



Burdekin Shire Council

MINUTES

ORDINARY COUNCIL MEETING

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

on 21 January 2020

COMMENCING AT 9:00AM



Burdekin Shire Council

TUESDAY 21 JANUARY 2020

ORDER OF BUSINESS:

ITEM	PRECIS	PAGE
1	PRAYER	1
2	DECLARATIONS OF INTEREST	1
3	MINUTES AND BUSINESS ARISING	1
3.1	Ordinary Council Meeting Minutes - 10 December 2019	1
3.2	Burdekin Cultural Advisory Group Meeting Minutes - 18 November 2019	2
3.3	Burdekin Shire Youth Council Meeting Minutes - 9 December 2019	2
4	REPORTS	2
4.1	Council Workshops - December 2019	2
4.2	Caretaker Period - 2020 Local Government Elections	3
4.3	Council Meeting Dates - March 2020	3
5	GOVERNANCE	4
5.1	Councillor Remuneration Determination 2019	4
5.2	Edmund Rice Education Australia Youth + Institute - Proposal for long-term Trustee Lease - Baywatch Site - Ayr Racecourse Reserve	4
5.3	Proposal from Burdekin PCYC and Burdekin Academy to "Swap" Venues	5
6	ENVIRONMENTAL AND HEALTH SERVICES	6
7	CLIENT SERVICES	6
8	FINANCIAL & ADMINISTRATIVE SERVICES	6
8.1	Monthly Financial Report for Period Ending 31 December 2019	6
9	OPERATIONS	6
10	TECHNICAL SERVICES	6



Burdekin Shire Council

11	PLANNING & DEVELOPMENT	7
11.1	Development Application for Reconfiguring a Lot (1 into 6 Lots) at 20-26 Patricia Road, Ayr (Lot 29 on RP744911)	7
12	COMMUNITY DEVELOPMENT	8
	Councillor Goddard - Perceived Conflict of Interest	8
12.1	Anzac Park Master Plan	8
13	ECONOMIC DEVELOPMENT	9
14	NOTICES OF MOTION	9
15	CORRESPONDENCE FOR INFORMATION	9
16	GENERAL BUSINESS	9
16.1	Approved Leave of Absence - Councillor Woods - 14 to 25 February 2020	9
16.2	Councillor Goddard - Shade Coverage - Plantation Park Nature Based Play Space	9
16.3	Councillor Goddard - Road Access Complaint - Evans Street Brandon	10
16.4	Councillor Liessmann - Drainage - Third Avenue, Home Hill	10
16.5	Thanks and Appreciation to Council Staff - House Fire - Sydney Street, Ayr	10
17	CLOSED MEETING ITEMS	10
18	DELEGATIONS	11

ATTENDANCE

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

Mr. T. Brennan - Chief Executive Officer

Mr. N. O'Connor – Director Corporate and Community Services

Mr. N. Wellwood – Director of Infrastructure, Planning and Environmental Services

Mrs. K. Olsen - Manager Financial and Administrative Services (Part)

Mr. D. Cornwell – Manager Community Services (Part)

Mr. M. Pearce – Senior Planning Officer (Part)

Minutes Clerk – Miss. N. Loizou

1 PRAYER

The meeting prayer was delivered by Pastor Peter Holmes of the Australian Christian Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

Councillor Goddard advised he may have a Perceived Conflict of Interest in relation to 12.1 – Anzac Park Masterplan, as he is the Secretary of the Burdekin Touch Football Association. He will ask the other Councillors to determine if he has a Conflict of Interest when this item comes up for discussion at the meeting.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 10 December 2019

Recommendation

That the minutes of the Ordinary Council Meeting held on 10 December 2019 be received and confirmed.

Resolution

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

CARRIED

3.2 Burdekin Cultural Advisory Group Meeting Minutes - 18 November 2019

Recommendation

That the minutes of the Burdekin Cultural Advisory Group Meeting held on 18 November 2019 be received and adopted.

Resolution

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

CARRIED

3.3 Burdekin Shire Youth Council Meeting Minutes - 9 December 2019

Recommendation

That the minutes of the Burdekin Shire Youth Council Meeting held on 9 December 2019 be received and adopted.

