



**BURDEKIN SHIRE COUNCIL**



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 23 January 2018**

**COMMENCING AT 9:00AM**



**TUESDAY 23 JANUARY 2018**

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## **ATTENDANCE**

Councillors L.A. McLaughlin (Mayor), A.J. Goddard (Deputy Mayor), E.J. Bawden, J.T. Bonanno, U.E. Liessmann, S.P. Perry and J.F. Woods

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

Minutes Clerk – Mrs. S. Saunders

### **1 PRAYER**

The meeting prayer was delivered by Pastor Peter Holmes of the Burdekin Community Church.

### **2 DECLARATIONS OF INTEREST**

The Mayor called for declarations of interest.

Councillor Woods declared a perceived Conflict of Interest relating to Item 3.3 RADF Advisory Group as he is President and Patron of groups which have submitted RADF applications in the December 2017 funding round and to Letter 11 in the Correspondence for Information as he is a member of the Rotary Club of Home Hill and prepared the letter.

Councillor McLaughlin declared a perceived Conflict of Interest relating to Closed Business Item: Report on Quotations Received QBSC/17/042 – Supply and Installation of Replacement Switchboards for the Ayr / Brandon and Home Hill Waste Water Treatment Plants, as one of the tenderers is a close family friend.

Councillor Woods and Councillor McLaughlin advised of their intentions to leave the meeting when these items are discussed.

### **3 MINUTES AND BUSINESS ARISING**

#### **3.1 Ordinary Council Meeting Minutes - 12 December 2017**

##### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 12 December 2017 be received and confirmed.

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## **Resolution**

Moved Councillor Woods, seconded Councillor Goddard that the recommendation be adopted.

CARRIED

### **3.2 Community Grants Panel Meeting Minutes - 15 December 2017**

Councillor McLaughlin advised she had approved the grant application from the Ayr Amateur Swimming Club due to the timing of the event which was held on 20 January 2018.

## **Recommendation**

That Council endorse the action taken by the Mayor and the minutes of the Community Grants Panel Meeting held on 15 December 2017 be received and adopted.

## **Resolution**

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

CARRIED

*9.13am – Councillor Woods left the meeting due to a perceived Conflict of Interest in relation to Item 3.3 as disclosed at the start of the meeting.*

### **3.3 RADF Advisory Group Meeting Minutes - 12 December 2017**

## **Recommendation**

That the minutes of the RADF Advisory Group Meeting held on 12 December 2017 be received and adopted.

## **Resolution**

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

CARRIED

*9.15am – Councillor Woods returned to the meeting.*

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### **3.4 Burdekin Shire Youth Council Meeting Minutes - 11 December 2017**

#### **Recommendation**

That the minutes of the Burdekin Shire Youth Council Meeting held on 11 December 2017 be received and adopted.

#### **Resolution**

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

CARRIED

### **3.5 Aerodrome Advisory Group Meeting Minutes - 15 November 2017**

#### **Recommendation**

That the minutes of the Aerodrome Advisory Group Meeting held on 15 November 2017 be received and adopted.

#### **Resolution**

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

CARRIED

## **4 REPORTS**

### **4.1 Capital Projects Report for Period Ending 31 December 2017**

#### **Recommendation**

That the Capital Projects Report for Period Ending 31 December 2017 be received.

#### **Resolution**

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

CARRIED

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## **4.2 Operational Monthly Budget Report for Period Ending 31 December 2017**

### **Recommendation**

That the Operational Monthly Budget Report for Period Ending 31 December 2017 be received.

### **Resolution**

Moved Councillor Perry, seconded Councillor Goddard that the recommendation be adopted.

CARRIED

## **4.3 Council Workshop - December 2017**

### **Executive Summary**

The final workshop for 2017 was conducted on 5 December 2017 with a range of policy and operational issues discussed along with a presentation from an external party.

A brief summary of the issues discussed at the workshop is contained in the report.

### **Recommendation**

That the report on the Council workshop held on 5 December 2017 be received and noted.

