



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 28 April 2015

COMMENCING AT 9:00AM



TUESDAY 28 APRIL 2015

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ATTENDANCE

Councillors W.C. Lowis (Mayor), R.H. Lewis (Deputy Mayor), L.D. McCathie, L. Loizou 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
Mrs. K. Olsen - Manager Financial and Administrative Services
Mr. W. Saldumbide - Manager Operations
Mr. K. Byers - Manager Technical Services

Minutes Clerk – Mrs. C. Kirke

Apology: Councillor U.E. Liessmann

Leave of Absence: Councillor P.M. Dalle Cort

1 PRAYER

The meeting prayer was delivered by Major Garry Johnson of the Salvation Army.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Lewis declared a perceived conflict of interest in respect of Item 10.1 as the applicant is the President of the Ayr Rotary Club of which Councillor Lewis is a member. Councillor Lewis advised of his intention to remain in the meeting when this item was considered by Council.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting - 14 April 2015

Recommendation

That the minutes of the Ordinary Council Meeting held on 14 April 2015 be received as a true and correct record.

Resolution

Moved Councillor Lewis, seconded Councillor Loizou that the minutes of the Ordinary Council Meeting held on 14 April 2015 be received as a true and correct record, subject to Clause 13.4 being amended to reflect that Council approves the attendance of Councillor Dalle Cort to the ALGWA QLD Branch Annual Conference to be held in Gayndah from 22 – 24 July, 2015.

CARRIED

3.2 Audit Committee Meeting - 17 March 2015

Recommendation

That the minutes of the Audit Committee Meeting held on 17 March 2015 be received as a true and correct record.

Resolution

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

CARRIED

3.3 Burdekin Shire Council Local Disaster Management Group Meeting - 20 March 2015

Recommendation

That the minutes of the Burdekin Shire Council Local Disaster Management Group Meeting held on 20 March 2015 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 March 2015

Recommendation

That the Capital Projects Monthly Report for Period Ending 31 March 2015 be received.

Resolution

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

CARRIED

4.2 Operating Statement for Period 31 March 2015

Recommendation

That the Operating Statement for the Period Ending 31 March 2015 be received.

Resolution

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

CARRIED

5 GOVERNANCE & LOCAL LAWS

5.1 Burdekin Area Youth Watch (BAY-Watch) - Vacation of Premises at Ayr Racecourse Reserve

Executive Summary

Council has received correspondence from Burdekin Area Youth Watch Inc. (BAY-Watch) advising they need to vacate the premises at the Ayr Racecourse Reserve due to the loss of government funding which allowed them to deliver their programme of Diversionary Activities. It is anticipated that BAY-Watch will vacate the premises no later than Thursday 30 April 2015.

Recommendation

That Council:

- 1) Notes the decision from BAY-Watch to deliver vacant possession of the land by 30 April 2015.
- 2) Instructs the Chief Executive Officer to arrange a building and plumbing inspection of the premises to determine the current condition of the building and if any major or urgent works are required.
- 3) Approves occupancy of part of the building by G & O Henaway as caretakers subject to the following:
 - a) Submission of a permit (IDAS Forms 1 & 2) for a change of class from a Class 5 (Administration Lower Level) to a Class 4 Caretakers residence;
 - b) Floor plan to identify the kitchen, dining, lounge, bathroom, toilet and bedroom areas.
 - c) Agreement to the payment of a rental to be negotiated, noting that Council will be responsible for payment of the electricity for the entire premises.
- 4) Approves in principle to seek Expressions of Interest for use of the land and buildings subject to a favourable report on the condition of the buildings.

Resolution

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

CARRIED

5.2 Trustee Leases - Groper Creek Rural Fire Brigade and Home Hill Boat Club Inc - Groper Creek

Executive Summary

Council has received correspondence from the State of Queensland (represented by the Public Safety Business Agency) (PSBA) on behalf of the Groper Creek Rural Fire Brigade (RFB) requesting Council's approval to enter into a 30 year Trustee Lease arrangement for property occupied by the RFB adjacent to the Home Hill Boat Club Inc.

Recommendation

That under Section 57 (1) of the Land Act 1994 Council agrees to:

- 1) enter into a Trustee Lease with the State of Queensland (represented by the Public Safety Business Agency) on behalf of the Groper Creek Rural Fire Brigade over part of Lot 62 on Crown Plan SB676 Recreation and Camping Reserve R88, being the truck and equipment storage area annexed to the Home Hill Boat Club Inc. building, for a term of 30 years subject to the usual terms and conditions set by the Department of Natural Resources and Mines, and Council
- 2) enter into a Trustee Lease with the Home Hill Boat Club Inc. over part of Lot 62 on Crown Plan SB676 Recreation and Camping Reserve R88, the area being the site of the Home Hill Boat Club Inc. building, for a term of 10 years subject to the usual terms and conditions set by the Department of Natural Resources and Mines, and Council.

Resolution

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

CARRIED

5.3 Showground and Recreation Reserve R324 Lot 33 on EP1067 - Luxton Street, Giru

Executive Summary

Council resolved at its meeting held on 10 February 2015 that it has no further need for Showground and Recreation Reserve R324 being Lot 33 on EP1067 Parish of Abbotsford County of Elphinstone (located in Luxton Street, Giru). A public meeting was held in Giru on

Thursday 16 April where this matter was discussed and agreement reached to form a sub-committee to investigate the possibility of establishing a motor home park on the Reserve.

Recommendation

That Council takes no further action regarding the relinquishment of its trusteeship over Showground and Recreation Reserve R324 Lot 33 on EP1067 until further investigation is undertaken by the sub-committee to be formed following the public meeting in Giru on Thursday 16 April 2015, to progress the idea of a Motor Home Park.

