



BURDEKIN SHIRE COUNCIL



AGENDA

ORDINARY COUNCIL MEETING

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

on 27 November 2012

COMMENCING AT 9:00AM



TUESDAY 27 NOVEMBER 2012

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BURDEKIN SHIRE COUNCIL



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1 PRAYER

2 DECLARATIONS OF INTEREST

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 13 November 2012

Recommendation

That the minutes of the Ordinary Council Meeting held on 13 November 2012 be received as a true and correct record.



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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TUESDAY 13 NOVEMBER 2012

ORDER OF BUSINESS:

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BURDEKIN SHIRE COUNCIL



of Gladstone)

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BURDEKIN SHIRE COUNCIL



Burdekin Memorial Hall

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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
Mr. W. Saldumbide - Manager Operations
Mr. K. Byers - Manager Technical Services

Minutes Clerk – Mrs. Vicki Walker

1 PRAYER

The meeting prayer was delivered by Reverend Gavin Henderson of the Presbyterian Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 16 October 2012 - Council approves Allocation of additional Funds for Maintenance of Cabins at Home Hill Caravan Park

Recommendation

That the minutes of the Ordinary Council Meeting held on 16 October 2012 be received as a true and correct record.

Resolution

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

CARRIED

Business Arising

Clause 5.6 – Maintenance of Cabins at Home Hill Caravan Park

Council reconsidered Clause 5.6 which was laid on the table at the previous meeting pending the preparation of an operating statement in relation to the Home Hill Caravan Park. An operating statement was tabled for Council's consideration.

Moved Councillor Loizou, seconded Councillor Bawden that Council approves the allocation of additional funds of \$23,460 for maintenance work to be undertaken at the Home Hill Caravan Park cabins.

CARRIED

3.2 Burdekin Shire Youth Council Minutes - 17th September, 2012

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 17th September, 2012 be received and adopted.

Resolution

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

CARRIED

3.3 Burdekin Building Safer Communities Action Team Minutes - 10th October, 2012

Recommendation

That the minutes of the Burdekin Building Safer Communities Action Team Meeting held on 10th October, 2012 be received and adopted.

Resolution

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

CARRIED

3.4 Burdekin Shire Youth Council Minutes - 15th October, 2012

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 15th October, 2012 be received and adopted.

Resolution

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

CARRIED

4 REPORTS

4.1 Operating Statement for period ending 30 September 2012

Recommendation

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

Resolution

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

CARRIED

5 ENVIRONMENT & OPERATIONS

5.1 Request for new Fee - On-Site Sewerage Design

Executive Summary

This report is to request that a new fee to carry out On-Site Sewerage Design be included as an additional fee to be included in Council's Fees and Charges Schedule for 2012/2013.

Recommendation

It is recommended that Council adopts the following fee to be included as an additional fee in Council's Fees and Charges Schedule for 2012/2013:

Application to carry out a Site Assessment and On-Site Sewerage Design :- \$660.00 (inc GST)

Resolution

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

CARRIED

5.2 Renewal of Special Lease 44/45730 - McNeil & Anabranh Road, Jarvisfield (Lots 87, 88 & 89 on GS97, Parish of Morrill, County of Gladstone)

Executive Summary

A request has been received from Department of Natural Resources and Mines, seeking Council's views in respect of the application for renewal of special lease over land described as McNeil & Anabranh Roads, Jarvisfield, (Lots 87, 88 & 89 on GS97, Parish of Morrill, County of Gladstone), in accordance with the Departments requirements.

Recommendation

That Council offers no objection to the request from Department of Natural Resources and Mines for the application for renewal of special lease over land described as McNeil & Anabranh Roads, Jarvisfield, (Lots 87, 88 & 89 on GS97, Parish of Morrill, County of Gladstone) provided that:

1. Any changes in use of the land are in accordance with Council's Planning Scheme.

Resolution

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

CARRIED

5.3 Request for Views on Surrender and Reissue of Permit to Occupy at Plantation Creek (Lot 1 on PER4083, Parish of Morrill, County of Gladstone)

Executive Summary

A request has been received from Groves & Clark on behalf of their client Pierina Pavone, seeking Council's views in respect of the application for surrender and reissue of a permit to occupy over land described as Lot 1 on PER4083, Plantation Creek (Parish of Morrill, County of Gladstone), in accordance with the Departments requirements.

Recommendation

That Council offers no objection to the request from Groves & Clark for the application for surrender and reissue of a permit to occupy over land described as Lot 1 on PER4083, Plantation Creek (Parish of Morrill, County of Gladstone). provided that:

-
1. Any changes in use of the land are in accordance with Council's Planning Scheme.

Resolution

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

CARRIED

5.4 Conversion of Special Lease to Freehold on Land described as 3 SS Heatherbell Avenue, Jerona (Lot 513 on J11223, Parish of Selkirk, County of Gladstone)

Executive Summary

A request has been received from Department of Natural Resources and Mines, seeking Council's views in respect of the application for conversion to freehold of special lease over land described as 3 SS Heatherbell Avenue, Jerona (Lot 513 on J11223, Parish of Selkirk, County of Gladstone), in accordance with the Departments requirements.

Recommendation

That Council offers no objection to the request from Department of Natural Resources and Mines for the application for conversion to freehold of special lease over land described as 3 SS Heatherbell Avenue, Jerona (Lot 513 on J11223, Parish of Selkirk, County of Gladstone) provided that:

1. Any changes in use of the land are in accordance with Council's Planning Scheme;
and
2. The applicant is advised that access to Jerona is not serviced by an all-weather road and Council cannot guarantee to provide access at all times.

Resolution

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

CARRIED

5.5 John Treen - Development Application to Reconfigure a Lot at 188 and 192 Burstall Road Airdmillan (Lots 2 & 3 on RP726375 Parish of Antill, County of Gladstone)

Executive Summary

An application has been received from Cleve McGuane Surveys on behalf of their client John Treen seeking approval for Reconfiguring a Lot (boundary realignment) at 188 and 192 Burstall Road Airdmillan (Lots 2 & 3 on RP726375 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 (boundary realignment) at 188 and 192 Burstall Road Airdmillan (Lots 2 & 3 on RP726375 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 \$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.
- 1.3 Provide evidence from a suitably qualified person that proposed lots 2 and 3 can be provided with on-site treatment of sewerage in accordance with the On Site Sewerage Code and AS/NZS 1547:2000.

ROADWORKS

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

PROPOSAL PLAN

3. The reconfiguration of the land must be carried out generally in accordance with:-
 - (a) (i) the proposed Cleve McGuane Surveys plan numbered 28606-1;
 - (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.

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.*

Resolution

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

CARRIED

5.6 18 - NBN Co - Development Application for Material change of Use for Telecommunications Facility at George Road, Clare (Lot 159 on GS432 Parish of Mulgrave, County of Gladstone)

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 George Road, Clare (Lot 159 on GS432 Parish of Mulgrave, 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 a Telecommunications Facility at George Road, Clare (Lot 159 on GS432 Parish of Mulgrave, County of Gladstone) subject to the following conditions:

GENERAL

- 1.1 The conditions of the development permit must be complied with prior to the commencement of the use on the subject site, 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 approved drawings and/or supporting documents in the application submitted.
 - 1.3 Access to the facility is to be in accordance with the existing access as shown on the approved plans of development. No other access to the facility is to be used.
 - 1.4 If the use is abandoned, the site must be rehabilitated to a level that achieves the following:
 - the monopole and associated infrastructure must be removed from the site;
 - the site is made suitable for other uses compatible with the locality; and
 - the visual amenity of the site is to be restored.

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.*

Resolution

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

CARRIED

5.7 19 - NBN Co - Development Application for Material Change of Use for Telecommunications Facility at 29 Spiller Street, Brandon (Lot 3 on RP729521 Parish of Jarvisfield, County of Gladstone)

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 29 Spiller Street, Brandon (Lot 3 RP729521 Parish of Jarvisfield, 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 a Telecommunications Facility at 29 Spiller Street, Brandon (Lot 3 RP729521 Parish of Jarvisfield, County of Gladstone) subject to the following conditions:

GENERAL

- 1.1 The conditions of the development permit must be complied with prior to the commencement of the use on the subject site, 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 approved drawings and/or supporting documents in the application submitted.
- 1.3 Access to the facility is to be in accordance with the existing access as shown on the approved plans of development. No other access to the facility is to be used.
- 1.4 If the use is abandoned, the site must be rehabilitated to a level that achieves the following:
 - the monopole and associated infrastructure must be removed from the site;
 - the site is made suitable for other uses compatible with the locality; and
 - the visual amenity of the site is to be restored.

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.*

Resolution

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

CARRIED

6 CORPORATE & COMMUNITY SERVICES

7 CORRESPONDENCE FOR INFORMATION

7.1 Correspondence for Information Received

Resolution

Moved Councillor Liessmann, seconded Councillor Loizou that the correspondence tabled for Council's information be received.

CARRIED

8 NOTICES OF MOTION

8.1 Appointment of Councillor McCathie as Council's Representative on 2012 Christmas Carols Committee

Recommendation

That Councillor McCathie be appointed as Council's representative on the 2012 Christmas Carols Committee.

Resolution

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

CARRIED

8.2 Approval to issue Freehold Lease to NBN Co Limited over Part of Ayr Water Tower - Telecommunications Facility

Recommendation

That Council approves a freehold lease to NBN Co Limited for a term of 20 years over part of the Ayr Water Tower (Lot 101 on GS482) for the purposes of constructing, maintaining and operating a telecommunications facility with rental to be \$8,000 for the first year and increased by 3% or CPI on each anniversary at the discretion of the Council.

Resolution

Moved Councillor Lewis, seconded Councillor Dalle Cort that Council approves a freehold lease to NBN Co Limited for a term of 20 years over part of the Ayr Water Tower (Lot 101 on GS482) for the purposes of constructing, maintaining and operating a telecommunications facility with rental to be \$8,000 for the first year and increased by 3% or CPI (all groups consumer price index for the city of Brisbane), whichever is the higher, on each anniversary at the discretion of the Council.

CARRIED

9 URGENT BUSINESS

10 GENERAL BUSINESS

10.1 Council to discuss Fluoridation Issues at next Ordinary Council Meeting - Public to be invited to attend

Resolution

Moved Councillor McCathie, seconded Councillor Dalle Cort that time be set aside at the next Ordinary Council Meeting to be held on 27 November 2012 (commencing 9.00 am) for the purpose of discussing the issue of fluoridation, and the public be invited to attend and ask questions.

CARRIED

10.2 Council to make urgent Representations to Department of Transport and Main Roads -Safety Concerns with Property Accesses and Drain at site of Roadworks in Edwards Street, Ayr

Resolution

Moved Councillor Lewis, seconded Councillor Dalle Cort that Council makes urgent representations to the Department of Transport and Main Roads regarding safety concerns

with the recently constructed drain and property accesses in Edwards Street, Ayr (from the Kalamia Mill tramline to the Max Motel).

CARRIED

10.3 Council to approach Department of Environment and Heritage Protection - Removal of Bats in Lloyd Mann Park

Resolution

Moved Councillor Liessmann, seconded Councillor Loizou that Council approaches the Department of Environment and Heritage Protection for approval to remove the bats in Lloyd Mann Park, Home Hill.

CARRIED

10.4 Estimate to be prepared for 100 Metres of Bitumen in front of Rural Property on Stace Road

Resolution

Moved Councillor Dalle Cort, seconded Councillor McCathie that Council officers prepare an estimate for the extension of the bitumen on Stace Road from the end of the existing bitumen to past the gate in front of Marano's property, for consideration for inclusion in the Works Implementation Programme.

CARRIED

10.5 Council Officers to investigate installation of Kerbing and Channelling adjacent 4 Mirrigan Road

Resolution

Moved Councillor Dalle Cort, seconded Councillor Lewis that Council officers investigate the cost of installing kerbing and channelling adjacent 4 Mirrigan Road, for budget consideration.

CARRIED

11 CLOSED MEETING ITEMS

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

Resolution

Moved Councillor Loizou, seconded Councillor Liessmann that the Council meeting be closed to the public under the following sections of the Local Government (Operations) Regulation 2010:

- 72(1)(b) industrial matters affecting employees;
- 72(1)(d) rating concessions;
- 72(1)(e) contracts proposed to be made by Council;
- 72(1)(f) starting or defending legal proceedings involving it;
- 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 following issues:

- Cyclone Shelter
- Enforcement Notice under the Building Act 1975
- Tenders for No. 1 Sewerage Pump Station, Ayr and Burdekin Memorial Hall Bar and Amenities
- Update on Native Title
- Proposed rates concession applications

CARRIED

Council Meeting opened to Public

Resolution

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

CARRIED

11.1 Lodgement of Application - Local Government Grants and Subsidies Program - Construction of Cyclone Shelter

Resolution

Moved Councillor Loizou, seconded Councillor Liessmann that Council approves the lodgement of an application under the Local Government Grants and Subsidies Program – Local Government Floods Response Subsidy, for the construction of a Cyclone Shelter.

CARRIED

11.2 Council to act on Enforcement Notice to ensure Compliance with relevant Legislation

Resolution

Moved Councillor Liessmann, seconded Councillor Dalle Cort that Council acts on Enforcement Notice No. 04/2012 to ensure compliance with relevant legislation including the Building Act 1975 and the Sustainable Planning Act 2009.

CARRIED

11.3 Council accepts Tender for Manufacture and Installation of Switchboard at No. 1 Sewerage Pump Station

Resolution

Moved Councillor Liessmann, seconded Councillor Bawden that Council accepts the tender from Laser Electrical, Ayr for TBSC/12/18A (the Manufacture and Installation of Switchboard at No. 1 Sewerage Pump Station, Ayr).

