



**BURDEKIN SHIRE COUNCIL**



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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

**on 14 February 2012**

**COMMENCING AT 9:00AM**



**TUESDAY 14 FEBRUARY 2012**

## **ORDER OF BUSINESS:**

| <b>ITEM</b> | <b>PRECIS</b>   | <b>PAGE</b> |
|-------------|---|-------------|
| <b>1.</b>   | <b>PRAYER</b>   | <b>1</b>    |
| <b>2.</b>   | <b>DECLARATIONS OF INTEREST</b>   | <b>1</b>    |
| <b>3.</b>   | <b>MINUTES AND BUSINESS ARISING</b>   | <b>1</b>    |
| <b>3.1</b>  | <b>Minutes - Ordinary Council Meeting - 17 January 2012</b>   | <b>1</b>    |
| <b>3.2</b>  | <b>Burdekin Be Active Advisory Committee Meeting - 7th December, 2011</b>   | <b>2</b>    |
| <b>4.</b>   | <b>REPORTS</b>  | <b>2</b>    |
| <b>4.1</b>  | <b>Operating Statement for period ending 31 December 2011</b>   | <b>2</b>    |
| <b>4.2</b>  | <b>Capital Projects Monthly Report for period ending 31 December 2011</b>   | <b>2</b>    |
| <b>5.</b>   | <b>ENVIRONMENT &amp; OPERATIONS</b>   | <b>3</b>    |
| <b>5.1</b>  | <b>Proposed Permanent Road Closure - Barratta</b>   | <b>3</b>    |
| <b>5.2</b>  | <b>Proposed Road Openings - Ey Road</b>   | <b>3</b>    |
| <b>5.3</b>  | <b>Tony &amp; Maria Gemellaro - Development Application for Reconfiguring a Lot at 77 Juanita Drive, Mt Kelly (Lot 32 on RP733771, Parish of Northcote, County of Gladstone)</b>              | <b>4</b>    |
| <b>5.4</b>  | <b>Darryl Fraser - Development Application for Reconfiguring a Lot at 180 Kilrie Road, Ayr (Lot 4 on SP153762, Parish of Antill, County of Gladstone)</b>                                     | <b>6</b>    |
| <b>5.5</b>  | <b>Merv Mohr - Request to change an existing approval at 97 -99 Burke Street, Ayr (Lot 1 on RP709444, Parish of Antill, County of Gladstone)</b>  | <b>8</b>    |
| <b>5.6</b>  | <b>Sylvia Caruso - Development Application for Reconfiguring a Lot at 22 Graham Street, Ayr (Lot 1 on RP702345, Parish of Antill, County of Gladstone)</b>                                    | <b>11</b>   |
| <b>5.8</b>  | <b>R &amp; K Garner - Development Application for Material Change of Use for Multiple Unit Development at 202 Queen Street, Ayr (Lot 1 on RP713888 Parish of Antill, County of Gladstone)</b> | <b>13</b>   |



|      |  |    |
|------|--|----|
| 5.10 | TFS Properties Limited - Development Application for Material Change of Use at 8904 & 8928 Ayr Dalbeg Road, Dalbeg (Lots 63 & 64 on GS435, Parish of Dalbeg, County of Gladstone)  | 18 |
| 5.11 | TFS Properties Limited - Development Application for Material Change of Use at 8854 & 8816 Ayr Dalbeg Road, Dalbeg (Lot 1 on GS316 & Lot 2 on GS474, Parish of Dalbeg, County of Gladstone)  | 19 |
| 5.12 | TFS Properties Limited - Development Application for Material Change of Use to establish a Sandalwood Industry (Forestry) at 8964 Ayr Dalbeg Road, Dalbeg (Lot 66 on GS435, Parish of Dalbeg, County of Gladstone)   | 21 |
| 5.13 | TFS Properties Limited - Development Application for Material Change of Use to establish a Sandalwood Industry (forestry) at 8884 Ayr Dalbeg Road, Dalbeg (Lot 62 on GS435, Parish of Dalbeg, County of Gladstone)   | 22 |
| 5.14 | TFS Properties Limited - Development Application for Material Change of Use to establish a Sandalwood Industry (forestry) at 8752 & 8800 Ayr Dalbeg Road, Dalbeg (Lots 3 & 4 on GS316, Parish of Dalbeg, County of Gladstone)                                  | 23 |
| 5.15 | TFS Properties Limited - Development Application for Material Change of Use to establish a Sandalwood Industry (forestry) at 7868 Ayr Dalbeg Road & 7 Sellars Road, Dalbeg (Lots 45 & 46 on GS326, Parish of Dalbeg, County of Gladstone)                      | 25 |
| 5.16 | TFS Properties Limited - Development Application for Material Change of Use to establish a Sandalwood Industry (forestry) at 7940 Ayr Dalbeg Road, Dalbeg (Lot 42 on GS326, Parish of Dalbeg, County of Gladstone)   | 26 |
| 5.7  | Development application for Material Change of Use for a Shopping Centre at 129, 129A, 131, 133, 135-137 and 139-141 Eighth Avenue, Home Hill (Lots 1 & 2 on RP700412, Lots 1 & 2 on RP707837, Lots 31 & 32 on H6166, Parish of Inkerman, County of Salisbury) | 28 |
| 5.9  | Shelley Norris - Development Application for Material Change of Use to increase the number of persons authorised to be accommodated on the premises to 102 persons at 30 Ninth Street, Home Hill (Lot 8 on H61618 Parish of Inkerman, County of Salisbury)     | 31 |
| 5.17 | Reef Guardian Council Program Update   | 36 |