Resolution

Moved Councillor Loizou, seconded Councillor Lewis that Council takes no further action regarding the relinquishment of its trusteeship over Showground and Recreation Reserve R324 Lot 33 on EP1067 until further investigation is undertaken by the working group to be formed following the public meeting in Giru on Thursday 16 April 2015, to progress the idea of a Motor Home Park.

CARRIED

6 CLIENT SERVICES

7 FINANCIAL & ADMINISTRATIVE SERVICES

8 OPERATIONS

8.1 Customer Service Standards - Water Wastewater

Executive Summary

As a registered Service Provider under the Water Supply (Safety and Reliability) Act 2008 (the Act) Burdekin Shire Council is required to have Customer Service Standards.

The Act requires council to implement certain measures to ensure the continuity of services and the protection of customers' interests. It also requires council to quantify these measures by way of a customer service standard and provide a copy to its customers.

This Standard is adopted by Council resolution and can only be varied by same, or at the direction of the Regulator. Council in accordance with Section 120 of the Water Supply (Safety and Reliability) Act 2008 must review the customer service standard at least every five (5) years.

Recommendation

Council adopt the Burdekin Shire Council Customer Service Standard – Water Wastewater as required by Section 120 of the Water Supply (Safety and Reliability) Act 2008.

Resolution

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

CARRIED

9 TECHNICAL SERVICES

9.1 Permanent Road Closure - Cislowski Road

Executive Summary

The Department of Natural Resources and Mines (DNRM) has requested Council's view on the permanent closure of part of Cislowski Road, Ayr

Recommendation

Council resolves to not object to the permanent closure of part of Cislowski Road on condition that no part of the road within 15 metres of the current centre line is closed and all services remain within the new road reservation.

Resolution

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

CARRIED

10 PLANNING & DEVELOPMENT

10.1 Request for Refusal of Building Line Variation - 24 Sandowns Street, Alva (Lot 15 on A7781) - John Byers

Executive Summary

A request from Mr John Byers for a building line variation at 24 Sandowns Street, Alva was refused on the 13th February 2015. As per a verbal request from John Byers, a second letter further clarifying the reasons for the refusal, including options, was sent on 19th March, 2015. The owner, John Byers has now requested that the Officer's Recommendation be discussed at a Full Council Meeting.

Councillor Lewis declared a perceived conflict of interest in respect of Item 10.1 as the applicant is the President of the Ayr Rotary Club of which Councillor Lewis is a member. Councillor Lewis advised of his intention to remain in the meeting and vote on this matter.

The applicant Mr John Byers addressed the meeting and argued his case for approval of the building line variation at 24 Sandowns Street, Alva.

Recommendation

It is recommended that the previous decision made by Council's Building Certifier, Mr Keith Lewty, be adopted.

Resolution

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

LOST

Councillor Lewis voted against the motion.

Moved Councillor Loizou, seconded Councillor McCathie that Council approves the erection of a shed (over 9 metres in length with an apex height of 5.46 metres) at 24 Sandowns Street, Alva to be sited as follows:

- 500mm from the back boundary; and
- 500mm from both side boundaries

CARRIED

Councillor Lewis voted for the motion.

11 COMMUNITY DEVELOPMENT

11.1 Management of the Burdekin Cyclone Shelter

Executive Summary

Council has received an expression of interest from the Burdekin PCYC for management of the Burdekin Cyclone Shelter.

The PCYC can demonstrate that it has the proven track record to manage facilities such as the Burdekin Multi-Tenant Service Centre and other such facilities around the State.

Recommendation

Council agrees to enter into a management agreement with the PCYC for the management of the Cyclone Shelter for a term 5 years, with the PCYC being responsible for the costs as stated in the attached maintenance schedule for the term of the agreement.

Resolution

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

CARRIED

12 ECONOMIC DEVELOPMENT

13 GENERAL BUSINESS

14 CORRESPONDENCE FOR INFORMATION

14.1 Financial Assistance Grants to Local Government - 2014-2015 Financial Year

Resolution

Moved Councillor Loizou, seconded Councillor Lewis that Council:

1. Acknowledges the importance of federal funding through the Financial Assistance Grants Program for the continued delivery of Councils services and infrastructure;
2. Acknowledges that the Council will receive \$3,259,723 million in 2014-2015; and
3. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.

(Refer Document Number 1423617)

CARRIED

15 NOTICES OF MOTION

15.1 Operations of Ayr Showgrounds

Recommendation

That in relation to the operation of the Ayr Showgrounds, the Council advises the Ayr Pastoral, Agricultural and Industrial Association Inc. (APAIA) as follows:

1. Council will waive any hire charge for the 2015 Burdekin Show subject to transfer of APAIA current assets to the Council excluding those associated with the Office which will remain the property of the APAIA.
2. Council cannot at this stage provide a hire charge for the Ayr Show Grounds for future years and intends to meet and negotiate a suitable arrangement following finalisation

of the 2015 Burdekin Show.

3. Council notes the preference of the APAIA to stay in the current office building at the Show Grounds for the interim period on the condition that the APAIA undertake general maintenance and repairs to the building excluding any major repairs or structural maintenance.
4. Council intends to demolish the ablutions block adjacent the office building following the 2015 Burdekin Show.

Resolution

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

275(1)(b) industrial matters affecting employees

for the purpose of discussing the latest State Government direction on Enterprise bargaining.

CARRIED

Council Meeting opened to Public

Resolution

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

CARRIED

18 DELEGATIONS

10.15am Citizenship Ceremony –

Mrs Elizabeth Johanna Hendrina Mohle

Mr Andre Mohle

Miss Rene Mohle

Miss Chantell Mohle

Mr Sarasvatichandra Ganpatbhai Patel

There being no further business the meeting closed at 12.20pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 12 May, 2015.

MAYOR

