



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 17 December 2013

COMMENCING AT 9:00AM



TUESDAY 17 DECEMBER 2013

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County of 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

Mrs. B. Whitworth - Manager Environment and Health

Mr. W. Saldumbide - Manager Operations

Mr. K. Byers - Manager Technical Services

Minutes Clerk – Mrs. J Thomasson

1 PRAYER

The meeting prayer was delivered by Reverend Greg Rankin of the Uniting 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 - 26 November 2013

Recommendation

That the minutes of the Ordinary Council Meeting held on 26 November 2013 be received as a true and correct record.

Resolution

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

CARRIED

3.2 Building Safer Communities Action Team Meeting Minutes - 13 November 2013

Recommendation

That the minutes of the Building Safer Communities Action Team Meeting held on 13 November 2013 be received and adopted.

Resolution

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

CARRIED

3.3 Community Carols by Candlelight Committee Meeting Minutes - 14 November 2013

Recommendation

That the minutes of the Community Carols by Candlelight Committee Meeting held on 14 November 2013 be received and adopted.

Resolution

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

CARRIED

3.4 Community Carols by Candlelight Committee Meeting Minutes - 3 December 2013

Recommendation

That the minutes of the Carols by Candlelight Committee Meeting held on 3 December 2013 be received and adopted.

Resolution

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

CARRIED

3.5 Local Disaster Management Group Meeting - 15 November 2013

Recommendation

That the minutes of the Local Disaster Management Group Meeting held on 15 November 2013 be received as a true and correct record.

Resolution

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

CARRIED

3.6 Burdekin Road Safety Advisory Committee Meeting - 27 November 2013

Recommendation

That the minutes of the Burdekin Road Safety Advisory Committee Meeting held on 27 November 2013 be received as a true and correct record.

Resolution

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

CARRIED

3.7 Burdekin Be Active Advisory Committee Meeting Minutes - 4 December 2013

Recommendation

That the minutes of the Burdekin Be Active Advisory Committee Meeting held on 4 December 2013 be received and adopted.

Resolution

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

CARRIED

4 REPORTS

4.1 Capital Projects Monthly Report for Period Ending 30 November 2013

Recommendation

That the Capital Projects Monthly Report for Period Ending 30 November 2013 be received.

Resolution

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

CARRIED

4.2 Operating Statement for Period Ending 30 November 2013

Recommendation

That the Operating Statement for the Period Ending 30 November 2013 be received.

Resolution

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

CARRIED

4.3 2013/2014 Operational Plan - Operations, Technical Services, Environmental Services and Development Programs

Recommendation

That the 2013/2014 Operational Plans for the Operations, Technical Services, Environmental Services and Development Programs be received.

Resolution

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

CARRIED

4.4 2013/2014 Operational Plan - Administration and Finance Program and Community and Cultural Program

Recommendation

That the 2013/2014 Operational Plans for the Administration and Finance Program and Community and Cultural Program be received.

Resolution

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

CARRIED

5 ENVIRONMENT & OPERATIONS

5.1 Combined Reconfiguration of a Lot (1 into 2 lots) and Material Change of Use for Dance Studio at 119-121 Young Street, Ayr (Lot 2 on RP706734, Parish of Antill, County of Gladstone)

Executive Summary

An application has been received from Ruddy Tomlins & Baxter Solicitors, seeking approval for a Combined Reconfiguration of a lot (1 into 2 lots) and Material Change of Use for Dance Studio at 119-121 Young Street, Ayr (Lot 2 on RP706734, 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 Combined Reconfiguration of a lot (1 into 2 lots) and Material Change of Use for Dance Studio at 119-121 Young Street, Ayr (Lot 2 on RP706734, Parish of Antill, County of Gladstone) subject to the following conditions:

Reconfiguring a Lot Conditions

GENERAL

- 1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges (including infrastructures charges), in arrears in respect of the land, the subject of the application, are paid in full.
- 1.2 Pay the sum of \$63-70 calculated on the basis of a charge per lot to be levied on the Council by the Department of Environment and 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 Ultimate Design Solutions plan: UDS-13031 Issue P2, Sheet 1-6
(ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council; and
 - (b) any approval issued under this approval; and
 - (c) any development permit for operational works relating to the reconfiguring

ROADWORKS

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

PUBLIC UTILITY SERVICES

4. 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.

ELECTRICITY SUPPLY

5. The developer must prior to release of formal Plan of Survey submit a letter from Ergon Energy (or other suitable entity) stating that satisfactory arrangements have been made with it for the provision of an electricity supply to the subdivision.

DRAINAGE

- 6.1 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.
- 6.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

SEWERAGE SUPPLY WORKS INTERNAL

- 7.1. Proposed Lots A and B shall be connected to Council's sewerage scheme. All works required are to be carried out at the developers full cost.
- 7.2. Any connection or upgrades to Councils existing sewerage infrastructure required by the development shall be carried out by the Council at the developers full cost.
- 7.3. The sewerage connection must be provided at a location approved by Council and at the full cost of the developer.

