



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 16 October 2012

COMMENCING AT 9:00AM



TUESDAY 16 OCTOBER 2012

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ATTENDANCE

Councillors W.C. Lowis (Mayor), R.H. Lewis (Deputy Mayor), L.D. McCathie, L. Loizou, U.E. Liessmann, P.M. Dalle Cort and E.J. Bawden

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

Minutes Clerk – Mrs. Vicki Walker

1 PRAYER

The meeting prayer was delivered by Andrew Ballin of the Baptist Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor McCathie declared a conflict of interest in respect of Agenda Items 5.2, 5.3 and 5.4 as the applicants are clients of her business, McCathies Real Estate.

Councillor Lewis declared a conflict of interest in respect of Agenda Item 5.3 as the applicant is a client of his business, Burdekin Transport Services.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 25 September 2012

Recommendation

That the minutes of the Ordinary Council Meeting held on 25 September be received as a true and correct record.

Resolution

Moved Councillor McCathie, seconded Councillor Liessmann that the recommendation be adopted.

CARRIED

Business Arising

Clause 10.3 - Attendance at 116th LGAQ Annual Conference

Resolution

Moved Councillor McCathie, seconded Councillor Dalle Cort that Council be represented by Councillors Lowis and Lewis at the 116th LGAQ Annual Conference to be held at the Brisbane Convention and Exhibition Centre, South Brisbane from 22-25 October, 2012.

CARRIED

3.2 Burdekin Be Active Advisory Committee Minutes - 4th April 2012

Recommendation

That the minutes of the Burdekin Be Active Advisory Committee Meeting held on 4th April, 2012 be received and adopted.

Resolution

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

CARRIED

3.3 Burdekin Cultural Complex Board Meeting Minutes - 16 April 2012

Recommendation

That the minutes of the Burdekin Cultural Complex Board Meeting held on 16 April 2012 be received.

Resolution

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

CARRIED

3.4 Burdekin Be Active Advisory Committee Minutes - 2nd May 2012

Recommendation

That the minutes of the Burdekin Be Active Advisory Committee Meeting held on 2nd May, 2012 be received and adopted.

Resolution

Moved Councillor McCathie, seconded Councillor Liessmann that the recommendation be adopted.

CARRIED

3.5 Burdekin Road Safety Advisory Committee Meeting Minutes - 22 August 2012

Recommendation

That the minutes of the Burdekin Road Safety Advisory Committee Meeting held on 22 August 2012 be received and adopted.

Resolution

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

CARRIED

3.6 Burdekin Building Safer Communities Action Team Minutes - 12th September, 2012

Recommendation

That the minutes of the Burdekin Building Safer Communities Action Team Meeting held on 12th September, 2012 be received and adopted.

Resolution

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

CARRIED

4 REPORTS

4.1 Capital Statement for period ending 30 September 2012

Recommendation

That the Capital Statement for period ending 30 September 2012 be received.

Resolution

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

CARRIED

4.2 Operating Statement for period ending 30 September 2012

Recommendation

That the Operating Statement for the period ending 30 September 2012 be received.

This report was held over until the next Ordinary Meeting of Council. A new report is to be prepared for consideration.

5 ENVIRONMENT & OPERATIONS

5.1 Roman Catholic Trust Corp - Material Change of Use for Extensions to an Educational Establishment - Trade Training Centre at Conley Street, Ayr (Lots 1 & 2 on RP731381, Parish of Antill, County of Gladstone)

Executive Summary

An application has been received from Duggan & Hede Pty Ltd on behalf their client The Roman Catholic Trust Corporation for the Diocese of Townsville, seeking approval for a Material Change of Use for Extensions to an Educational Establishment - Trade Training Centre at 10-12, 14-16 & 26-28 Conley Street & 35-51 Gibson Street, Ayr (Lots 1 & 2 on RP731381, Lot 6 on RP710502, Lots 1,2,3,4 & 8 on RP702350, Lots 49 & 52 on RP702334, Lots 3 & 4 on RP712249, Lot 2 on RP716402 & Lot 2 on RP716986, Parish of Antill, County of Gladstone). A Development Application (Impact Assessable) has been triggered in accordance with the Burdekin Shire Council's IPA Planning Scheme.