|      |  |    |
|------|--|----|
| 5.18 | Nelsons Lagoon Stormwater Quality Improvement Device   | 36 |
| 6.   | <b>CORPORATE &amp; COMMUNITY SERVICES</b>  | 37 |
| 6.1  | Interest Free Loan Request - Home Hill Golf Club   | 37 |
| 6.2  | Resumption of Land - Department of Transport and Main Roads - Part of Lot 10 on RP890872                         | 38 |
| 7.   | <b>CORRESPONDENCE FOR INFORMATION</b>  | 39 |
| 8.   | <b>NOTICES OF MOTION</b>   | 39 |
| 8.1  | Appointment of Authorised Officers - Waste Reduction and Recycling (Authorised Persons) Delegation (No.1) 2011   | 39 |
| 9.   | <b>URGENT BUSINESS</b>   | 40 |
| 10.  | <b>GENERAL BUSINESS</b>  | 40 |
| 10.1 | Council supports Application for removal of Emergency Bores in Home Hill from Water Fluoridation Regulation 2008 | 40 |
| 10.2 | Extension of Kerbing and Channelling on corner of Young and Gordon Streets to be listed for Budget Consideration | 40 |
| 10.3 | Councillor Dalle Cort granted Leave of Absence   | 40 |
| 10.4 | Councillor Loizou granted Leave of Absence   | 40 |
| 11.  | <b>IN COMMITTEE DISCUSSIONS</b>  | 41 |
| 11.1 | Confidential Application for Council Rebate to be considered as a Special Circumstance                           | 41 |
| 12.  | <b>DELEGATIONS</b>   | 42 |

---

## **ATTENDANCE**

Councillors L.A. McLaughlin (Mayor), L. Loizou (Deputy Mayor), E. Gazziola, P.M. Dalle Cort, M.J. Haynes and R.H. Lewis

Mr. K. Holt - Chief Executive Officer  
Mr. D.P. Mulcahy - Director Corporate and Community Services  
Mr. T.G. Williams - Director Environment and Operations  
Mr. S. Great - Manager Planning and Development  
Mr. T. Vaccaro - Economic and Community Development Manager  
Miss T. Jensen - Manager Environment and Health  
Mr. W. Saldumbide - Manager Operations  
Mr. K. Byers - Manager Technical Services  
Mr. M. Ingle - Design Office Manager

Minutes Clerk - Mrs. Vicki Walker

Apologies: Councillor T.P. List

### **1. PRAYER**

The meeting prayer was delivered by Councillor Loizou.

### **2. DECLARATIONS OF INTEREST**

The Mayor called for declarations of interest.

- Councillor Lewis declared a conflict of interest in respect of the following agenda items:  
5.4 - as the applicant is a close family friend;  
5.7 - as his business has been asked to provide a quotation with regard to the proposed development.
- Councillor McLaughlin declared a conflict of interest in respect of agenda items 5.7 and 5.9 as the respective applicants are close family friends.

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

#### **3.1 Minutes - Ordinary Council Meeting - 17 January 2012**

##### **Recommendation**

That the minutes of the Ordinary Council Meeting held on 17 January 2012 be received as a true and correct record.

---

## **Resolution**

Moved Councillor Loizou, seconded Councillor Dalle Cort that the recommendation be adopted.

CARRIED

### **3.2 Burdekin Be Active Advisory Committee Meeting - 7th December, 2011**

## **Recommendation**

That the minutes of the Burdekin Be Active Advisory Committee Meeting held on 7<sup>th</sup> December, 2011 be received and adopted.

## **Resolution**

Moved Councillor Haynes, seconded Councillor Dalle Cort that the recommendation be adopted.

CARRIED

## **4. REPORTS**

### **4.1 Operating Statement for period ending 31 December 2011**

## **Recommendation**

That the Operating Statement for period ending 31 December 2011 be received.

## **Resolution**

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

CARRIED

### **4.2 Capital Projects Monthly Report for period ending 31 December 2011**

## **Recommendation**

That the Capital Projects Monthly Report for period ending 31 December 2011 be received.

---

## **Resolution**

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

CARRIED

## **5. ENVIRONMENT & OPERATIONS**

### **5.1 Proposed Permanent Road Closure - Barratta**

#### **Executive Summary**

Request for views on permanent road closure.

#### **Recommendation**

Council resolves to offer no objection to the proposed road closure shown on plan DD201\_176.

#### **Resolution**

Moved Councillor Gazziola, seconded Councillor Dalle Cort that the Department of Environment and Resource Management be advised that Council :

1. objects to the permanent road closure as shown on plan DD201\_176;
2. offers no objection to the temporary closure of the road highlighted on plan DD201\_176.

CARRIED

### **5.2 Proposed Road Openings - Ey Road**

#### **Executive Summary**

Two road openings are required on Ey Road as part of NDRRA reconstruction works.

