CLONCURRY SHIRE COUNCIL
ORDINARY MEETING MINUTES
16 March 2010

Minutes of the Ordinary Meeting of the Cloncurry Shire Council held in the Council Chambers, Cloncurry on Tuesday 16 March 2010.

1.0 OPENING OF MEETING

The meeting opened at 9:25am.

2.0 PRESENT

Cr Greg Campbell (Deputy Mayor);Cr Colin Ferguson Cr Bob McDonald; Cr Lynne Vernon; Mr Graham King (Chief Executive Officer); and Mrs Joanne Green (Minute Clerk).

Due to Councillor Daniels absence, Councillor Campbell assumed the Chair.

Council's Town Planning and Building Administration Officer, Mrs Karen Bowman entered the Chambers at 9:27am.

3.0 LEAVE OF ABSENCE/CONDOLENCES

Apologies were received from Cr Andrew Daniels (Mayor).

Moved: Cr McDonald **Seconded: Cr Campbell**
That a Leave of Absence be granted to Mayor Daniels.
CARRIED: 01.100316

Condolences were offered to the family of Mr Eric Dresman.

4.0 DEPUTATIONS

The Chief Executive Officer advised that the following deputation will be attending the meeting:-

⇒ *Mrs Kirsten Westerman and Ms Carlie Remfrey would be attending the meeting at 12:30 pm to provide Council with a presentation on the Merry Muster.*

5.0 MAYOR'S REPORT

Cr Campbell provided a verbal report on the Mayor's behalf. Items discussed included: Hospital meeting at 2pm and donation to Tricia Marsh – World's Greatest Shave

Moved: Cr Vernon **Seconded: Cr McDonald**
That Council donates $200 to Tricia Marsh as part of the Leukaemia Foundations "World's Greatest Shave".
CARRIED: 02.100316

6.0 COUNCILLORS' REPORTS

⇒ *Cr Ferguson: -.Mayors Breakfast, 14th Suncorp North Queensland Games*

Moved: Cr Vernon **Seconded: Cr McDonald**
That Cr Ferguson be delegated to attend the 14th Suncorp North Queensland Games being held in Cairns from 8 to 12 April, 2010.
CARRIED: 03.100316

⇒ *Cr McDonald: - Mayor's Breakfast.*
⇒ *Cr Vernon:- Saleyards*

7.0 CONFIRMATION OF MINUTES

7.1 Minutes from the Ordinary Meeting on 2 March 2010

Moved: Cr Vernon **Seconded: Cr McDonald**
That the minutes of the Ordinary Meeting held on 2 March 2010 be confirmed.
CARRIED: 04.100316

8.0 ITEMS DEFERRED FROM PREVIOUS MEETINGS

8.1 Cloncurry Recreation Grounds – Masterplan – referred to Ordinary Council Meeting 6 April 2010.
8.2 Applications for Conversion of Special Lease Land to Freehold on Lot 23 on CP896272 Parish of Cloncurry – refer to item 9.1

9.0 TOWN PLANNING, BUILDING & DEVELOPMENT REPORT

9.1 Application for Conversion of Special Lease Land to Freehold on Lot 23 on CP896272 Parish of Cloncurry

Moved: Cr McDonald **Seconded: Cr Vernon**
That Cloncurry Shire Council is in support of the above conversion to freehold land, but it should be noted that Council is in the process of making amendments to Council's current Town Planning Scheme, adopted on 1 October 2003, to rezone the current Town Planning Zoning's over several parcels of land located with in the Township of Cloncurry, the parcel in question is currently zoned as General Business and Industry. Council is looking at rezoning this land and the several parcels of land surrounding this land to Rural Residential. Once Council has completed the necessary requirements including Public Notification for the amendments Council will notify the Department of Environment and Resource Management in writing at a later date advising of the changes.
CARRIED: 05.100316

9.2 Development Application TP21/09-2 Material Change of Use (Additional Dwelling House) Lot 2 on SP185399 Musgrave Street Cloncurry

Moved: Cr McDonald **Seconded: Cr Ferguson**
The Development Application for a Material Change of Use (Additional Dwelling Houses) be approved subject to the attached conditions:

DEVELOPMENT PERMIT
MATERIAL CHANGE OF USE - (ADDITIONAL DWELLING HOUSE)
SCHEDULE OF CONDITIONS

1. Approved Plan

a) The development must generally comply with the Site Plan of Lot 2 on SP185399 as referenced in the table below, which forms part of this application, except as otherwise specified by any condition of this approval.

