure, low cost parks are not available in the district, the likely result will be that these travellers will avoid the district.
- The community can gain a financial benefit by attracting motorhome travellers to the district.

When a rally is being held, the number and location of sites will increase providing that environmental, health and safety concerns of the Council are satisfied. It is also understood that the number of rallies may be not more frequent than one per year.

In allowing this activity the Council is cognisant of the trend of motorhomes to hold rallies and the inability of the Shire to adequately cater for these forms of transport. Such rallies are infrequent and do not interfere with the operation of the land.

The motorhome park activity is not considered to be commercial in size and is to be run to raise funds for the upgrade and upkeep of the Reserve facilities.

The motorhome park is to be run in accordance with Local Laws adopted by the Burdekin Shire Council.

All applications will also be considered in accordance with the Department's Caravan Park Policy PUX/901/102 and Secondary Use of Trust Land Policy PUX/901/209.

Exclusivity and Restrictions of Proposed Motorhome Park and Associated Development:

Any leased area will be available for use by other community groups or individuals, providing permission is obtained by the Lessee.

Clubs and associations being generally categorised as recreational, community based or non-profit organisations and not construed as commercial will be permitted to use the premises.

Restricted club permits and general purpose permits will generally be allowed subject to the specific approval by Council.

Gaming licences will not be allowed.

All forms of development such as changes in land use or the erection of any fixed improvements will require the approval of the Council.

Commerciality:

Commercial use of the land will not be considered if the nature of those commercial activities has a negative effect on the public's interest.

Minor commercial activity will be considered providing:

1. The lessee is a community based non-profit organisation.
2. Funds levied are to maintain or develop the facilities of the Reserve or to provide a service for the public.
3. The scale of income generated is light to moderate, and the activities carried out to generate funds are derived from activities carried out in accordance with the Reserve purpose.
4. Only a small area is occupied by profit making facilities.

3. Public Halls

Council will approve the operation of public halls on the land which may be used for future agricultural types of events such as tractor and car shows,

rodeos, dog trials etc. providing funds raised from such events will be used for the upgrade of the grounds.

Constraints and Opportunities:

It will be a constraint of any Trustee Lessee, to ensure activities conducted upon the Reserve are done so in accordance with this Land Management Plan and without undue interruption or obstruction to existing uses.

Opportunity exists for not-for-profit community organisations/associations or individuals to occupy the reserve to encourage community participation, and utilize/improve/develop existing infrastructure.

Exclusivity and Restrictions of Proposed Uses of the Public Hall and Associated Development:

Any leased area will be available for use by other community groups or individuals, providing permission is obtained by the Lessee.

Clubs and associations being generally categorised as recreational, community based or non-profit organisations and not construed as commercial will be permitted to use the premises.

Restricted club permits and general purpose permits will generally be allowed subject to the specific approval by Council.

Gaming licences will not be allowed.

All forms of development such as changes in land use or the erection of any fixed improvements will require the approval of the Council.

Commerciality:

Commercial use of the land will not be considered if the nature of those commercial activities has a negative effect on the public's interest.

4. Other Uses

Other allowable uses include night time illumination of fields for training and parking.

Constraints and Opportunities:

It will be a constraint of any Trustee Lessee, to ensure activities conducted upon the Reserve are done so in accordance with this Land Management Plan and without undue interruption or obstruction to existing uses.

Opportunity exists for not-for-profit community organisations/associations or individuals to occupy the reserve to encourage community participation, and utilize/improve/develop existing infrastructure.

Development Intended:

With the consent of the Council, the Trustee Lessee may erect improvements on the Reserve such as transportable buildings for training rooms and administration accommodation providing Council considers such improvements to be consistent with the purpose of the Reserve and believes the facilities would not detract from the Reserve purpose or the public interest.

Other development ancillary to the conduct of recreation and showgrounds activities such as equipment sheds and bar enclosures would be permitted to encourage use of the Reserve.

Exclusivity and Restrictions of Proposed Use and Associated Development:

Any leased area will be available for use by other community groups or individuals, providing permission is obtained by the Lessee.

Clubs and associations being generally categorised as recreational, community based or non-profit organisations and not construed as commercial will be permitted to use the premises.

Restricted club permits and general purpose permits will generally be allowed subject to the specific approval by Council.

Gaming licences will not be allowed.

All forms of development such as changes in land use or the erection of any fixed improvements will require the approval of the Council.

Commerciality:

Commercial use of the land will not be considered if the nature of those commercial activities has a negative effect on the public's interest.

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1. The lessee is a community based non-profit organisation.

2. Funds levied are to maintain or develop the facilities of the Reserve or to provide a service for the public.
3. The scale of income generated is light to moderate, and the activities carried out to generate funds are derived from activities carried out in accordance with the Reserve purpose.
4. Only a small area is occupied by profit making facilities.

6. COMMUNITY CONSULTATION

Public consultation was conducted in the form of a Public Meeting held on 31st May, 2004. The report on the Public Meeting was considered by Council at its meeting held on 8th June 2004.

Further community consultation will be encouraged to facilitate community support and participation. A notice will be placed in the local newspaper with the relevant contact details for public to phone with any related enquiries. Copies of the Draft Land Management Plan will be left at the Burdekin Shire Council, Ayr Library and Home Hill Library for the public's viewing and comments over a period of twenty-one (21) days.

7. OBJECTIVES AND PROPOSED ACTIONS

The primary goal of the Land Management Plan is to ensure the continued use of the land in accordance with the gazetted purpose and in a way that benefits the community.

Occupation and use of the land will require Council approval. Generally, for longer term occupations a Trustee Lease will be entered into. The Trustee Lease will detail the Lessees responsibilities and obligations.

8. MONITORING AND REVISION

Council is committed to ensuring the ongoing maintenance of the area is carried out by the occupiers of the land. This includes the responsibility for chemical or mechanical maintenance (round-up/slashing) around all structures and facilities where fire could impact on such assets. Pests and declared weeds would need to be well maintained.

Where Trustee Leases are entered into, Council is committed to ensure that all responsibilities and obligations of the Lease are complied with.

The community is also encouraged to lodge with Council their complaints/concerns or suggestions regarding Council matters. Any matters relating to the Reserve are referred to the relevant staff for attention and follow up.

Council staff will monitor activity within the Reserve to ensure this Land Management Plan is relevant and being complied with. This Land Management Plan will be reviewed as and when the need arises and in any case, at the expiration of the Trustee Lease.

9. SUMMARY AND RECOMMENDATIONS

The primary goal of the Land Management Plan is to ensure the continued use of the Reserve is in accordance with the Reserve purpose and in a way that benefits the community.

10. APPENDICES

Locality Map
Site Map

- **CORRESPONDENCE FOR INFORMATION**

Tabled Separately

- **NOTICES OF MOTION**

ITEM-11 Expressions of Interest - Lease of Land and Buildings - Lot 9 on Plan A2653, County of Gladstone, Parish of Antill (formerly occupied by the Scout Association of Australia, Queensland Branch)

Recommendation

That the Council calls for expressions of interest from community based not for profit organisations for the lease of land and buildings located at Lot 9 on Plan A2653, County of Gladstone, Parish of Antill (formerly occupied by the Scout Association of Australia, Queensland Branch) and currently controlled by the Department of Environment and Resource Management (DERM); such expressions of interest to provide Council with relevant information to enable it to comment to DERM on the preferred future use and preferred tenure of the land.

-
- **URGENT BUSINESS**
 - **GENERAL BUSINESS**
 - **IN COMMITTEE DISCUSSIONS**
 - **DELEGATIONS**