### **Resolution**

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

CARRIED

## **5 GOVERNANCE & LOCAL LAWS**

### **5.1 Councillor Remuneration**

#### **Executive Summary**

The Local Government Remuneration and Discipline Tribunal have finalised its determination of remuneration arrangement for mayors, deputy mayors and councillors to apply from 1 July 2018. The tribunal's determination was published in the Queensland Government Gazette on 13 December 2017. The determination is attached to this report. The 2017 remuneration

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determination sees an increase to remuneration levels for mayors, deputy mayor and councillors by 2.25% from 1 July 2018.

Councillors must be paid the maximum amount of remuneration as per the tribunal's determination unless the local government, by resolution, decides the maximum amount is not to be paid to councillors. Council can choose to make a resolution, prior to 1 July of a particular year, to set a lower amount of remuneration for each councillor which will take effect from 1 July of that year.

If Council does not make any resolution to set a lower remuneration amount, the remuneration arrangements set out in the tribunal's determination automatically take effect from 1 July 2018.

### **Recommendation**

That Council notes the attached Local Government Remuneration and Discipline Tribunal Report 2017.

### **Resolution**

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

CARRIED

## **5.2 Waste Management Local Law**

### **Executive Summary**

With the *Environmental Protection Regulation 2008 Chapter 5A* and the *Waste Reduction and Recycling Regulation 2011 Section 7 (enabling local government to manage waste within its area)* set to expire on 1 July 2018, it is necessary for Council to introduce a new local law on waste management to ensure continuation of effective waste management services.

As a first step in facilitating this process Council is required to resolve to propose to make the local law and delegate to the Chief Executive Officer the power to undertake public interest testing in relation to possible anti-competitive provisions.

### **Recommendation**

Council resolves:

1. To propose to make Local Law No. 8 (Waste Management) 2018.
2. Pursuant to section 257 of the *Local Government Act 2009* ("the Act"), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the *Local Government Regulation 2012* to decide—



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- (a) how the public interest test of the local law particularised in the schedule is to be conducted; and
  - (b) the matters with which the public interest test report in relation to the local law particularised in the schedule must deal; and
  - (c) the consultation process for the public interest test and how the process is to be used in the public interest test.

### **Resolution**

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

CARRIED

## **5.3 Renewal of Trustee Lease - Burdekin Rugby League Inc**

### **Executive Summary**

Burdekin Rugby League Inc. holds a trustee lease over land described as Part Lot 8 on Crown Plan 910254 (Reserve for Recreation R53). This lease expired on 17 December 2017 and Council approval is required to renew the lease.

The club has confirmed that the lease is required to be renewed.

### **Recommendation**

That under Section 57 (1) of the Land Act 1994 Council approve the renewal of the trustee lease held by Burdekin Rugby League Inc over Part Lot 8 on Crown Plan 910254 for a term of 10 years subject to the usual terms and conditions set by the Department of Natural Resources, Mines & Energy and Council.

### **Resolution**

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

CARRIED

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## **5.4 Giru Pool - Request for Donation**

### **Executive Summary**

A request has been received from Giru Progress Association for a donation towards the running of the pool located at Giru State School. The donation is to assist in opening the pool for community use, outside of school hours.

### **Recommendation**

That Council:

- a) approve the donation of \$11,000 to Giru Progress Association towards the cost of providing community access to the Giru State School Pool outside school hours.
- b) request a copy of the Agreement between Education Queensland and Giru Progress Association in relation to the use of the Giru Pool.
- c) request a report be provided by the end of April each year, on the patronage including any community events, finances and other operational information at the pool.

### **Resolution**

Moved Councillor Woods, seconded Councillor Goddard that the recommendation be adopted.

CARRIED

## **6 CLIENT SERVICES**

## **7 FINANCIAL & ADMINISTRATIVE SERVICES**

## **8 OPERATIONS**

## **9 TECHNICAL SERVICES**

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## **10 PLANNING & DEVELOPMENT**

### **10.1 Consideration of Representations made by an Applicant on Conditions of Approval for a Material Change of Use for Vehicle Repair Workshop at 612 Old Clare Road (Lot 114 on GS479)**

#### **Executive Summary**

A request has been received by the applicants Solicitor making representations on two conditions included in the Decision Notices issued to Suds Automotive for a Material Change of use for Vehicle Repair Workshop at 612 Old Clare Road (Lot 114 on GS479).