CARRIED

11.4 Appointment of Pio Burelli Constructions Pty. Ltd. - TBSC/12/25 - Refurbishment of Bar and Amenities at Burdekin Memorial Hall

Resolution

Moved Councillor Lewis, seconded Councillor McCathie that Council appoints Pio Burelli Constructions Pty Ltd as the preferred tenderer to complete works associated with TBSC/12/25 – Refurbishment of Bar and Amenities at the Burdekin Memorial Hall noting that:

- discussions are to take place with the preferred tenderer with a view to reducing the total cost of the project; and
- any additional budget funds to be taken from the General Fund unspent depreciation.

CARRIED

Moved Councillor Dalle Cort, seconded Councillor McCathie that Council requests the Burdekin Memorial Hall Committee to financially contribute towards the costs of refurbishing the bar and amenities at the Burdekin Memorial Hall.

CARRIED

11.5 Council confirms Action of Mayor in forwarding Letter to Minister regarding the proposed Bruce Highway Realignment

Resolution

Moved Councillor Dalle Cort, seconded Councillor Loizou that Council confirms the letter forwarded by the Mayor to the Minister for Infrastructure and Transport seeking an immediate review of the Queensland Government's intentions for the national highway system through the Burdekin Shire.

CARRIED

12 DELEGATIONS

9.00 am – Presentation of BHP Billiton Cannington Mine North Queensland Sports Development Bursaries to Leonard Heron and Patrick Schreiber.

10.15 am – Citizenship Ceremony – Mrs. Marilyn Piojo Ketchell

There being no further business the meeting closed at 2.10 pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 27 November 2012.

MAYOR

3.2 Burdekin Cultural Complex Board Inc Meeting Minutes - 17 September 2012

Recommendation

That the minutes of the Burdekin Cultural Complex Board Inc Meeting held on 17 September 2012 be received and adopted.

BURDEKIN CULTURAL COMPLEX BOARD INCORPORATED

MINUTES – GENERAL MEETING

Held on Monday 17th September 2012
Commencing at 5.30 p.m.

Clause 1 ATTENDANCE

Crs. B. Lowis and L. Loizou – representing Burdekin Shire Council

Mr. R. Marriott representing Burdekin Memorial Hall Committee
Mr. J. Gooding and Mrs L. Henderson - representing Friends of the Burdekin Theatre

Ms D. Gosper – Secretary
Miss L. Cox – Minutes Clerk

Observer – Mr. L. Alberts – Theatre Director

Apologies –Crs. R. Lewis, L. McCathie and U.Liessmann representing Burdekin Shire Council and Mrs T. List representing Burdekin Memorial Hall Committee

Clause 2 MINUTES RECEIVED

Moved Mr. Marriott, seconded Cr. Loizou, that the Minutes of the General Meeting held on 30th July 2012 be received as a true and correct record.

CARRIED

Clause 3 COUNCIL ADVERTISES FOR TENDERS FOR THE UPGRADE OF THE BAR
(Clause 8)

Chairman, Cr. Lowis, advised the meeting that Council has called tenders for the upgrade of the bar at the Memorial Hall.

Clause 4 UPDATE ON THEATRE KITCHEN UPGRADE
Clause 6)

Theatre Director, Mr. Alberts, advised the meeting that he had approached local caterers to request they give advice as what is required for a Theatre kitchen.

Mr Alberts informed the meeting that he had sought three quotes from builders for the structural upgrades needed in the kitchen. He also advised that two of these builders had been to look at the site recently.

Clause 5 UPDATE ON OUTSTANDING DEBTORS
(Clause 18)

Secretary, Ms Gosper, provided an update to the meeting on correspondence received by the Board's legal representative regarding a debtor outstanding since June 2011. He advised that the debtor had indicated that she was not taking responsibility for the debt.

Mrs Gosper advised the meeting that the Board's legal representative would be pursuing this debtor to recover the funds.

Clause 6 (Clause 26)	UPDATE ON PURCHASE OF SCISSOR LIFT AT MEMORIAL HALL Mr. Marriott advised the meeting that he had been trying to source a solution to enable the purchase of a scissor lift at the Memorial Hall but has found that most lifts would be too heavy for use on the floor at the Hall. Discussion was held on utilising the current equipment at the hall for hirer requirements and the restriction on decorations to be hung from the ceiling in the hall. Mr. Marriott advised that he would still try to source a new scissor lift but the current equipment may have to suffice.
Clause 7 (Clause 29)	NEW TECHNICAL STAFF EMPLOYED Theatre Director, Mr. Alberts, advised the meeting that a new Technical Trainee had been employed to work at the Theatre and a casual Technician has been employed to cover smaller events at the Memorial Hall. He also informed the meeting that this would alleviate the problem of providing technical assistance at the Memorial Hall.
Clause 8	BOARD CONFIRMS TOTAL CASH DISBURSEMENTS FOR JULY 2012 Moved Mr. Gooding, seconded Cr. Loizou, that the Board confirm total cash disbursements from the General Account for the month of July 2012 for \$133,200.16. CARRIED
Clause 9	BOARD CONFIRMS TOTAL CASH DISBURSEMENTS FOR AUGUST 2012 Moved Cr. Loizou, seconded Mrs Henderson, that the Board confirm total cash disbursements from the General Account for the month of August 2012 for \$93,837.33. CARRIED
Clause 10	FINANCIAL STATEMENTS FOR PERIOD FROM 1st MAY, 2012 to 31st AUGUST 2012 BE RECEIVED Moved Mr. Marriott, seconded Mr. Gooding, that the financial statements of the Burdekin Cultural Complex Board for the period from 1 st May, 2012 to 31 st August 2012 be received. CARRIED
Clause 11	BOARD RECEIVES RECEIVABLES RECONCILIATION REPORT Secretary, Ms Gosper, tabled a detailed report listing Outstanding Debtors to 31 st August 2012. The Board noted that the total outstanding debtors in respect of the Burdekin Theatre and Burdekin Memorial Hall Complex were \$18,614.97.. The Board also noted the recovery arrangements to collect the amount outstanding. Moved Cr. Loizou, seconded Mr. Gooding, that the report on Receivables Reconciliation be received. CARRIED

Clause 12 BOARD NOTES DETAILS OF EXPENDITURE TO 31st AUGUST 2012 FOR ADMINISTRATION AND OPERATION OF BURDEKIN CULTURAL COMPLEX

Moved Mrs Henderson, seconded Mr. Marriott, that the report listing receipts and expenditure to 31st August 2012 of Council costs associated with administration and operation of the Burdekin Theatre and Burdekin Memorial Hall by the Burdekin Shire Council as follows be received:-

<u>Receipts</u>	<u>Item</u>	<u>Expenditure</u>
0.00	Capital	0.00
0.00	Current	35,765.14
\$0.00		\$35,765.14

CARRIED

Clause 13 BOARD NOTES DETAILS OF LIVE PERFORMANCES IN BURDEKIN THEATRE AND BURDEKIN MEMORIAL HALL SINCE LAST MEETING

At this stage Members discussed details of reconciliations for performances in the Burdekin Theatre and Burdekin Memorial Hall since the last meeting.

The Chairman advised the meeting that it was necessary to confirm the Theatre Director's action in exercising discretionary powers concerning fee structures negotiated for some performances in the Burdekin Theatre and Burdekin Memorial Hall since the last Board meeting.

Details of performances in the Burdekin Theatre and Burdekin Memorial Hall during the period are set out hereunder:-

Production: Play for Our Kids
 Date: 20/7/2012
 Promoted By: Burdekin School
 Ticket Sales: 274
 Refund to Promoter: \$11,708.00

Production: The Housekeeper
 Date: 26/7/2012
 Promoted By: BCCB Inc.
 Ticket Sales: 23
 Cost to Promoter: \$3,771.19

Production: Joyce Crooks Memorial Concert
 Date: 31/7/2012
 Promoted By: Burdekin Arts Council
 Ticket Sales: 135
 Cost to Promoter: \$11,065.82

Production: Me and My Shadow
 Date: 14/8/2012
 Promoted By: BCCB Inc.
 Ticket Sales: 687
 Cost to Promoter: \$2,393.07

Production: The Great Australian Rock Musical
 Date: 29/7 – 5/8/2012
 Promoted By: Ayr State High School
 Ticket Sales: 1222
 Refund to Promoter: \$8,598.67

Production: Ladies Night
 Date: 17/8/2012
 Promoted By: BCCB Inc.
 Ticket Sales: 68
 Cost to Promoter: \$5,075.12

Production: Andrew Veivers
 Date: 24/8/2012
 Promoted By: BCCB Inc.
 Ticket Sales: 16
 Cost to Promoter: \$1,264.55

Moved Cr. Loizou, seconded Mr. Gooding, that the Board note details provided by the Theatre Director in respect of performances in the Burdekin Theatre and Burdekin Memorial Hall since the last meeting.

CARRIED

Clause 14 **REPORT ON EXPENDITURE TO 31st AUGUST 2012 FOR BOARD PROMOTIONS RECEIVED**

Moved Mr. Gooding, seconded Mr. Marriott, that the report listing expenditure for Board Promotions as at 31st August 2012, be received.

CARRIED

Clause 15 **THEATRE DIRECTOR'S REPORT FOR THE PERIOD 30th JULY TO 17th SEPTEMBER 2012 RECEIVED**

Moved Mrs Henderson, seconded Mr. Marriott, that the Theatre Director's report for the period 30th July 2012 to 17th September 2012, be received.

CARRIED

Clause 16 **BOARD TO REQUEST FINANCIAL CONTRIBUTION FOR THEATRE'S 30th ANNIVERSARY CELEBRATIONS**

Theatre Director, Mr. Alberts, advised the meeting that it was proposed that a free drink and free ticket to the Madam Butterfly Simulcast be given to all patrons attending the 30th Anniversary celebration performance of Forever Diamond. He noted that this simulcast would be held a few days after the celebrations.

Discussion was held, in regard to the Theatre's 30th Anniversary celebrations, on:-

- (a) holding a cocktail party for invited guests;
 - (b) celebrations being held by Friends of Theatre;
-

(c) establishing of a committee to oversee the celebrations; and

(d) requesting a contribution from Council towards the celebrations.

It was resolved that a request be sent to Council for a financial contribution towards the Theatre's 30th Anniversary celebrations.

Clause 17 **BOARD ADVISED THAT INTEREST ACCRUED ON THE BOARD'S V2 PLUS ACCOUNT TOTAL \$ 880.71**

Chairman, Cr. Lewis, advised the meeting that interest accrued on the Board's V2 Plus Account totals \$880.71 .

NOTED

Clause 18 **GENERAL MEETING TO BE HELD ON MONDAY 19th NOVEMBER 2012**

It was confirmed that the next meeting of the Board General Meeting would be held on Monday 19th November 2012 at 5.30 p.m.

There being no further business the Meeting concluded at 6.10 p.m.

B. Lewis
CHAIRMAN

3.3 Local Disaster Management Group Meeting Minutes - 19 October 2012

Recommendation

That the minutes of the Local Disaster Management Group Meeting held on 19 October 2012 be received and adopted.

BURDEKIN SHIRE COUNCIL
MINUTES – BURDEKIN SHIRE COUNCIL LOCAL DISASTER MANAGEMENT
GROUP MEETING

Held on 19 October 2012
Commencing at 12 midday

1. Attendance

Core Members

Councillor Bill Lowis (Mayor) - Burdekin Shire Council (Chairman)
Councillor Ross Lewis – Burdekin Shire Council
Mr. Ken Holt – Burdekin Shire council
Mr. Wayne Saldumbide – Burdekin Shire Council
Mr. Wayne Preedy – Emergency Management Queensland
Senior Sergeant Steve Barton – Queensland Police Service, Ayr
Ms. Tracy Jensen – Burdekin Shire Council
Mr. Robert Sutcliffe – Burdekin SES Controller
Ms. Debra Cochran – Burdekin Community Association

Specialist Advisors

Mr. Warren Bridson – Emergency Management Queensland
Ms. Eileen Robinson – Burdekin Shire Council
Ms. Beth Whitworth – Burdekin Shire Council
Ms. Janai Giddy – Burdekin Shire Council
Mr. David Jackson – Lower Burdekin Newspaper Company

Apologies for Absence

Mr. Trevor Williams – Burdekin Shire Council
Ms. Sue Collier – Burdekin Centre for Rural Health
Ms. Mary Vicary – Ayr Health Service
Mr. Jim Mummery - SunWater
Mr. Patrick Toohey – Ergon
Mr. Alan Paravacini – Group Leader, Ayr SES
Ms. Merle Scott – Radio Sweet FM
Mr. Mark Biffanti – Ergon
Mr. Daryl Hanger – Australian Red Cross
Ms. Libby Davis – Emergency Management Queensland
Ms. Julie Davies – Burdekin Shire Council
Senior Constable Shane Schifilliti – Queensland Police Service, Clare
Ms. Deanna Murray – Lower Burdekin Home for the Aged

Minutes Clerk – Mrs. Vicki Walker

2. Minutes Received

Moved Councillor Lewis, seconded Mr. Preedy that the minutes of the Local Disaster Management Group Meeting held on 20 April 2012 be received as a true and correct record noting the Mr. Wayne Preedy should be listed under Core Members in the attendance.

CARRIED

3. Correspondence

1196181 * 01-10-03 – Local Government Association of Qld Ltd. – Launch of Disaster management Tool "Disaster Hub" to enhance Councils' Emergency Communications.

