

SHIRE OF



Flinders Shire Council

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Cr Arthur William (Bill) Bode
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Cr Barbara L Geisler
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Cr Jane G Charuba
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FLINDERS SHIRE COUNCIL MINUTES 13 SEPTEMBER 2012 AT 10.00 AM COUNCIL BOARDROOM

1. SUBJECT

OPENING BUSINESS

- 1.1 Present
- 1.2 Apologies
- 1.3 Confirmation of Minutes
- 1.4 Obligations of Councillors
 - 1.4.1 Material Personal Interest (MPI) Section 172
Local Government Act 2009
 - 1.4.2 Conflict of Interest (COI) Section 173
Local Government Act 2009
 - 1.4.3 Closed Meeting Discussion Items - Section
72 Local Government (Operations)
Regulation 2010
- 1.5 Petitions
- 1.6 Condolences

2. REPORTS

- 2.1 CHIEF EXECUTIVE OFFICER
 - 2.1.1 Official Documents
 - 2.1.2 Legal Affairs and Community Safety
Committee – Queen's Birthday Public Holiday
Committee
 - 2.1.3 Nomination - President LGAQ Executive
 - 2.1.4 Gilkerson Legal – Draft ILUA
 - 2.1.5 Queensland Events Conference-
Sponsorship of Community Members
 - 2.1.6 Christmas Street Decoration Options
 - 2.1.7 Local Government Remuneration and
Discipline Tribunal – Opportunity for a
Submission
 - 2.1.8 HAPA – Official Name
 - 2.1.9 Approval to Keep Three Dogs (Assessment
10009892)

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2.2 DIRECTOR CORPORATE SERVICES

- 2.2.1 Financial Statements to the 31 August 2012**
- 2.2.2 Draft Financial Statements Year ended 30.06.2012**
- 2.2.3 2012-2013 Budget**
- 2.2.4 Hughenden Chamber of Commerce - Sponsorship Hughenden Expo**
- 2.2.5 Hughenden Country Music Association - Sponsorship**
- 2.2.6 The Flinders Crier Media Group Inc - Sponsorship**
- 2.2.7 Valuer-General – State Valuation Office**
- 2.2.8 Request to Hire Council Owned Generator**
- 2.2.9 Flinders Horse Sports Inc**

2.3 DIRECTOR OF ENGINEERING

- 2.3.1 Retabled Item – Carter Sheds Pty Ltd on behalf of Applicant (File 1.03.A03.54 – Lot 56 on Registered Plan 704782, Parish of Hughenden)**
- 2.3.2 Show Cause Notice Assessment 10006799**
- 2.3.3 Tender FSC2012-08-01 Maintenance Grading Contract South East Sector**
- 2.3.4 Show Cause Notice –Assessment 10001238**
- 2.3.5 Material Change of Use – Dwelling House FSC55 – RL & KL Mills**

3 CRIER NOTES

4 CLOSURE AND PROPOSED MEETING CALENDAR

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1. OPENING BUSINESS

Cr Greg Jones (Mayor) opened the meeting with the Council Prayer at 10.02 am.

*Lord,
Please guide and direct us,
In that the decisions to be made,
Will be for the benefit,
Of our whole community*

Amen

1.1 PRESENT

Mayor	Gregory John Jones
Deputy Mayor	D. Ninian Stewart-Moore
Councillor	Arthur William (Bill) Bode
	Barbara Lee Geisler
	Sean Michael O'Neill
	Shane Thomas McCarthy
	Jane Gladys Charuba
Staff	
Stephen McCartney	Chief Executive Officer
Stephen Turner	Director of Engineering
Leanne Rogers	Director Corporate Services

1.2 APOLOGY

Nil

1.3 CONFIRMATION OF MINUTES

Moved Cr Ninian Stewart Moore

Seconded Cr Barbara Geisler

That the Minutes of the Ordinary Meeting of Council held 16 August 2012 be taken as read and signed as correct.

Carried

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1.4 OBLIGATIONS OF COUNCILLORS

1.4.1 Material Personal Interest (MPI) Section 172 Local Government Act 2009

Involves the ability for you or an associate to *gain a material benefit or suffer a material loss as a result of a decision that is made*. It includes interests that arise from personal or family relationships. These interests must be disclosed prior to the item to be discussed and you must leave the room. A record will be recorded at the item and in the MPI Register.

1.4.2 Conflict of Interest (COI) Section 173 Local Government Act 2009

Exists whenever there is a *disparity between your personal interest and the public interest*. E.g. member of a sporting club, family interests or other emotional ties. These interests must be disclosed prior to the item to be discussed. A record will be recorded at the item and in the COI Register. The Councillor will then decide whether to stay or leave the meeting.

1.4.3 Closed Meeting Discussion Items

Items to be considered in Closed Session will be listed and marked accordingly.