#### **Recommendation**

Council resolves to proceed with road openings on BA and KW Ey's properties described as Lots 136 and 139 SP213949.

---

## **Resolution**

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

CARRIED

### **5.3                    Tony & Maria Gemellaro - Development Application for Reconfiguring a Lot at 77 Juanita Drive, Mt Kelly (Lot 32 on RP733771, Parish of Northcote, County of Gladstone)**

## **Executive Summary**

An application has been received from Cleve McGuane Surveys Pty Ltd on behalf of their client Tony & Maria Gemellaro seeking approval for Reconfiguring a Lot (Subdivision) at 77 Juanita Drive, Mount Kelly (Lot 32 on RP733771, Parish of Northcote, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

## **Recommendation**

That Council approves the Development Application for Reconfiguring a Lot (Subdivision) at 77 Juanita Drive, Mount Kelly (Lot 32 on RP733771, Parish of Northcote, County of Gladstone), subject to the following conditions:

### **GENERAL**

- 1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges in arrears in respect of the land, the subject of the application, are paid in full.
- 1.2 Pay the sum of \$59-60 calculated on the basis of a charge of \$29-80 per lot to be levied on the Council by the Department of Environment & Resource Management for each new valuation.
- 1.3 Provide evidence from a suitably qualified person that proposed lots 4 and 5 can be provided with on-site treatment of sewerage in accordance with the On Site Sewerage Code and AS/NZS 1547:2000.

### **ROADWORKS**

- 2 The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

### **PROPOSAL PLAN**

3. The reconfiguration of the land must be carried out generally in accordance with:-
  - (a) (i) the proposed Cleve McGuane Surveys Pty Ltd plans numbered 28572-1;
  - (ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council;



---

Except where modified by the conditions of approval and any approval issued there under; and

- (b) any approval issued under this approval; and
- (c) any development permit for operational works relating to the reconfiguring of a lot;

## **PUBLIC UTILITY SERVICES**

- 4. If any existing public utility service including telephone, electricity, water, sewerage or gas needs to be altered or relocated to complete the reconfiguration the developer must bear the cost of alteration or relocation;

## **OPERATIONAL WORKS**

- 5. Where operational works are required to be carried out for the reconfiguration, the developer must, within a period of two years from the date of this permit and prior to the commencement of any work, lodge with Council an application for a development permit for operational works. As part of such application, the developer must submit:-
  - (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the Professional Engineer's Act 2002 and is a current Registered Professional Engineer of Queensland; and
  - (b) a certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice;

## **WATER SUPPLY**

- 6.1 The applicant shall arrange and meet the full cost of connection of proposed Lot 4 to the Mt Kelly water supply scheme. A metered water service shall be provided to the property boundary of the allotment. The service shall generally be to the standard required by Council for domestic purposes, for a constant flow system with discharge of 23 litres per minute.
- 6.2 The applicant must provide a certified statement from a licensed plumber that no existing interconnecting water supply plumbing crosses the boundaries between the proposed new lots.
- 6.3 The applicant shall arrange and meet the cost of provision of adequate fire fighting facilities to service each allotment, whether by provision of a hydrant not more than sixty metres from each property or through an adequate on site storage and pump system. Evidence is to be provided that, in the former case, the facilities meet pressure and flow criteria set out in the Water Resources Commission's guidelines or, in the latter case, the facilities are approved by the local urban fire brigade.

---

## **WATER SUPPLY HEADWORKS**

7. A contribution is to be paid in accordance with Council's Rural Water Supply Charge as specified in Council's current fees and charges schedule.

### ***ADVICE (Note: These are not conditions)***

- *Unless otherwise specified by these conditions, the conditions must be complied with prior to approval of the Plan of Survey;*

### **Resolution**

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

FOR: Councillors McLaughlin, Haynes, Loizou, Gazziola and Lewis

AGAINST: Councillor Dalle Cort

CARRIED 5/1

Councillor Dalle Cort advised that she had voted against the motion due to the advice provided in the Water Analysis Report in respect of the Mount Kelly Water Supply.

### **5.4 Darryl Fraser - Development Application for Reconfiguring a Lot at 180 Kilrie Road, Ayr (Lot 4 on SP153762, Parish of Antill, County of Gladstone)**

Councillor Lewis declared a conflict of interest in respect of this application as the applicant is a close family friend, and left the meeting.

### **Executive Summary**

An application has been received from Brazier Motti on behalf of their client Darryl Fraser seeking approval for Reconfiguring a Lot (1 into 2 lots) at 180 Kilrie Road, Ayr (Lot 4 on SP153762, Parish of Antill, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme. Given the 'Rural' zoning, it is considered that the application is contrary to achieving the purpose of the Planning Scheme. Refusal of the application is recommended.

### **Recommendation**

That Council refuses the Development Application for Reconfiguring a Lot (1 into 2 lots) at 180 Kilrie Road, Ayr (Lot 4 on SP153762, Parish of Antill, County of Gladstone), on the following grounds:

The proposed development compromises the achievement of the Burdekin Shire Council's IPA Planning Scheme's Desired Environmental Outcomes.

---

Insufficient justification is provided to override the conflict with the Burdekin Shire Council's IPA Planning Scheme and in particular the Rural Zone code.