1196563 * 01-10-03 – Emergency Management Queensland – Brisbane – Department of Emergency Services – Proposed Amendments to the Disaster Management Act.

1196565 * 01-10-03 – Emergency Management Queensland – Brisbane – Department of emergency Services – Final release of Tool and EMQ Operations Standard 3.1 to the Disaster Management Portal.

1198308 * 01-10-03 – Cyclone Saturday 2012 – Invitation to participate – 27 October 2012.

1204657 * 01-10-03 – Role of Volunteer Adventist Development & Relief Agency (ADRA) – Burdekin Regional Co-Ordinator for Emergency Accommodation

4. General Business

4.1 Eileen Robinson reported on arrangements for Cyclone Saturday to be held on Saturday 27 October 2012 at the former Junior Soccer Fields, Macmillan Street, Ayr.

4.2 The Mayor, Councillor Lowis reported on his comments in response to the survey questions in relation to Exercise Good Neighbour, with the establishment of a cyclone shelter and the upgrade of the aerodrome being identified as priorities.

Exercise Good Neighbour was a disaster management exercise designed around a hypothetical, but realistic extreme weather event. The exercise was conducted in the Townsville Disaster District and associated local government areas across the EMQ, Northern Region from Monday 8 October to Thursday 11 October 2012, with a passive build up period from 4 – 8 October. The

scenario worked through key considerations drawing upon the concepts and principles of disaster management in response to the impact of an extreme weather event.

- 4.3** Mr. Preedy also reported on Exercise Good Neighbour and improvements that could be made, including inviting a health service representative to be a member of the Local Disaster Management Group. Mr. Holt advised that a health service representative was invited to every meeting, however she always forwarded an apology. Mr. Preedy agreed with the Mayor's comments in relation to the need for a cyclone shelter.
- 4.4** Mr. Preedy advised Local Disaster Management Plans were to be audited before the commencement of the season. A new template is to be used.
- 4.5** Mr. Preedy advised that a NDRRA workshop was to be held on 29 October 2012. Council's NDRRA Officer was to attend and he encouraged Council's finance officers also to attend.
- 4.6** Mr. Preedy advised that SES week would be held the 2nd week in November. A function to launch SES week would be held at Burdekin SES Headquarters on Monday 12 November.
- 4.7** Mr. Preedy reported on changes to the organisational structure for Emergency Management Queensland. The regions have been reduced from seven to three in Queensland with three regional directors. Because of the restructure, Mr. Warren Bridson has chosen to leave his position of North Queensland Regional Director. The Regional Office will be moved to Cairns in the near future.
- 4.8** The Mayor, Councillor Lewis, on behalf of the Shire, thanked Mr. Bridson for his contribution to Emergency Management Queensland.

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

Next Meeting – Friday 16 November 2012.

Councillor Bill Lewis
Chairman

3.4 Community Carols by Candlelight Committee Meeting Minutes - 30 October, 2012

Recommendation

That the minutes of the Community Carols by Candlelight Committee Meeting held on 30 October, 2012 be received and adopted.

Burdekin Shire Council

Minutes

**2012 Carols by Candlelight Advisory Committee Meeting
Held from 3.00pm on the 30th October 2012**

Held in the Ernie Ford Boardroom

CLAUSE 1 ATTENDANCE

Cr Lyndy McCathie – Burdekin Shire Council
Dway Goon Chew – All Saints Anglican Church
Greg Rankin – Uniting Church
Lesley Klohs – Burdekin School Chaplains
Leon Stucas – Ayr State High School / Burdekin Brass Band
Treena List – Community Representative
Tammy Quagliata – Burdekin Shire Council
Lauren McKaig – Burdekin Shire Council

CLAUSE 2 MINUTES RECEIVED

Moved Dway Goon Chew, seconded Lesley Klohs that the Minutes of the 2012 Carols by Candlelight Advisory Committee Meeting held on 17th October, 2012 be received.

CARRIED

CLAUSE 3 PLANS FOR 2012 CAROLS BY CANDLELIGHT

It was confirmed that the event would be held on Sunday 9th December, 2012 at Watson's Green in Home Hill commencing at approx. 6.00pm. It was noted the event had been changed from 2nd December due to Theatre staff not being available.

Discussions were held in relation to the plans drafted following the initial Community Carols by Candlelight 2012 meeting and some changes made to the draft run sheet which was tabled at the meeting.

Venue & Set-Up Requirements

- A quotation from the Burdekin Theatre was received. It was noted that a truck and driver to transport technical equipment to and from the venue was required. Volunteers would also be required to load and unload technical equipment at theatre pick-up and venue drop-off, and venue pick-up and theatre drop-off. Dway Goon Chew undertook to arrange this.
- Tammy Quagliata confirmed that the Memorial Hall toilets can be used for the event. The only condition is that the hall remains supervised for the duration of the event. Gavin Henderson undertook to arrange a volunteer to do so.
- Tammy Quagliata to put in a request regarding the watering/mowing of Watson's Green to accompany request of further bins for the event.

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- Dway Goon Chew undertook to speak with David Luscombe in relation to again organising the projector, laptop etc. for the event.
 - Discussions were held in relation to whether or not the lighting of Watson's Green was required for the event. Tammy Quagliata undertook to speak with Arthur Smith and/or David Luscombe about this matter.
 - Leon Stucas requested approximately 20 chairs for the Burdekin Brass Band. It was agreed that church volunteers would arrange to transport the chairs from the Memorial Hall to Watson's Green during the set up phase. Tammy Quagliata undertook to contact Arthur Smith to obtain approval to use 20 chairs.
 - Tammy Quagliata confirmed that in the case of inclement weather the Community Carols by Candlelight would most likely be held inside the Memorial Hall.

Entertainment & Program

- Ricky Romeo has agreed to again be MC for the event. Tammy Quagliata undertook to send Ricky a copy of the official program once it has been finalised.
- Doug Kelly will dress as Santa for the event. Lyndy McCathie undertook to arrange Santa's dressing room and transportation (possibly a Harley or trike).
- Greg Rankin confirmed that the Uniting Church Creative Ministries Group would be able to perform a skit during the program (approx. 20 min) as well as perform the Children's Christmas Carols (approx. 15min). They will also perform "Jingle Bells" at 7.00pm.
- Lyndy McCathie advised that St. Colman's School choir are still to confirm they are available to perform at the event, however it is most likely they will be available. Lyndy to report at next meeting and advise their musical selection.
- Lyndy McCathie confirmed that the Home Hill Choral Society would partake in the program. They will provide their own music. Lyndy to confirm the proposed performance time of 6.10pm, 10 minute duration and report musical choices at next meeting. Lyndy also to find out if the choir requires seating for the performance.
- Lesley Klohs confirmed that the chaplains will play the chaplains DVD and say the thank you (this may be spoken by a student) and offering for chaplains. It was also agreed that the chaplains would fulfil the Santa's Helpers roles.
- Dway Goon Chew undertook to arrange who would be reading the Christmas Message at the event. This is still yet to be confirmed. Dway to report at the next meeting.
- Discussions were held in relation to the combined churches choir, each representative undertook to inform their participants of the only choir and band practice for the event. Leon Stucas set the practice for Thursday 6th December, 2012 at 7.30pm at the band hall.
- Leon Stucas confirmed with church representatives that the band will play only three (3) verses of each musical choice.
- Lesley Klohs undertook to contact Toni Reese in relation to performing "O Holy Night", as well as leading the choir.

-
- Lyndy M^cCathie agreed to provide a Christmas CD to be played while Santa and Santa's Helpers hand out the ice blocks.
 - Lyndy M^cCathie contacted the Home Hill Chamber of Commerce in relation to the provision of ice blocks for the event. It was agreed that the Home Hill Chamber of Commerce will purchase approximately 200 ice blocks (half lemonade and half raspberry). The Home Hill Chamber of Commerce will also be responsible for storing and freezing the ice blocks prior to the event as well as effectively transporting the ice blocks to the event. Lyndy undertook to confirm this with the Home Hill Chamber of Commerce.
 - Tammy Quagliata confirmed that she has the choir books which were used by the combined churches choir last year.

Catering

- Tammy Quagliata confirmed that the Scouts will cater cold drinks and the Home Hill Rotary Club will cater sausages, steak burgers and hopefully hot chips for the event. Tammy undertook to contact the Home Hill Rotary Club with Lesley Kohl's number in relation to equipment to cook the hot chips, if required.
- Lesley Kohl's confirmed that the Cherish will cater sweets for the event.

Advertising/Marketing

- Gavin Henderson undertook to contact the Lower Burdekin Newspaper and local radio station in relation to free advertising for the event.
- Council's Media Officer is aware of the upcoming event and will soon begin distributing media releases.
- Church leaders to place notice in relevant church bulletins.
- It was noted that the Community Events Billboard for Plantation Park had been completed and should be up this week.

Tammy Quagliata undertook to update the draft program for the event and table at the next meeting for final approval.

There being no further business, the meeting closed at 4.00pm.

Next meeting scheduled for Tuesday 20th November at 3.00pm.

3.5 Building Safer Communities Action Team Meeting Minutes - 14 November, 2012

Recommendation

That the minutes of the Building Safer Communities Action Team Meeting held on 14 November, 2012 be received and adopted.

Minutes of Meeting
Burdekin Building Safer Communities Action Team (BSCAT)
Meeting held on 14th November, 2012

Held in the Ernie Ford Board Room at Burdekin Shire Council
The meeting commenced at 10.30am

ATTENDANCE

Brad Taylor	Crime Prevention Officer, QPS, Townsville
Tony Vaccaro	Economic & Community Development Manager, BSC
Tammy Quagliata	Economic & Community Development Support Officer, BSC
Lauren McKaig	Economic & Community Development Support Officer, BSC
Babette Doherty	Victim Assist Qld
Cr. Lyndy McCathie	Burdekin Shire Council
Cr. Pierina Dalle Cort	Ayr Chamber of Commerce
Sgt. Andrew Sherrington	Burdekin PCYC
Snr. Sgt Steve Barton	QPS, Ayr

APOLOGIES

Jason Robins	Burdekin Night Alert
Jeannie Zonta	Burdekin Centre for Rural Health

Acronyms:

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

CONFIRMATION OF PREVIOUS MINUTES

Moved Cr. Lyndy McCathie, seconded Pierina Dallectort that the minutes of the BSCAT Meeting held on 10th October, 2012 be received as a true and correct record.

CARRIED

MATTERS FROM PREVIOUS MINUTES

- Brad Taylor advised that he had contacted Gavin Neal of QLD Police to investigate the possibility of receiving monthly police statistics that would allow the group to assess any possible trends in (Burdekin only) crime and to be pro-active towards these issues.

Snr. Sgt. Steve Barton undertook to email the monthly police statistics to Brad Taylor prior to each BSCAT meeting.

It was noted that statistics will not to be recorded in the minutes.

- Babette Doherty advised that she would provide monthly statistics (Burdekin only) for "Victims of Crime". Babette undertook to email the monthly statistics to Tammy/Lauren prior to each BSCAT meeting.

-
- The 2012 holiday mail out, 'Crime Prevention Starts With You', will be distributed to approximately 4,700 households in both Ayr and Home Hill from 20th – 21st November.

Tammy Quagliata investigated the costs involved in having the flyers inserted in the Advocate and/or Observer. For circulation of 6050 flyers to Ayr and Home Hill, the cost is 10c per insert, totalling \$605.00. It was agreed not to go ahead with this.

The committee questioned the success of letterbox distribution (in relation to how many households actually read the flyer) and agreed it was still the most cost effective option.

Tammy Quagliata advised that a media release regarding 'Crime Prevention Starts With You' will soon be distributed.

- Sgt. Andrew Sherrington advised that he was still in the process of investigating details in relation to the bike safety track situated in Mackay. He provided the following details (as per Mackay's program):
 - Managed by Police Liaison Officer.
 - Two-day program that runs over a two – three week period each school semester.
 - \$125.00 per child (paid by parent/guardian).
 - Bikes obtained through funding and owned by PCYC. (Recycle bikes from the dump and have them restored/repaired).

CORRESPONDENCE

Inward Correspondence

1. Suzanne Coxon, Violence Prevention Team, Department of Communities, Child Safety and Disability Services – Providing information on Domestic and Family Violence Prevention Month 2013 Funding available now. Applications must be lodged by 4pm on Monday 10th December, 2012.
2. Jeanette McIntosh, Ayr Advocate – Providing a costing for insert of Crime Preventions Starts With You flyer for the Christmas period. For circulation of 6050 flyers to Ayr and Home Hill, the cost is 10c each (\$605.00).

Outward Correspondence

NIL

DOMESTIC AND FAMILY VIOLENCE PREVENTION MONTH 2013 FUNDING AVAILABLE.

Discussions were held in relation to the Domestic and Family Violence Prevention Month funding currently available. Lyndy McCathie advised that successful funding applicants wouldn't be announced until the end of March. The committee voiced concerns that this wouldn't allow enough time to organise the event by May.

Tammy Quagliata undertook to forward the funding information onto BCA.

Lauren McKaig undertook to add 'Domestic and Family Violence Prevention Month' to the April 2013 Agenda so that a press release could be arranged for the benefit of the local community.

FINANCIAL REPORT

The financial report for Burdekin BSCAT until 14th November, 2012 was tabled for the information of the Committee.