This section of the Agenda is for those items deemed necessary for discussion in a meeting Closed to the Public in accordance with Local Government (Operations) Regulation 2010 – Chapter 5 Administration – Part 2 Local Government meetings and committees –

- (1) A local government or committee may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to close the meeting to discuss –
 - a. the appointment, dismissal or discipline of employees; or
 - b. industrial matters affecting employees; or
 - c. the Local Government Budget; or
 - d. rating concessions; or
 - e. contracts proposed to be made by it; or
 - f. starting or defending legal proceedings involving it; or
 - g. any action to be taken by the Local Government under the Planning Act, including deciding applications made to it under that Act; or
 - 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.
- (2) However, a Local Government or Committee cannot resolve that a meeting be closed to the public if any person is to take part in the meeting by teleconferencing.

1.5 PETITIONS

Nil

1.6 CONDOLENCES

Condolences to be sent to Cr Jane Charuba and her husband, Don on the passing of Jane's sister, Susan Entriiken who passed away on Sunday, 9 September 2012.

NOTED

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2. REPORTS

2.1 CHIEF EXECUTIVE OFFICER

Moved Cr Jane Charuba

Seconded Cr Sean O'Neill

That the Chief Executive Officer's report as presented be received by Council.

Carried

2.1.1 OFFICIAL DOCUMENTS

Nil

2.1.2 Legal Affairs and Community Safety Committee (SF10/506)

The objective of the Holidays and Other Legislation Amendment Bill 2012 which was introduced into Parliament on the 21 August 2012 was referred to the Legal Affairs and Community Safety Committee for consideration. In 2011 there was a review of the Holidays Act 1983; community comments obtained through the review's consultation process indicated there was a majority support to move an existing public holiday to the second half of the year.

As a consequence of the 2011 review, one of the amendments made to the Holidays Act was to move the date of observance of the Birthday of the Sovereign (Queen's Birthday) public holiday from the second Monday in June to the first Monday in October.

The objective of the Bill (from 2013) is to return the Queen's Birthday Public Holiday to its original date on the second Monday in June and relocate the Labour Day public holiday from May to the first Monday in October (which is the 2012 date for the Queen's Birthday Public Holiday).

Moving the Queen's Birthday Public Holiday back to its original date of observance in June will better align Queensland Public Holidays with those of other states.

Submissions are sought on this matter.

NOTED

2.1.3 Local Government Association of Queensland – Election President Executive

The Rules of the Association provide for the election of President - for a term of four years at the Annual Conference of the Association following the Local Government Quadrennial Elections.

Member Councils have the right to nominate any person who is an elected member of Council as a candidate for the office of the President of the LGAQ and the nomination should be lodged by Friday, 21 September 2012.

NOTED

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2.1.4 Gilkerson Legal (R12/00121)

An update report is provided to Council on the status of Native Title determinations in its Local Government area and Council's participation in addressing Native Title.

There are currently three Native Title Determination Applications (claims) filed in the Federal Court of Australia that affect part of the Flinders Local Government area –

Application Name	Claim over LGA sq.kms	% of LGA covered	LGA's covered by Claim
Gudjala People	705.66	1.71%	Flinders, Charters Towers
Gudjala People 2	187.62	0.45%	Flinders, Charters Towers
Yirendali People Core Country Claim	35492.73	85.93%	Flinders, Charters Towers and Richmond

A Draft ILUA is provided for Flinders Shire Council, Charters Towers Regional Council and the Gudjala People.

Recommendation – *That the Chief Executive Officer be appointed the Contact Officer and the Chief Executive Officer, Mayor and Deputy Mayor attend negotiation meetings.*

Moved Cr Sean O'Neil

Seconded Cr Bill Bode

That the Chief Executive Officer be appointed the Contact Officer and the Chief Executive Officer, Mayor or Deputy Mayor attend negotiation meetings.

Carried

2.1.5 Queensland Events Conference

The 4th Annual Regional Events Conference will be held on the 26-28 October 2012 in Cairns. In previous years Council has offered sponsorship for up to two community members to attend the Conference. The Community Development Officer will not be available to attend this year.

Previously Council has offered to cover registration only and it is \$190 per person. However with the cost of travel and accommodation not covered we are unable to entice anyone to attend. This Conference would be of great benefit to any community member who is involved in running an event large or small.

Recommendation: *Council sponsor the costs of accommodation and registration for two people from the local community to attend the Conference. This to be advertised through a system of Expressions of Interest.*

Moved Cr Barbara Geisler

Seconded Cr Shane McCarthy

That Council sponsor the costs of accommodation and registration for two people from the local community to attend the Conference. This to be advertised through a system of Expressions of Interest.

Carried

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2.1.6 Christmas Street Decorations

Each year we hang banners for Christmas. We have been finding that the banners are fading quickly and often we lose 10–12 each year from storms and sun damage. This happened again in 2011 and 2012 and now we have to consider future options.