The proposed development is contrary to the Policy Principles of the State Planning Policy 1/92 – Development and the Conservation of Agricultural Land.

## **Resolution**

Moved Councillor Loizou, seconded Councillor Dalle Cort that the recommendation be adopted.

Following discussion on this issue, Councillor Loizou withdrew the motion with the approval of the seconder, Councillor Dalle Cort, and the meeting.

Moved Councillor Loizou, seconded Councillor Dalle Cort that Council approves the Development Application for Reconfiguring a Lot (1 into 2 lots) at 180 Kilrie Road, Ayr (Lot 4 on SP153762, Parish of Antill, County of Gladstone), subject to the following conditions:

### **GENERAL**

- 1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges in arrears in respect of the land, the subject of the application, are paid in full.
- 1.2 Pay the sum of \$59-60 calculated on the basis of a charge of \$29-80 per lot to be levied on the Council by the Department of Environment & Resource Management for each new valuation.

### **PROPOSAL PLAN**

2. The reconfiguration of the land must be carried out generally in accordance with:-
  - (a) (i) the proposed Brazier Motti plan numbered 55865/001A;
  - (ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council;Except where modified by the conditions of approval and any approval issued there under; and
  - (b) any approval issued under this approval; and
  - (c) any development permit for operational works relating to the reconfiguring of a lot;

### **ROADWORKS**

3. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

---

## DRAINAGE

4. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

## PUBLIC UTILITY SERVICES

5. If any existing public utility service including telephone, electricity, water, sewerage or gas needs to be altered or relocated to complete the reconfiguration the developer must bear the cost of alteration or relocation.

### **ADVICE (Note: These are not conditions)**

- *It is noted that any future dwelling house to be erected on the proposed Lots 5 and 6 will be in the vicinity of existing agricultural land uses. The owner of proposed Lots 5 and 6 are responsible for the establishment and ongoing maintenance of any buffer required between any residential and agricultural land uses. Any buffer should incorporate measures to minimise the impact of dust, smoke, noise and ash in accordance with the "Planning Guidelines: Separating Agricultural and Residential Land uses - August 1997."*
- *Unless otherwise specified by these conditions, the conditions must be complied with prior to approval of the Plan of Survey;*

## CARRIED

Reasons for not adopting Council officer's recommendation:

1. The proposed development will not interfere with the amenity of the area;
2. A precedent has been set by Council approving similar applications.

Councillor Lewis returned to the meeting.

### **5.5 Merv Mohr - Request to change an existing approval at 97 -99 Burke Street, Ayr (Lot 1 on RP709444, Parish of Antill, County of Gladstone)**

#### **Executive Summary**

A request has been received from Brazier Motti on behalf of there client Merv Mohr to make a change to an existing approval. The requested change is to reduce the development from a 3 Lot reconfiguration to 2. The application is over land at 97-99 Burke Street, Ayr (Lot 1 on RP709444, Parish of Antill, County of Gladstone).

---

## Recommendation

That Council approves the request to change a development approval to allow a reduction in the number of reconfigured lots from 3 to 2 at 97-99 Burke Street, Ayr (Lot 1 on RP709444, Parish of Antill, County of Gladstone) subject to the following changes of conditions:

### GENERAL

- 1.1 The Council will not release the formal Plan of Reconfiguration until all rates and charges, (including infrastructure charges), in arrears in respect of the land, the subject of the application, are paid in full.
- 1.2 Pay the sum of ~~\$74-70~~ **\$59.60** calculated on the basis of a charge of ~~\$23-90~~ **\$29.80** per lot to be levied on the Council by the Department of Environment & Resource Management (DERM) for each new valuation.

### PROPOSAL PLAN

- 2 The reconfiguration of the land must be carried out generally in accordance with:-
  - (a) (i) the proposed Brazier Motti plan No ~~55834/001A~~ **55834/001C**
  - (ii) the plans, specifications, facts and circumstances as set out in the application submitted to Council;Except where modified by the conditions of approval and any approval issued there under; and
  - (b) any approval issued under this approval; and
  - (c) any development permit for operational works relating to the reconfiguring of a lot;

### DRAINAGE

- 3 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

### ROADWORKS

- 4.1 The construction of any crossover or access points to the proposed lots are to be the owners responsibility and to the satisfaction of the Chief Executive Officer.
- 4.2 ~~Access to proposed Lot 7 is to be from Burke Street only, and at a location approved by the Chief Executive Officer.~~

**Access to proposed Lot 8 is to be only at a location approved by the Chief Executive Officer.**

### PUBLIC UTILITY SERVICES

- 5 The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

---

## ELECTRICITY SUPPLY

- 6 The developer must prior to release of formal Plan of Survey submit a letter from Ergon Energy (or other suitable entity) stating that satisfactory arrangements have been made with it for the provision of an electricity supply to the subdivision.

## WATER SUPPLY WORKS

- 7.1 The applicant must connect the proposed lots to Council's reticulated water supply. The water connections must be provided at a location approved by Council and at the full cost of the developer. Each of the proposed lots shall have separate water services.
- 7.2 The applicant must provide a certified statement from a licensed plumber that no existing interconnecting water supply plumbing crosses the boundaries between the proposed new lots.