OTHER GENERAL BUSINESS

- Tammy Quagliata advised that the Alva Beach warning signs would hopefully be installed by the next BSCAT meeting.
 - Babette Doherty advised that the trial for a new professional counselling service via Skype will begin on Wednesday 21st November, 2012. The service will be run out of the Burdell Housing Co-Op where a Townsville counsellor, with Relationships Australia, will counsel clients from as young as six years of age. Babette noted that if the trial period is successful they will consider moving the service to the PCYC where it is more private.
-

There being no further business, the meeting closed at 11.05am

NEXT MEETING - Wednesday 12th December, 2012.

CURRENT ACTION ITEMS

Action	Person(s) responsible	Status
Obtain monthly police statistics and forward to Brad Taylor.	Steve Barton	
Obtain monthly 'Victims of Crime' statistics and forward to Tammy Quagliata/Lauren McKaig	Babette Doherty	
Forward Domestic and Family Violence Prevention Month 2013 Funding information on to BCA.	Tammy Quagliata / Lauren McKaig	
Add 'Domestic and Family Violence Prevention Month' to the April 2013 agenda.	Lauren McKaig	
Obtain information from Mackay PCYC in relation to the bike safety training track which they have installed.	Andrew Sherrington	Ongoing
Arrange initial Liquor Accord Information Meeting with all local hotel establishments	Brad Taylor	On hold until February 2013

4 REPORTS

4.1 Operating Statement for Period Ending 31 October 2012

Recommendation

That the Operating Statement for the period ending 31 October 2012 be received.



**BURDEKIN SHIRE COUNCIL
OPERATING STATEMENT
Period Ending 31 October 2012**

	Note	Actual YTD	YTD Original Budget	\$ Variance Actual to Original	% Variance Actual to Original
Operating Revenue					
Rates and Utility Charges	1	34,113,163.05	35,411,098	-1,297,935	-4%
Discounts and pensioner remissions		-3,769,982.96	-3,473,083	-296,900	9%
User fees and charges	2	956,549.70	794,060	162,490	20%
Interest Received	3	390,704.85	575,467	-184,762	-32%
Operational contributions and donations	4	60,406.61	63,971	-3,565	-6%
Operational grants and subsidies	5	2,216,897.88	956,037	1,260,861	132%
Contract and recoverable works	6	964,820.59	536,667	428,154	80%
Other operating revenue	7	124,012.53	43,887	80,126	183%
Total operating revenue		35,056,572.25	34,908,103.67	148,469	0%
Operating Expenses					
Employee benefits	8	5,572,755.97	5,588,765	-16,009	0%
Materials and services	9	6,984,169.60	4,942,280	2,041,889	41%
Depreciation and amortisation		2,796,436.32	2,796,436	0	0%
Finance Costs		144,588.15	126,950	17,639	14%
Other expenses		1,603.96	0	1,604	-
Total operating costs		15,499,554.00	13,454,431.50	2,045,123	15%
Surplus (deficit) from operating activities		19,557,018.25	21,453,672	-1,896,654	-9%
Capital contributions	10	115,448.61	0	115,449	-
Capital grants and subsidies	11	22,754.26	3,540,068	-3,517,313	-99%
Other capital income (expense)	12	87,041.83	0	87,042	-
Net result for period		19,782,262.95	24,993,740	-5,211,477	-21%

as at 21/11/2012 12:29 PM

**BURDEKIN SHIRE COUNCIL
OPERATING STATEMENT
NOTES FOR VARIANCES TO BUDGET
Period Ending 31 October 2012**

Note

1 Rates and Utility Charges

Admin - Rates in advance to be journalled in as income at end of year - Approx \$560,000.

2 User Fees and Charges

Admin - Timing difference - some licences and permits issued for full year.

Env - Over Budget \$119,716 - Footpath and accommodation licences to be issued in December.

3 Interest Received

Admin - Timing difference.

4 Operational Contributions and Donations

Env - Under Budget \$31,974 - Invoices to be raised for landholders in second half of year.

5 Operational Grants and Subsidies

Admin - Under Budget \$60,557 - Timing difference - mainly FAGS grant.

Env - Under Budget \$4,000 - Grants not yet received.

C&C - Over Budget \$64,878 - Timing difference - PCYC and RADF Grants received in full for year.

Eng - Over Budget \$1,260,540 - Mainly Rec Wks Other - NDRRA Funding, which is not split between capital and operational until the e.o.f.y

6 Contract & Recoverable Works

Eng - Over Budget \$428,154 - Mainly Recoverable Works - BSRIT. Additional works undertaken - to be amended during budget review.

7 Other Operating Revenue

Admin - Over Budget \$13,464 - Majority of surcharge income received to date.

C&C - Over Budget \$4,610 - Unbudgeted funds received for Crime Prevention Conference registrations.

Wat - Over Budget \$42,211 - Unbudgeted monies received for Water Sales \$11,367, Insurance Recoveries \$29,822 & Refundable Deposits \$1,021.

Waste - Over Budget \$8,428 - Unbudgeted money received for sale of Small Scale Technology Certificates for Solar Panels System at Kirknie Landfill \$3,643.

8 Employee Benefits

Admin - Under Budget \$82,084 - Main area under budget is Employee Related Costs to be adjusted at year end.

Dev - Under Budget \$1,913 - Mainly Town Planning \$10,065. Over Budget mainly Plumbing Inspection \$5,130.

Env - Under Budget \$46,159 - Under budget mainly Health Admin \$14,142, Animal Management Admin \$9,313, & Land Protection \$7,438.

Sew - Under Budget \$60,981 - Under budget mainly Sewerage Reticulation \$38,805 & Sewerage Treatment \$15,387. Over budget mainly Sewerage Administration \$15,137.

Wat - Under Budget \$31,272 - Mainly Water Admin \$21,172, & Water Treatment \$10,009. Over budget Property Connections \$19,250.

Waste - Over Budget \$8,168 - Mainly Waste Disposal \$8,036.

Eng - Over Budget \$192,795 - Mainly Recoverable Works Other \$284,774. Under budget mainly Works Supervision Section \$25,822, Roads Maintenance \$24,303 & Recoverable Works Main Roads \$41,780.

9 Materials & Services

Dev - Under Budget \$48,078 - Mainly in the areas of Town Planning \$34,496 & Private Certification \$12,114. Mainly over budget in area of Building Inspection Shire \$6,436.

Env - Under Budget \$341,050 - Under budget mainly Vector Admin \$31,314, Parks Operation \$34,301, Cemeteries \$27,308, Caravan Parks \$47,559, Swimming Pools \$28,802 & Land Protection \$89,758.

Waste - Under Budget \$333,782 - In the areas of Waste Collection \$115,134 & Waste Disposal \$198,719.

Wat - Under Budget \$146,500 - Under budget mainly Water Supply \$89,556 & Water Treatment \$132,598. Over budget mainly Water Admin \$83,988.

C&C - Over Budget \$356,820 - Mainly Community Properties \$64,146, Welfare Other \$64,817 & Cultural Facilities \$151,443. Under budget mainly Welfare Operational \$13,495. Timing difference - Insurances, standing donations & some donations paid in full. Majority of Theatre contribution paid.

Admin - Over Budget \$396,620 - Timing differences - Insurance & Annual IT Maintenance Agreement paid for full year in July, & 2012 Election Costs; Overhead recoveries not yet included.

Eng - Over Budget \$2,139,957 - Over budget mainly Roads Maintenance \$320,424, Recoverable Works Main Roads \$163,780, Recoverable Works Other \$1,450,320, & Recoverable Works BSRIT \$429,426. Under budget mainly Works Section \$80,716, Street Lighting \$64,357, & Workshop Operations \$74,985.

Sew - Over Budget \$17,903 - Over budget mainly Sewerage Admin \$21,103, & Sewerage Operational \$43,173. Under budget mainly Sewerage Reticulation \$23,022, & Sewerage Treatment \$18,269.

10 Capital Contributions

Eng - Over Budget \$110,199 - Contributions from developers, project contributions toward footpath works & Bartlett Road drainage.

Env - Over Budget \$5,250 - Unbudgeted monies received from Developers for Parks Contributions.

11 Capital Grants & Subsidies

Eng - Under Budget \$2,906,734 - Timing difference, grants not yet received.

Wat - Under Budget \$610,000 - Grant for Water Fluoridation not yet received.

12 Other Capital Income

Eng - Over Budget \$87,042 - Proceeds from sale of equipment.

4.2 Capital Projects Monthly Report for Period Ending 31 October 2012

Recommendation

That the Capital Projects monthly report for period ending 31 October 2012 be received.



**BURDEKIN SHIRE COUNCIL
MONTHLY REPORT - CAPITAL PROJECTS**

Period Ending 31 October 2012

Budget	Income Actual to Period End	Variance	Description	Budget	Expenditure Actual to Period End	Variance	Comments
Director of Corporate & Community Services							
0	0.00	-	10002 - Council Properties Other	46,000	0.00	-100%	Budget: Ayr Water Treatment Plant Residence replace timber deck and bathroom repair \$11,000 - end December; Burdekin Gem Building - reroof and external upgrade \$35,000
0	0.00	-	10007 - Council Properties Community	35,000	0.00	-100%	Budget: Refurb - Clare Community Hall Amenities
0	0.00	-	11001 - IT Hardware Purchases	30,000	8,761.12	-71%	Budget: Replace printer - Exp Services \$8,500; Replace printer - Foremen \$8,500; Replace plotter - Design \$13,000 Actual: Photocopier/Printer for Design Office \$8,761 - unexpected breakdown
0	0.00	-	11002 - Admin Office Equipment Capital Purchases	0	8,636.12	-	Actual: Photocopier/Printer \$8,636 for Expenditure Services. Budget in 11001.
0	0.00	-	11004 - Burd Library Off Equip, F & F Capital Purchases	81,800	1,351.99	-98%	Budget: Burdekin Library - replace existing shelving in Adult area Actual: Replacement Shelving Children's area \$1,352 (carry over funding).
0	0.00	-	11006 - IT Communication Purchases	126,000	0.00	-100%	Budget: Replace cabling - library to theatre \$26,000; Replace existing cabling in Chamber/Admin \$100,000
0	0.00	-	11007 - IT Software Purchases	221,055	16,462.22	-93%	Budget: Software - ECM upgrade to CI \$60,000; AM software - carry over \$161,055, Actual \$15,972
0	0.00	-	12001 - Aerodrome Residence	14,000	0.00	-100%	Budget: Ayr Aerodrome Dwelling - deck refurb - in New Year
0	0.00	-	12012 - Ayr Showgrounds Grounds	12,000	80,585.00	572%	Budget: Ayr Showgrounds - Electric Control Building reroof & soffits. Actual: Remove & Demolish existing cottage and install new demountable (funded from carryovers).
0	0.00	-	12013 - Burdekin Amateur Basketball Assn	30,000	0.00	-100%	Budget: Replace air con system on roof that serves mezzanine area
0	0.00	-	12031 - Support Centre	24,000	0.00	-100%	Budget: BCA Building - replace floor coverings - in New Year
0	0.00	-	12042 - Burdekin Memorial Hall	0	30,171.59	-	Actual: Bar & Amenities Refurb (funded from carry over)
-70,000	-22,754.26	-67%	12044 - Burdekin Library Other Assets	87,400	27,390.31	-69%	Budget: Burdekin Library Books (\$8,000 to be transferred to OJ - digitising microfilm)
-70,000	-22,754.26		Total	707,255	173,358.35		
Director of Environment & Operations							
-1,093,610	-110,198.61	-90%	20000 - Roadworks	5,744,751	1,091,341.04	-81%	
0	0.00	-	11003 - Eng Office Equipment Capital Purchases	11,500	8,636.12	-25%	Actual: Photocopier/Printer \$8,636
0	0.00	-	16005 - Ayr Cemetery Other Assets	135,000	0.00	-100%	Budget: Ayr Cemetery Sewerage \$20,000; Ayr Cemetery Sextons Hut \$115,000
0	0.00	-	16201 - Ayr Transfer Station	0	8,008.04	-	Project substantially completed
0	0.00	-	16203 - Ayr Transfer Station Building	37,000	0.00	-100%	Budget: Gatehouse - Design commenced
0	0.00	-	16208 - Kirknie Landfill	0	2,750.58	-	Project started - including Solar upgrade for installation on weighbridge hut \$1,810.
0	0.00	-	16210 - Kirknie Landfill Fencing	0	76,506.00	-	Project completed
0	0.00	-	16251 - Burdekin Cascades Caravan Park	0	33,538.47	-	Project substantially completed - cabin, carpark, footpath.
0	0.00	-	16252 - Home Hill Caravan Park	0	119.32	-	To be transferred to CJ 16254.
0	0.00	-	16253 - Burdekin Cascades Caravan Pk Other Asset	30,000	39,406.89	31%	Budget: New BBQ area for Burdekin Cascades Caravan Park - order placed for work; Fencing & Installation Actual \$39,407.
0	0.00	-	16254 - Home Hill Caravan Park - Other Assets	0	9,892.00	-	Actual: 6mx6m Shelter \$9,892. (Carryover) Project commenced.
0	0.00	-	16305 - Millaroo Pool	150,000	0.00	-100%	Budget: Design \$10,000; Refurbish \$45,000; Planning \$95,000
0	0.00	-	16361 - Public Conveniences Coutts Park	40,000	378.37	-99%	Tender documents being developed.
0	-5,250.00	-	16400 - Shire Parks	0	0.00	-	Budget: Relocate and refurb Exceloo. Planning commenced.
0	0.00	-	16409 - Skate Park - Home Hill	60,000	0.00	-100%	Budget: Skate Park - Home Hill/Giru
0	0.00	-	16512 - Miscellaneous Parks Irrigation	65,000	0.00	-100%	
0	0.00	-	23121 - CBD Home Hill Comfort Stop	100,000	0.00	-100%	Budget: Refurbish. Planning commenced.
0	0.00	-	23250 - Depot/Store Building	8,000	0.00	-100%	Budget: Depot Stores Shed - reroof. Carryover project substantially complete.
0	0.00	-	23323 - Yellow Gin Creek Alert Station	0	5,239.11	-	Fabrication of structure complete; installation required.