Resolution

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

CARRIED

4 REPORTS

4.1 Council Workshops - December 2019

Executive Summary

The Council conducted a workshop on 3 December 2019 with a range of policy and operational issues discussed.

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

Recommendation

That the report on the Council workshop held on 3 December 2019 be received and noted.

Resolution

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

CARRIED

4.2 Caretaker Period - 2020 Local Government Elections

Executive Summary

Recent changes to the *Local Government Act 2009* have introduced new requirements in relation to the types of decisions that can be made during the Caretaker Period. This period commences on the day that the public notice of the election is published by the Electoral Commission Queensland (ECQ) and concludes at the declaration of the poll.

During this period the Council is not able to make 'major policy decisions'. The definition of a major policy decision has been extended as a result of the recent legislative changes. If a major policy decision is made during this period then the decision will be invalid unless Ministerial approval has been obtained prior to making the decision.

Restrictions also apply to the publication of material by Council during this period, with the publication of 'election material' being prohibited. Election material is broadly defined as anything that could influence an elector voting at an election or affect the result of an election.

Recommendation

That Council note the report by the Chief Executive Officer on recent changes to the *Local Government Act 2009* relating to major policy decisions that cannot be made during the Caretaker Period unless Ministerial approval has first been obtained.

Resolution

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

CARRIED

4.3 Council Meeting Dates - March 2020

Executive Summary

The Council's current meeting cycle is to hold two ordinary meetings each month with the exception of January and December each year. If this cycle is followed then in March this year ordinary meetings would be held on 10 and 24 March 2020.

The 2020 Local Government election will be held on Saturday, 28 March 2020 and pre-poll voting is likely to commence in the two weeks leading up to this date. If a council meeting was held on 24 March it will be during this pre-poll period and just a few days prior to polling day on 28 March.

In light of this it is proposed that only one ordinary meeting be held in March this year on Tuesday, 10 March 2020.

Recommendation

That Council hold only one ordinary meeting in March this year on Tuesday 10 March, 2020 given the timing of the 2020 Local Government election and the pre-poll voting period.

Resolution

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

CARRIED

5 GOVERNANCE

5.1 Councillor Remuneration Determination 2019

Executive Summary

The Local Government Remuneration Commission (Commission) is an independent entity established under the *Local Government Act 2009* (Act). The Commission replaces the previous Local Government Remuneration and Discipline Tribunal and the Local Government Remuneration Tribunal. On 29 November 2019, the Commission concluded its review of the categories of local governments and the assignment of local governments to categories. In addition, the Commission determined the levels of remuneration for mayors, deputy mayors and councillors to be applied from 1 July 2020.

Recommendation

That Council notes the attached Local Government Remuneration Commission Annual Report 2019.

Resolution

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

CARRIED

9.24am – Mrs. Olsen entered the meeting.

5.2 Edmund Rice Education Australia Youth + Institute - Proposal for long-term Trustee Lease - Baywatch Site - Ayr Racecourse Reserve

Executive Summary

Council is requested to consider a proposal put forward by Edmund Rice Education Australia Youth+ Institute for the organisation to enter into a long term Trustee Lease with Council over the Baywatch site at the Ayr Racecourse Reserve (part Lot 1 on GS95 – Reserve for Sport

and Recreation – 1-45 Cunningham Street, Ayr) for the purpose of establishing a flexible learning centre for youth.

Recommendation

That Council enters into a Trustee Lease with Edmund Rice Education Australia Youth+ Institute for a term of 20 years over the “Baywatch Site” at the Ayr Racecourse Reserve described as part Lot 1 on GS95, Reserve for Sport and Recreation subject to, but not limited to, the usual terms and conditions set by Council and the Department of Natural Resources, Mines and Energy, for the purpose of establishing a flexible learning centre for youth.

Resolution

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

CARRIED

5.3 Proposal from Burdekin PCYC and Burdekin Academy to "Swap" Venues

Executive Summary

Council’s 10-year Sport and Recreation Plan confirmed that Council staff should work with relevant parties to facilitate a ‘venue swap’ between Burdekin Academy Inc. and Burdekin PCYC.