## SEWERAGE SUPPLY WORKS

- 8.1 The development must be connected to Council's reticulated sewerage system. All works required are to be carried out at the developers full cost.
- 8.2 Any upgrades to Council's existing sewerage infrastructure required by the development shall be carried out by the Council at the developers full cost.
- 8.3 The lawful point of discharge into Council's sewerage infrastructure shall be at a location approved by Council.

### ***ADVICE (Note: These are not conditions)***

- *Unless otherwise specified by these conditions, the conditions must be complied with prior to approval of the Plan of Survey.*

### **Trunk Infrastructure Charges**

In the case of the Ayr Priority Infrastructure Area (PIA) of the Burdekin PIP the Council provides, and this charge applies to each of the five trunk infrastructure networks (transport, water supply, sewerage, stormwater and parks and land for community infrastructure).

This amounts to a **total trunk infrastructure charge of ~~\$20,000-00~~ \$10,000-00 for the development.**

The charge will be payable before the local government endorses the formal plan of subdivision.

---

## Resolution

Moved Councillor Dalle Cort, seconded Councillor Lewis that the recommendation be adopted.

CARRIED

### 5.6                    **Sylvia Caruso - Development Application for Reconfiguring a Lot at 22 Graham Street, Ayr (Lot 1 on RP702345, Parish of Antill, County of Gladstone)**

## Executive Summary

An application has been received from Brazier Motti on behalf of their client Sylvia Caruso seeking approval for Reconfiguring a Lot (subdivision) at 22 Graham Street, Ayr (Lot 1 on RP702345, Parish of Antill, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

## Recommendation

That Council approves the Development Application for Reconfiguring a Lot (subdivision) at 22 Graham Street, Ayr (Lot 1 on RP702345, Parish of Antill, County of Gladstone), subject to the following conditions:

### GENERAL

- 1.1    The Council will not release the formal Plan of Reconfiguration until all rates, infrastructure charges and other charges in arrears in respect of the land, the subject of the application, are paid in full.
- 1.2    Pay the sum of \$59-60 calculated on the basis of a charge of \$29-80 per lot to be levied on the Council by the Department of Environment & Resource Management for each new valuation.

### PROPOSAL PLAN

2.    The reconfiguration of the land must be carried out generally in accordance with:-
  - (a) (i)    the proposed Brazier Motti plan numbered 55583/003A;
  - (ii)    the plans, specifications, facts and circumstances as set out in the application submitted to Council;Except where modified by the conditions of approval and any approval issued there under; and
  - (b)    any approval issued under this approval; and
  - (c)    any development permit for operational works relating to the reconfiguring of a lot;

---

## **ROADWORKS**

3. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

## **DRAINAGE**

4. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

## **WATER SUPPLY WORKS**

- 5.1 Proposed Lot 2 of the development must be connected to Council's reticulated water supply. The water connection must be provided at a location approved by Council and at the full cost of the developer.
- 5.2 The applicant must provide a certified statement from a licensed plumber that no existing interconnecting water supply plumbing crosses the boundaries between the proposed lots.

## **SEWERAGE SUPPLY**

6. Proposed Lot 2 of the development must be connected to Council's sewerage scheme. The sewerage connection must be provided at a location approved by Council and at the full cost of the developer.

## **OPERATIONAL WORKS**

7. Where operational works are required to be carried out for the reconfiguration, the developer must, within the timeframe required by the Sustainable Planning Act 2009 and prior to the commencement of any work, lodge with Council an application for a development permit for operational works. As part of such application, the developer must submit:-
  - (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the Professional Engineer's Act 2002 and is current Registered Professional Engineer of Queensland; and
  - (b) certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice;
  - (c) a letter from the Electricity Service Provider stating that electricity can be readily supplied to the development;

No work must be commenced prior to issue of a development permit for operational works.



---

## **PUBLIC UTILITY SERVICES**

8. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

## **ELECTRICITY SUPPLY**

9. The developer must prior to release of formal Plan of Survey submit a letter from Ergon Energy (or other suitable entity) stating that satisfactory arrangements have been made with it for the provision of an electricity supply to proposed lot 2.

### ***ADVICE (Note: These are not conditions)***

- *Unless otherwise specified by these conditions, the conditions must be complied with prior to approval of the Plan of Survey.*

## **Resolution**

Moved Councillor Haynes, seconded Councillor Dalle Cort that the recommendation be adopted.

CARRIED

## **5.8 R & K Garner - Development Application for Material Change of Use for Multiple Unit Development at 202 Queen Street, Ayr (Lot 1 on RP713888 Parish of Antill, County of Gladstone)**

### **Executive Summary**

An application has been received from R & K Garner seeking approval for a Material Change of Use for a Multiple Unit Development (4 units) at 202 Queen Street, Ayr (Lot 1 on RP713888 Parish of Antill, County of Gladstone). A Development Application (Impact Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

### **Recommendation**

That Council approves the Development Application for a Material Change of Use for a Multiple Unit Development (4 units) at 202 Queen Street, Ayr (Lot 1 on RP713888 Parish of Antill, County of Gladstone) subject to the following conditions:

## **GENERAL**

- 1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.