**BURDEKIN SHIRE COUNCIL
MONTHLY REPORT - CAPITAL PROJECTS**

Period Ending 31 October 2012

Budget	Income Actual to Period End	Variance	Description	Budget	Expenditure Actual to Period End	Variance	Comments
0	0.00	-	24000 - Drainage Budget	687,919	0.00	-100%	Budget: Anderson St to Beach Rd \$300,000; Major Drainage Schemes \$120,000; Ayr/Brandon Flood Study upgrade, model and design schemes \$67,919; Upgrade culverts drain AA crossing Cominsky Rd Horseshoe Lagoon \$50,000; Secure outlet to drain Horseshoe Lagoon \$150,000
0	0.00	-	24020 - Gross Pollutant Traps Nelson's Lagoon	0	91,833.38	-	Project substantially completed
0	0.00	-	24021 - Ayr Transfer Station Drainage	0	8,400.00	-	Project substantially completed
0	0.00	-	24026 - Andersen Street Drainage	0	36,513.68	-	Project started
-105,000	0.00	-100%	25001 - Sedans	270,000	0.00	-100%	
-175,000	-45,378.19	-74%	25002 - Utilities	370,000	36,545.46	-90%	One utility purchased
-193,157	-36,363.64	-81%	25003 - Trucks	721,123	143,316.58	-80%	Water Truck
-50,000	0.00	-100%	25004 - Machines	280,000	0.00	-100%	
-2,000	-5,300.00	165%	25005 - Plant and Equipment	29,000	28,955.00	0%	Portable Air Compressor
-814,593	0.00	-100%	27001 - Roads Capital - NDRRA - Jan 10 Event	814,593	0.00	-100%	
-6,212,000	0.00	-100%	27002 - Roads Capital - NDRRA - Feb 11 Event	6,212,000	0.00	-100%	
-600,000	0.00	-100%	27003 - Roads Capital - NDRRA - Feb 12 Event	600,000	0.00	-100%	
0	0.00	-	30000 - Sewerage Construction Budget	250,000	0.00	-100%	Budget: Replace/Refurb assets \$50,000; No 1 Sew Pump Station Ayr new electrical switchboard \$100,000; Replace Telemetry \$100,000; Actual \$58,271
0	0.00	-	30002 - Sewers Ayr	0	24,591.32	-	Burke St section collapse
0	0.00	-	30201 - Pump Station 1 Ayr	0	18,100.00	-	
0	0.00	-	30230 - Pump Station 30 Ayr	0	4,639.22	-	
0	0.00	-	30330 - Telemetry - Sewerage	0	15,580.00	-	
0	0.00	-	30405 - Treatment Plant Inlet Structure Ayr/Bran	0	1,945.76	-	Continuing project from LY
0	0.00	-	30412 - Treatment Plant Sludge Collection Facili	0	88,167.46	-	Unit purchased. Installation proceeding
0	0.00	-	30461 - Treatment Plant Sludge Collection Facili	0	81,703.94	-	Unit purchased. Installation proceeding
0	0.00	-	31050 - Sewer Reline Project	500,000	574,611.90	15%	
0	0.00	-	35000 - Water Construction Budget	350,000	0.00	-100%	Budget: Replace/Refurb assets \$100,000; South Ayr Water Treatment Plant - install variable speed pumps \$100,000; HH Water Tower - Replace Aerators \$150,000
0	0.00	-	35264 - Iron & Manganese Removal	100,000	4,140.00	-96%	
-1,830,000	0.00	-100%	35270 - Fluoridation South Ayr	1,830,000	56,500.00	-97%	Design commenced
0	0.00	-	35302 - Aeration Home Hill Tower	0	10,615.00	-	Actual: Concept Design Report H.H. Aerator
0	0.00	-	35352 - Distribution Mains Ayr	0	1,162.95	-	
0	0.00	-	35355 - Valves/Scours Ayr	0	3,222.00	-	Planning Commenced
-11,075,360	-202,490.44		Total	19,396,886	2,506,359.59		
-11,145,360	-225,244.70		TOTAL CAPITAL PROJECTS	20,103,141	2,679,717.94		

5 ENVIRONMENT & OPERATIONS

5.1 Application for Permit to Occupy on Lot B - Adjoining Lot 64 on CP868133 1004 Upper Haughton Road, Upper Haughton

Document Information

Referring Letter No: 1175389

File No: 01-04-05a

Name of Applicant: Department of Natural Resources and Mines

Location: Lot B - Adjoining Lot 64 on CP868133, 1004 Upper Haughton Road, Upper Haughton

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

Executive Summary

A request has been received from Department of Natural resources and Mines, seeking Council's views and requirements in respect of an application for a permit to occupy over land described as Lot B - Adjoining Lot 64 on CP868133, 1004 Upper Haughton Road, Upper Haughton.

Recommendation

That Council offers no objection to the request from Department of Natural Resources and Mines for the application for a permit to occupy over land described as Lot B - Adjoining Lot 64 on CP868133, 1004 Upper Haughton Road, Upper Haughton provided that:

- All necessary approvals for the screening of sand from local and state government be obtained prior the commencement of any sand screening activity.
- That any permit to occupy the site does not assume that any access out of the area or to the river or that any clearing of vegetation to provide further access on any land will be approved.
- That the site be rehabilitated in a manner satisfactory to local and state government following the cessation of the use of the site.
- That a pest management plan be developed and approved by Council to control pest species on the site.

Background Information

I refer to correspondence received from the Department of Natural Resource and Mines which have requested Council's written views in relation to the application for permit to occupy over land described as Lot B - Adjoining Lot 64 on CP868133, 1004 Upper Haughton Road, Upper Haughton.

The land is the site of previous sand screening operations that were associated with extraction of sand from the Haughton River and the area of Lot B has been degraded as a result of past use of the site. The site however is adjacent to areas of remnant vegetation (of least concern) that provide valuable habitat and wildlife corridors along the Haughton River.

Council's views in respect of the application for a 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 provided that specific conditions are met prior to any sand screening activity occurring.

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

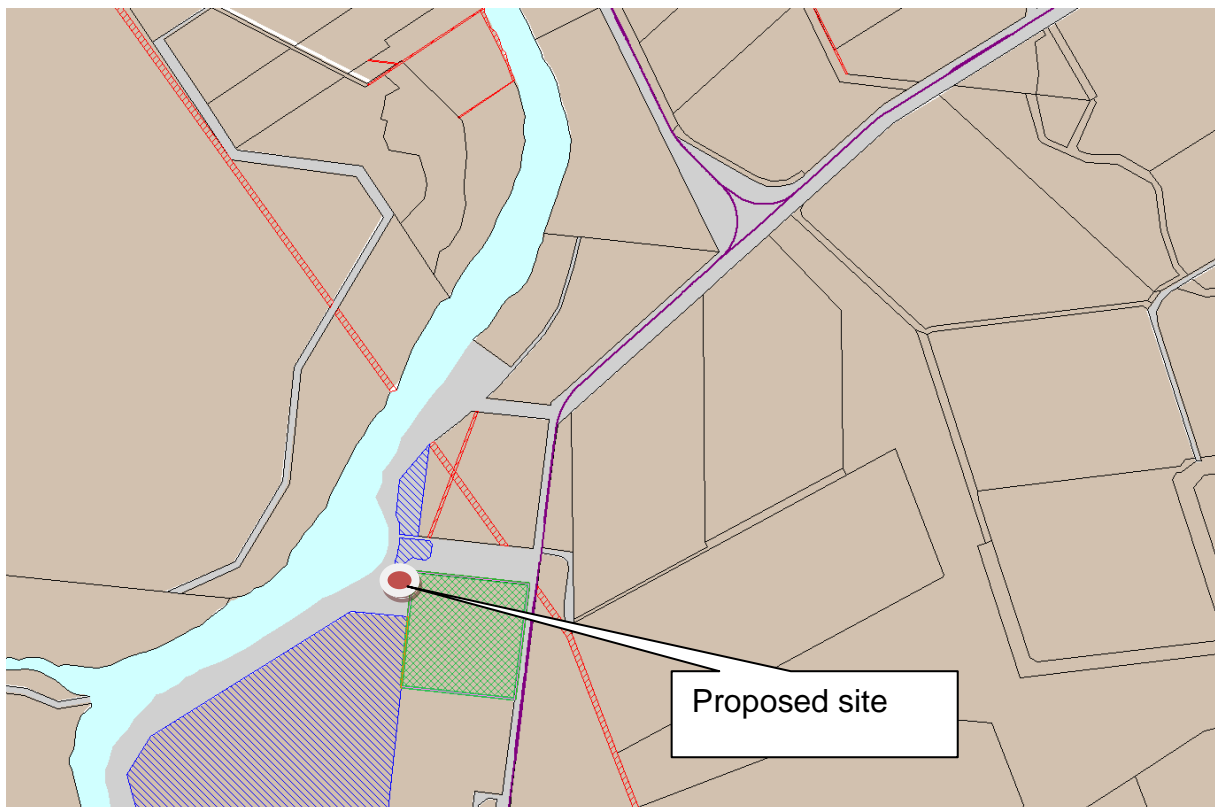
Report prepared by:

S Great - Manager Planning and Development

Report authorised by:

S Great - Manager Planning and Development

Attachments



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 Sp



5.2 NBN Co - Development Application for Material Change of Use for Telecommunications Facility at 1353 Beach Road, Alva (Lot 561 on GL1240 Parish of Antill, County of Gladstone)

Document Information

Referring Letter No:	1186569
File No:	2011 Cons (Cons12/0015)
Name of Applicant:	NBN Co (Aurecon)
Location:	1353 Beach Road, Alva (Lot 561 on GL12420 Parish of Antill, County of Gladstone)
Author and Title:	S Great – Manager Planning and Development

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 1353 Beach Road, Alva (Lot 561 on GL12420 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 a Telecommunications Facility at George Road, Clare (Lot 561 on GL12420 Parish of Antill, County of Gladstone) subject to the following conditions:

GENERAL

- 1.1 The conditions of the development permit must be complied with prior to the commencement of the use on the subject site, 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 approved drawings and/or supporting documents in the application submitted.
- 1.3 Access to the facility is to be in accordance with the existing access as shown on the approved plans of development. No other access to the facility is to be used.
- 1.4 If the use is abandoned, the site must be rehabilitated to a level that achieves the following:
 - the monopole and associated infrastructure must be removed from the site;
 - the site is made suitable for other uses compatible with the locality; and

-
- the visual amenity of the site is to be restored.

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.

Background Information

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

The Application:

The land is currently zoned 'Rural' with the proposal triggering an 'Impact Assessable' Development Application - Material Change of Use for a Telecommunications Facility. The proposed facility will include a 35m monopole, radio transmission equipment and outdoor equipment cabinets. The application has been assessed against the relevant provisions of the Burdekin Shire Council's IPA Planning Scheme.

Site Description/Surrounding Land Uses:

The subject property is a large rectangular shaped Lot with an approximate area of 146ha, Beach Road dissects a small portion of the Lot on the eastern boundary. The site is considered relatively flat and is primarily used for cattle grazing.

The location of the proposed facility comprises a 10m x 10m leased area on the eastern boundary set back 10m from Beach Road, The leased area is clear of vegetation and currently unused. A tidal creek abuts the eastern boundary of the site with land uses surrounding the proposal predominately grazing properties. The closest residential dwelling to the proposed facility is 830m to the north-east in the township of Alva.

Planning Considerations:

A planning report submitted as part of the application includes information addressing important planning matters such as design specifications, site characteristics, visual amenity and public safety. In all relevant town planning related areas, the proposal has achieved acceptable compliance levels. The proposal has been assessed against the relevant provisions of the planning scheme, in particular, the Desired Environmental Outcomes (DEO's) and the Rural Zone Code. In most cases, the applicant has demonstrated how the proposal will comply with the objectives of these codes. The area is generally removed from

surrounding residential uses and will increase wireless broadband capabilities within the region.

Overall, the proposed telecommunication facility is sited an appropriate distance from sensitive land uses. While it is acknowledged that the proposed facility will be an addition to the locality, telecommunications facilities are now an acceptable part of the landscape and similar to power-lines and power-poles. This new infrastructure will ensure an integral link is established to assist in providing a modern high quality fixed wireless broadband service for the wider Burdekin region and in particular, the Alva Beach community.

Conclusion:

The proposed NBN Co facility, comprising a 35m high monopole with attached antennas and an outdoor equipment cabinet is to be sited in a location isolated away from any incompatible land uses whilst ensuring adequate coverage is achieved.

The facility has been strategically sited and designed to minimise unacceptable visibility within the surrounding environment as much as practicable. In this regard the proposal satisfies the requirements of the *Telecommunications Act 1997*, whilst also addressing coverage deficiencies within the local area.

The proposal is also consistent with the stated objectives of the Burdekin Shire Council's IPA Planning Scheme.

Council's Development Assessment Team members have assessed the application and have included reasonable and relevant conditions. It is recommended that Council approve the application subject to the abovementioned conditions.

