



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 09 September 2014

COMMENCING AT 9:00AM



TUESDAY 9 SEPTEMBER 2014

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ATTENDANCE

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

Mr. M. Magin - Chief Executive Officer
Mr. D. Mulcahy – Manager Governance and Local Laws
Mr. K. Byers - Manager Technical Services
Mrs. K. Olsen – Manager Financial and Administrative Services
Mr. S. Great - Manager Planning and Development
Mr. T. Vaccaro – Manager Community Development
Ms. E. Robinson – Manager Client Services

Minutes Clerk – Mrs. J. Thomasson

Apologies: Mr. W. Saldumbide - Manager Operations

Leave of Absence – Councillor R.H. Lewis (Deputy Mayor)

1 PRAYER

The meeting prayer was delivered by Pastor Luke Stuart of the Seventh Day Adventist 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 August 2014

Recommendation

That the minutes of the Ordinary Council Meeting held on 26 August 2014 be received as a true and correct record.

Resolution

Moved Councillor McCathie, seconded Councillor Dalle Cort that the recommendation be adopted with the following amendments:

Item 8.2 – Amendment to reflect that Council will be undertaking the construction of a bike way link at the round-a-bout at Fourth Street and Fourteenth Avenue, Home Hill and not at the round-a-bout at Fourth Street and Fourth Avenue, Home Hill as stated in the minutes;

Item 13.3 – Amendment to reflect that Council approves a leave of absence for Councillor Bawden from 31 October to 17 November 2014 and not from 21 October to 17 November 2014 as stated in the minutes.

CARRIED

3.2 Burdekin Cultural Complex Board Minutes - 30 June 2014

Recommendation

That the minutes of the Burdekin Cultural Complex Board Meeting held on 30 June 2014 be received and adopted.

Resolution

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

CARRIED

4 REPORTS

5 GOVERNANCE & LOCAL LAWS

5.1 Dal Santos Approval to Use Council Footpaths - Installation of fixed tables and barriers - Macmillan Street

Executive Summary

Application has been made to install permanent tables and barriers on Macmillan Street footpath.

Recommendation

Council resolves to approve the application with conditions.

Resolution

Moved Councillor Bawden, seconded Councillor Liessmann that Council approves the application to install 4 permanent tables and 2 Vittoria Signs/barriers on the Macmillan Street footpath adjacent to the Dal Santo's Continental Deli subject to the following conditions:

1. A Public Liability Insurance policy to the value of ten million dollars (\$10,000,000.00), for the proposed activity must demonstrate Council as an interested party. A copy of this policy is required to be provided to Council. Insurances must be maintained throughout the approval period.
2. The Permit will remain in force for a period of twelve months or for the duration of your Public Liability Insurance coverage period, unless sooner revoked, cancelled or suspended.
3. Documentation is to be provided that states that the applicant agrees to:
 - (a) Indemnify and keep indemnified Council from and against all actions, proceedings, claims demand, costs, losses, damages, liabilities and expenses which may be brought against, made upon or incurred by Council arising out of or in connection with the use of the Land by the Applicant, its employees, contractors, sub-contractors, agents and other representatives and any works or activities carried out by the Applicant, its employees, contractors, sub-contractors, agents and other representatives under this Agreement.
 - (b) The Applicant releases and discharges Council from all actions, proceedings, claims, demands, costs, losses, damages, liabilities and expense which but for the provisions hereof might be brought against Council, arising from the use of the Land by the Applicant, its employees, contractors, sub-contractors, agents and other representatives and any works or activities carried out by the Applicant, its employees, contractors, sub-contractors, agents and other representatives under this approval or decision.
 - (c) The indemnity in clause (a) continues in full force and effect at all times in which the Applicant or any employee, contractor, subcontractor, representative or assignee or otherwise of the Applicant occupies or otherwise uses the Land as contemplated by this approval or decision.
4. The approval is granted only in relation to the specifications as provided by the applicant within their 'Application for Approval Commercial Use of Local Government Controlled Areas and Roads' and in accordance with the plan provided as part of the application process.
5. No alteration from the approved plan or specifications must be made unless additional approvals granted for the subject change or alteration.
6. The installation must be provided with a 2500mm clearance to the top edge of the kerb and in a manner where the pedestrian flow of traffic of the surrounding area and into shop premises is not impeded.