#### **Recommendation**

That Council issue a Negotiated Decision Notice with amended condition 1.3 to read:

- The activities associated with the use may operate only between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday. There must be no operation on Sundays or public holidays;

and that Condition 11.3 remains unchanged.

#### **Resolution**

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

CARRIED

### **10.2 Adoption of Reviewed Floor Heights for Habitable Rooms Policy**

#### **Executive Summary**

Council first adopted the "Floor Heights for Habitable Rooms Policy" in August 2013. The Policy was developed to assist to reduce the risk of inundation of flood waters to new houses or extensions, alterations or additions to habitable dwellings. The policy has worked well by requiring applicants to obtain a flood height certificate at the time of applying for a permit to build and ensuring that the building is built higher than the expected or known flood height. As part of Council's current policy review, the policy has been discussed at a workshop. The policy has been transferred into the new policy template; however no further changes have been made.

#### **Recommendation**

That Council adopts the Floor Heights for Buildings with Habitable Rooms Policy as attached to this report.

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## **Resolution**

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

CARRIED

## **11 COMMUNITY DEVELOPMENT**

## **12 ECONOMIC DEVELOPMENT**

## **13 NOTICES OF MOTION**

## **14 CORRESPONDENCE FOR INFORMATION**

*9.45am – Following a request from Council, Councillor Woods provided an explanation of correspondence Item 11 and then Councillor Woods left the meeting due to a perceived Conflict of Interest in relation to this Item of correspondence as disclosed at the start of the meeting.*

### **14.1 Mount Inkerman Upgrade - Picnic Tables - Rotary Club of Home Hill Inc.**

## **Resolution**

Moved Councillor Liessmann, seconded Councillor Bonanno that permission be granted to the Home Hill Rotary Club to install a shade cover and picnic table at the Mount Inkerman lookout subject to the proposed structure being approved by Council Officers and in keeping with the current redevelopment design.

CARRIED

*9.47am – Councillor Woods returned to the meeting.*

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## **15 GENERAL BUSINESS**

### **15.1 Council Support - Free Day at Council Swimming Pools**

#### **Resolution**

Moved Councillor Liessmann, seconded Councillor Perry that Council cover the cost of the free admission day held over the school holidays for families at Council swimming pools in Ayr and Home Hill.

CARRIED

### **15.2 Compliment - Christmas Holiday Closure**

Councillor Perry complimented the Council Officers involved with providing assistance for a funeral held at the Bush Chapel during the Council Christmas Holiday Closure period.

### **15.3 Approved Leave of Absence - Councillor Liessmann**

#### **Resolution**

Moved Councillor Woods, seconded Councillor Goddard that Council approve leave of absence for Councillor Liessmann from 6 March 2018 to 13 March 2018.

CARRIED

### **15.4 Pigeons at Home Hill Comfort Stop**

It was resolved that Council turn off the water to the water feature at the Comfort Stop in Home Hill for a trial period of one month to see if it assists to curb the pigeon problem at this location.

### **15.5 Treatment of Sewage Odour at Comfort Stop - Home Hill**

#### **Resolution**

Moved Councillor Liessmann, seconded Councillor Woods that Council Officers investigate the unpleasant sewage odour at the Home Hill Comfort Stop and report back to Council on a treatment recommendation.

CARRIED

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## **15.6 Acknowledgement of Dr. Joe Baker**

### **Resolution**

Moved Councillor Woods, seconded Councillor Goddard that Council acknowledge Dr. Joe Baker due to his past association with Burdekin Shire Council and send a letter of condolence to his widow.

CARRIED

## **15.7 Proposed Parkrun Course - Plantation Park**

The CEO advised that Parkrun Australia has approved the establishment of a Parkrun group in the Burdekin and the proposed course is in Plantation Park. Part of the proposed course is along a dirt road through Plantation Park that links to the Juru Walk area where there is an existing concrete path. In order for the course to be approved permission is required from Council for the closure of this dirt road to vehicles when the weekly Parkrun event is being conducted each Saturday morning, with the closure time being between 6.45am and approx. 8am.

### **Resolution**

Moved Councillor Bonanno, seconded Councillor Woods that Council approve the proposed Parkrun Course in Plantation Park subject to the organisers being responsible for the closure and subsequent opening of the road in conjunction with each weekly event.