Drawing Name	Drawing No.	Plan Date
Site Plan of Lot 2 on SP185399	TP21/09-2 Issue A	5 March 2010

b) The proposed development must comply with all Planning Scheme requirements as applying at the date of this application, except as otherwise specified by any condition of this approval.

c) Onefull set of the most up to date approved plans must be held on site, and available for inspection, for the duration of the construction phase.

2. Boundary Clearances

a) All buildings and structures for Proposed Lot 2 shall be designed and sited generally in accordance with the approved plan.

3. Building Height

a) Buildings do not exceed 2 storeys in height or 8.5 metres above natural ground level.

4. Water Supply

a) The development must be serviced by Council's reticulated water supply network.

5. Sewerage Disposal

a) An appropriate on-site sewerage and waste water disposal system shall be installed for the additional dwelling. The system shall demonstrate disposal can be achieved in accordance with the Queensland Plumbing and Waste Water Code, the Department of Natural Resources and Mines Approved On-site Sewerage Treatment Systems and to the satisfaction of Council. Under the Plumbing and Drainage Act 2002 application must be made to Council before any building work or installation of an on-site treatment plant can be carried out.

6. Electricity and Telecommunication Supply

a) The development must be provided with connection to the reticulated electricity supply network.

b) The development must be provided with connection to the telecommunications network.

c) A certification of compliance must be provided from the relevant authority prior to the commencement of the use.

7. Relocation and Provision of Utilities

a) The developer must be responsible for any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development at no cost to Council.

8. Soil Erosion Minimisation, Sediment Control and Dust Control

a) During the construction phase of this development the developer must be responsible for

the installation and maintenance of adequate erosion and sediment control management, so as to achieve compliance with Acceptable Solution A2.1 of the Filling and Excavation Code.

b) During the construction phase of this development the developer must be responsible for adequate mitigation measures being put in place for the suppression of dust so as not to cause a nuisance to neighbouring property.

9. Stormwater Drainage

a) The development site must be graded so that it is free-draining. All runoff from storms naturally falling onto this development site (including roof runoff) must be collected within the property boundaries and discharged to the lawful point of discharge as agreed upon by Council. The developer must ensure that no ponding of stormwater occurs on adjacent allotments and that no stormwater formerly flowing onto this development site is diverted onto other neighbouring allotments.

b) Overland flow paths must be designed so as not to directly or indirectly cause nuisance to a downstream or adjoining property.

10. Building Platform

a) A suitable building platform in accordance with Acceptable Measure A7.1 of the Rural Residential Planning Area Code is available.

b) The building platform shall be sited generally in accordance with the location shown on the approved plan.

c) The habitable floor level of any residential building must be 300mm above the Q50 level.

11. Access

Access to dwellings shall be designed by a suitably qualified person to ensure crossing of any intermittent watercourse is of a standard to allow all weather access. The works does not result in the ponding of water or interfering with the natural flow of water across the subject land or adjacent land.

a) Access to dwellings on Lot 2 shall be appropriately designed and constructed with suitable material to ensure all weather access and minimal dust emission.

b) The easement access shall be appropriately designed and constructed with suitable material to ensure all weather access and minimal dust emission.

ADVICE

1. Payment of Rates, Charges and Expenses

a) Prior to the commencement of the use, payment is required of any outstanding rates or charges levied by the Council or any expenses being a charge over the subject land.

2. Satisfaction of Approval Conditions

a) Unless explicitly stated elsewhere in this permit, all requirements of the conditions of this approval must be satisfied prior to the commencement of the use.

3. Limitation of Approval

a) The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the application including its supporting material provided to it by the applicant.

The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the application and supporting material as constituting a representation by the applicant as to its accuracy and completeness. Insofar as the application and its supporting material may be incomplete and/or inaccurate giving rise to any claim by a third party the applicant agrees to indemnity and save the Council harmless in respect of any claim so arising.

