



**BURDEKIN SHIRE COUNCIL**



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 14 October 2014**

**COMMENCING AT 9:00AM**

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**TUESDAY 14 OCTOBER 2014**

## **ORDER OF BUSINESS:**

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## **ATTENDANCE**

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

Mr. M. Magin - Chief Executive Officer  
Mr. D. Mulcahy - Manager Governance and Local Laws  
Mr. S. Great - Manager Planning and Development  
Mr. T. Vaccaro - Manager Community Development  
Mr. G. Keane - Acting Manager Operations  
Mr. K. Byers - Manager Technical Services  
Mrs. K. Olsen - Manager Financial and Administrative Services

Minutes Clerk - Miss S. Cronin

Apologies: Councillor U.E. Liessmann - 2014 Regional Arts Australia Summit, Kalgoorlie

## **1 PRAYER**

The meeting prayer was delivered by Reverend Dway Goon Chew of the Anglican Church.

## **2 DECLARATIONS OF INTEREST**

The Mayor called for declarations of interest.

Councillor McCathie declared a material personal conflict of interest in respect of item 10.2 as the applicant is a client of her business Landmark Harcourts McCathies.

## **3 MINUTES AND BUSINESS ARISING**

### **3.1 Ordinary Council Meeting Minutes - 9 September 2014**

#### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 9 September 2014 be received as a true and correct record.

#### **Resolution**

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

CARRIED

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### **3.2 Burdekin Shire Youth Council Meeting Minutes - 4th August, 2014**

#### **Recommendation**

That the minutes of the Burdekin Shire Youth Council Meeting held on 4<sup>th</sup> August, 2014 be received and adopted.

#### **Resolution**

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

CARRIED

### **3.3 Audit Committee Minutes - 8 September 2014**

#### **Recommendation**

That the minutes of the Audit Committee Meeting held on 8 September 2014 be received and adopted.

#### **Resolution**

Moved Councillor McCathie, seconded Councillor Loizou that the recommendation be adopted noting that Councillor Dalle Cort is an Observer.

CARRIED

### **3.4 Burdekin Road Safety Advisory Committee Meeting - 27 August 2014**

#### **Recommendation**

That the minutes of the Burdekin Road Safety Advisory Committee Meeting held on 27 August 2014 be received and adopted.

#### **Resolution**

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

CARRIED

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## **4 REPORTS**

### **4.1 Capital Projects Monthly Report for Period Ending 31 August 2014**

#### **Recommendation**

That the Capital Projects Monthly Report for Period Ending 31 August 2014.

#### **Resolution**

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

CARRIED

### **4.2 Operating Statement for Period Ending 31 August 2014**

#### **Recommendation**

That the Operating Statement for the Period Ending 31 August 2014 be received.

#### **Resolution**

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

CARRIED

## **5 GOVERNANCE & LOCAL LAWS**

### **5.1 Renewal of Agreement - Illuminated Street Name Signs - Claude Outdoor Pty. Ltd.**

#### **Executive Summary**

Council has received correspondence from Claude Outdoor Pty Ltd seeking renewal of the agreement with Council for the erection and use of identilite illuminated street name signs for a further five year period (with a further 5 year option).

#### **Recommendation**

That Council approves the renewal of the agreement with Claude Outdoor Pty Ltd for the erection and use of illuminated street name signs within the Burdekin Shire for a further five year period from 15 September 2014, with a renewal option of 5 years, for an annual fee of \$500 per sign per annum plus electricity noting that CPI increases apply following the first year.

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## **Resolution**

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

CARRIED

## **5.2 Corporate Plan 2015-2020 Strategies and Community Consultation**

### **Executive Summary**

Following on from the community consultation survey for the Corporate Plan the management team have developed a draft set of strategies to be included in the Corporate Plan 2015-2020. The strategies will be posted to each household and an invitation will be extended to residents and ratepayers to make comment.

### **Recommendation**

That Council receive the attached draft strategies for the Corporate Plan 2015-2020 and approve their distribution to Burdekin Shire households.

### **Resolution**

Moved Councillor Dalle Cort, seconded Councillor Lewis that the recommendation be adopted noting that draft strategy 4.5 be deleted.

CARRIED

## **5.3 Amendment to Communications Strategy**

### **Executive Summary**

The Communications Strategy was adopted by Council on August 26, 2014. The original document had references to positions relating to the past corporate structure and requires updating.

### **Recommendation**

That Council adopts the attached amended strategy.