At the moment we currently have ten banners that are in good condition and ten banners that are badly faded but would do for 2012. We would need to purchase ten new banners to cover the thirty brackets we have. Current banners are knitted polyester and generally have a two-year life span.

After a conversation with Carroll and Richardson Flags, they produce the same banners in 800gsm vinyl double sided which is expected to last two-three years.

Option with current hardware on poles:

10	Knitted polyester banners \$115.00 + GST each (available in FB and PD styles)
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This option would mean that we will be replacing banners every year.

10 or 30	800gsm double sided banners \$220.00 + GST each (only available in the PD style with sleeves top and bottom)
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This type of banner is heavy duty but still would last approximately two-three years.

Example of styles available:

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Call for prices and sizes on 03 9566 4500



Style VF

Vertical Flags have a canvas header on the left with loops and eyelets top and bottom for attaching flag to pole.



Style FB

Flag Banners have a sleeve at the top to accommodate a pole bracket up to 50mm in diameter. They come with a canvas header on the left with eyelets top, centre and bottom for further attachment.



Style PD

Pole Drops have sleeves top and bottom to accommodate pole brackets up to 50mm in diameter.

Options with change of hardware on poles:

Pole Toppers

Decorations average \$480 + GST each
(would require 30 decorations for 15 poles)

Range in size from 5' – 9'

Brackets required \$40 each pair + GST each
(would require 30 bracket sets for 15 poles)

Would need to consider extra costs for installation of brackets and removal of old brackets

Recommendation – For decision.

Moved Cr Jane Charuba

Seconded Cr Ninian Stewart-Moore

That Council purchase half of the knitted polyester and half of the double sided 800gsm banners required to bring our stock numbers up to date. A sub-committee of Crs Gregory Jones and Jane Charuba be formed to look at future options for Christmas decorations.

Carried

The meeting adjourned for morning tea at 10.28am and resumed at 11.00am with all Councillors and Executive staff present.

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2.1.7 Local Government Remuneration and Discipline Tribunal

The Tribunal which sets the categories and remuneration for all Mayors, Deputy Mayors and Councillors of Queensland Local Governments (with the exemption of Brisbane City Council) is seeking submissions from people wanting to have a say on Councillor Remuneration for 2013.

The Tribunal would like to provide the opportunity for Councils and Councillors to raise matters with the Tribunal that they would like the Tribunal to give special consideration when making its annual determination – submissions are required by 5 October 2012.

Recommendation – *For consideration and determination.*

Moved Cr Sean O'Neill

Seconded Cr Bill Bode

That the previous range system be reinstated for Council's to consider and set the level, within the range.

Carried

2.1.8 Hughenden Aged Persons Accommodation Project

To keep the building project on track, the official names of the buildings need to be provided to the builder so they can be progressed with the suppliers and designed into the buildings.

The following major contributors from bequests are provided –

Harold Stocker CHIVERS	\$172,000
Gordon John HUGHAN	\$ 46,000

It is recommended that a generic name be used for the complex as a whole and major contributor's names could be used for the major components of the Centre, with possibly major rivers/creeks or location names used for others –

- Main Complex name
- Recreation Hall
- Dining/Kitchen
- Block A, B & C of 4 units each

Name suggestions include the following for Council consideration –

For the Main Complex name it is recommended it include the key components of the facility such as ***Hughenden or Flinders*** as the area name.

It includes accommodation, kitchen, dining and recreation rooms aimed at catering for the aged population. It would appear difficult to include all these components in the name. A generic term such as *Complex* or *Facility* or *Centre* may be better. The word *Centre* has been used for the Diggers Entertainment Centre and may provide a consistent approach to naming multi-use facilities.

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It is therefore recommended that a name such as *Flinders/Hughenden Complex/Facility/Centre for the Aged* better reflects the multi-use nature of the Centre, eg - *Flinders Centre for the Aged*.

Component names suggested to be used for the Recreation Hall and Dining/Kitchen are –

Harold CHIVERS and Gordon HUGHAN eg CHIVERS RECREATION HALL

Component names suggested for the three accommodation blocks are –

- Walker (used for Shire Office Meeting Room)
- Landsborough (used for Shire Office Meeting Room)
- Galah, Porcupine, Flinders, Lammermoor, Torrens (Torrens Creek river system), Prairie (Prairie Creek river system) or other key creek systems or land marks within the Shire.

It is recommended that Council provide some consistency across the accommodation blocks to be either river/creek names or location names etc.

Interpretation material on the names selected would be placed in appropriate areas.