CARRIED: 06.100316

Items 9.4 & 9.5 brought forward for discussion

9.4. Development Permit TP20/09 for Material Change of Use Preliminary Approval to Override the Planning Scheme (Residential Planning Area to Town Centre Planning Area

Moved: Cr Vernon Seconded: Cr Ferguson

The Development Application Material Change of Use for Preliminary Approval to override the Planning Scheme (Residential Planning Area to Town Centre Planning Area) on land at Daintree Street, Cloncurry and described as Lot 136 on C1961, be approved subject to conditions.

PRELIMINARY APPROVAL
MATERIAL CHANGE OF USE
(RESIDENTIAL PLANNING AREA TO TOWN CENTRE PLANNING AREA)
SCHEDULE OF CONDITIONS

1. The material change of use (preliminary approval) relates to the change in the use rights from the 'Residential' Planning Area to use rights in accordance with the 'Town Centre' Planning Area of the Cloncurry Shire Council Planning Scheme 2003.

Any subsequent development applications will be assessed against the applicable provisions of the Cloncurry Shire Council Planning Scheme 2003 for the 'Town Centre' Planning Area.

CARRIED: 07.100316

9.5. Freeholding State Land – Native Title Compliance – For Steele Street 4 Parcels of Vacant Land

Moved: Cr Vernon Seconded: Cr McDonald

That Council proposes to compulsorily acquire any and all native title rights and interests over Lot 38 on RP703327, Lot 39 on RP703327, Lot 40 on RP703327 and Lot 41 on RP703327 for the purpose of alienating the land in fee simple by the State of Queensland to Cloncurry Shire Council pursuant to the *Land Act, 1994* for land development (residential) purposes as specified in a draft Notice of Intention to Compulsorily Acquire Native Title Rights and Interests tabled at Council's ordinary meeting on 16 March 2010 and Council authorises service of a Notice of Intention to Acquire Native Rights and Interests in order to commence the compulsory acquisition process."

CARRIED: 08.100316

Moved: Cr McDonald **Seconded: Cr Vernon**
Council delegates authority to the Chief Executive Officer to attend, on Council's behalf, the objection meeting to be held in relation to the proposed native title compulsory acquisition initiated by way of the Notice of Intention to Compulsorily Acquire Native Title Rights and Interests considered in draft at Council's ordinary meeting on 16 March 2010."
CARRIED: 09.100316

9.3. Town Planning Fees and Charges adopted at Council Special Meeting 23/06/2009

Moved: Cr Vernon **Seconded: Cr Ferguson**
The following recommendations are provided for Council's consideration:

1: Advertise for a Town Planning Graduate, so as majority of the development application can be dealt with in house, in return will reduce consultant fees and help reduce Council fees and charges.

2: Seek more information in implementing smart EDA (electronic development application on line) to help assist Council in processing development application in house, which in return will reduce fees charges to Council and again help reduce fees and charges for 2010/2011 financial year.

3: Amend Council current fees and charges clearly outlining that Commercial Use, General Industry/ Low Impact Industry & Special Industry sections are gross floor and not land size charges.

4: Amendment to Council current fees and charges units numbers from 2 to 1 for Commercial Use, General Industry/ Low Impact Industry for each 100m2 of area or part thereof exceeding 2500m2 to be as followed: unit 1 at $80.00 unit rate = new rate $80.00.

5: Amendment to Council current fees and charges schedule for Special Industry to co-inside with General Industry/ Low Impact Industry schedule of fees and charges

6: Amendment to Council current fees and charges to include a clause to set a interim fee of $10,000.00 for a Material Change of Use Application therefore to be properly made as prescribed under the Sustainable Planning Act 2009 and allows the assessment process to commence. Should the applicant not be satisfied with the quantum of the fee then this can be negotiated with Council during the application processing period.
CARRIED: 10.100316

The Town Planning and Building Administration Officer, left the Chambers at 10:19 am.

The Manager Environmental Health, Water & Sewerage Services, Shane Noon, entered the Chambers at10:20 am to provide his report.

10.0 ENVIRONMENTAL HEALTH, WATER AND SEWERAGE REPORT

10.1. Environmental Health Report – General

Noted by Council.

10.2. Cloncurry Waste Collection

Moved: Cr Campbell **Seconded: Cr Vernon**
That Council instigates the costing of the internal provision of waste removal services.
CARRIED: 11.100316

10.3. Cloncurry Waste Facility

Noted by Council.

10.4. Cloncurry Waste Facility Recycling

Noted by Council.

10.5. Town Animals

Noted by Council.

10.6. Mosquito Treatment

Noted by Council.