Recommendation

That Council approves the Development Application for a Material Change of Use for Extensions to an Educational Establishment - Trade Training Centre at 10-12, 14-16 & 26-28 Conley Street & 35-51 Gibson Street, Ayr (Lots 1 & 2 on RP731381, Lot 6 on RP710502, Lots 1,2,3,4 & 8 on RP702350, Lots 49 & 52 on RP702334, Lots 3 & 4 on RP712249, Lot 2

on RP716402 & Lot 2 on RP716986, Parish of Antill, County of Gladstone)subject to the following conditions:

GENERAL

- 1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting documents in the application submitted.

BUILDING WORK

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

EXTERNAL WORKS

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 The proposed new concrete driveway proposed off Conley Street must be constructed as a 6metre wide industrial crossover (150mm thick, 32 mPa concrete, F72 mesh) from the invert of the existing kerbing and channelling to the property boundary;
- 4.2 The construction of any additional crossovers to give access to the subject land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

ACCESS & PARKING

5. To protect existing residential amenity, no on-street parking is to occur in Conley Street. All student and staff parking is to be on-site and in designated areas as demonstrated in the site plan submitted as part of the application.

AMENITY – SCREEN FENCING

6. The developer is to construct an appropriate screen fence along the entire boundary of the subject site abutting Lot 47 RP702334. The screen fence is to be 1.8m high and be constructed of a suitable material to allow appropriate buffering between the residential property and the proposed trade centre to occur. A design plan is to be submitted to Council for approval before construction of the screen fence commences.

DRAINAGE

7. The existing surface levels of the subject land within 1 metre of the eastern boundary must not to be raised without additional planning approvals being sort. This is

considered necessary to minimise any detrimental changes to existing overland flow paths.

ENVIRONMENT AND HEALTH

- 8.1 The proposed training centre must not be operated between 7pm and 7am Monday to Friday or during Saturdays, Sundays or Public holidays.
- 8.2 The training centre must be operated in a manner to ensure that noise generating equipment does not cause environmental nuisance or environmental harm.
- 8.3 Upon receipt of a complaint regarding the emission of noise from the operation of the training centre, the occupier of the centre must take any actions necessary to resolve the complaint until such time as the complaint is resolved.

Resolution

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

CARRIED

5.2 Cambruzzi - Reconfiguring a lot at 9-11 Charles Street, Ayr (Lot 91 on A26511, Parish of Antill, County of Gladstone)

Councillor McCathie left the meeting declaring a conflict of interest in respect of Agenda Items 5.2, 5.3 and 5.4 as the applicants are clients of her business, McCathies Real Estate.

Executive Summary

An application has been received from Brazier Motti on behalf of their client Mario Cambruzzi seeking approval for Reconfiguring a Lot (subdivision) at 9-11 Charles Street, Ayr (Lot 91 on A26511, Parish of Antill, 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 (subdivision) at 9-11 Charles Street, Ayr (Lot 91 on A26511, Parish of Antill, County of Gladstone), subject to the following conditions:

GENERAL

- 1.1 The Council will not release the formal Plan of Reconfiguration until all rates, infrastructure charges and other 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.

PROPOSAL PLAN

2. The reconfiguration of the land must be carried out generally in accordance with:-
 - (a) (i) the proposed Brazier Motti plan numbered 55953/001B;
 - (ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council;Except where modified by the conditions of approval and any approval issued there under; and
 - (b) any approval issued under this approval; and
 - (c) any development permit for operational works relating to the reconfiguring of a lot;

ROADWORKS

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

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.