Recommendation - *That Council names the overall facility with a generic style name, the dining block and recreation block after the two major bequests and the three accommodation blocks after the rivers/creeks in the Shire with further accommodation blocks built in the future to continue this standard.*

Moved Cr Barbara Geisler

Seconded Cr Bill Bode

That Council names the overall facility with a generic style name being “Hughenden Centre for the Aged; the recreation block being the “Harry Chivers Recreational Hall”, the dining block being the “Gordon Hughan Dining Hall” after the two major bequests and the three accommodation blocks after the flora in the Shire; Block A “Gidgee”, Block B “Boree”, and Block C “Coolibah”. Further accommodation blocks built in the future to continue this theme.

Carried

2.1.9 Approval to keep three dogs (Rate Assessment 10009892)

Approval is being sought to keep three dogs on property – Lot 817 on Plan T3201, Parish of Boorooman (Rate Assessment 10009892). Two dogs have been sterilised and registered with Council – It is their intention to have the third dog that belonged to their son - a three year old Kelpie / Smithfield Cross sterilised.

Comment – *The Lot is approximately 7,081m² in size. Current Local Law prohibits keeping more than two dogs on one property. These laws are due to be rewritten in the next year. Terry Feeney, Council’s Planning Consultant and the Environmental Health Officer discussed the possibility of submitting a Development Application for a Kennel under the Planning Scheme.*

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However, as the Scheme makes no reference to the keeping of domestic animals, this seems a pointless exercise. The Environmental Health Officer's recommendation would be for Council to use their discretion when making a decision on this matter. The size of the block, the distance from neighbouring properties, the type of enclosure provided and the history of any complaints about the animals should all be taken into account. Council also has the opportunity to make changes to the Local Laws when they are rewritten.

Moved Cr Bill Bode

Seconded Cr

- *That permission to house three dogs be granted provided that all three dogs are desexed.*
- *Applies to the village of Torrens Creek and the area of land is greater than 5,000m²; and*
- *If the dogs are caught wandering or complaints are received from residents, then the third dog must be removed. The property must be fenced to a dog proof standard.*

The Motion was PUT to the meeting and LOST.

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2.2 DIRECTOR CORPORATE SERVICES

Moved Cr Sean O'Neill Seconded Cr Barbara Geisler

That the Director of Corporate Services' report as presented be received.

Carried

2.2.1 Financial Statements

The Financial Statements to the 31 August 2012 were presented to the meeting in accordance with Section 152, of the Local Government (Finance, Plans and Reporting) Regulation 2010.

Recommendation – *That the Financial Statements to 31 August 2012 be accepted by Council in accordance with section 152 of the Local Government (Finance, Plans and Reporting) Regulation 2010.*

Moved Cr Sean O'Neill Seconded Cr Barbara Geisler

That the Financial Statements to the 31 August 2012 be accepted by Council in accordance with section 152 of the Local Government (Finance, Plans and Reporting) Regulation 2010.

Carried

2.2.2 Draft Financial Statements for the Year Ended 30 June 2012

In accordance with Section 161, Division 2 of the Local Government (Finance, Plans and Reporting) Regulation 2010 the Financial Statements to 30 June 2012 are presented. The Management Certificate will be signed off by the Mayor and Chief Executive Officer. The Auditor General's report will be presented to Council once it has been received.

Recommendation – *That the Draft Financial Statements to 30 June 2012 be accepted by Council in accordance with Section 161, Division 2 of the Local Government (Finance, Plans and Reporting) Regulation 2010.*

Moved Cr Bill Bode Seconded Cr Jane Charuba

That the Draft Financial Statements to 30 June 2012 be accepted by Council in accordance with Section 161, Division 2 of the Local Government (Finance, Plans and Reporting) Regulation 2010.

Carried

2.2.3 2012-2013 Budget

Consideration of Council's Budget presented by the Mayor, consisting of -

- Capital Works Program
- General Works Program
- Operational Plan
- Revenue and Expenditure
- Income Statement

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- Cash Flow Statement
- Balance Sheet
- Appropriation Statement
- Capital Funding Statement
- Statement of Changes in Equity
- Oncost Rates
- Revenue Policy
- Borrowing Policy
- Investment Policy
- Revenue Statement
- Rates and Charges
- Pensioner Rate Concessions Policy
- Code of Competitive Conduct
- Ten Year Capital Works Program
- Ten Year Financial Plan including Income Statement, Cash Flow Statement, Balance Sheet, Appropriation Statement, Capital Funding Statement
- Plant Replacement Program
- Fees and Charges

Recommendation - That in accordance with the Local Government Act 2009, Council adopt the Budget as presented.

Moved Cr Ninian Stewart-Moore

Seconded Cr Shane McCarthy

That in accordance with the Local Government Act 2009, Council adopt the Budget as presented.