10.7. Stock Routes and Declared Pests

Noted by Council.

10.8. Cemeteries

Moved: Cr Vernon **Seconded: Cr Ferguson**
That Manager of Environmental Health, Water & Sewage Services investigates the costing of the provision of a memorial wall at the old Cemetery.
CARRIED: 12.100316

The Manager Environmental Health, Water & Sewerage Services, left the Chambers at 10:45 am.

The meeting adjourned at 10:45 am and reconvened at 11:00 am.

The Manager of Operations, Mr Tom Arnold, entered the Chambers at 11:00.am to provide his report.

11.0 ENGINEERING (WORKS) REPORT

11.1 Works Report - General

Noted by Council.

11.2. Application by Roy Girle and Co for AAB Road Train Access

Moved: Cr McDonald **Seconded: Cr Vernon**
That the application from Roy Girle and Co for AAB quad type road trains to access Ernest Henry and the Malbon to Selwyn Roads be approved.
CARRIED: 13.100316

Moved: Cr McDonald **Seconded: Cr Campbell**

That Council write to the Department of Main Roads expressing concern on the condition of the shoulders on the Cloncurry Dajarra Road especially south of the Barkly Highway.
CARRIED: 14.100316

11.3. Cement Australia Application for increased Mass Limits at Round Oak Road

Moved: Cr Ferguson Seconded: Cr Vernon
That Council approve the application from Cement Australia for increased road train limits on Round Oak Road.
CARRIED: 15.100316

11.4. Works Program for Road Related Jobs 2009-2010 & 2011 NDRRA carry-over as at 1 March 2010

Moved: Cr Ferguson Seconded: Cr McDonald
That the Works Program for Road related jobs 2009-2010 & 2011 NDRRA carry-over as at 1 March 2010 be received.
CARRIED: 16.100316

Item 16.1 In Committee Matter Report brought forward for discussion.

Cr Vernon declared a material personal interest in the following matter and left Chambers at 11:14am.

Mrs Joanne Green declared a conflict of interest and left the Chambers at 11:14am.

Moved: Cr McDonald Seconded: Cr Ferguson
That Council resolve to close the meeting at 11:14am in accordance with Section 463 of the *Local Government Act 1993* for consideration of Item 16.1 - Contract proposed to be made by Council.
CARRIED: 17.100316

Moved: Cr McDonald Seconded: Cr Ferguson
That Council resolve to open the meeting at 11:49am.
CARRIED: 18.100316

Mrs Joanne Green re-entered the Chambers at 11:50am

Moved: Cr McDonald Seconded: Cr Ferguson
That Council enters into an agreement, to Council's satisfaction, with CuDeco Ltd to upgrade the Corella Park Road.
That Council engages LCJ Engineers on an "as required" basis to carry out any engineering requirements deemed necessary.
That Council carries out the upgrade project.
CARRIED: 19.100316

Councillor Vernon re-entered the Chambers at 11:51am.

The Manager of Operations left the Chambers at 11:53.am.

The Manager Community Development, Karen Elphick, entered the Chambers at 11:55.am to provide her report.

12.0 COMMUNITY DEVELOPMENT

12.1 Community Development Report

Moved: Cr Ferguson **Seconded: Cr Vernon**
That Council provide the residence at 19 McKinlay Street to Flinders Medical Centre, for the housing of the new doctor, for nil rent as per the rental agreement.
CARRIED: 20.100316

12.2 John Flynn Place

Moved: Cr Ferguson **Seconded: Cr Campbell**
That Council supports a Local Ambassador Program allowing free entry to residents of the 4824 postcode on proof of residency for John Flynn Place and Mary Kathleen Park Museums.
CARRIED: 21.100316

12.3 Mary Kathleen Park Museum and Information Centre

Noted by Council.

12.4 Community Housing Report

Noted by Council.

12.5 Cloncurry Multifunctional Childcare Report

Noted by Council.

12.6 Cloncurry Library

Noted by Council.

12.7 Outdoor Furniture Various Locations in Cloncurry

Noted by Council.