WATER SUPPLY WORKS

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

PUBLIC UTILITY SERVICES

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

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.*

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

The land is zoned 'Residential' with the proposal triggering a 'code assessable' development application for reconfiguring a lot (subdivision). The application has been assessed against

the “Reconfiguring a Lot” Code under the provisions of the Burdekin Shire Council’s IPA Planning Scheme.

The Application:

It is the applicant’s intent to create proposed Lot 1 to contain the existing duplex while proposed Lot 2 will contain the existing dwelling house and shed. Proposed Lot 1 will have a minimum area of 435m² with a 28.22m frontage to Cameron Street and a 15.41m frontage to Charles Street. Although Proposed Lot 1 does not meet the minimum area requirement of 500m² under the provisions of Council’s current planning scheme, it is considered acceptable due to the following circumstances. The proposed lot has an existing duplex erected on the land and no change to existing land uses will be apparent. All structures have been in existence for a long period of time and are serviced by acceptable levels of infrastructure. Given this situation, any further applications to create lots below the minimum area should be minimised as they would have to replicate this applications circumstance.

Proposed Lot 2 will have a minimum area of 700m² and a frontage of 24.83m to Charles Street. This proposed lot meets the minimum area requirements with land uses remaining unchanged. Site coverage and separation distances between structures and proposed new boundaries are considered acceptable and in accordance with Building Code requirements.

Site Description/Surrounding Land Uses:

The subject site is described as Lot 91 on A26511 and comprises a total area of 1135m². The site has approximately 40.2 metres frontage to Charles Street and 28.2 metres frontage to Cameron Street. The site contains an existing dwelling house, shed and 2 unit duplex. The site is surrounded by predominately medium density residential land uses with a Bowling Club and associated greens in close proximity.

Trunk Infrastructure Charges

The *Sustainable Planning Act, 2009* and its predecessor, the *Integrated Planning Act, 1997* requires local governments to prepare Priority Infrastructure Plans (PIP) and in the case of Burdekin Shire Council, adopt and charge for trunk infrastructure in accordance with its Regulated Infrastructure Charges Schedule (RICS).

The regulated infrastructure charge levied for each trunk infrastructure network is required to be calculated in accordance with the following formula-

$$RIC = [(D - DC - DO) \times CU]$$

where-

1. RIC is a regulated infrastructure charge (\$) for the relevant trunk infrastructure network.
2. D is the demand for the relevant trunk infrastructure network specified in number of charge units and calculated in accordance with Section 6 of the Burdekin Priority Infrastructure Plan Regulated Infrastructure Charges Schedule (RICS).
3. DC is the demand credit for the relevant trunk infrastructure network specified in number of charge units and calculated in accordance with Section 7 of the RICS.

-
4. DO is the demand offset for the relevant trunk infrastructure network specified in number of charge units and calculated in accordance with Section 8 of the RICS.
 5. CU is the value of a charge unit (\$/ charge unit) specified in Table 3 of the RICS.
 6. Being a straightforward one-into-two reconfiguration of a lot the proposed development the formula is applied as follows:

$$\text{RIC} = [(2 - 1 - 0) \times \$2,000-00]$$

$$\text{RIC} = 2 \times \$2000-00$$

$$\text{RIC} = \$2,000-00 \text{ per network}$$

In the case of the Ayr Priority Infrastructure Area (PIA) of the Burdekin PIP the Council provides, and this charge applies to each of the five trunk infrastructure networks (transport, water supply, sewerage, stormwater and parks and land for community infrastructure).

As this property has been paying water (2 charges) and sewerage (3 charges) for a long period of time, it is considered that a demand credit for both water and sewerage be applied in this instance. Therefore, no Regulated Infrastructure Charges will be applied for Water and Sewerage networks. This equates to a credit of \$2000 for water and \$2000 for sewerage. A charge of \$2000/network will be applied for Stormwater Management, Transport and Public Parks. (i.e. 3 x \$2000)

This amounts to a **total trunk infrastructure charge of \$6,000-00 for the development.**

The charge will be payable before the local government endorses the formal plan of subdivision.