### **Resolution**

Moved Councillor McCathie, seconded Councillor Loizou that the recommendation be adopted noting that Councillors also be included along with CEO and Mayor as having a responsibility for promoting a positive image for the Burdekin region (page 6) and other similar actions.

CARRIED

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## **15 NOTICES OF MOTION**

### **15.1 Ayr Racecourse Reserve**

#### **Recommendation**

That the Council exercising its powers as Trustee of Lot 1 on CPGS95 – Ayr Racecourse Reserve, agrees to remove and/or demolish the structures located on the land, previously associated with the Ayr Cricket Association and takes action to evict any occupants of the land.

#### **Resolution**

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

CARRIED

## **6 CLIENT SERVICES**

## **7 FINANCIAL & ADMINISTRATIVE SERVICES**

## **8 OPERATIONS**

### **8.1 Alternative Water Supply**

#### **Resolution**

Moved Councillor Lewis, seconded Councillor Loizou that Council increase the Budget Allocation for the Alternative Water Supply for Ayr / Brandon from \$1,220,000 to \$ 2,220,000 and fund the increase from Depreciation.

CARRIED

### **8.2 Property Access - Burstall Road, Ayr**

#### **Resolution**

Moved Councillor Lewis, seconded Councillor Loizou that Council approve the removal of existing unapproved property accesses located within the road reserve to Lots 2, 3, 4 and 6 on RP 818209 Burstall Road to enable the regrading of the existing table drain to complete works associated with the recent road reconstruction.



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CARRIED

Councillor Bawden voted against the motion.

## **9 TECHNICAL SERVICES**

### **9.1 Fifteen Minute Parking Parkside Motel**

#### **Executive Summary**

Request from the owners of the Parkside Motel for two fifteen minute parking bays at the front of the motel

#### **Recommendation**

Council resolves to change the time limit of two parking bays in front of the Parkside Motel to fifteen minutes

#### **Resolution**

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

CARRIED

### **9.2 Gorge Weir Road**

#### **Executive Summary**

Application, from the lessee of Eight Mile Station, requesting the temporary closure of Gorge Weir Road due to public safety concerns.

#### **Recommendation**

Council resolves to temporarily close Gorge Weir Road under section 69(2)(b) of the Local Government Act 2009.

#### **Resolution**

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

CARRIED

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## **10 PLANNING & DEVELOPMENT**

### **10.1 Oar - Material Change of Use for Home Occupation (Hairdressing) at 61a Chippendale Street, Ayr (Lot 31 on RP726559, Parish of Antill, County of Gladstone)**

#### **Executive Summary**

An application has been received from Callan and Kristy Oar, seeking approval for a Home Occupation (Hairdresser) at 61a Chippendale Street, Ayr (Lot 31 on RP726559, 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 Home Occupation (Hairdresser) at 61a Chippendale Street, Ayr (Lot 31 on RP726559, Parish of Antill, County of Gladstone) 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 Home Occupation can only be operated strictly in accordance with the supporting material and approved plans submitted with the application and can only be conducted by a person resident therein.
- 1.3 No source of power other than one or more single phase electric motors having a total connected load of not more than 2.2 kilowatts is used.
- 1.4 The floor area used (whether temporarily or permanently) does not exceed more than one-third of the total floor area of the dwelling house, except with and in accordance with the conditions of an express permission of the Council.
- 1.5 No load is imposed on any local utility greater than that which is normally required by other uses permitted in the zone in which the dwelling house is situated.
- 1.6 No machinery or apparatus causing interference with reception of radio or television signals is used or operated.
- 1.7 There is no public display of goods on the premises.
- 1.8 Only one sign with a maximum face area of 0.5 m<sup>2</sup> and bearing only the name of the person carrying out the business and the type of business is to be provided on the premises.
- 1.9 The activity does not cause any injury to or have a prejudicial effect on the amenity of the locality in which it is carried out due to the emission of noise, vibration, smell, fumes,

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smoke, vapour, steam, soot, ash, dust, grit, oil, waste products, or anything whatsoever.

- 1.10 The approved use shall be undertaken so that no undue disturbance is caused to neighbouring properties by virtue of noise, bright lights, traffic movements or interference with radio and television reception.