WATER SUPPLY WORKS INTERNAL

- 8.1 Proposed Lots A and B shall be connected to Council's reticulated water supply. The water connection must be provided at a location approved by Council and at the full cost of the developer.
- 8.2 The applicant must provide a certified statement from a licensed plumber that no existing interconnecting water supply plumbing crosses the boundaries between the proposed new lots.

OPERATIONAL WORKS

9. 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. As part of such application, the developer must submit:-
 - (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the Professional Engineer's Act 2002 and is a current Registered Professional Engineer of Queensland; and
 - (b) a certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice.

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;*
- *Any Development Application for building works which include habitable rooms will have to include a 1% AEP Flood Certificate. N.B this only applies in Localised and River Flood areas as identified in Burdekin Shire Councils mapping;*

Material Change of Use 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 must be generally in accordance with the supporting material and approved plans submitted with the application.
- 1.3 The dance studio is to be operated strictly in accordance with the application submitted and in particular the following hours of operation class sizes and number of employees:

Hours of operation:

Monday – Friday 3:00pm – 9:00pm

Saturday & Sunday 9:00am – 1.00pm

Number of students:

Weekdays: Maximum of 50

Weekends: Private lessons (one on one tuition)

Number of employees: Two

- 1.4 The applicant is to provide two tandem concrete on-site car parks in accordance with proposed site plan (Ref: UDS-13031 Sheet No.3 Issue P2).

BUILDING WORK

2. A development permit for Building Works is to be obtained before any building works are carried out on the premise. All proposed building works must achieve acceptable solutions in accordance the Building Code of Australia Volume One

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.

DRAINAGE

- 4.1 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.
- 4.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

AMENITY – SCREEN FENCING

5. A 1.8m high screen fence must be provided along the adjoining property boundaries. The fence must be designed to achieve an adequate level of privacy for students and neighbours. The type and design must be submitted and approved by the Chief Executive Officer prior to construction of the screen fence.

LANDSCAPING AND SCREENING

6. A landscaping plan shall be submitted and approved by the Chief Executive Officer. This plan must be prepared by a landscape architect or other suitably qualified and experienced person detailing the following;
- the location of existing and proposed plantings;
 - landscaping of the designated areas generally in accordance with the approved plans;
 - proposed fencing and screens, including rubbish bin enclosures;
 - location of public infrastructure;

ENVIRONMENTAL HEALTH

- 7.1 Environmental nuisance must not be caused at any time, as a result of the emission of noise, movement of vehicles or ancillary activities at the site to which this approval relates.
- 7.2 An enclosed area of suitable size shall be provided to store the number of wheelie bins required to service this site. The area must:
- Be of adequate size for the storage of all bins servicing the premises;
 - Have a floor which is raised, imperviously paved and suitably drained to Council's sewer, via an approved bucket trap or otherwise in accordance with Council's Trade Waste Policy;
 - Be enclosed with walls to a height of approximately 1.2m;
 - Be roofed to prevent ingress of stormwater. If not, a first flush diversion valve shall be fitted; and
 - Include a suitable hosecock with hose attached, located on an external front corner of the enclosure with dual check valve backflow prevention (RMC No. 7 or equivalent)

AMENITY – NOISE

- 8.1 The use of the development must not cause an unreasonable nuisance to the surrounding area.
- 8.2 The operator of the Dance School must keep a Complaints Register on the land at all times, for the inspection of an authorised officer of the Council identifying:
- The time, date and detail of any complaint made to the operator relating to the use of the Dance School; and
 - Any action or response taken by the operator to rectify or reasonably deal with the complaint.

Resolution

Moved Councillor Loizou, seconded Councillor Dalle Cort that the recommendation be adopted subject to an amendment to Material Change of Use Condition 1.3 - the hours of operation being Monday to Friday from 10:00am to 9:00pm.

CARRIED

6 CORPORATE & COMMUNITY SERVICES

6.1 First Amended Budget for 2013/2014

Executive Summary

An amended budget for the 2013/14 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, 2014 as tabled be adopted.

Resolution

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

CARRIED

6.2 Sponsorship for 2014 Northern Region Visitor Information Centre Volunteers Conference - Burdekin Tourism Association

Executive Summary

A request has been received from the Burdekin Tourism Association Inc. requesting sponsorship to host the 2014 Northern Region Visitor Information Centre Volunteers Conference, being held at the Burdekin Theatre on 18-19 March.

Recommendation

Council approves funding of \$1500.00 (incl. GST) to the Burdekin Tourism Association to assist in hosting the 2014 Northern Region Volunteers Conference on Monday 18 and Tuesday 19 March.

Resolution

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

CARRIED

6.3 Request for Financial Assistance for 2013/14 - Burdekin Tourism Association

Executive Summary

The Burdekin Tourism Association has written to Council requesting financial assistance for 2013/14.

Recommendation

Council approves funding of \$5,000.00 (exc. GST) to the Burdekin Tourism Association for 2013/14.