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 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.

Resolution

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

CARRIED

5.3 Lando - Reconfiguring a lot at 413, 525, 527 and 533 Kilrie Road and 88 Nuttall Road, Jarvisfield (Lot 1 on RP733442, Lot 2 on RP709908, Lot 6 on SP201163, Lots 3 & 4 on SP250570, Parish of Antill, County of Gladstone)

Councillor Lewis left the meeting declaring a conflict of interest in respect of Agenda Item 5.3 as the applicant is a client of his business, Burdekin Transport Services.

Executive Summary

An application has been received from Brazier Motti Pty Ltd on behalf of their client Christian Lando seeking approval for Reconfiguring a Lot (5 into 6 lots) at 413, 525, 527 and 533 Kilrie Road and 88 Nuttall Road, Jarvisfield (Lot 1 on RP733442, Lot 2 on RP709908, Lot 6 on SP201163, Lots 3 & 4 on SP250570, Parish of Antill, 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 at 413, 525, 527 and 533 Kilrie Road and 88 Nuttall Road, Jarvisfield (Lot 1 on RP733442, Lot 2 on RP709908, Lot 6 on SP201163, Lots 3 & 4 on SP250570, Parish of Antill, County of Gladstone), subject to the following conditions:

GENERAL

- 1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges in arrears in respect of the land, the subject of the application, are paid in full.
- 1.2 Pay the sum of \$178-80 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 plan numbered 55934/001A-2A;
 - (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. Any future development on lots to which this development approval relates must be located a minimum 25m from the bank of any waterway.

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.*
- *It is noted that the existing dwelling house located on proposed lot 5 will be in the vicinity of existing agricultural land uses. The owner(s) of proposed lot 5 is to be responsible for the establishment and ongoing maintenance of any buffer required between any residential and agricultural land use. Any buffer should incorporate measures to minimise the impact of dust, smoke, noise and ash in accordance with the "Planning Guidelines: Separating Agricultural and Residential Land Uses – August 1997"*

Resolution

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

CARRIED

Councillor Lewis returned to the meeting.

5.4 CJ ACT Pty Ltd - Development Application Material Change of Use for Intensive Agriculture (Commercial Cassava Plant Crops) at Ted Walsh Road, Kirknie (Lot 3 on SP127285, Parish of Leichhardt Downs, County of Salisbury)

Executive Summary

An application has been received from RPS on behalf of their client CJ ACT Pty Ltd, seeking approval for a Material Change of Use for Intensive Agriculture (Commercial Cassava Plant Crops) at Ted Walsh Road, Kirknie (Lot 3 on SP127285, Parish of Leichhardt Downs, County of Salisbury). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire Council's IPA Planning Scheme.

Recommendation

That Council approves the Development Application for a Material Change of Use for Intensive Agriculture (Commercial Cassava Plant Crops) at Ted Walsh Road, Kirknie (Lot 3 on SP127285, Parish of Leichhardt Downs, County of Salisbury) subject to the following conditions:

GENERAL

- 1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting documents in the application submitted.

BUILDING WORK

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

EXTERNAL WORKS

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. 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.

ENVIRONMENT AND HEALTH

- 5.1 There must be no development including the intensive agricultural activity within 50m of the bank of Cassidy Creek or other waterway located on the site.
- 5.2 Riparian vegetation along each side and within 25m of Cassidy Creek must be rehabilitated to protect habitat and biodiversity values of the waterway.

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.*
- *A permit subject to Chapter 2 Part 8 of the Water Act 2000 relating to - Riverine Protection, must be obtained and held for any vehicle crossing constructed over Cassidy Creek or other waterway located on the subject site.*

-
- *Native vegetation must not be cleared for the purposes of the intensive agricultural activity proposed.*
 - *The owner of the land is required to keep the land free of pests in accordance with s77 of the Land Protection (Pest and stock route management) Act 2002*

Resolution

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

CARRIED

Councillor McCathie returned to the meeting.