Carried

2.2.4 Hughenden Chamber of Commerce (SF12/301)

The Chamber is holding a Hughenden Expo on the 20 October 2012 at the Diggers Entertainment Centre – hoping to have a large variety of displays and information stalls with free entry and a sausage sizzle for all who attend. Morning tea and lunch will be supplied to all who have a display. They seek sponsorship from Council of half the costs -

Hall Hire	\$500.00	
Food for the Day	\$250.00	
Flyer to advertise Expo	\$150.00	Total \$900.00

Recommendation - That Council sponsor the Hughenden Chamber of Commerce to a value of \$450.00.

Moved Cr Shane McCarthy

Seconded Cr Jane Charuba

That Council sponsor the Hughenden Chamber of Commerce to a value of \$450.00.

Carried

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2.2.5 Hughenden Country Music Association Inc

Thanking Council for its previous support of sponsorship towards the Hughenden Country Music Association's Festival and asking that it once again financially support their event to be held on the 26-28 July 2013.

Recommendation – *That Council support the Hughenden Country Music Festival with sponsorship of \$5,000 in accordance with Council's Major Sponsorship Policy.*

Moved Cr Sean O'Neill

Seconded Cr Bill Bode

That Council advise that it is reviewing its policy on sponsorship for major events. Once the review has been conducted, groups will be invited to apply under this policy for sponsorship for their events. Administration is to prepare a draft policy to be presented to the October 2012 meeting of Council.

Carried

2.2.6 The Flinders Crier Media Group Inc

Seeking the amount of \$6,000 which Council donates to the Flinders Crier Media Group every three years. The money this time will be used to purchase a new printing machine.

Comment – *Council a number of years ago (2006) agreed to contribute \$6,000 over three years towards the Crier Media Group Inc for purchasing printers. The last payment was made in May 2009.*

Recommendation – *That Council donate \$6,000 to the Flinders Crier Media Group Inc to help fund the purchase of a new printing machine.*

Moved Cr Sean O'Neill

Seconded Cr Shane McCarthy

That Council donate \$6,000 to the Flinders Crier Media Group Inc to help fund the purchase of a new printing machine.

Carried

The meeting adjourned for lunch at 12.38 pm and resumed at 1.30 pm with all Councillors and Executive staff present.

2.2.7 Valuer-General, State Valuation Office, Department of Natural Resources and Mines

The Land Valuation Act 2010 requires the Valuer-General undertake an annual statutory valuation of all rateable land in Queensland except in unusual circumstances which they outline.

Under the Act, valuations are required to be issued prior to 31 March 2012 in the year the valuation is to take effect.

They seek Council's opinion on whether an annual valuation of this Shire should be undertaken to be effective on 30 June 2013.

Recommendation – *For Council's consideration and decision.*

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Moved Cr Bill Bode

Seconded Cr Ninian Stewart-Moore

That Council seek to have an Annual Valuation of all Shire properties to be effective on 30 June 2013.

Carried

2.2.8 Request to Hire Council Owned Generators

Council has received a request from a community member to hire one of its generators. Council's direction is sought regarding this matter and if agreeable a fee would need to be set.

Moved Cr Shane McCarthy

Seconded Cr Jane Charuba

That Council generators are not available for private hire, but are only available for Council sponsored events.

Carried

2.2.9 Flinders Horse Sports Inc.

The Association along with the Flinders Pony Club are working towards taking their children members on a camp to Townsville – hiring the Council bus for the occasion. Fundraising is being carried out. They ask Council for a donation of the hire charge for the bus.

Recommendation – For decision.

Moved Cr Sean O'Neill

Seconded Cr Shane McCarthy

That there are no contributions available under current Council Policies for these types of events.

Carried

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2.3 DIRECTOR OF ENGINEERING

GENERAL REPORT

Moved Cr Ninian Stewart-Moore

Seconded Cr Shane McCarthy

That the report as presented from the Director of Engineering be received.

Carried

2.3.1 RETABLED ITEM – Item 2.3.1.4 April 2012 Council Minutes

Carter Sheds Pty Ltd on behalf of Applicant (File 1.03.A03.54 – Lot 56 on Registered Plan 704782, Parish of Hughenden)

Due to the unsatisfactory service provided by a Building Certifier, the abovementioned applicant has not been able to acquire a Certificate of Classification on the building situated at Lot 56 on Registered Plan 704782, Parish of Hughenden. Carter Sheds is now in the process of re-submitting all paperwork to another Building Certifier to finalise the matter.

During the construction of this job the customer requested the carport awning be extended fully to their side boundary (Playfoot Street) – the original awning size was six metres and the customer wanted it changed to 12 metres right to the side fence in Playfoot Street

Approval has already been given by Council for this relaxation of boundary for the back and side fences but have been advised by the newly appointed Building Certifier that we now require a second relaxation of boundary approval from Council for Playfoot Street.

Recommendation – *The original permit was for a six metre awning (roof only) to extend towards Playfoot Street from the existing shed.*

A letter dated 4 April 2012 from Carter Sheds requested a further boundary relaxation to extend the awning a further six metres towards Playfoot Street.