At its meeting of 12 November 2019, Council resolved to:

1. Terminate its Management Agreement with the Queensland Police-Citizens Youth Club for the use of the Multi-Purpose Hall at the Ayr Showgrounds acknowledging that this agreement is due to expire on 31 March 2020;
2. Offer no objection to Burdekin PCYC entering into a hire agreement with Burdekin Fitness Hall Inc. for the purpose of relocating its boxing activities;
3. Enter into a Trustee Lease with Burdekin Academy Inc. for a term of five years over the Multi-Purpose Hall at the Ayr Showgrounds subject to, but not limited to:
 - a. The usual terms and conditions set by Council and the Department of Natural Resources, Mines and Energy;
 - b. Additional conditions as agreed upon by Council and the Lessee in relation to the use of the Hall, building maintenance, and in particular the availability of the Hall during the Burdekin Annual Show and in the event of a disaster.
4. Apply the exception under Section 236(1)(b)(ii) of the *Local Government Regulation 2012* to allow the disposal of a valuable non-current asset (Multi-Purpose Hall – Ayr Showgrounds) other than by tender or auction.
5. Agree to the renewal of the Trustee Lease held by the Queensland Police-Citizens Youth Club over the Multi-Tenant Service Centre (Macmillan Street, Ayr) for a term of ten years subject to the existing terms and conditions.

Subsequent to the 12 November 2019 decision, staff have worked with representatives from Burdekin Academy Inc. and have executed a Management Agreement between Council and Burdekin Academy Inc.

The purpose of this report is to provide an update on the project and seek Council's endorsement of staff actions taken to facilitate the venue swap.

Recommendation

That Council note the contents of this report and endorse the actions undertaken by staff to facilitate the venue swap between Burdekin PCYC and Burdekin Academy Inc.

Resolution

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

CARRIED

6 ENVIRONMENTAL AND HEALTH SERVICES

7 CLIENT SERVICES

8 FINANCIAL & ADMINISTRATIVE SERVICES

8.1 Monthly Financial Report for Period Ending 31 December 2019

Recommendation

That the monthly financial report for Period Ending 31 December 2019 be received.

Resolution

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

CARRIED

9.33am – Mr. Pearce entered the meeting.

9.40am – Mrs. Olsen left the meeting.

9 OPERATIONS

10 TECHNICAL SERVICES

9.47am – Mr. Cornwell entered the meeting.

11 PLANNING & DEVELOPMENT

11.1 Development Application for Reconfiguring a Lot (1 into 6 Lots) at 20-26 Patricia Road, Ayr (Lot 29 on RP744911)

Executive Summary

A Development Application has been received from BNC Planning on behalf of their client Gordon Wood seeking approval for Reconfiguring a Lot (1 into 6 Lots) at 20-26 Patricia Road (Lot 29 on RP744911). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire Council's IPA Planning Scheme (*the Scheme*). Given the 'Rural' zoning, it is considered that the application to subdivide does not meet specific requirements of the scheme. Therefore, refusal of the application is recommended.

Recommendation

That Council refuse the Development Application for Reconfiguring a Lot (1 into 6 Lots) at 20-26 Patricia Road (Lot 29 on RP744911) based on the following grounds:

- The proposed development compromises the achievement of specific Desired Environmental Outcomes (DEO's) contained within the Burdekin Shire Council's IPA Planning Scheme.
- The development proposed has not demonstrated sufficient grounds in the public interest to justify or override the identified conflicts with the Burdekin Shire Council's IPA Planning Scheme and in particular the Reconfiguration of a Lot Code and Rural Zone Code.
- The development proposed conflicts with the Burdekin Shire Council's IPA Planning Scheme and pre-empt the planning process for expansion of the urban footprint.
- The development proposed is not located in an area planned to benefit from all relevant urban infrastructure and current planning assumptions. The proposal may require out of sequence infrastructure upgrades, which have not been considered for funding trunk infrastructure. Consequently, the proposal conflicts with the provisions of the Scheme.