12.8 Sport and Recreation Funding – Local Sport & Recreation Jobs Plan

Moved: Cr Vernon **Seconded: Cr Ferguson**
That Council support a funding application being submitted under the Local Sports and Recreation Jobs Plan for the maximum of $52,000 per year for 3 years.
CARRIED: 22.100316

12.9 Sport and Recreation Funding – Infrastructure Program

Moved: Cr Ferguson **Seconded: Cr Vernon**
That Council support four applications being completed for stage one developments for the Recreation Grounds and new Equestrian Centre.
CARRIED: 23.100316

12.10 Community Development Financial Report

Noted by Council.

Item 13.2 brought forward for discussion.

13.2 Cloncurry Swimming Pool Report for February 2010

Noted by Council.

The deputation from the Merry Muster of Ms Karly Remfrey and Mrs Kirsten Westerman entered the meeting at 12:35pm to present the Gold Sponsors Award to Council.

The meeting adjourned at 12:39 pm. The Manager Community Development and deputations left the Chambers at 12:59 pm.

Meeting reconvened at 1:00pm with Cr Ferguson, Cr McDonald, Cr Vernon, Mr Graham King, and Mrs Joanne Green in attendance.

The Workplace Occupational Health and Safety Officer, Max Gehring, entered the Chambers at 1:01pm to provide his report.

13.0 ADMINISTRATION REPORT

13.1 Workplace Health and Safety Report

Noted by Council.

The Workplace Occupational Health and Safety Officer left the Chambers at 1:10 pm.

13.3 Special Projects Managers Report

Noted by Council.

The Accountant, Arminda David, entered the Chambers at 1:15pm to provide her report.

14.0 FINANCE REPORT

Item 14.1 deferred until later in the meeting.

14.2. Financial Reports to 28 February 2010

14.3. Financial Matters Report as at 28 February 2010

Moved: Cr McDonald Seconded: Cr Campbell
That the Financial Report Item 14.2 and Financial Matters Report Item 14.3 for the month ending 28 February, 2010 be received.
CARRIED: 24.100316

14.4. Queensland Treasury Corporation (QTC) Cash Fund Account Statement February 2010

Noted by Council.

14.1. Schedules of Payments – February 2010

Moved: Cr Campbell Seconded: Cr McDonald
That payment vouchers E11648 to 11826 and cheques 46896 to 46916 be approved for payment
CARRIED: 25.100316

The Accountant left the Chambers at 1:47 pm.

15.0 CORRESPONDENCE REPORT

Deferred until later in the meeting.

17.0 CHIEF EXECUTIVE OFFICER REPORTS

17.1 Proposed Industrial Estate Railway Street Cloncurry

Moved: Cr Vernon Seconded: Cr Campbell
That Council engage LCJ Engineers at a cost of $8,000 to undertake the Development Application for Reconfiguration of Lot 1 on CP865784 and survey site levels, as per their letters of 9th March and Email 11 March 2010 and further that Council engage a Registered Valuer to provide an estimated market value of for Stage One of such development.
CARRIED: 26.100316

17.2 Local Government Act 2009 – Implementation of Statutory Requirements.

Deferred until next meeting

15.0 CORRESPONDENCE REPORT

15.1 General Documents/Correspondence received.

Noted by Council.

15.2. LGAQ Meeting With The Premier

Noted by Council.

15.3. Invitation – Royalties For Regions Queensland Workshop

Noted by Council.

15.4. Queensland Audit Office – Engagement Letter

Noted by Council.

15.5. Invitation To Attend 2010 LGAQ Civic Leaders Summit – 28-30 April 2010

Noted by Council.

15.6. Invitation To Attend Local Government Infrastructure & Planning Symposium 2010

Noted by Council.

15.7. North Queensland Local Government Association (NQLGA) – Notice of Conference – 5 – 7 May 2010 – Normanton

Noted by Council, with Councillors to advise CEO if they wish to attend.

15.8. Western Queensland Local Government Association – Invitation to 74 Annual Conference Boulia 5-7 May 2010

Noted by Council.

15.9. Developing Australia's North 2010 - Conference – Cairns 28-20 April 2010

Noted by Council.

15.9. Leukaemia Foundation Worlds Greatest Shave – Donation Request

Item discussed during the Mayors report

18.0 GENERAL BUSINESS

18.1. Northern Outback Development Forum – 5 May 2010 - Normanton

Moved: Cr McDonald **Seconded: Cr Vernon**
That Council support the Northern Outback Development Forum by way of a financial contribution of $1500 plus GST.
CARRIED: 27/100316

The meeting concluded at 2:05pm.