- *The proposed additional awning has been constructed without a permit*
- *It is fully enclosed on the western boundary and partly enclosed on the eastern side*
- *It has a concrete floor extending to the Playfoot Street boundary*

A Show Cause Notice may be in order since the proposed awning, now a shed, was constructed without a permit and without a boundary relaxation approval.

Moved Cr C.N. Haydon

Seconded Cr G.J. Jones

That Council issue a Show Cause Notice asking for reasons why the proposed awning, now a shed, should not be removed and/or how the building can comply with the Building Code.

Carried

Comment August 2012 – *Letter dated 7 August 2012 enclosing previous Show Cause Notice dated 1 May 2012 was sent requesting detailed information on how the building can comply with the Building Act 1975 and the Integrated Planning Act 1997 to obtain building certification and/or removal of the structure. This information is to be in by the August Council meeting or an Enforcement Notice will be issued for removal of the building.*

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Information 16 August 2012 - An approval was granted to construct a 6 metre awning to adjoin an existing shed. The owner applied for, and was granted, a boundary relaxation to 500mm from his side boundary to accommodate the awning. Acting on the owners' instructions, the builder extended the structure a further 6 metres to within 600mm from the Playfoot Street boundary, fully enclosing the western wall and partly enclosing the eastern wall.

A letter dated 4 April 2012 from Carter Sheds, requested a further boundary relaxation to extend the awning an extra 6 metres towards Playfoot Street; this request was subsequent to the structure having been completed.

A Show Cause Notice was issued by Council on 1 May 2012 under Section 248 of the Building Act 1975 and Ch 4, Part 3, Div 2 of the Integrated Planning Act 1997 to provide Council information on how the building works can either comply with the Acts to obtain certification and/or whether the illegal structure should be removed.

Council, at the 19 July 2012 meeting resolved that if no further information regarding the matter was received by the 16 August 2012 Council meeting, it will issue a Demolition Notice to ensure compliance with the Building Act 1975 and the Integrated Planning Act 1997.

A letter was received on the 10 August 2012 from Carter Sheds outlining the reasons for the extension and seeking Council approval for the illegal structure; the proposal was to cut the western wall back to the same height as the eastern wall and install a 1800mm colorbond dividing fence.

I met with the applicant on Tuesday, 14 August 2012 to discuss the issue; he proposed to cut back the western wall to the same height as the eastern wall and install a chainwire boundary fence in lieu of a colorbond fence as initially proposed.

Council, in the past has permitted boundary relaxations to align with existing legal structures so as to maintain an acceptable streetscape standard. This condition satisfies Section 3.3.2 Para (b) of the Flinders Shire Council Planning Scheme 2005 "Buildings and structures are sited to protect the amenity of adjoining premises."

In this case, the dwelling is situated some 2.6 metres from the Playfoot Street boundary; removal of 2.0 metres of the shed would align the structure with the existing dwelling, and satisfy Para (b) and also Para (g) – contribute to maintaining an established attractive streetscape."

Recommendation - (1) Council require the owner to remove a section of the awning to align the structure with the existing dwelling, being 2.6 metres from the Playfoot Street boundary, within 30 days; and (2) obtain the necessary permits and approvals to comply with the Building Act 1975 and the Integrated Planning Act 1997.

Moved Cr Bill Bode

Seconded Cr Sean O'Neill

That the (1) Council require the owner to remove a section of the awning to align the structure with the existing dwelling, being 2.6 metres from the Playfoot Street boundary, within 30 days; and (2) obtain the necessary permits and approvals to comply with the Building Act 1975 and the Integrated Planning Act 1997.

Carried

Comment September 2012 – Appropriate correspondence was issued on the 31 August 2012.

FLINDERS SHIRE COUNCIL
MINUTES
13 SEPTEMBER 2012 AT 10.00 AM
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2.3.2 RETABLED - Show Cause Notice – Assessment 10006799

A property situated within the Town of Hughenden (Rate Assessment 10006799) and situated in a residential zone under Council's Planning Scheme – property description Lot 99 on Registered Plan 704784, Parish of Hughenden; this property has a Class 10a Building Approval with final certificates issued for its constructed purpose. A Class 10a building is basically a domestic shed not suitable for a dwelling. It is understood that the building is currently being used as a dwelling.

The building may be capable of modifications to bring it up to a habitable building standard, but it cannot be used for this purpose until a Building Certifier issues a Final Certificate for this class of building.

Council has power under the ***Building Act 1975*** Chapter 9 section 247 and 248 to issue a "Show Cause Notice" seeking the owners/occupiers to cease living in the building until appropriate building certification is issued.

Recommendation – That Council issue a "Show Cause Notice" to the owner/occupier to cease living in the Class 10a building until appropriate certification is approved.