Resolution

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

FOR: Councillors McLaughlin, Perry, Liessmann, Woods, Goddard and Bawden

AGAINST: Councillor Bonanno

6v1

CARRIED

10.00am – Mr. Pearce left the meeting.

12 COMMUNITY DEVELOPMENT

Councillor Goddard - Perceived Conflict of Interest

Background Information

Councillors discussed the possible Perceived Conflict of Interest by Councillor Goddard in item 12.1 as he is currently the Secretary of the Burdekin Touch Football Association, which is one of the sporting clubs in the Anzac Park Precinct.

Resolution

Moved Councillor Woods, seconded Councillor Perry that Council acknowledge Councillor Goddard has a Perceived Conflict of Interest in relation to item 12.1, as he is the current Secretary of the Burdekin Touch Football Association, however it determined that he remain in the meeting room for discussion and voting on the item, as the master plan is a strategic document and does provide direct benefit or disadvantage to any one sporting group in the Anzac Park Precinct.

CARRIED

12.1 Anzac Park Master Plan

Executive Summary

Council at its meeting of the 27 February 2018, resolved to prepare a master plan of the ANZAC Park to provide a multi-purpose sport and recreation precinct. As part of the adoption of the 2018/19 Budget, Council provided \$44,800 for this project.

The 17.5 -hectare precinct has a variety of community sporting groups utilising the space and a strategic masterplan will enable identified optimal use and provide a tool to leverage external funding sources including relevant grants for both Council and sporting groups.

In September 2018 consultants were invited to quote for the provision of a master plan and in December 2018 Ross Planning Pty Ltd was appointed to undertake stakeholder engagement and to prepare the masterplan for adoption.

The purpose of this report is to seek Council's endorsement for the adoption of the ANZAC Park Master Plan as prepared by Ross Planning.

Recommendation

That Council adopts the ANZAC Park Master Plan prepared by Ross Planning Pty Ltd as attached to this report.

Resolution

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

FOR: Councillors McLaughlin, Bonanno, Perry, Woods and Goddard

AGAINST: Councillors Liessmann and Bawden

5v2

CARRIED

10.24am – Meeting adjourned for morning tea.

10.24am – Mr. Cornwell left the meeting.

10.55am – Meeting recommenced.

13 ECONOMIC DEVELOPMENT

14 NOTICES OF MOTION

15 CORRESPONDENCE FOR INFORMATION

16 GENERAL BUSINESS

16.1 Approved Leave of Absence - Councillor Woods - 14 to 25 February 2020

Resolution

Moved Councillor Goddard, seconded Councillor Perry that Councillor Woods be granted a leave of absence from 14 to 25 February 2020.

CARRIED

16.2 Councillor Goddard - Shade Coverage - Plantation Park Nature Based Play Space

Resolution

Moved Councillor Goddard, seconded Councillor Liessmann that Council list possible shade coverage for Plantation Park's Nature Based Play Space for future budget discussions.

CARRIED

16.3 Councillor Goddard - Road Access Complaint - Evans Street Brandon

Councillor Goddard advised that he had raised a Customer Request in relation to issues with the access into Newton Lane from Evans Street, Brandon. The matter has been investigated by the Design Section; they have advised that a project will be listed for assessment as part of the capital budget process for the 2020/2021 budget.

16.4 Councillor Liessmann - Drainage - Third Avenue, Home Hill

Resolution

Moved Councillor Liessmann, seconded Councillor Woods that Council list drainage of Third Avenue, Home Hill for future budget considerations.

CARRIED

16.5 Thanks and Appreciation to Council Staff - House Fire - Sydney Street, Ayr

Resolution

Moved Councillor Goddard, seconded Councillor Bawden that Council pass on its thanks and appreciation to the Council staff involved with assisting fire and emergency crews at the house fire in Sydney Street, Ayr on 20 January 2020.

CARRIED

17 CLOSED MEETING ITEMS

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

Resolution

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

- Ayr Water Supply Issues

CARRIED

Council Meeting opened to Public

Resolution

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

CARRIED

18 DELEGATIONS

There being no further business the meeting closed at 12.25pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 11 February 2020.

MAYOR