5.5 NBN Co - Development Application for Material Change of Use for Telecommunications Facility at Mill Street, Giru (Lot 66 on EP1002, Parish of Abbotsford, County of Elphinstone)

Executive Summary

An application has been received from Aurecon Australia Pty Ltd on behalf of their clients NBN Co, seeking approval for a Material Change of Use for a Telecommunications Facility at Mill Street, Giru (Lot 66 on EP1002, Parish of Abbotsford, County of Elphinstone). A Development Application (Impact Assessable) has been triggered in accordance with the Burdekin Shire Council's IPA Planning Scheme.

Recommendation

That Council approves the Development Application for a Material Change of Use for a Telecommunications Facility at Mill Street, Giru (Lot 66 on EP1002, Parish of Abbotsford, County of Elphinstone) subject to the following conditions:

GENERAL

- 1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting documents in the application submitted.

BUILDING WORK

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

EXTERNAL WORKS

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. 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.

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.*
- *Council drainage infrastructure may exist in the vicinity. Prior to any construction contact Council's engineering section for assistance in locating drainage on site.*

Resolution

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

CARRIED

5.6 Maintenance of Cabins at Home Hill Caravan Park

Executive Summary

A budget allocation was made in the Capital Works program for 2011-2012 (which was carried over for 2012/13) for upgrades to the Home Hill Caravan Park Cabins. Additional improvements for the cabins were recommended and the quotes have been received for this and are for higher than the allocated amount. The replacement roof for the Cabins was not budgeted for this financial year however work should be undertaken on the roof prior to the refurbishment of the cabins.

Recommendation

That Council approves the allocation of additional funds of \$23 460 for maintenance work to be undertaken at the Home Hill Caravan Park cabins.

Resolution

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

Moved Councillor Lewis, seconded Councillor McCathie that this motion be laid on the table pending the preparation of an operating statement in relation to the Home Hill Caravan Park.

FOR: Councillors Lowis, McCathie, Liessmann, Dalle Cort, Lewis and Bawden

AGAINST: Councillor Loizou

CARRIED 6/1

6 CORPORATE & COMMUNITY SERVICES

6.1 Proposal to host morning tea or lunch for Queensland Premier and Minister for National Parks, Recreation, Sport and Racing and Assistant Minister for Sport and Racing

Executive Summary

Burdekin Race Club Inc. requested Council to host a morning tea or lunch for the Queensland Premier and the Minister for National Parks, Recreation, Sport and Racing and Assistant Minister for Sport and Racing and their respective partners prior to the 2013 Burdekin Grower Race Day to be held on Saturday, 18th May 2013.

Recommendation

Council hosts a morning tea for the Queensland Premier and the Minister for National Parks, Recreation, Sport and Racing and Assistant Minister for Sport and Racing and their respective partners at the Council prior to the 2013 Burdekin Grower Race Day to be held on Saturday, 18th May 2013.

Resolution

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

CARRIED

6.2 2012 Christmas Carols by Candlelight

Executive Summary

It is timely for the Council to consider supporting the annual Christmas Carols by Candlelight, which the Burdekin Church Leaders' Association this year propose to hold on 2nd December 2012 in Watson's Green, Home Hill. This event alternates between Ayr and Home Hill each year.

Recommendation

Council supports the conduct of meetings between Council, Churches, and the community members for planning of Christmas Carols by Candlelight by the appointment of a Christmas Carols by Candlelight Advisory Committee, noting that a Council representative will be part of the committee. Council approves funding up to the value of \$1500.00 to conduct the annual Christmas carols in the Park.