Moved Cr Shane McCarthy

Seconded Cr Barbara Geisler

That Council issue a "Show Cause Notice" to the owner/occupier to cease living in the Class 10a building until appropriate certification is approved.

Carried

Comment September 2012 – A Show Cause Notice has been issued.

Cr Barbara Geisler declared a Material Personal Interest in Item 2.3.3 and left the room at 1.51 pm.

2.3.3 Tender FSC2012-08-01 – Maintenance Grading Contract – South East Sector

Tenders closed at 12 noon on Friday, 24 July 2012 for the Maintenance Grading of the South-East Sector of Flinders Shire. This individual contract is for two years to align with the current contracts for the period 2013-2014. Three contractors submitted tenders; these are set out in the accompanying schedule.

Recommendation – That Council accept the tender of N&J Williams in the sum of \$87,893.50, excluding GST (per annum) for the Maintenance Grading of the South East Sector of Flinders Shire for the next two years.

Moved Cr Bill Bode

Seconded Cr Sean O'Neill

That Council accept the tender of N&J Williams in the sum of \$87,893.50, excluding GST (per annum) for the Maintenance Grading of the South East Sector of Flinders Shire for the next two years.

Carried

Cr Barbara Geisler re-entered the room at 1.54 pm.

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FSC2012-08-01 - SOUTH EAST SECTOR OF FLINDERS SHIRE

Schedule of Rates

				TENDERER:		RM & GM Herrod		N & J Williams		S & S Reddie	
Item	Description	Road No.	Road Class	Quantity	Unit	Unit Rate	Total ⁽¹⁾	Unit Rate	Total ⁽¹⁾	Unit Rate	Total ⁽¹⁾
1. Light Formation Grading											
1.1	Aberfoyle Road	W50	D	22.7	km	230.00	5,221.00	215.00	4,880.50	270.00	6,129.00
1.2	Woura Creek Road	W52	D	12	km	230.00	2,760.00	215.00	2,580.00	270.00	3,240.00
1.3	Prairievale Road	W78	C	7	km	230.00	1,610.00	215.00	1,505.00	270.00	1,890.00
1.4	Julia Park Road	W63	D	11.7	km	230.00	2,691.00	215.00	2,515.50	270.00	3,159.00
1.5	Elvavale Road	W108	D	3.9	km	230.00	897.00	215.00	838.50	270.00	1,053.00
1.6	Torrens Creek-Aramac Road	5703	A	30	km	300.00	9,000.00	270.00	8,100.00	350.00	10,500.00
	Sub-Total			87.3	km		\$22,179.00		\$20,419.50		\$25,971.00
2. Medium Formation Grading											
1.1	Ulva Road	W22	C	95.3	km	360.00	34,308.00	300.00	28,590.00	435.00	41,455.50
2.1	Aberfoyle Road	W50	D	10.3	km	360.00	3,708.00	280.00	2,884.00	435.00	4,480.50
2.2	Torrens Ck-Aramac Rd ⁽⁴⁾	5703		30	km	1,500.00	45,000.00	1,200.00	36,000.00	600.00	18,000.00
	Sub-Total			135.6	km		\$83,016.00		\$67,474.00		\$63,936.00
3. Grader Hire for Miscellaneous Repairs											
3.1	Hire of Motor Grader				hour	180.00		135.00		155.00	
3.2	Hire of Water Truck				hour			120.00		130.00	
3.3	Hire of Multi Tyred Roller				hour			95.00		70.00	
Excluding GST (Per Annum)						TOTAL	\$105,195.00	TOTAL	\$87,893.50	TOTAL	\$89,907.00

FLINDERS SHIRE COUNCIL
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2.3.4 Show Cause Notice – Assessment 10001238

A property situated within the Town of Hughenden (Rate Assessment 10001238) and situated in a residential zone under Council's Planning Scheme – property description Lot 25 on Plan H20313, Parish of Hughenden; this property has a Class 10a Building Approval and Final Certificate issued for its constructed purpose. A Class 10a building is basically a domestic shed not suitable for a dwelling. It is understood that the building is currently being used as a dwelling.

The building may be capable of modifications to bring it up to a habitable building standard, but it cannot be used for this purpose until a Building Certifier issues a Final Certificate for this class of building.

Council has power under the Building Act 1975 Chapter 9 Section 247 and 248 to issue a "Show Cause Notice" seeking the owners/occupiers to cease living in the building until appropriate building certification is issued.

Recommendation – *That Council issue a Show Cause Notice to the owner/occupier to cease living in the Class 10a building until appropriate certification is approved.*

Moved Cr Bill Bode

Seconded Cr Ninian Stewart-Moore

That Council issue a Show Cause Notice to the owner/occupier to cease living in the Class 10a building until appropriate certification is approved.