CARRIED

*10.28am – Morning Tea*

*10.56am – Meeting Resumed*

Ms. E. Robinson - Manager Client Services attended the meeting after morning tea break.

## **16 CLOSED MEETING ITEMS**

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

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## **Resolution**

Moved Councillor Bonanno, seconded Councillor Goddard 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;
- 275(1)(c) the Council's budget;
- 275(1)(e) contracts proposed to be made by Council;
- 275(1)(g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act;
- 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 a financial advantage.

For the purpose of discussing:

1. Request for Quotations – Draft new Planning Act Planning Scheme Consultancy Services.
2. Report on Quotations Received QBSC/17/042 – Supply and Installation of Replacement Switchboards for the Ayr / Brandon and Home Hill Waste Water Treatment Plants.
3. Proposed budget workshops
4. Update by CEO on progress with Director recruitment process
5. Discussion on EB negotiations
6. Possible economic development opportunities, including recent delegation

CARRIED

During part of the closed session Cr McLaughlin retired from the meeting whilst discussions occurred on the report on tenders received for Contract QBSC/17/042 which involves the supply and installation of replacement switchboards at the Ayr/Brandon and Home Hill Waste Water Treatment Plants, as she has a perceived conflict of interest in the matter as disclosed at the start of the meeting.

Cr McLaughlin re-joined the closed session of the meeting at the conclusion of discussions on this item.

## **Council Meeting opened to Public**

### **Resolution**

Moved Councillor Woods, seconded Councillor Goddard that the Council meeting be opened to the public.

CARRIED

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## **16.1 Request for Quotations - Draft New Planning Act Planning Scheme Consultancy Services**

### **Executive Summary**

A Request for Quotation (RFQ) to draft a new *Planning Act 2016* Planning Scheme (*the scheme*) has been called and at the closing date for quotations (Thursday 30 November 2017), six quotes were received. A decision now needs to be made to appoint a professional planning consultant to draft this important piece of planning legislation. The new PA scheme will replace Council's existing IPA scheme which was originally adopted in 2008. Local planning integrates and balances economic, social and environmental needs and aspirations of the local community to provide an orderly approach to land use and change. The drafting, adoption and commencement of a new scheme will ensure Council complies with new planning legislation.

### **Resolution**

Moved Councillor Perry, seconded Councillor Goddard that Council accepts the Quotation submitted by Ethos Urban for the purpose of drafting a new *Planning Act 2016* Planning Scheme noting that the project is to be funded from the Recurrent Maintenance Reserve.

CARRIED

*11.50am - Councillor McLaughlin left the meeting due to a perceived Conflict of Interest in relation to Closed Item 16.2 as disclosed at the start of the meeting. Councillor Goddard chaired the meeting in the absence of the Mayor.*

## **16.2 Report on Quotations Received QBSC/17/042 - Supply and Installation of Replacement Switchboards for the Ayr / Brandon and Home Hill Waste Water Treatment Plants**

### **Executive Summary**

Tenders were solicited on 24 November 2017 from Burdekin Shire Councils Panel of Prequalified Suppliers for the Supply and Installation of Replacement Switchboards for the Ayr / Brandon and Home Hill Waste Water Treatment Plants. Two sets of Documents were re-issued to registered companies. The closing date for tenders was 14 December 2017. Two conforming tenders were received at the time of closing.

### **Resolution**

Moved Councillor Liessmann, seconded Councillor Bawden that Council accept the tender from Burdekin Air Conditioning and Electrical for Contract QBSC/17/042 for the Fixed Price of \$528,684.00 Excl. GST with funding to be provided from capital allocations in the Waste Water budget for the Ayr/Brandon and Home Hill Waste Water Treatment Plants.

CARRIED



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11.53am – Councillor McLaughlin returned to the meeting.

### **16.3 Request - Change the Colour of the Fountain on Queen Street Ayr to Blue - Childhood Heart Disease**

#### **Resolution**

Moved Councillor Liessmann, seconded Councillor Perry that Council change the water colour in the fountain on Queen Street, Ayr to blue to raise awareness of Childhood Heart Disease for the month of February 2018.

CARRIED

### **17 DELEGATIONS**

There being no further business the meeting closed at 12.03pm.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 6 February 2018.**

**MAYOR**