- 
- 1.2 All rates and charges (including infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.
  - 1.3 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the approved plans submitted from Burdekin Building Design (Client Reference BBD1000055 Issue A Sheet No SK 0 - 8) except where modified by the conditions of this Development Permit and any approval issued there under.

## **BUILDING WORK**

2. A development permit for Building Works (including a change in classification) is to be obtained before any building works are carried out on the premise.

## **ROADWORKS**

3. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

## **ACCESS AND PARKING**

- 4.1 Parking shall be provided generally in accordance with the approved plan from Burdekin Building Design (Client Reference BBD1000055 Issue A Sheet No SK 0 - 8).
- 4.2 Parking space and layout must be designed in accordance with the provisions contained in Schedule 2 – Vehicle Parking Rates & Standards of the Planning Scheme.
- 4.3 Access to the premises, car parking and manoeuvring areas must be constructed in an all weather low glare paving, exposed aggregate concrete or similar material to the satisfaction of the Chief Executive Officer.
- 4.4 **If any existing on street parallel car parking fronting the proposed development needs to be realigned, the applicant is to be responsible for any works to be carried out. All design and works are to be in accordance with Council's guidelines and at the applicant's full cost.**

## **DRAINAGE**

- 5.1 Stormwater drainage from paved/sealed and roofed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.
- 5.2 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.
- 5.3 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

---

## **WATER SUPPLY**

6. The development must be connected to Council's reticulated water supply. The water connection must be provided at a location approved by Council and at the full cost of the developer.

## **SEWERAGE SUPPLY**

7. The development must be connected to Council's sewerage scheme. The sewerage connection must be provided at a location approved by council and at the full cost of the developer.

## **EXTERNAL WORKS**

8. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

## **OPERATIONAL WORKS**

9. An approval under the Sustainable Planning Act must be obtained for Operational Works. The Operational Works application shall include plans and specifications for works addressing the performance outcomes stated in State Planning Policy 4/10 - Healthy Waters, Appendix 1, Part A.

## **AMENITY – SCREEN FENCING**

10. A 1.8m high screen fence must be provided and/or maintained along the eastern and western adjoining property boundaries. The fence is to incorporate design elements that screen the proposed units from adjoining residential and commercial land uses. The type and design must be submitted and approved by the Chief Executive Officer before any new construction commences.

## **DOMESTIC WASTE**

11. The construction of the bin enclosure must:
  - Have a floor which is raised, imperviously paved and suitably drained to Council's sewer, via an approved bucket trap;
  - Be enclosed with walls to a height of approximately 1.2m;
  - Sufficient in size to house all mobile waste bins servicing the property;
  - Be roofed to prevent ingress of stormwater. If not, a first flush diversion valve shall be fitted; and
  - Include a suitable hosecock with hose attached, located on an external front corner of the enclosure with dual check valve backflow prevention (RMC No. 7 or equivalent).

---

**Advice only:**

- To ensure existing stormwater drainage is not impeded, silt and debris within the existing drain must be cleaned and maintained at all times.

**The following comments are from the Manager of Planning & Development, Mr Shane Great:**

**Background Information:**

Burdekin Shire Council acting as the Assessment Manager has received a properly made Development Application for a Material Change Of Use – Impact Assessable for a ‘Multiple Unit Development at 202 Queen Street, Ayr (Lot 1 on RP713888 Parish of Antill, County of Gladstone). The land is zoned ‘Retail Commercial’ under the provisions of Council’s IPA Planning Scheme and has been assessed against the provisions of the Burdekin Shire Council’s IPA Planning Scheme.

**Planning Scheme Definition:**

*Multiple Unit Development* – Premises comprising more than two dwelling units in one building or more than one building where more than two dwelling units are involved, together with any ancillary facilities and structures that are necessary for the use, whether or not the premises are subdivided afterwards by Community Title Plan or otherwise.

The term does not include “Duplex Units” or “Accommodation Building”.

**The Application:**

This application is to gain approval for a 4 X 2 bedroom Multi Unit Development on land situated at 202 Queen Street, Ayr. It is intended to convert an existing un-used ambulance station into units. When operational, the ambulance centre was used for storage of vehicles, a training facility, treatment rooms, office and a residence.

The application was advertised in the Ayr Advocate on Wednesday, 7 December, 2011 and at the closing date for submissions on 17 January, 2012, two properly made submissions were received. **Refer to attached documents**

The proposal will result in a development that will offer accommodation options for residents wanting to live in Ayr’s Central Business District. This town planning initiative is becoming an acceptable outcome with regards to ‘urban consolidation’ principles. The building is structurally sound and is capable of being converted to dwelling units. It has always had a residential component with part of the building being used as a residence whilst it was operated as an ambulance station. Appropriate building approvals will ensure that the building complies with current building standards including energy efficiency and fire rating.

**Comment on Submissions:**

Both submissions raised valid town planning concerns with regard to unacceptable noise emissions and potential limitations imposed upon the hotel from unit residents. The submitters stated that by allowing a residential use in close proximity to a licensed premise would trigger the potential for an increase in noise complaints.