Resolution

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

CARRIED

6.3 Lease of Old National Fitness Hall, Home Hill (part of Lot 1 on H61685, Parish of Inkerman)

Executive Summary

Council has received a request from the Rotary Club of Home Hill Inc for the temporary use of the old National Fitness Hall in Home Hill. The building was previously leased to the Burdekin Woodcraft Association and is currently vacant.

Recommendation

Council agrees to grant occupancy of the old National Fitness Hall, 59 Eleventh Avenue, Home Hill to the Rotary Club of Home Hill Inc under the following tenancy conditions:

Tenancy Conditions:

1. This agreement is between the Burdekin Shire Council (hereinafter referred to as the Trustee) and the Rotary Club of Home Hill Inc (hereinafter referred to as the Permittee).
2. The demised premises are the old National Fitness Hall and general surrounds located at 59 Eleventh Avenue, Home Hill on part of Lot 1 H61685, Parish of Inkerman.

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3. This occupancy is granted from the period of acceptance to 31 December 2012. Occupancy may be terminated by either party giving 2 weeks prior notice.
 4. A peppercorn rental will apply. The Permittee is responsible for payment of any utility charges provided to the demised premises such as electricity and water.
 5. The Permittee (which term shall where hereinafter appearing include the Permittee and his officers, servants, employees, agents, contractors, invitees and other authorised by the Permittee) will indemnify and keep indemnified the Trustee against all actions, claims, suits, proceedings, demands, costs, losses, damages and expenses arising out of or in respect of any action or omission of the permittee in the use of the demised premises by the Permittee.
 6. The Permittee shall not, under any circumstances, enter into any arrangements to dispose of, or transfer the authority to use.
 7. The Permittee shall use the demised area for the purpose of carrying out the day to day activities of the Permittee and for no other purpose whatsoever.
 8. On expiry of the occupancy, the Permittee shall leave the demised premises in the condition that it was first granted.
 9. The Permittee shall not interfere, obstruct or derogate from the use of the property by the Trustees or other persons using the area on behalf of the Trustee.
 10. The Permittee shall not make any alterations or improvements to the building. The building contains asbestos. No breaking of the surface of the walls (internal or external), ceiling, roof or other structure or fitting is allowed.
 11. The Permittee shall not transfer, dispose of or otherwise deal with the occupancy hereby granted nor shall any part of the area be sub-let, assigned or the like without prior approval in writing of the Trustee.
 12. The Permittee shall carry Public Liability insurance of at least \$10M to cover any claim which may arise from any incident within the area or in gaining ingress to or egress from the demised premises.
 13. The Permittee shall not allow the accumulation of rubbish within or about the demised premises.
 14. The Permittee shall allow the Trustee or his agents to enter the premises at all reasonable times to inspect and or carry out any work related to reconstruction or alteration to the building.
 15. The Permittee shall not do or permit to be done anything that may cause a disturbance to be a nuisance or any annoyance to the Trustee or to neighbouring occupiers.
 16. There is no obligation on the Trustee to provide alternative accommodation in the event that the demised premises are required by the Trustee or State.

17. The Permittee is responsible for the replacement of any light bulbs in the demised premises.

18. The Permittee shall not do or allow to be done in the demised premises any activity which could void any insurable risk associated with the building.

Resolution

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

CARRIED

6.4 Change to Visiting Membership Fee at Library

Executive Summary

At the request of the Manager Financial Services, the Manager Library Services has conducted a review of the current practice of charging a \$50 refundable visiting membership fee.

Recommendation

That Council approves the adoption of a \$25 Non-refundable Visitor Membership fee and visitors who pay the fee will be restricted to a maximum of 2 items for the normal loan period of 1 month.

Resolution

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

CARRIED

6.5 Complaints Management Policy

Executive Summary

A full review of the Burdekin Shire Council complaints management system has recently been undertaken and a complaints management policy has been drafted to comply with legislative requirements.

Recommendation

That Council adopts the attached Complaints Management Policy.