Link to Corporate/Operational Plan

N/A

Consultation

Given that the Development Application was triggered as 'Impact Assessable', public notification was required. The application was advertised in the Ayr Advocate on Wednesday 19 September, 2012 and at the closing date for submissions on Thursday 1 November, 2012, one properly made submission in support of the proposal was received in this period. All other relative Council Departments have been consulted with any comments/conditions being included in the recommendation. Due to the proximity of the proposed development to a wetland, the application was referred to the Department of Environment and Heritage Protection (DHEP) as an advice agency. The DHEP have identified no real concerns with the proposal and have included general advice in maintaining the values of wetlands.

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

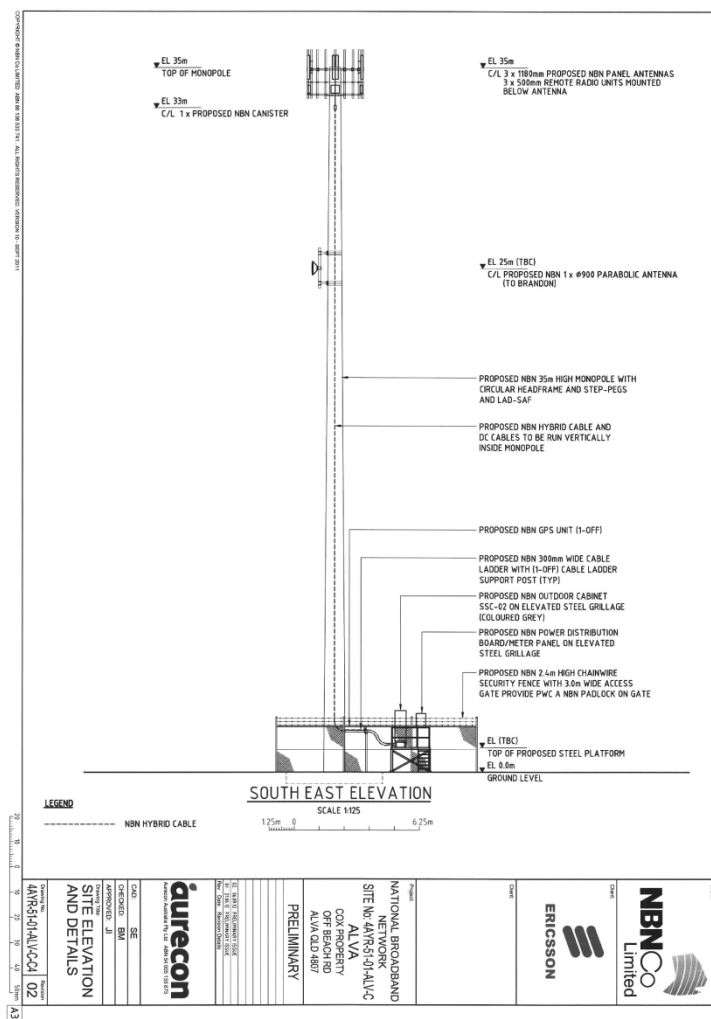
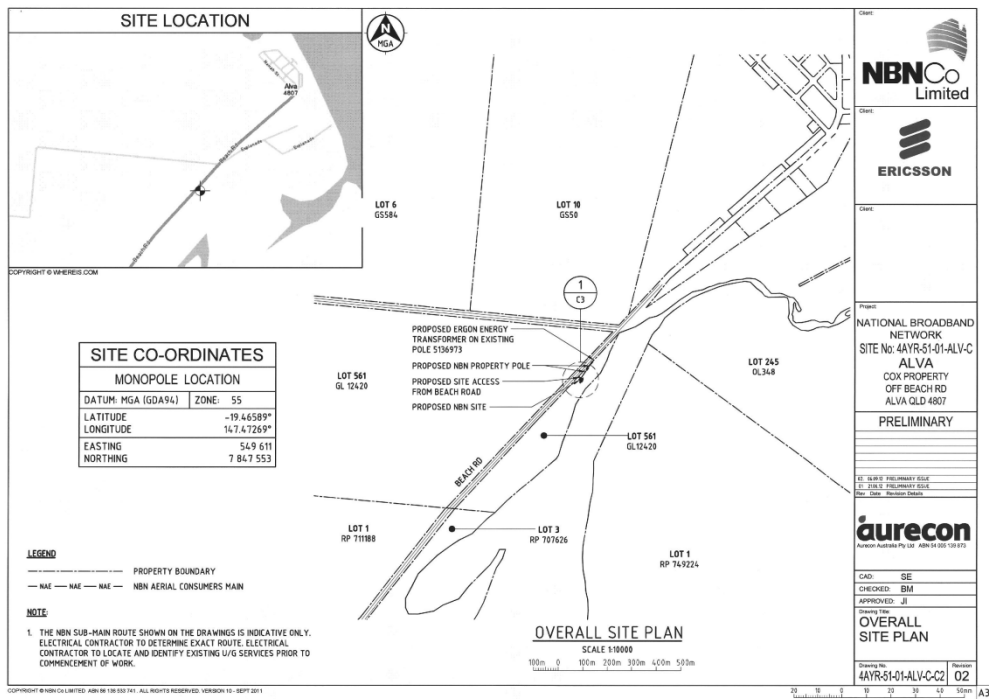
	Rural
	- Rural Industry Sub Area
	- Rural Nature Based Recreation Sub Area
	- Rural Settlement Sub Area
	Residential
	- Residential Low Density Sub Area

Zone Map

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

	Village
	Open Sp





5.3 CJ ACT Pty Ltd - Development Application Material Change of Use for Intensive Agriculture at Ted Walsh Road, Kirknie (Lot 108 on RP736, Parish of Leichhardt Downs, County of Salisbury)

Document Information

Referring Letter No: 1198829

File No: 2011 Cons (Cons12/0020)

Name of Applicant: CJ ACT Pty Ltd

Location: Ted Walsh Road, Kirknie (Lot 108 on RP736436, Parish of Leichhardt Downs, County of Salisbury)

Author and Title: S Great – Manager Planning and Development

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 108 on RP736436, 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 108 on RP736436, 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 intensive agricultural activity within 50m of the bank of Cassidy Creek or within 25m of other waterways located on the site, as mapped on RPS Figure 1: Proposed Crops and 1:100k Mapped Watercourses November 2012.
- 5.2 No waste including processing effluent waters or any factory waste products must be stored, disposed or released to the land except under approval for beneficial reuse pursuant to the *Environmental Protection Act 1994*
- 5.3 Riparian vegetation must be maintained in a manner that protects habitat and biodiversity values of the waterway along each side, and within 50m of Cassidy Creek and within 25m of other waterways on the site, as mapped on RPS Figure 1: Proposed Crops and 1:100k Mapped Watercourses November 2012.

ADVICE (Note: These are not conditions)

- *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*

Background Information

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

The land is zoned 'Rural' with the proposal triggering a 'code assessable' Development Application - Material Change of Use for Intensive Agriculture (Commercial Cassava Plant Crops). The application has been assessed against the Rural Zone Code and the Intensive Agriculture Zone Code under the provisions of the Burdekin Shire Council's IPA Planning Scheme.

The Application:

The application seeks approval for Cassava Plant Crops for research and trial purposes over approximately 269ha of the subject property. The crop will be produced using row - intensive, broad - acre farming techniques. Water will be supplied from the Elliot Channel which adjoins the subject property with drip irrigation being the proposed method of watering the crops. The application contains comprehensive supporting material addressing important issues including: Water Quality Management; Stormwater Management; Sediment and Erosion Control and Environmental effects.

Cassava produces a tuberous edible root at the stem base which is processed to create tapioca starch, which has a multiple of uses within food, pharmaceutical, paper, adhesive, textile, mining and other manufacturing industries. This application to grow cassava is the second stage in a proposal that could see up to 400,000 tonnes per year of cassava roots grown. Future uses at the site may include a starch factory, biogas plant, pellet mill and cattle feedlot. Any additional land uses apart from the growing of the crop will generate the need to lodge additional planning applications.

Site Description/Surrounding Land Uses:

The subject site is located about 14km to the south west of Home Hill at the end of Ted Walsh Road, Kirknie. The subject site has an area of 1883.76ha with approximately 269ha being utilised for the growing of Cassava. The site is generally flat with a gradual slope towards the east. Existing land uses predominately consist of grazing with the growing of sugar cane apparent also. The Burdekin River traverses from north to south due west of the subject site. Mount Kelly is located north of the site, on the opposite side of the river.

Conclusion:

The impact of the proposed activity is considered to be minimal due to the site's location within a rural amenity, physical separation from any sensitive receiving environments and proposed measures designed to negate potential impacts. It is envisaged that the proposed development will cause minimal disruption to the local and wider community.

Council's Development Assessment Team members have assessed the application and have included reasonable and relevant conditions, these conditions have been included to ensure any possible negative impacts on the environment and surrounding amenity are minimised. It is recommended that Council approve the application subject to the abovementioned conditions.

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

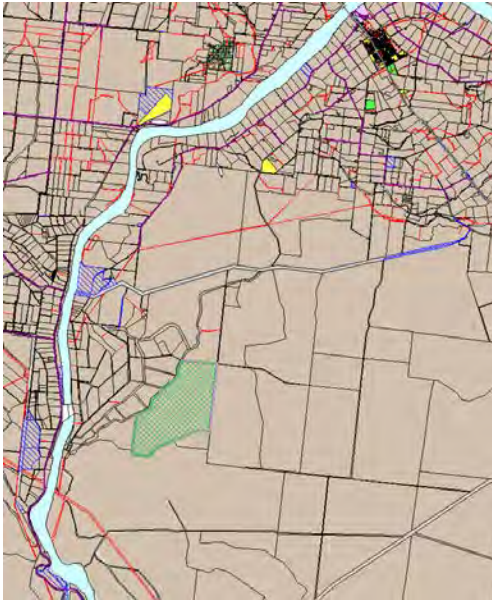
Financial and Resource Implications

N/A

Report prepared by:
S Great – Manager Planning and Development

Report authorised by:
S Great – Manager Planning and Development

Attachments



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 Sp



6 CORPORATE & COMMUNITY SERVICES

6.1 Adoption of Consolidated Version of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012

Document Information

Referring Letter No: 1208066

File No: 01-08-06

Name of Applicant: N/A

Location: N/A

Author and Title: Connie Elton, Corporate Management Support Officer

Executive Summary

Section 32 of the Local Government Act provides that Council may prepare and adopt, by resolution, a consolidated version of a local law, in this case, *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2012*.

Recommendation

That Council adopt the consolidated version of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012 which has been prepared by Council officers and included in the report to Council which accompanies this resolution.

Background Information

Council resolved at its meeting held on 16 October 2012 to amend Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012 to give effect to the following:

- Amend Schedule 2 No. 10(a) to redefine the description of the Home Hill Comfort Stop area.
- Amend Schedule 2 to allow camping at Funny Dunny Park for a period of 4 days in a 14 day period.

The public has been notified of the making of the Local Law (Amendment) by way of publication in the Ayr Advocate 24 October 2012, in the Local Government Gazette 26 October 2012 and on Council's website.

As required by section 29B(6) of the Local Government Act 2009 the Minister has been provided with the following records:-

- a) a copy of the notice about the making of the subordinate local law which Council has prepared and published in accordance with the requirements of section 29B(1) to (3) inclusive of the Local Government Act 2009; and

-
- b) a certified copy of the subordinate local law identified in the notice (both electronically and in hard copy); and
 - c) a Schedule of anti-competitive provisions included in the subordinate local law and reasons for their inclusion (if any).

The consolidated version of the Law will provide a much more user friendly and readable version of the law.

Following resolution on the above, a copy of the consolidated version of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012 will be certified by the Chief Executive Officer and provided to the Minister.

Link to Corporate/Operational Plan

1.7 Ensure effective corporate governance through compliance with legislation and adoption of risk management strategies.

Consultation

Public consultation period from 1 to 23 August 2012.

Extensive media coverage generated.

Liaison with King and Company, Solicitors in relation to resolutions required.

Legal Authority or Implications

Compliance with Local Government Act 2009 and Local Government (Operations) Regulations 2010

Policy Implications

Nil

Financial and Resource Implications

N/A

Report prepared by:

Connie Elton, Corporate Management Support Officer

Report authorised by:

Dan Mulcahy, Director of Corporate and Community Services

Attachments

1. Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012

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Ken Holt
Chief Executive Officer

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2012* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of access to local government controlled areas; and
 - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2012* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in this subordinate local law.

Part 2 Use of local government controlled areas, facilities and roads

5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

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6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

7 Prohibited vehicles—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

8 Opening hours for local government controlled areas—Authorising local law, s 7(1)

- (1) For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.
- (2) However, the local government may, from time to time, by resolution, declare other times when a local government controlled area is open to the public.

9 Permanent closure of local government controlled area—Authorising local law, s 8(3)

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

Part 3 Matters affecting roads**10 Notice requiring owner of land adjoining road or local government controlled area to fence land—Authorising local law, s 9(3)**

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be constructed of materials which are of sufficient strength to—
 - (i) restrain the types of animals to be contained in the area adjacent to the fence; and
 - (ii) stop the animals from escaping over, under or through the fence; and
- (b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and
- (c) if an animal to be contained in the area adjacent to the fence has the ability to dig — the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and
- (d) if the fence includes a gate — the gate must be kept closed and latched

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Chief Executive Officer

except when in immediate use by a person entering or leaving the area adjacent to the fence.