Given the locality and the zoning (Retail/Commercial), there is an expectation that higher noise emissions will be apparent. Potential residents will not have the same level of ability to

---

raise concerns about noise emissions in comparison to a person residing in a 'residential' zoned part of town. In this particular case, a 'buyer beware' philosophy would have to be adopted by any persons residing in the units. Council will have less of an ability to impose noise restrictions in this locality when compared to residential localities. The submitters should accept this situation as a positive outcome with regard to concerns raised on this matter.

The issue of the existing Hotel and its operations being affected is another valid concern raised by a submitter. The Hotel is a lawful use and its operations are protected by this fact. It is in an area of town that is appropriately zoned for the land use. In the assessment of any concerns raised by future residents, Council officers will acknowledge the rights of the Hotel in deciding upon any action.

***Site Description/Surrounding Land Uses:***

The site has an area of 1012m<sup>2</sup>. There are no easements associated with the property. The lot has a total road frontage to Queen Street of 20m. The site is located at the south western end of Queen Street in close proximity to Ayr's main central business district. The general area has a mixture of uses predominantly consisting of commercial and also some residential land uses to the rear of the property.

***Trunk Infrastructure Charges:***

The *Sustainable Planning Act, 2009* and its predecessor, the *Integrated Planning Act, 1997* requires local governments to prepare Priority Infrastructure Plans (PIP) and in the case of Burdekin Shire Council, adopt and charge for trunk infrastructure in accordance with its Regulated Infrastructure Schedule (RICS).

This development application is to be assessed under the provisions of the PIP and have the relevant charge levied.

The regulated infrastructure charge levied for each trunk infrastructure network is required to be calculated in accordance with the appropriate formula as identified in table 2 of the Regulated Infrastructure Charges Schedule (RICS)

In the case of the Ayr Priority Infrastructure Area (PIA) of the Burdekin PIP the Council provides, and this charge applies to each of the five trunk infrastructure networks (transport, water supply, sewerage, stormwater and parks and land for community infrastructure).

**The total trunk infrastructure charge for this development is \$ 15,940.00**

The applicant's consultant has been advised of the above charge. A Regulated Infrastructure Charges Decision Notice will be issued with the Decision Notice and the charge will be payable before the commencement of the use.

***Conclusion:***

Council's Development Assessment Team members have assessed the application and have included reasonable and relevant conditions in relation to ensuring the building is serviced by appropriate infrastructure. The submitters concerns have been addressed in the report and officers are confident that any potential concerns raised can be managed to ensure positive outcomes are achieved. Given the fact that the proposal will ensure an existing disused

---

building will be improved and that precedent exists, it is recommended that Council approve the application subject to the abovementioned conditions.

## **Resolution**

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

CARRIED

### **5.10 TFS Properties Limited - Development Application for Material Change of Use at 8904 & 8928 Ayr Dalbeg Road, Dalbeg (Lots 63 & 64 on GS435, Parish of Dalbeg, County of Gladstone)**

## **Executive Summary**

An application has been received from Groves & Clark Solicitors on behalf of their client TFS Properties Limited seeking approval for a Material Change of Use to establish a Sandalwood Industry (forestry) at 8904 & 8928 Ayr Dalbeg Road, Dalbeg. (Lots 63 & 64 on GS435, Parish of Dalbeg, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

## **Recommendation**

That Council approves the Development Application for a Material Change of Use to establish a Sandalwood Industry at 8904 & 8928 Ayr Dalbeg Road, Dalbeg (Lots 63 & 64 on GS435, Parish of Dalbeg, County of Gladstone) subject to the following conditions:

## **GENERAL**

- 1.1 The conditions of the development permit must be achieved prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting documents in the application submitted.
- 1.3 Harvesting of the sandalwood trees are to be conducted in an ecologically sustainable manner to ensure that no adverse environmental impacts arise.

## **ROADWORKS**

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

---

## **DRAINAGE**

3. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

## **BUILDING WORK**

4. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

## **EXTERNAL WORKS**

5. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

### ***ADVICE (Note: These are not conditions)***

- *Any burning on site of crop or waste material is done in accordance with a permit from Queensland Fire & Rescue Service (QFRS).*

## **Resolution**

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

## **CARRIED**

### **5.11 TFS Properties Limited - Development Application for Material Change of Use at 8854 & 8816 Ayr Dalbeg Road, Dalbeg (Lot 1 on GS316 & Lot 2 on GS474, Parish of Dalbeg, County of Gladstone)**

## **Executive Summary**

An application has been received from Groves & Clark Solicitors on behalf of their client TFS Properties Limited seeking approval for a Material Change of Use to establish a Sandalwood Industry (forestry) at 8854 & 8816 Ayr Dalbeg Road, Dalbeg. (Lot 1 on GS316 & Lot 2 on GS474, Parish of Dalbeg, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

## **Recommendation**

That Council approves the Development Application for a Material Change of Use to establish a Sandalwood Industry at 8854 & 8816 Ayr Dalbeg Road, Dalbeg (Lot 1 on GS316 & Lot 2 on GS474, Parish of Dalbeg, County of Gladstone) subject to the following conditions:

---

## **GENERAL**

- 1.1 The conditions of the development permit must be achieved prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting documents in the application submitted.
- 1.3 Harvesting of the sandalwood trees are to be conducted in an ecologically sustainable manner to ensure that no adverse environmental impacts arise.

