



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 22 January 2013

COMMENCING AT 9:00AM



TUESDAY 22 JANUARY 2013

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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. T.G. Williams - Director Environment and Operations
Mr. S. Great - Manager Planning and Development
Miss T. Jensen - Manager Environment and Health
Mr. K. Byers - Manager Technical Services
Mr. G. Keane - Acting Manager Operations
Mr. T. Cross - Manager Financial Services

Minutes Clerk - Miss S. Cronin

1 PRAYER

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

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Lewis declared a perceived conflict of interest in respect of Agenda Item 5.1 as he is a Director of the South Burdekin Water Board.

Councillor McCathie declared a conflict of material personal interest in respect of Agenda Item 5.1 as the applicant is a client of her business, McCathies Real Estate.

Councillor Loizou declared a perceived conflict to interest in respect of Agenda Item 5.1 as he is a Grower Representative on the South Burdekin Water Board.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting - 18 December 2012

Recommendation

That the minutes of the Ordinary Council Meeting held on 18 December 2012 be received as a true and correct record.

Resolution

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

CARRIED

3.2 Burdekin Road Safety Advisory Committee Meeting Minutes - 28 November 2012

Recommendation

That the minutes of the Burdekin Road Safety Advisory Committee Meeting held on 28 November 2012 be received and adopted.

Resolution

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

CARRIED

3.3 Building Safer Communities Action Team Minutes - 12 December 2012

Recommendation

That the minutes of the Building Safer Communities Action Team Committee Meeting held on 12 December 2012 be received and adopted.

Resolution

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

CARRIED

3.4 Community Carols by Candlelight Minutes - 12 December, 2012

Recommendation

That the minutes of the Community Carols by Candlelight Committee Meeting held on 12 December, 2012 be received and adopted.

Resolution

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

CARRIED

3.5 Local Disaster Management Group Meeting Minutes - 14 December 2012

Recommendation

That the minutes of the Local Disaster Management Group Meeting held on 14 December 2012 be received as a true and correct record.

Resolution

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

CARRIED

4 REPORTS

4.1 Capital Projects Monthly Report for period ending 31 December 2012

Recommendation

That the Capital Projects Monthly Report for the period ending 31 December 2012 be received.

Resolution

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

CARRIED

4.2 Operating Statement for period ending 31 December 2012

Recommendation

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

Resolution

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

CARRIED

5 ENVIRONMENT & OPERATIONS

5.1 Richard Bonato - Development Application for Reconfiguring a Lot at 129-141 Eighth Avenue and 22-24 Ninth Street, Home Hill (Lots 1, 2 & 3 on RP700412, Lots 1 & 2 on RP707837, Lots 31 & 32 on H6166, Lot 11 on H61618 Parish of Salisbury, County of Inkerman)

Councillor McCathie declared a conflict of material personal interest in respect of this item as the applicant is a client of her business, McCathies Real Estate and left the meeting.

Councillor Lewis declared a perceived conflict of interest in respect of this item as he is a Director of the South Burdekin Water Board and remained in the meeting.

Councillor Loizou declared a perceived conflict of interest in respect of this item as he is a Grower Representative on the South Burdekin Water Board and remained in the meeting.

Executive Summary

An application has been received from Cleve McGuane Surveys Pty Ltd on behalf of their client Richard Bonato seeking approval for Reconfiguring a Lot (boundary realignment) at 129-141 Eighth Avenue and 22-24 Ninth Street, Home Hill (Lots 1, 2 & 3 on RP700412, Lots 1 & 2 on RP707837, Lots 31 & 32 on H6166 and Lot 11 on H61618 Parish of Salisbury, County of Inkerman) 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 129-141 Eighth Avenue and 22-24 Ninth Street, Home Hill (Lots 1, 2 & 3 on RP700412, Lots 1 & 2 on RP707837, Lots 31 & 32 on H6166 and Lot 11 on H61618 Parish of Salisbury, County of Inkerman) 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.

PROPOSAL PLAN

2. The reconfiguration of the land must be carried out generally in accordance with:-
 - (a) (i) the proposed Cleve McGuane Surveys Pty Ltd plans numbered 28602-1,
 - (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

3. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

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.

OPERATIONAL WORKS

5. Where operational works are required to be carried out for the reconfiguration, the developer must, within the timeframe required by the Sustainable Planning Act 2009 and prior to the commencement of any work, lodge with Council an application for a development permit for operational works.

PUBLIC UTILITY SERVICES

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

WATER SUPPLY WORKS INTERNAL

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

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

CARRIED

Councillors Lewis and Loizou voted in favour of the motion.

Councillor McCathie returned to the meeting.

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

Executive Summary

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

Recommendation

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

GENERAL

- 1.1 The conditions of the development permit must be 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)

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

Resolution

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

CARRIED

5.3 Permanent Road Closure Inkerman

Executive Summary

Mr Russell Chapman requests council's view on a proposed permanent road closure on his property at Inkerman

Recommendation

Council resolves to offer no objection to the permanent closure of unnamed roads as shown on the accompanying diagram

Resolution

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

FOR: Councillors Lewis, McCathie, Dalle Cort and Lewis

AGAINST: Councillors Loizou, Liessmann, Bawden

CARRIED

6 CORPORATE & COMMUNITY SERVICES

6.1 First Amended Budget for 2012-13

Executive Summary

An amended budget for the 2012/13 financial year is submitted for adoption to better reflect estimates of income and expenditure for the year. The main purposes of the first amended

budget are to bring in the actual retained surplus, include carryover projects and funding and to include any changes to operating and capital budgets.