Carried

2.3.5 Report by Terry Feeney, Planning Consultant for Flinders Shire Council – FSC 55 RJ & KL Mills

FILE	FSC55
RP DESCRIPTION	Lot 125 on SP101965
PROPERTY LOCATION	Lot 125 Winton Road
PROPOSAL	Development Permit - Material Change of Use - Dwelling House
APPLICANT	Robert Joseph and Karen-Lee Louise Mills
OWNERS	Robert Joseph and Karen- Lee Louise Mills

Comment

Executive Summary

The applicant is seeking an approval of an application for a Development Permit for Material Change of Use for a Dwelling House on land described as Lot 125 on SP101965 and situated in Winton Road.

The applicant proposes the erection of a Dwelling House on the subject land.

The applicant has advised the Dwelling House is to be used as their family home and it is their intentions to house only domestic scale vehicles on the site.

FLINDERS SHIRE COUNCIL
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Planning Considerations

The subject land is located in the Community Purpose Zone.

The use is defined as Dwelling House under the provisions of Schedule 7b Development Definitions.

The Assessment Table for the Community Purpose Zone identify the use as Impact Assessable.

An assessment of the proposed development against relevant planning codes has determined that the application is generally compliant with the codes and can achieve the objectives of the Planning Scheme.

Recommendation - *The development application for a Development Permit for a Material Change of Use - Dwelling House on land described as Lot 125 on SP101965, Parish of Hughenden and situated on Winton Road be **approved** subject to the Schedule of Conditions of Approval.*

SCHEDULE OF CONDITIONS OF APPROVAL

APPLICANT	Robert Joseph and Karen-Lee Louise Mills
LAND OWNED BY	Robert Joseph and Karen-Lee Louise Mills
LAND DESCRIBED AS	Lot 125 on SP101965 Parish of Hughenden, County of Douglas
MATERIAL CHANGE OF USE	Development Permit - Material Change of Use - Dwelling House
SUBMISSION	Nil - Closing date 6 September 2012

SCHEDULE OF CONDITIONS

General

The development and conduct of the approved use of the premises, must generally be in accordance with -

- (i) the approved Drawing No 1110 -19. 01 Issue A dated 21 October 2011;
- (ii) attached to this approval; and
- (iii) the plans, documents, specifications, facts and circumstances as set out in the application submitted to Council.

Roadworks and Traffic

The applicant must construct a new access driveway crossing from the Haul Road to Council's approved standard and at the applicant's expense. The access road is to be maintained by the applicant.

Water Reticulation

The applicant must connect the development to Council's reticulated water supply system.

Sewerage

As part of the development of the Dwelling House, the applicant must install an approved sewerage disposal system.

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Additional Development Permits

A subsequent **Development Permit for Building Works and Plumbing Works must be obtained before any** works are carried out as part of the approved use.

Definitions

In these conditions -

- a reference to an Act includes all statutory instruments and subordinate legislation made under that Act;
- terms used have the meaning contained in the Planning Scheme, the *Integrated Planning Act 1997* or the legislation referred to in those conditions, as the case may be.

Moved Cr Shane McCarthy

Seconded Cr Bill Bode

*The development application for a Development Permit for a Material Change of Use - Dwelling House on land described as Lot 125 on SP101965, parish of Hughenden and situated on Winton Road be **approved** subject to the attached conditions of approval.*

Carried

FLINDERS SHIRE COUNCIL
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3. CRIER NOTES

At the Statutory Meeting of Council held 14 May 2012, it was resolved that Councillors liaise with Alexis Gillham, Communication and Records Officer to enable Councillor reports to be given to the Crier each month on a rotation basis -

September 2012	Cr Ninian Stewart-Moore
October 2012	Cr Sean O'Neill
November 2012	Cr Barbara Geisler
December 2012	Cr Bill Bode

4. CLOSURE
PROPOSED MEETING CALENDAR

DATE	MEETING VENUE	TOPIC
Wednesday 12 September 2012 8.30 am	Boardroom	Forum – Budget - Briefing
Thursday 13 September 2012 ▪ 8.30 am Briefing ▪ 10.00 am Ordinary Meeting	Boardroom	Briefing Ordinary Meeting
Tuesday 16 October 2012 7.30 am	Road Tour	South East Sector Road Inspection and Community meeting at Woura Park
Wednesday 17 October 2012 8.30 am	Boardroom	Forum – Briefing
Thursday 18 October 2012 10.00 am	Boardroom	Ordinary Meeting
Wednesday 14 November 2012 8.30 am	Boardroom	Forum – Briefing
Thursday 15 November 2012 10.00 am	Boardroom	Ordinary Meeting
Wednesday 12 December 2012 8.30 am	Boardroom	Forum – Briefing
Thursday 13 December 2012 10.00 am	Boardroom	Ordinary Meeting

**FLINDERS SHIRE COUNCIL
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The meeting closed at 2.16 pm.

**Greg Jones
Mayor
Flinders Shire Council**