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Chief Executive Officer

Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas within the local government area	<p>(a) Subject to the <i>Peaceful Assembly Act 1992</i>, taking part in a protest or other riotous, disorderly, indecent, offensive, threatening or insulting behaviour;</p> <p>(b) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image;</p> <p>(c) Injuring, misusing, defacing, marking or otherwise damaging a building or structure in a local government controlled area;</p> <p>(d) Entering or interfering with a building or structure associated with the water supply system, stormwater drain system or sewerage system of the local government unless the person entering or interfering with the building or structure is an emergency services officer entering or interfering with the building or structure in the course of his or her duties as an emergency services officer;</p> <p>(e) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire;</p> <p>(f) Parking or leave standing, an unregistered vehicle on a local government controlled area;</p> <p>(g) Burying or disposing of cremated remains at a local government controlled area.</p>

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Chief Executive Officer

2	All roads within the local government area	<ul style="list-style-type: none"> (a) Causing an offensive liquid, sediment or substance to be discharged onto a road; (b) Intentionally or negligently damaging a road or a structure associated with a road; (c) Creating a nuisance on a road; (d) Camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter. (e) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire. (f) Parking or leave standing, an unregistered vehicle on a road.
3	All local government cemeteries within the local government area	<ul style="list-style-type: none"> (a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery; (b) Selling or buying any article or thing; (c) Distributing or putting up any handbill, card, circular or advertisement; (d) Interfering with any tree, shrub or plant; (e) Taking part in any meeting other than a meeting of a religious or commemorative nature; (f) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge; (g) Damaging or disturbing or interfering with any memorial, inscription plaque, epitaph or inscription, or any flowers or tokens placed on or adjacent to a grave or niche; (h) Riding or driving or permitting to be ridden or driven, any vehicle of

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		<p>any description or any horse otherwise than on a paved roadway or path;</p> <p>(i) Engaging in conduct which is dangerous or creates a risk to the safety of members of the public;</p> <p>(j) Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property;</p> <p>(k) Bringing an animal into or allowing an animal to be within a local government cemetery (other than for the purposes of a funeral or commemorative service);</p> <p>(l) Entering or being within a local government cemetery except for the purpose of visiting a grave, attending a funeral or maintaining or repairing a grave in accordance with a written authorisation of the chief executive officer;</p> <p>(m) Causing a nuisance.</p>
4	All parks and reserves within the local government area	<p>(a) Damaging or interfering with vegetation;</p> <p>(b) Discharging or carrying a firearm or other weapon or any kind of explosive device;</p> <p>(c) Throwing a stone, projectile or other missile;</p> <p>(d) Using or carrying a trap, snare or net;</p> <p>(e) Hitting a golf ball unless the park or reserve is recognised by the local government as being set aside for the purposes of a golf club course or a golf range;</p> <p>(f) Behaving in a disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(g) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to</p>

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Chief Executive Officer

		<p>another person;</p> <p>(h) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(i) Interfering with any facility or equipment located at the park or reserve;</p> <p>(j) Disposing of any waste of any kind other than in a waste container provided for that purpose;</p> <p>(k) Depositing, storing or abandoning any goods;</p> <p>(l) Bathing in any ornamental pond or lake;</p> <p>(m) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake;</p> <p>(n) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve;</p> <p>(o) Permitting or allowing a water tap in a park or reserve to run water to waste;</p> <p>(p) Removing any timber or wood provided by the local government for use as firewood;</p> <p>(q) Propagating or cultivating any plant, vegetation or vegetative matter;</p> <p>(r) If the park or reserve is identified in schedule 6 for this provision — camping, sleeping, occupying or remaining overnight in the park or reserve.</p>
5	All local government caravan parks within the local government area	<p>(a) Disposing of liquid waste other than at a drainage point provided for that purpose;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p>

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		<p>(d) Behaving in a disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with a plant, vegetation or any turf, sand, clay, soil or other material;</p> <p>(g) Interfering with any facility or equipment located at the local government caravan park;</p> <p>(h) Lighting or maintaining a fire in the open unless approved by an authorised person.</p>
6	All boat ramps and landings within a local government controlled area including, but not limited to, each boat ramp and landing identified in schedule 6	<p>(a) Carrying out maintenance or repairs to a ship on a boat ramp;</p> <p>(b) The activity of a person carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable excuse;</p> <p>(c) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing;</p> <p>(d) Wilfully damaging any lighting upon a boat ramp or a landing;</p> <p>(e) Riding an animal on a boat ramp or a landing;</p> <p>(f) Fishing from a boat ramp or a landing in a manner that obstructs or impedes, or is likely to obstruct or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing;</p> <p>(g) Carrying a loaded or cocked spear gun on a boat ramp or a landing;</p> <p>(h) Lighting a fire on a boat ramp or a</p>

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		<p>landing, whether in a container or otherwise;</p> <p>(i) Diving off a boat ramp or a landing;</p> <p>(j) A person causing themselves or any other person or object to fall or be projected into waters surrounding a boat ramp or a landing;</p> <p>(k) Obstructing another person's use of a boat ramp or landing;</p> <p>(l) Using a boat ramp or landing in a manner which is inconsistent with —</p> <p>(i) the safe, secure and efficient operation of the boat ramp or landing; or</p> <p>(ii) the protection of the environment at the boat ramp or landing; or</p> <p>(iii) the maintenance or improvement of the convenience of users of the boat ramp or landing;</p> <p>(m) Gutting, cleaning or washing a fish, shellfish or other crustacean except at a fish filleting facility provided by, or approved for use by, the local government.</p>
7	All local government swimming pools within the local government area, including, but not limited to, each local government swimming pool identified in schedule 6	<p>(a) Bringing any glass or any item made from glass onto the pool deck surrounding the swimming pool or into the swimming pool;</p> <p>(b) Bringing any animal onto the land on which the swimming pool is situated;</p> <p>(c) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool;</p> <p>(d) Causing wilful damage to the swimming pool or any facilities at the swimming pool;</p> <p>(e) Behaving in a way that endangers</p>

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Chief Executive Officer

		<p>the safety of, or causes a nuisance to, other users of the swimming pool;</p> <p>(f) If a person is more than 5 years of age — entering any part of the swimming pool which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance;</p> <p>(g) Entering the land on which the swimming pool is located whilst intoxicated or under the influence of a stupefying drug;</p> <p>(h) Entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying drug;</p> <p>(i) Disposing of waste other than in a waste container provided by the local government for the purpose of the collection of waste;</p> <p>(j) Entering the water in the swimming pool if the person has an infectious or contagious disease or illness or a skin complaint;</p> <p>(k) Interfering with the property of another person on the land on which the swimming pool is located other than with the consent of the other person;</p> <p>(l) Entering the land on which the swimming pool is located unless the person has paid the entrance fee prescribed by the local government from time to time for entry to the swimming pool;</p> <p>(m) Using a season ticket for the swimming pool otherwise than in accordance with the rules of the local government for the use of a season ticket for the swimming pool;</p> <p>(n) Behaving in a threatening, abusive or insulting manner to another</p>
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Chief Executive Officer

		<p>person at the swimming pool;</p> <p>(o) Leaving a child or children under the age of 10 at the land on which the swimming pool is located otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and at least 16.</p>
8	All local government camping grounds within the local government area	<p>(a) Disposing of liquid waste other than at a drainage point provided for that purpose;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(g) Interfering with any facility or equipment located at the local government camping ground.</p>
9	All local government offices within the local government area, including, but not limited to, each local government office identified in schedule 6	<p>(a) Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the duties to be performed by the person at the local government office;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a disorderly, indecent, offensive, threatening or insulting manner;</p>

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Chief Executive Officer

		<p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with any facility or equipment located at the local government office;</p> <p>(g) Depositing, storing or abandoning any goods;</p> <p>(h) Any activity which fouls, litters, pollutes or interferes with the local government office or a facility in the local government office;</p> <p>(i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government office or a notice erected or displayed by the local government at the local government office;</p> <p>(j) Using any part of the local government office in a manner which is inconsistent with—</p> <p>(i) the safe, secure and efficient operation of the local government office; or</p> <p>(ii) the maintenance or improvement of the convenience of users of the local government office.</p>
10	<p>Footpaths on each of the following roads—</p> <p>(a) Edwards Street, Ayr, but only from the intersection with Graham Street to the intersection with MacMillan Street;</p> <p>(b) Eight Avenue, Homehill, but only from the intersection with Sixth Street to the intersection with Tenth Street;</p> <p>(c) Graham Street, Ayr, but only the footpath on the southern side of the street, and only from the intersection with Mackenzie Street to the</p>	<p>(a) Riding a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i>;</p> <p>(b) Driving, leading or stopping an animal (other than a domestic pet).</p>

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Ken Holt
Chief Executive Officer

	intersection with Young Street; (d) Queen Street, Ayr, but only from the intersection with Mackenzie Street to the intersection with Parker Street; (e) Young Street, Ayr, but only from the intersection with Graham Street to the intersection with MacMillan Street.	
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Chief Executive Officer

Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
1	All local government controlled areas within the local government area	Busking	Permitted only if authorised under the conditions of an approval for a prescribed activity.
2	All roads within the local government area	<p>(a) The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road (see s.66(3)(b) of the Transport Operations (Road Use Management) Act 1995, which permits local laws to regulate these activities on roads).</p> <p>(b) Installing a gate or a grid, or a gate and a grid, across a road.</p> <p>(c) Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road.</p> <p>(d) Busking</p>	<p>(a) Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.</p> <p>(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>

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Ken Holt
Chief Executive Officer

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
3	All local government cemeteries within the local government area	(a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government.	(a) Permitted only— (i) between the hours of 9am and 5pm; or (ii) with the written authorisation of the chief executive officer.
		(b) Disposing of human remains in a local government cemetery.	(b) Permitted only with the written authorisation of the chief executive officer of the local government.
		(c) Digging or preparing a grave in a local government cemetery.	(c) Permitted only if the grave is dug or prepared by a person employed by the local government or with the written authorisation of the chief executive officer.
		(d) After a burial — reopening a grave for a further burial.	(d) Permitted only with the written authorisation of the chief executive officer.
		(e) Bringing human remains into a local government cemetery.	(e) Permitted only— (i) with the written authorisation of the chief executive officer of the local government; and (ii) if the remains are enclosed in a coffin or other form of container appropriate to the proposed form of disposal.

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Ken Holt
Chief Executive Officer

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(f) Erecting or installing a memorial to a deceased person in a local government cemetery.	(f) Permitted only with the written authorisation of the chief executive officer of the local government.
		(g) Reserving a niche or site in a local government cemetery.	(g) Permitted only under the conditions of a written authorisation of the chief executive officer of the local government.
		(h) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.	(h) Permitted only— (i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of the memorial to the deceased person; and (ii) with the written approval of the sexton; and (iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the sexton.
4	All parks and reserves within the local government area	(a) Lighting or maintaining a fire.	(a) Permitted only if the fire is— (i) lit and maintained in a fireplace established by the local government for the purpose; or (ii) lit and maintained

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 Ken Holt
 Chief Executive Officer

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			in accordance with the written authorisation of an authorised person of the local government.
		(b) Sleeping, occupying or remaining overnight in a park or reserve.	(b) Permitted only with the written authorisation of the chief executive officer of the local government.
		(c) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(d) Conducting or taking part in an organised sporting activity of regional, State or national significance.	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(e) Operating a model aircraft propelled by a motor.	(e) Permitted only with the written authorisation of the chief executive officer of the local government.
		(f) Displaying a sign or advertisement.	(f) Permitted only if authorised under the conditions of an approval for a prescribed activity.
5	All local government caravan parks within the local government area	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or (ii) with the written authorisation of an authorised person.

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Ken Holt
Chief Executive Officer

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at a caravan site at a local government caravan park	(b) Permitted only if— (i) the person undertaking the activity maintains the caravan site and any caravan or complementary accommodation on the caravan site in a clean and sanitary condition; and (ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and (iii) the person does not use facilities at the local government caravan park in a way that makes them unclean or unsanitary; and (iv) the person who occupies the caravan site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government caravan park; and

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 Ken Holt
 Chief Executive Officer

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			<p>(v) the person pays all fees for use of the caravan site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government caravan park; and</p> <p>(vii) at the end of the period of occupation of the caravan site — the person vacates and leaves the caravan site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the caravan or complementary accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the caravan site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to</p>

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Ken Holt
Chief Executive Officer

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			other persons using the local government caravan park.
6	All boat ramps and landings within a local government controlled area including, but not limited to, each boat ramp and landing identified in schedule 6	(a) Driving or standing a vehicle on a boat ramp.	(a) Permitted only to launch or retrieve a ship from the boat ramp.
		(b) Launching or retrieving a ship at a boat ramp.	(b) Permitted only if the person launching or retrieving the ship does so as quickly as is reasonably possible.
		(c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing.	(c) Permitted only if the anchoring, mooring or placing of the ship is not likely to obstruct another person's use of the boat ramp or landing.
		(d) Carrying out the rigging of a sailing ship on a boat ramp or landing.	(d) Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing.
		(e) Taking or driving a vehicle onto a boat ramp.	(e) Permitted only if the mass of the vehicle and its load (if any), together with any trailer that the vehicle is towing and its load (if any), is not more than— (i) 5 tonnes; or (ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a greater mass—the greater mass.

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Ken Holt
Chief Executive Officer

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(f) Taking or driving a vehicle onto a landing.	<p>(f) Permitted only if—</p> <p>(i) the local government erects on or near the landing a notice that—</p> <p>(A) is approved by the local government; and</p> <p>(B) authorises the taking or driving of a vehicle on the landing for the purpose mentioned in paragraph (ii); and</p> <p>(C) states the maximum mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any) that may be taken or driven on the landing; and</p> <p>(ii) the vehicle is taken or driven on the landing only to take goods or passengers to, or pick up goods or passengers from, a ship moored at the landing.</p>

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Ken Holt
Chief Executive Officer

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(g) Taking or driving a vehicle onto a boat ramp or landing.	(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.
7	All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6	(a) Conducting— (i) a swimming club competition or carnival; or (ii) an inter-school or intra-school swimming competition or carnival; or (iii) learn to swim training, lifesaving training or competitive swimming training by a swimming club or school; or (iv) a private function.	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity. (b) Permitted only with the written authorisation of an authorised person.
8	All local government camping grounds within the local government area	(a) Lighting or maintaining a fire in the open.	(a) Permitted only — (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or (ii) with the written authorisation of an authorised person.