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7. The approved installation including the specified tables and barriers must be affixed to adequately sized concrete bases to Council satisfaction. The edges of the concrete bases are to be flush with the existing pavers.
 8. The approved installation must not detrimentally impact on other users of the road reserve.
 9. The visual amenity of the surrounding area must not be adversely affected in any manner.
 10. All facilities and equipment used in the operation of the prescribed activity must be at all times, maintained—
 - (i) in good working order and condition;
 - (ii) in a clean, sanitary and hygienic condition; and
 - (iii) In a manner that deters pest harbourage.
 11. The approved installations may only be used during usual business hours.
 12. Remove all non fixed tables, chairs, fixtures and fittings from the area identified in the approval when the principal premises are not open for business.
 13. The approved installation must not detrimentally affect any Council assets.
 14. The activity is not to cause a danger or nuisance to neighbouring residents or users of the surrounding area including vehicle traffic.
 15. The approval must be displayed within public view, and produced for inspection on demand by an authorised person.
 16. On lapse of the approval all fixed items are to be removed and the footpath reinstated to Councils satisfaction.
 17. Council reserves the right to cancel or suspend this licence when conditions of the licence are not met, or at any other time. Should the licence be revoked, all structures must be removed and the area restored to the original condition preceding the installation.

CARRIED

5.2 Implementation NQ Waste Reduction and Recycling Plan 2014-2024

Executive Summary

Governance arrangements to implement the NQ Waste Reduction and Recycling Plan have been considered. To provide for regional efficiencies and implementation of the plan's actions, a technical working group consisting of Hinchinbrook Shire, Charters Towers Regional, Townsville City and Burdekin Shire Council's representatives has been established. It is now proposed that this working group meet at three monthly intervals along with each council's elected representative, whilst the technical working group will also meet between such meetings.

Recommendation

It is recommended that:

- Council supports the formation of a regional working group to facilitate the implementation of the NQ Regional Waste Reduction and Recycling Plan 2014-2024.
- That Council nominates an elected representative to attend the working group meetings held quarterly.

Resolution

Moved Councillor Loizou, seconded Councillor Liessmann that Council:

- 1) Adopts the recommendation;
- 2) Nominates Councillor Dalle Cort to attend the working group meetings held quarterly.

CARRIED

5.3 Animal Management (Amendment) Local Law (No. 1) 2014 and Animal Management (Amendment) Subordinate Local Law (No. 1) 2014

Executive Summary

Council has completed the consultation process with regard to Animal Management (Amendment) Local Law (No. 1) 2014 and Animal Management (Amendment) Subordinate Local Law (No. 1) 2014. Four responses offering no objection were received from the Government entities. No submissions were received from the public. The local law making process previously adopted by Council contemplates that Council may resolve to proceed with the making of, and actually make, each of the proposed local law and the proposed subordinate local law.

Recommendation

That Council:

- (a) notes the comments received from relevant government entities about the overall State interest in *Animal Management (Amendment) Local Law (No. 1) 2014* pursuant to section 29A(3) of the *Local Government Act 2009*; and
- (b) makes *Animal Management (Amendment) Local Law (No. 1) 2014* as advertised; and
- (c) makes *Animal Management (Amendment) Subordinate Local Law (No. 1) 2014* as advertised; and

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- (d) pursuant to section 32 of the *Local Government Act 2009*, adopts a consolidated version of *Local Law No. 2 (Animal Management) 2012* as attached to this report to Council; and
 - (e) pursuant to section 32 of the *Local Government Act 2009*, adopts a consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2012* as attached to this report to Council.

Resolution

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

CARRIED

5.4 Burdekin Shire Council Operational Plan 2013/2014 - Comments as at 30 June 2014

Executive Summary

It is a requirement of the *Local Government Regulation 2012* for Council to prepare and adopt an annual operational plan. As a Local Government we must discharge our responsibilities in a way that is consistent with the annual operational plan. The CEO must also present a written report to Council assessing the progress towards the implementation of the operational plan. The Operational Plan 2013/2014 end of year comments have been prepared with this in mind.

