



BURDEKIN SHIRE COUNCIL



MINUTES

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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Gladstone)

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ATTENDANCE

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

Mr. K. Holt - Chief Executive Officer
Mr. D.P. Mulcahy - Director Corporate and Community Services
Mr. T.G. Williams - Director Environment and Operations
Mr. S. Great - Manager Planning and Development
Mr. T. Vaccaro - Economic and Community Development Manager
Miss T. Jensen - Manager Environment and Health
Mr. W. Saldumbide - Manager Operations
Mr. K. Byers - Manager Technical Services

Minutes Clerk – Mrs. Vicki Walker

1 PRAYER

The meeting prayer was delivered by Pastor Greg Rankin of the Burdekin Uniting Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor McCathie declared a material personal interest in respect of Agenda Item 5.3 as the applicant is a client of her business, McCathies Real Estate.

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.

Resolution

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

CARRIED

3.6 Standing Orders Suspended for Purpose of Discussion on Fluoridation

Resolution

Moved Councillor McCathie, seconded Councillor Dalle Cort that standing orders be suspended for the purpose of discussing the state government requirement to fluoridate the Ayr/Brandon and Home Hill Water supplies.

CARRIED

3.7 Standing Orders Resumed

Resolution

Moved Councillor Lewis, seconded Councillor Liessmann that standing orders be resumed.

CARRIED

3.8 Council to forward Correspondence to Health Minister to advise of Concerns raised regarding Fluoride and asking for permanent Exemption

Resolution

Moved Councillor McCathie, seconded Councillor Dalle Cort that with respect to the issues raised and concerns against fluoride, Council emails/writes to the Health Minister today to advise him of the concerns raised at the meeting this morning, with the final point in the email/letter being that Council requests permanent exemption from the requirement to fluoridate the Ayr/Brandon and Home Hill water supplies.

CARRIED

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.

Resolution

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

CARRIED

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.

Resolution

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

CARRIED

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.

Resolution

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

CARRIED

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.

Resolution

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

CARRIED

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.

Resolution

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

CARRIED

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.

Resolution

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

CARRIED

5 ENVIRONMENT & OPERATIONS

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

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.

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- 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.

Resolution

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

CARRIED

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)

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 Beach Road, Alva (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;

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- 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.

Resolution

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

CARRIED

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

Councillor McCathie left the meeting declaring a material personal interest in respect of this application as the applicant is a client of her business, McCathie's Real Estate.

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*

Resolution

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

CARRIED

Councillor McCathie returned to the meeting.

6 CORPORATE & COMMUNITY SERVICES

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

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 adopts 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.

Resolution

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

CARRIED

7 CORRESPONDENCE FOR INFORMATION

7.1 Council to Write to Minister for Local Government Expressing Thanks for Efforts Towards Council Receiving Funding under Local Government Grants and Subsidies Program Flood Response 2012-2013

Resolution

Moved Councillor Loizou, seconded Councillor Dalle Cort that Council corresponds with the Minister for Local Government, David Crisafulli MP thanking him for his efforts towards

Council receiving funding under the Local Government Grants and Subsidies Program 2012-2013 for the following projects:

- Installation of backflow prevention devices on Beach Road Culverts
- Upgrade of Home Hill Comfort Stop

CARRIED

8 NOTICES OF MOTION

9 URGENT BUSINESS

10 GENERAL BUSINESS

10.1 Identification Survey to be Undertaken to Determine Boundary at Plantation Creek Boat Ramp Reserve - Owners of Current Dwellings to be given Opportunity to Apply for Permits to Occupy

Resolution

Motion

Moved Councillor Bawden, seconded Councillor Liessmann that If Mr. L.Hartwell's hut and the one beside it are found to be on Plantation Creek Reserve land, and they are prepared to pay the rates, the owners be able to keep their huts on Reserve land, noting that a caretaker is present at Mr. Hartwell's hut.

Amendment to the Motion

Moved Councillor McCathie, seconded Councillor Dalle Cort that

1. Council authorises Council officers to carry out an identification survey to determine the Reserve boundary at Plantation Creek Boat Ramp; and
2. Once the results of the survey have been completed to establish where the boundaries lay, the owners of the current dwellings which are on state land be given the opportunity to apply to the Government (Department of Natural Resources and Mines) for a permit to occupy, if applicable.

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

AGAINST: Councillor Loizou

CARRIED 6/1

Voting on Amendment as the Motion

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

AGAINST: Councillor Loizou

CARRIED 6/1

11 CLOSED MEETING ITEMS

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

Resolution

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

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:

1. Potential action under the Building Act
2. Proposed use of old Junior Soccer Grounds
3. Proposal by PCYC for RDA funding

CARRIED

Council Meeting opened to Public

Resolution

Moved Councillor Lewis, seconded Councillor McCathie that the Council meeting be opened to the public.

CARRIED

11.1 CEO to Correspond with Valuer General Regarding Advice that Annual Valuation for Burdekin Local Government Area Will Not Be Undertaken in 2013

Resolution

Moved Councillor Loizou, seconded Councillor Liessmann that the Chief Executive Officer writes to the Valuer-General, Neil Bray requesting an explanation as to why he has decided that an annual valuation for the Burdekin local government area will not be undertaken in 2013.

CARRIED

11.2 Council grants Preliminary Approval in relation to Regional Development Australia Funding Application and Allocation of Land for Building - PCYC Burdekin

Resolution

Moved Councillor Dalle Cort, seconded Councillor McCathie that Council grants approval in principle to the following proposals put forward by the Queensland Police-Citizens Youth Welfare Association:

1. That the Burdekin Shire Council submits a Regional Development Australia Fund Application on behalf of PCYC Burdekin for the installation of a new building; and
2. That the Burdekin Shire Council provides preliminary approval for the Burdekin PCYC to use reserve land for the erection of a new building.

CARRIED

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 Plessis, Mr. Brian Wheeler, Mrs. Leandra Wheeler, Miss Ashley Wheeler, Mr. George Wheeler, Mr. Jacques Hiscock, Mr. Allan Wilson

There being no further business the meeting closed at 1.30 p.m.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 18 December 2012.

MAYOR