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 Ken Holt
 Chief Executive Officer

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(b) Camping, sleeping, occupying or remaining overnight at a camping site at a local government camping ground.	(b) Permitted only if— <ul style="list-style-type: none"> (i) the person undertaking the activity maintains the camping site, and any tent or other accommodation on the camping site, in a clean and sanitary condition; and (ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and (iii) the person does not use facilities at the local government camping ground in a way that makes them unclean or unsanitary; and (iv) the person who occupies the camping site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government camping ground; and (v) the person pays all fees for use of the

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Chief Executive Officer

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			<p>camping site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government camping ground; and</p> <p>(vii) at the end of the period of occupation of the camping site — the person vacates and leaves the camping site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the camping site, tent or other accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the camping site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that not more than 1 tent or other accommodation occupies a camping site at the camping ground; and</p>

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Chief Executive Officer

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			(xi) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government camping ground.
9	All local government offices within the local government area including, but not limited to, each local government office identified in schedule 6	(a) The activity of a person bringing an animal onto, or permitting or allowing an animal to remain on, the local government office.	(a) Permitted only if— (i) the animal is an assistance dog, a guide dog or a hearing dog; and (ii) the person is the handler of the dog.
		(b) Entering or remaining at a local government office or a part of a local government office.	(b) Permitted if— (i) the local government office or relevant part of the local government office is a public place; and (ii) if the local government erects on or near the local government office or the relevant part of the local government office, a notice that is approved by the local government which authorises entry to the local government office or the relevant part of the local government office—the person

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	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			complies with the requirements of the notice.
10	<p>The areas of park and reserve identified as—</p> <p>(a) Home Hill Comfort Stop, 74A Eighth Avenue, Home Hill more particularly described as lot 20 on SP164382 and Railway Avenue, from Tenth Street to Sixth Street, Home Hill; and</p> <p>(b) Funny Dunny Park, 246 Wunjunga Road, Wunjunga more particularly described as lot 55 on plan SB723.</p>	(a) Camping at a park or reserve identified in column 1.	<p>(a) Permitted only if—</p> <p>(i) during any 14 day period, the person undertakes the activity for a maximum of—</p> <p>(a) at the Home Hill Comfort Stop — 48 continuous hours; and</p> <p>(b) at Funny Dunny Park — 4 days; and</p> <p>(ii) the person only releases grey water or other waste water into a waste disposal facility which is approved for the purpose; and</p> <p>(iii) the person does not erect or put up a structure for the purpose of drying clothes; and</p> <p>(iv) the person undertaking the activity maintains the area in a clean and sanitary condition; and</p> <p>(v) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the area for</p>

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	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			camping purposes.
		(b) Use of a facility provided by the local government at a park or reserve identified in column 1, for example, a table, chair, electricity supply or barbeque facility.	(b) If the local government erects on or near the facility a notice that is approved by the local government which restricts the use of the facility, for example, notice that a person must not use the facility for more than 2 hours—a person using the facility must comply with the requirements of the notice.
11	Each boat ramp and landing identified in schedule 6.	Camping	Permitted only if— (a) during any 14 day period, the person undertakes the activity for a maximum of 4 days; and (b) the person only releases grey water or other waste water into a waste disposal facility which is approved for the purpose; and (c) the person does not erect or put up a structure for the purpose of drying clothes; and (d) the person undertaking the activity maintains the area in a clean and sanitary condition; and (e) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the area for camping purposes.

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Schedule 3 Motor vehicle access areas in local government controlled areas

Sections 6 and 7

Column 1	Column 2
Motor vehicle access areas	Prohibited vehicles
All parks and reserves within the local government area	A vehicle propelled by a motor that forms part of the vehicle, including a sprint car, an off-road motorised buggy, a quad bike, a motorised go-cart and a motorbike (as defined in section 11A of the <i>Summary Offences Act 2005</i>).

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Schedule 4 Opening hours for local government controlled areas

Section 8

	Column 1 Local government controlled area	Column 2 Opening hours
1	Plantation Creek Park, Kennedy Street, Ayr, more particularly described as lot 18 on plan GS863, lot 95 on plan GS780 and lot 122 on plan GS906	6.00a.m. to 9.00p.m. daily

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Schedule 5 Permanent closure of local government controlled areas

Section 9

No local government controlled area described.

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Chief Executive Officer

Schedule 6 Identification of local government controlled areas

Section 5

Boat ramps and landings

- (a) Barramundi (Morris) Creek boat ramp, Morris Creek Road, Giru;
- (b) Wallace Landing boat ramp, Peak Road, Inkerman, more particularly described as lot 54 on plan SB449;
- (c) Cromarty boat ramp, Cromarty Creek Boat Ramp Road, Giru, more particularly described as lot 75 on plan EP1164;
- (d) Plantation Creek, 652 Old Wharf Road, Airdmillan, more particularly described as lot 75 on SP186214;
- (e) Groper Creek boat ramp, Groper Creek;
- (f) Barratta boat ramp, Jerona, more particularly described as lot 75 on SP186214;
- (g) Ocean Creek boat ramp, Ocean Creek;
- (h) Hell Hole boat ramp, Rita Island.

Local government swimming pools

- (a) Ayr Swimming Pool, 242 - 250 Queen Street, Ayr, more particularly described as lot 109 on Plan GS655;
- (b) Clare Swimming Pool, 2 - 4 School Road, Clare, more particular described as lot 1 on Plan C20212;
- (c) Home Hill Swimming Pool, 63-65 Eleventh Avenue, Home Hill, more particularly described as lot 4 on Plan H61686;
- (d) Millaroo Swimming Pool, 2-8 Carty's Street, Millaroo, more particularly described as lot 2 on Plan M91019.

Local government offices

The Council chambers and administration building at 145 Young Street, Ayr, more particularly described as lot 1 on plan A26536.

Parks and reserves where camping, sleeping, occupying or remaining overnight is a prohibited activity — Schedule 1, item 4(r)

- (a) Plantation Creek Park, Kennedy Street, Ayr, more particularly described as lot 18 on plan GS863, lot 95 on plan GS780 and lot 122 on plan GS906;
- (b) Anzac Park, 122-136 MacMillan Street, Ayr, more particularly described as lot 19 on plan GS655;
- (c) Coutt's Park, Beach Road, Ayr, more particularly described as lot 22 on RP736885;

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- (d) Arch Dunn Park, 83-85 Ninth Avenue, Home Hill, more particularly described as lot 4 on plan H61649;
- (e) Watson's Green, 21-27 Ninth Street, Home Hill, more particularly described as lots 54 to 57 inclusive on plan H6166;
- (f) Giru Park/Reserve, 27-39 Luxton Street Giru, more particularly described as Lot 1 on Plan G7134, Lot 3 on Plan G71311 and Lot 2 on Plan EP835494;
- (g) 15-31 Sandowns Street, Alva, more particularly described as lot 2 on SP184052;
- (h) Alva Beach Park, 1-9 Sandowns Street, Alva, more particularly described as lot 1 on plan A77817;
- (i) Torilla Park, 3-15 Torilla Street, Alva, more particularly described as lot 301 on plan A7783.

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Schedule 7 Dictionary

Section 4

accommodation, at a local government caravan park, means—

- (a) a caravan; or
- (b) a complementary accommodation.

animal has the meaning given in *Local Law No. 2 (Animal Management) 2012*.

assistance dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

authorised person has the meaning given in *Local Law No. 1 (Administration) 2012*.

bathing reserve has the meaning given in *Local Law No. 6 (Bathing Reserves) 2012*.

building has the meaning given in the *Building Act 1975*.

busking means a musical or theatrical performance undertaken by a person—

- (a) to entertain the public; and
- (b) seeking voluntary reward for the performance.

camping, at a place—

- (a) means physically occupying the place, whether in a caravan, motorhome, motor vehicle, tent, swag or otherwise for 3 hours or more on any day after 9.00pm but before 7.00am; and
- (b) for the purpose of determining whether a place is physically occupied by a person, a minor interruption to the physical occupation of the place by the person is to be disregarded; but
- (c) does not include the parking of a motor vehicle by a person at the place if the person leaves the motor vehicle unattended at the place.

camping ground means land that is approved by the local government for camping but does not include a caravan park.

camping site means a part of a camping ground which is designated for occupation by a tent, inclusive of ropes, poles, supports and pegs incidental to the erection and use of the tent.

caravan has the meaning given in *Local Law No. 1 (Administration) 2012*.

caravan park means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

caravan site, at a local government caravan park, means a part of the local government caravan park which is designated for a single accommodation of a particular type.

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complementary accommodation has the meaning given in *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2012*.

driver has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

emergency services officer means—

- (a) an officer of the Queensland Ambulance Service or an Ambulance Service of another State; or
- (b) an officer of the Queensland Fire and Rescue Service or a Fire and Rescue Service of another State; or
- (c) an officer or employee of another entity with the written permission of the Commissioner of the Police Service; or
- (d) an officer of the State Emergency Service or a State Emergency Service of another State; or
- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or
- (f) an officer of Emergency Management Queensland.

footpath has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever.

grid means a structure designed to —

- (a) permit the movement of pedestrian or vehicular traffic along a road; but
- (b) prevent the passage of livestock.

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

handler has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

interfere means prevent from continuing or being carried out properly, get in the way of, or handle or adjust without permission, and **interference** has a corresponding meaning.

landing includes jetty, pontoon and wharf.

local government camping ground means a camping ground under the control of the local government, including a camping ground located on land owned by the local government or on land for which the local government is the trustee.

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Chief Executive Officer

local government caravan park means a caravan park under the control of the local government, including a caravan park located on land owned by the local government or on land for which the local government is the trustee.

local government cemetery has the meaning given in *Local Law No. 1 (Administration) 2012*.

local government employee has the meaning given in the *Local Government Act 2009*.

local government office includes—

- (a) the public office of the local government; and
- (b) each place used by the local government for local government administration or management purposes.

local government swimming pool means a swimming pool under the control of the local government, including a swimming pool located on land owned by the local government or on land for which the local government is the trustee.

memorial includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

motorhome means a motor vehicle which is used, or intended to be used, as a place of residence, or mainly as a place of residence.

motor vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

non-public place means—

- (a) the whole or any part of a local government office that is not a public place; and
- (b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by—
 - (i) an authorised person; or
 - (ii) a notice displayed at a prominent place at—
 - (A) if the whole of the local government office is a non-public place—the local government office; or
 - (B) if a part of the local government office is a non-public place—the part of the local government office.

park means a public place which the local government has set apart for park, recreational or environmental purposes, and includes land designated as a park in the planning scheme of the local government.

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plant has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

public office has the meaning given in the *Local Government Act 2009*.

public place —

- (a) has the meaning given in the *Local Government Act 2009*; but
- (b) does not include a non-public place.

reserve means land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act and other land held in trust by the local government which the local government has set apart for recreational or environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

responsible person, for a gate or grid installed across a road, means—

- (a) the person who installed the gate or grid, or the gate and the grid; and
- (b) the person for whose use or benefit the gate or grid, or the gate and the grid, were installed; and
- (c) the person who has the benefit of the gate or grid, or the gate and the grid installed across the road.

road has the meaning given in the *Local Law No. 1 (Administration) 2012*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

sexton means a person appointed by the local government to act as the sexton of a local government cemetery

ship has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

stormwater drain has the meaning given in the *Local Government Act 2009*.

structure has the meaning given in the *Local Government Act 2009*.

swimming pool has the meaning given in the *Building Act 1975*.

unregistered, for a vehicle that is required to be registered under the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 1999*, means that the vehicle is not a registered vehicle.

utility installation means—

- (a) the supply of water, hydraulic power, electricity or gas; or
- (b) the provision of sewerage or drainage services; or
- (c) the provision of telecommunications services.

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Ken Holt
Chief Executive Officer

utility maintenance means the maintenance of—

- (a) water, hydraulic power, electricity or gas services; or
- (b) sewerage or drainage services; or
- (c) telecommunications services.

vegetation means trees, plants and all other organisms of vegetable origin (whether living or dead).

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

waste has the meaning given in the *Environmental Protection Act 1994*.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 37 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012* adopted in accordance with the provisions of the *Local Government Act 2009* by Burdekin Shire Council by resolution dated the 27th day of November 2012.

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Chief Executive Officer

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Ken Holt
Chief Executive Officer

7 CORRESPONDENCE FOR INFORMATION

Tabled Separately

8 NOTICES OF MOTION

9 URGENT BUSINESS

10 GENERAL BUSINESS

11 CLOSED MEETING ITEMS

12 DELEGATIONS

9.00 a.m – Public Meeting – Discussion on State Government Requirement to Fluoridate Ayr/Brandon and Home Hill Water Supplies.

10.15 a.m – Citizenship Ceremony –

Mr. Cornel Du Plessis
Mrs. Sandra Du Plessis
Miss Changel Du Plessie

Mr. Brian Wheeler
Mrs. Leandra Wheeler
Miss Ashley Wheeler
Mr. George Wheeler

Mr. Jacques Hiscock
Mr. Allan Wilson