Recommendation

That the Operational Plan 2013/2014 end of financial year comments be received.

Resolution

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

CARRIED

5.5 Appointment of Acting Chief Executive Officer

Executive Summary

From time to time the CEO will have planned absences from the office due to training, conferences, meetings and planned leave. The Local Government Act 2009

allows for Council to appoint an acting CEO for these absences. As an efficiency measure a Council resolution should be in place to allow for the CEO to appoint an acting CEO at his discretion for periods of planned absence.

Recommendation

That Council makes the following resolution:

Council appoints Eileen Robinson, Manager Client Services; Kim Olsen, Manager Finance and Administration; Wayne Saldumbide, Manager Operations; Kevin Byers, Manager Technical Services; Shane Great, Manager Planning and Development; Daniel Mulcahy, Manager Governance and Local Laws and Tony Vaccaro, Manager Community Development to act as the Chief Executive Officer, during planned periods of absence by the Chief Executive Officer, such appointments being at the discretion of the Chief Executive Officer.

Resolution

Moved Councillor McCathie, seconded Councillor Loizou that:

Council appoints High Income Guarantee Contracted Managers Kevin Byers, Shane Great, Daniel Mulcahy, Kim Olsen, Eileen Robinson, and Wayne Saldumbide, to act as the Chief Executive Officer, during planned periods of absence by the Chief Executive Officer, such appointments being at the discretion of the Chief Executive Officer.

CARRIED

6 CLIENT SERVICES

7 FINANCIAL & ADMINISTRATIVE SERVICES

8 OPERATIONS

9 TECHNICAL SERVICES

9.1 South Burdekin Water Board's Easement over Ford Gully

Resolution

Moved Councillor Liessmann, seconded Councillor Bawden that Council liaise with South Burdekin Water Board in regard to the maintenance of the Water Board's Ford Gully easement immediately downstream of Burdekin Road.

CARRIED

5.6 Ordinary Council Meeting scheduled for 23 September 2014 cancelled

Resolution

Moved Councillor Bawden, seconded Councillor McCathie that the Ordinary Council Meeting scheduled to be held on 23 September, 2014 be cancelled.

CARRIED

10 PLANNING & DEVELOPMENT

11 COMMUNITY DEVELOPMENT

12 ECONOMIC DEVELOPMENT

5.7 Future Use of Brandon Church Building

Resolution

Moved Councillor Liessmann, seconded Councillor McCathie that Council agrees to the Burdekin Machinery Preservationists Inc entering into a suitable agreement with Burdekin Artisan Community Association Inc for use of the Brandon Church building until the expiration of Burdekin Machinery Preservationists' lease with Council on 20 November 2016, noting that the costs of the preparation of the agreement are to be borne by the Burdekin Artisan Community Association Inc.

CARRIED

13 GENERAL BUSINESS

13.1 Council's Involvement with Wongaloo Regional Park Development

Resolution

Moved Councillor Liessmann, seconded Councillor Bawden that Council will not be involved in any development opportunities associated with the Wongaloo Regional Park.

LOST

14 CORRESPONDENCE FOR INFORMATION

15 NOTICES OF MOTION

15.1 Change of Date for 2015 Burdekin Annual Show Holiday - Friday 26 June 2015

Recommendation

That Council approves the change of date for the appointment of a special holiday for the 2015 Burdekin Show from Wednesday 24 June 2015 to Friday 26 June 2015 due to the Ayr Pastoral, Agricultural & Industrial Association Inc. being forced to change the date for the 2015 Burdekin Show so as not to be in direct competition with the Mackay Show.

Note: The 2015 Burdekin Show will be held on Friday 26 June and Saturday 27 June.

Resolution

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

CARRIED

16 URGENT BUSINESS

17 CLOSED MEETING ITEMS

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

Resolution

Moved Councillor Dalle Cort, seconded Councillor Loizou 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 it;

for the purpose of discussing a number of legal matters.

CARRIED

Council Meeting opened to Public

Resolution

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

CARRIED

18 DELEGATIONS

10.15 am Australian Citizenship Ceremony – Mr. Dominic Francis Manakil.

There being no further business the meeting closed at 12.40 pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 14 October 2014.

MAYOR