Resolution

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

CARRIED

7 CORRESPONDENCE FOR INFORMATION

7.1 Assistance for Burdekin Netball Association

Resolution

Moved Councillor Lewis, seconded Councillor Loizou that in response to a request from the Burdekin Netball Association, the Council:

1. Levels and clears the land that previously housed the former Woodworkers Hall/old Gymnastics Hall; and
2. Not agree to undertake or contribute to works around the existing courts to improve drainage.

CARRIED

7.2 Council to Seek Public Consultation - Naming of Park - Twelfth A Avenue, Home Hill

Resolution

Moved Councillor Bawden, seconded Councillor Lewis that Council seeks public consultation for the naming of the park in Twelfth A Avenue, Home Hill to the Lloyd Frew Memorial Park.

CARRIED

8 NOTICES OF MOTION

8.1 Donation - 2014 Queensland Heritage Rally

Recommendation

That Council approves a donation of \$3,000 (inc. GST) and up to \$8,598 in-kind support towards sewerage disposal fees and traffic management for the Queensland Heritage Rally being held at the Ayr Showgrounds from 25-27 July 2014.

Resolution

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

CARRIED

8.2 Transfer of Land and Improvements - 14-16 Little Drysdale Street, Ayr

Recommendation

That the Council supports in principle the transfer of land and improvements located at 14-16 Little Drysdale Street, Ayr (RPD - Lot 27 RP710676, County of Gladstone, Parish of Antill) to the Burdekin Amateur Basketball Inc at no cost to Council subject to:

1. Release of any mortgage over the land; and
2. Finalisation of any leases over the land.

Resolution

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

CARRIED

9 URGENT BUSINESS

10 GENERAL BUSINESS

10.1 Chief Executive Officer to Provide Signed Contract

Resolution

Moved Councillor Dalle Cort, seconded Councillor Liessmann that:

1. The Chief Executive Officer, Ken Holt under Section 170A be directed to provide to the Council a full copy of his signed contract together with all attachments and schedules;
2. I further request all information in regards to outstanding leave and entitlements;
3. We as Councillors are all aware of Section 171;
4. I request this information at the close of business today.

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

CARRIED

10.2 Council Adopts 2012/2013 Annual Report

Resolution

Moved Councillor Loizou, seconded Councillor Liessmann that Council adopts the 2012/2013 Annual Report.

CARRIED

10.3 Parking Limit Signs to be Erected - Corner of Young and Graham Streets, Ayr

Resolution

Moved Councillor McCathie, seconded Councillor Lewis that Council erect parking limit signs for fifteen minute parking outside Bob Carless Upholsterers on the corner of Young and Graham Streets, subject to consultation with the neighbouring businesses.

CARRIED

11 CLOSED MEETING ITEMS

Council Meeting closed to Public under Section 275 of Local Government Regulation 2012

Resolution

Moved Councillor Loizou, seconded Councillor Bawden that the Council meeting be closed to the public under the following sections of the Local Government Regulation 2012:

- | | |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 275(1)(f) | starting or defending legal proceedings involving the local government; |
| 275(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 financial advantage; |

for the purpose of discussing:

1. Legal opinion of Drainage Easement wording dealing with maintenance. Councillor McCathie left the meeting during discussion on this item.

-
2. Proposed road truncation compensation. Councillor Lewis left the meeting during discussion on this item.
 3. Update on outstanding rates follow up.

CARRIED

Council Meeting opened to Public

Resolution

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

CARRIED

10.4 Chief Executive Officer to Respond to Letter - Drainage Easement - Groper Creek Road, Home Hill

Resolution

Moved Councillor Loizou, seconded Councillor Lewis that the Chief Executive Officer responds to the letter from Mr. M. Caspanello regarding concerns with the proposed drainage easement wording on Groper Creek Road, Home Hill.

CARRIED

10.5 Negotiations with Landowner - Corner of McDesme and Old Home Hill Roads, Ayr

Resolution

Moved Councillor Bawden, seconded Councillor Liessmann that Council agrees to undertake negotiations with the landowner on the corner of Gillian and Old Home Hill Roads, Ayr regarding a proposal to truncate the land for road improvements.

CARRIED

10.6 Council to Supply Storage Facilities to Clare Cricket Club

Resolution

Moved Councillor Liessmann, seconded Councillor McCathie that Council approves in principle to provide an alternative storage site for the storage of community items currently stored in the Clare Hall building.

CARRIED

10.7 Council to Forward Submission to the Local Government Electoral Act 2011 Review

Resolution

Moved Councillor Bawden, seconded Councillor Liessmann that in relation to the Local Government Electoral Act 2011 Review, the Council forward a submission based on the following:

1. retaining the status quo with electoral arrangements;
2. supporting the systems of voting for Mayors in undivided local governments as the first past the post system;
3. recommending the Electoral Commission of Queensland liaise with the local government in relation to the number and placement of polling booths.

CARRIED

12 DELEGATIONS

There being no further business the meeting closed at 11:35am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 21 January 2013.

MAYOR