## **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;

## **ADVICE (Note: These are not conditions)**

- *The footpath between the kerb and property boundary is to be kept clear of parked vehicles.*
- *Businesses which provide higher risk personal appearance services must hold a licence under the Public Health (Infection Control for Personal Appearance Services) Act 2003. Prior to the commencement of higher risk personal appearance services contact Council's Environment and Health Department for advice on licence application procedures.*
- *A higher risk personal appearance service involves any of the following skin penetration procedures, in which the release of the blood or other body fluid is an expected result:*
  - *body piercing, other than closed ear or nose piercing*
  - *implanting natural or synthetic substances into a person's skin*
  - *scarring or cutting a person's skin using a sharp instrument to make a permanent mark, pattern or design*
  - *tattooing (including cosmetic tattooing or semipermanent make-up).*

## **Resolution**

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

CARRIED

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## **10.2 Ayr Development Pty Ltd - Material Change of Use for Fast food tenancy and associated drive-through facility at 130-132 Edwards Street, Ayr (Lots 1 - 3 on RP716217 and Lot 2 on RP706716 Parish of Antill, County of Gladstone)**

Councillor McCathie declared a material personal conflict of interest as the applicant is a client of her business Landmark Harcourts McCathies and left the meeting.

### **Executive Summary**

An application has been received from Ayr Developments Pty Ltd, seeking approval for a Material Change of Use for Fast Food Tenancy and associated drive- through facility at 130-132 Edwards Street, Ayr. (Lots 1-3 on RP716217, Lot 2 on RP706716 Parish of Antill, County of Gladstone) 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 Fast Food Tenancy and associated drive- through facility at 130-132 Edwards Street, Ayr (Lots 1-3 on RP716217, Lot 2 on RP706716 Parish of Antill, County of Gladstone) 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 All rates and charges (including any infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.
- 1.3 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 all assessable building works is to be obtained before any building works are carried out on the premise.

#### **PUBLIC UTILITY SERVICES**

- 3.1 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.
- 3.2 All existing public utility services are to be raised or lowered to facilitate proposed design levels.

#### **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.

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## **DRAINAGE**

- 5.1 Stormwater drainage from paved/sealed and roofed areas is to be generally in accordance with the stormwater management plan submitted and must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.
- 5.2 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.
- 5.3 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

## **OPERATIONAL WORKS**

6. Where operational works are required to be carried out for the development, the developer must, within a period of two years from the date of this permit 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 current Registered Professional Engineer of Queensland; and
  - (b) 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;

## **TRADE WASTE**

7. A Trade application must be lodged for the proposed development.

## **ACCESS AND CAR PARKING**

- 8.1 Parking shall be provided generally in accordance with the approved plan from the application submitted.
- 8.2 Parking space, access and layout must be generally designed in accordance with the provisions contained in Schedule 2 – Vehicle Parking Rates & Standards of the Planning Scheme.
- 8.3 Access to the premises, car parking and manoeuvring areas must be constructed in an all weather low glare paving, exposed aggregate concrete or similar material to the satisfaction of the Chief Executive Officer.

## **LANDSCAPING**

9. A revised landscaping plan shall be submitted as part of any subsequent Operational Works approval. This plan must be prepared by a landscape architect or other suitably qualified and experienced person detailing the following;

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- 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;

## **ENVIRONMENT AND HEALTH**

### Waste

- 10.1 The activity must be operated in accordance with council's Waste Management Policy and the *Environmental Protection Regulation 2008*. The enclosure provided for the storage of waste bins must be sized sufficiently for the storage of both refuse and recycling bins. The enclosure must be provided with an impervious floor, provided with a suitable hosecock and drained to sewer in accordance with Burdekin Shire Council plumbing and drainage requirements. The requirements must incorporate a roof or stormwater diversion valves to prevent the ingress of stormwater to the sewerage system and be fitted with traps and back flow prevention devices as required.
- 10.2 Carparks, landscaping and paved areas shall be regularly maintained clear of litter and potential contaminants shall be cleaned from the site on a regular basis.
- 10.3 There shall be no release of litter or contaminants from the site to any roadside gutter, drain or waters.

### Water

- 11.1 Forecourts, carparking areas and driveways must not be hosed or washed to allow the release of contaminants to stormwater or into roadside gutters.
- 11.2 Wastewater and other liquid wastes must not be discharged to waters or stormwater except to sewer under conditions of a trade waste permit.