Recommendation

That the amended budget and report for the period ending 30th June, 2013 as tabled be adopted.

Resolution

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

CARRIED

6.2 Request for Compensation for Improvements - Burdekin Junior Soccer Association Inc.

Executive Summary

A request has been received from the Burdekin Junior Soccer Association Inc requesting Council to negotiate a financial settlement for the remaining sheds, clubhouse, pumps and benches located on the old Junior Soccer grounds in Macmillan Street, Ayr

Recommendation

That Council advises the Burdekin Junior Soccer Association Inc. that

1. Council does not wish to pay additional compensation for the improvements left behind at the old soccer grounds in Macmillan Street, Ayr noting that assistance has been provided to the club in the following ways:
 - Leasing of freehold land at the new junior soccer grounds off Beach Road, Ayr;
 - Provision of interest free loans;
 - Provision of in-kind community assistance;
 - Refund of building and plumbing application fees;
 - Proposed construction of a turn-in from Beach Road to the main entrance;
2. the Association may remove any of the improvements, fixtures or fittings left behind at the old soccer grounds in Macmillan Street, Ayr.

Resolution

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

CARRIED

6.3 Burdekin Shire Community Plan

Executive Summary

Recent changes to the Local Government Act 2009, have removed the requirement for Council to prepare a long-term community plan. A decision is sought from Council regarding completion of the Burdekin Shire Community Plan.

Recommendation

Council not adopt a community plan.

Resolution

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

CARRIED

7 CORRESPONDENCE FOR INFORMATION

8 NOTICES OF MOTION

8.1 Burdekin Aero Club Inc Lease

Recommendation

That the Council approves the reissue of a standard freehold lease to the Burdekin Aero Club Inc. over part of the terminal building at the Ayr Aerodrome (Lot 106 RP898777) for a further term of twenty years (20) years in accordance with standard terms and conditions including but not limited to the following:

- a). Responsibility for maintenance and upgrade of facilities and grounds will be that of the lessee;
- b). The lessee will be responsible for any costs associated with the registration of the lease documents (if required);
- c). The annual rental payable during the lease term will be ten (10) cents per annum if and when demanded;
- d). An insurance policy against loss or damage by fire, storm and/or tempest on all buildings erected on the land must be kept current for the term of the lease;
- e). A public risk policy of not less than twenty million dollars (\$20,000,000) must also be kept current for the term of the lease. The policy must indemnify the Council against actions, suits, claims or demands of any kind.

Resolution

Moved Councillor Loizou, seconded Councillor Lewis that the recommendation lay on the table pending further information being obtained for consideration by Council at the next meeting.

Resolution

Moved Councillor McCathie, seconded Councillor Dalle Cort that Council offers the Burdekin Aero Club Inc a five year lease with an option for a further five years, and that this issue lay on the table for consideration by Council at the next meeting.

CARRIED

8.2 Council Support to Recognise Groper Creek as Separate Locality to Inkerman

Recommendation

That Council supports in principle the proposal received from Ms Rosemary Menkens MP to alter the boundaries of the Locality of Inkerman to excise the Township of Groper Creek to allow Groper Creek to be recognised as its own separate locality subject to the change being supported by the majority of residents within Groper Creek.

Resolution

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

CARRIED

8.3 Councillor Remuneration

Recommendation

That the Council authorises the payment of remuneration to councillors pursuant with the determination in the remuneration schedule set out in the Local Government Remuneration and Discipline Tribunal – 2012 Report, noting that the purpose of the remuneration is to cover the cost of attendance (excluding expenses) at “Council business” (as defined in the Expenses Reimbursement Policy for Councillors adopted on 23 September 2008); and further noting that payment of the remuneration is to take effect from 1 January 2013.

Resolution

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

CARRIED

9 URGENT BUSINESS

Nil

10 GENERAL BUSINESS

10.1 Motion to not Fluoridate Council Water Supply Layed on Table

Resolution

Moved Councillor McCathie, seconded Councillor Liessmann that

1. Council informs State Government Council will not be adding fluoride to it's reticulated water supplies;
2. This matter lay on the table pending further investigation.

CARRIED

10.2 Roof and Under Awning Signs to be Exempt

Resolution

Moved Councillor Dalle Cort, seconded Councillor McCathie that sky (roof) and under awning signs be exempt from annual approvals.

CARRIED

10.3 Councillor Bawden Requests Leave of Absence

Resolution

Moved Councillor Bawden, seconded Councillor Lewis that Councillor Bawden be granted leave of absence from 13-28 March 2013.

CARRIED

11 CLOSED MEETING ITEMS

12 DELEGATIONS

Nil

There being no further business the meeting closed at 11.50am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 12 February 2013.

MAYOR