Resolution

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

CARRIED

6.6 Amendment of Subordinate Local Law No 4 - Council acknowledges and thanks Volunteers – Funny Dunny Park

Executive Summary

Council has previously resolved to amend Subordinate Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2012 with regards to the Home Hill Comfort Stop and Funny Dunny Park.

The amendments have been advertised and submissions received.

Council now has to decide whether to proceed with the amendments.

Recommendation

That Council resolves to –

- a) proceed with the making of Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2012 as advertised; and
- b) make Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2012 as advertised.

Resolution

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

CARRIED

Moved Councillor McCathie, seconded Councillor Liessmann that Council acknowledges the letter received from Mr. Alan Shand and Mr. Bill Lucas regarding their willingness to continue as volunteers to ensure the Funny Dunny camping area remains available to genuine users of the facility, and that council thanks them for their generosity.

CARRIED

7 CORRESPONDENCE FOR INFORMATION

8 NOTICES OF MOTION

8.1 Refurbishment of Bar and Amenities - Burdekin Memorial Hall, Home Hill

Recommendation

That the Council confirms the action of appointing Burdekin Building Design Pty Ltd to perform professional services associated with the Project – Refurbishment of Bar and Amenities, Burdekin Memorial Hall, Home Hill which includes design development, building approval documentation, tender documentation and contract administration as a result of previous work carried out by that firm in the schematic design and preliminary estimation stages.

Resolution

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

It was resolved that this matter be held over and discussed in a closed meeting as it pertains to tenders.

8.2 Conservation Treatment of Mirka Mora Mural - Burdekin Library, Ayr

Recommendation

That Council accepts the quotation from John Hook for the conservation treatment of the Mirka Mora Mural located in the Burdekin Library, Ayr on the basis of a preferred supplier.

Resolution

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

CARRIED

9 URGENT BUSINESS

10 GENERAL BUSINESS

11 CLOSED MEETING ITEMS

Council Meeting closed to Public under Section 72 of Local Government (Operations) Regulation 2010

Resolution

Moved Councillor Lewis, seconded Councillor McCathie that the Council meeting be closed to the public 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:

- the refurbishment of bar and amenities at Burdekin Memorial Hall;
- repairs to damaged fibre optic link on Mackenzie Street, Ayr.

CARRIED

Council Meeting opened to Public

Resolution

Moved Councillor Dalle Cort, seconded Councillor Loizou that the Council meeting be opened to the public.

CARRIED

11.1 Council accepts Quotation from Multicom Qld Pty Ltd to repair damaged Fibre Optic Link - Mackenzie Street, Ayr

Resolution

Moved Councillor McCathie, seconded Councillor Lewis that Council accepts the quotation from Multicom Qld Pty Ltd dated 12 October 2012 to repair the damaged fibre optic link on Mackenzie Street, Ayr based on the following grounds:

- Multicom were the original installers of the 3 stages of fibre optic cabling and considered most advantageous at that time;
- Repair works are considered urgent to restore voice and data capacities to the Jones Street Depot and SES Headquarters, McCathie Street, Ayr;
- No local contractors are able to do the works.

CARRIED

**11.2 Council confirms appointment of Burdekin Building Design Pty Ltd -
Refurbishment of Bar and Amenities - Burdekin Memorial Hall**

Resolution

Moved Councillor Dalle Cort, seconded Councillor Loizou that the Council confirms the action of appointing Burdekin Building Design Pty Ltd to perform professional services associated with the Project – Refurbishment of Bar and Amenities, Burdekin Memorial Hall, Home Hill which includes design development, building approval documentation, tender documentation and contract administration as a result of previous work carried out by that firm in the schematic design and preliminary estimation stages.

CARRIED

12 DELEGATIONS

There being no further business the meeting closed at approximately 12 midday..

These minutes were confirmed by Council at the Ordinary Council Meeting held on 13 November 2012.

MAYOR