### Noise

- 12.1 An extension to the acoustic barrier and noise attenuation canopy is to be constructed in accordance with the *Norman Disney and Young Consultants* advice dated 25 September 2014.
- 12.2 Certification from a suitably qualified person that the acoustic barrier and canopy are constructed in accordance with the recommendations contained in the *Norman Disney and Young Consultants* advice dated 25 September 2014 must be submitted prior to the commencement of the proposed activity on the subject site.
- 12.3 All activities conducted on the subject site must be carried out in accordance with the Operational Noise Management Plan for the activity as contained within the noise assessment report by *Norman Disney and Young* submitted as part of the application.
- 12.4 Where a complaint is made about noise from the activity, that is considered reasonable by an authorised officer and cannot be resolved by the operator of the activity subject of this approval, the emission of noise from the development must not result in levels greater than those specified in Table 1 until the circumstances which gave rise to the complaint are resolved.

Table 1: Noise Limits

NOISE LIMITS MEASURED AT THE BOUNDARY OF THE DEVELOPMENT SITE		
Period	Measured as L <sub>Aeq</sub>	Measured as L <sub>Amax</sub>
7am – 6pm	55	60
6pm – 10pm	50	55
10pm – 7am	45	50

12.5 No waste bin collection service is to operate between the hours of 9.00p.m. and 7.00a.m. seven days a week.

#### **ADVICE ONLY**

- Any food prepared or sold from the site must comply with the provisions of the *Food Act 2006*.
- Food premises fit out plans must be submitted to Council for approval prior to construction.

#### **Resolution**

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

CARRIED

Councillor McCathie returned to the meeting.

## **11 COMMUNITY DEVELOPMENT**

### **11.1 Get Playing Plus Funding Application**

#### **Executive Summary**

An opportunity has arisen to obtain funding from the State Government Department of National Parks, Recreation, Sport & Racing. The funding is under the banner of 'Get Playing Plus' – which is intended to fund infrastructure projects that will encourage more Queenslanders to participate in sport and recreation.

#### **Recommendation**

It is recommended that Council consider the following two recommendations in order to gain funding from the State Government's 'Get Playing Plus' funding program. This is based on the fact that the Burdekin Shire will very likely only achieve approval of one of these projects:

1. That \$264,000 be included across the 2015/2016 and 2016/2017 budgets as Council's 33 per cent contribution toward completion of the Burdekin Be Active Trail, contingent on funding being approved from the State Government for the remaining

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- 66 per cent. Discussions with Manager Technical Services and Manager Operations indicate that this would be able to be incorporated into the Capital Works Program.
2. That between \$198,000 and \$264,000 be included across the 2015/2016 and 2016/2017 budgets as part of the 33 per cent contribution toward the overhaul of the Outdoor Basketball Courts located adjacent to the PCYC, contingent on funding being approved from the State Government for the remaining 66 per cent. Preliminary project estimates are currently being undertaken but it is broadly estimated to be between \$600,000 and \$800,000 for a full multi-purpose facility.

### **Resolution**

Moved Councillor McCathie, seconded Councillor Lewis that the recommendation be adopted noting the following amendment:

- Item 2 - That up to \$264,000 be included across the 2015/2016 and 2016/2017 budgets as part of the 33 per cent contribution toward the overhaul of the Outdoor Basketball Courts located adjacent to the PCYC, contingent on funding being approved from the State Government for the remaining 66 per cent.

CARRIED

## **12 ECONOMIC DEVELOPMENT**

## **13 GENERAL BUSINESS**

### **13.1 Leave of Absence - Councillor Dalle Cort**

#### **Resolution**

Moved Councillor Dalle Cort, seconded Councillor Lewis that Councillor Dalle Cort request a leave of absence on 11 November 2014.

CARRIED

### **13.2 Ordinary Council Meeting - 28 October 2014 - Cancelled**

#### **Resolution**

Moved Councillor Loizou, seconded Councillor Bawden that the Ordinary Council Meeting to be held on Tuesday 28 October 2014 be cancelled.

CARRIED



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## **14 CORRESPONDENCE FOR INFORMATION**

### **14.1 Road Base - Phillips Camp Progress Association Inc.**

#### **Resolution**

Moved Councillor Lewis, seconded Councillor Loizou that Council approves excess road base from Upper Haughton-Barratta Road be donated to the Phillips Camp Progress Association Inc.

CARRIED

## **15 NOTICES OF MOTION**

## **16 URGENT BUSINESS**

## **17 CLOSED MEETING ITEMS**

## **18 DELEGATIONS**

There being no further business the meeting closed at 12.00 noon.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 11 November 2014.**

**MAYOR**