## **ROADWORKS**

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

## **DRAINAGE**

3. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

## **BUILDING WORK**

4. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

## **EXTERNAL WORKS**

5. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

## ***ADVICE (Note: These are not conditions)***

- *Any burning on site of crop or waste material is done in accordance with a permit from Queensland Fire & Rescue Service (QFRS).*

## **Resolution**

Moved Councillor Haynes, seconded Councillor Dalle Cort that the recommendation be adopted.

## **CARRIED**



---

**5.12 TFS Properties Limited - Development Application for Material Change of Use to establish a Sandalwood Industry (Forestry) at 8964 Ayr Dalbeg Road, Dalbeg (Lot 66 on GS435, Parish of Dalbeg, County of Gladstone)**

**Executive Summary**

An application has been received from Groves & Clark Solicitors on behalf of their client TFS Properties Limited seeking approval for a Material Change of Use to establish a Sandalwood Industry (forestry) at 8964 Ayr Dalbeg Road, Dalbeg. (Lot 66 on GS435 Parish of Dalbeg, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

**Recommendation**

That Council approves the Development Application for a Material Change of Use to establish a Sandalwood Industry at 8964 Ayr Dalbeg Road, Dalbeg (Lot 66 on GS435, Parish of Dalbeg, County of Gladstone) subject to the following conditions:

**GENERAL**

- 1.1 The conditions of the development permit must be achieved prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting documents in the application submitted.
- 1.3 Harvesting of the sandalwood trees are to be conducted in an ecologically sustainable manner to ensure that no adverse environmental impacts arise.

**ROADWORKS**

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

**DRAINAGE**

3. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

**BUILDING WORK**

4. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

---

## EXTERNAL WORKS

5. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

### **ADVICE (Note: These are not conditions)**

- *Any burning on site of crop or waste material is done in accordance with a permit from Queensland Fire & Rescue Service (QFRS).*

## Resolution

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

CARRIED

### **5.13 TFS Properties Limited - Development Application for Material Change of Use to establish a Sandalwood Industry (forestry) at 8884 Ayr Dalbeg Road, Dalbeg (Lot 62 on GS435, Parish of Dalbeg, County of Gladstone)**

## Executive Summary

An application has been received from Groves & Clark Solicitors on behalf of their client TFS Properties Limited seeking approval for a Material Change of Use to establish a Sandalwood Industry (forestry) at 8884 Ayr Dalbeg Road, Dalbeg. (Lot 62 on GS435 Parish of Dalbeg, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

## Recommendation

That Council approves the Development Application for a Material Change of Use to establish a Sandalwood Industry at 8884 Ayr Dalbeg Road, Dalbeg (Lot 62 on GS435, Parish of Dalbeg, County of Gladstone) subject to the following conditions:

## GENERAL

- 1.1 The conditions of the development permit must be achieved prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting documents in the application submitted.
- 1.3 Harvesting of the sandalwood trees are to be conducted in an ecologically sustainable manner to ensure that no adverse environmental impacts arise.

---

## ROADWORKS

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

## DRAINAGE

3. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

## BUILDING WORK

4. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

## EXTERNAL WORKS

5. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

### ***ADVICE (Note: These are not conditions)***

- *Any burning on site of crop or waste material is done in accordance with a permit from Queensland Fire & Rescue Service (QFRS).*

## Resolution

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

## CARRIED

- 5.14 TFS Properties Limited - Development Application for Material Change of Use to establish a Sandalwood Industry (forestry) at 8752 & 8800 Ayr Dalbeg Road, Dalbeg (Lots 3 & 4 on GS316, Parish of Dalbeg, County of Gladstone)**

## Executive Summary

An application has been received from Groves & Clark Solicitors on behalf of their client TFS Properties Limited seeking approval for a Material Change of Use to establish a Sandalwood Industry (forestry) at 8752 & 8800 Ayr Dalbeg Road, Dalbeg. (Lots 3 & 4 on GS316 Parish of Dalbeg, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

---

## **Recommendation**

That Council approves the Development Application for a Material Change of Use to establish a Sandalwood Industry at 8752 & 8800 Ayr Dalbeg Road, Dalbeg (Lots 3 & 4 on GS316, Parish of Dalbeg, County of Gladstone) subject to the following conditions:

### **GENERAL**

- 1.1 The conditions of the development permit must be achieved prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting documents in the application submitted.
- 1.3 Harvesting of the sandalwood trees are to be conducted in an ecologically sustainable manner to ensure that no adverse environmental impacts arise.

### **ROADWORKS**

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

### **DRAINAGE**

3. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

### **BUILDING WORK**

4. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

### **EXTERNAL WORKS**

5. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

### **ADVICE (Note: These are not conditions)**

- *Any burning on site of crop or waste material is done in accordance with a permit from Queensland Fire & Rescue Service (QFRS).*

---

## Resolution

Moved Councillor Dalle Cort, seconded Councillor Gazziola that the recommendation be adopted.

CARRIED

### **5.15            TFS Properties Limited - Development Application for Material Change of Use to establish a Sandalwood Industry (forestry) at 7868 Ayr Dalbeg Road & 7 Sellars Road, Dalbeg (Lots 45 & 46 on GS326, Parish of Dalbeg, County of Gladstone)**

## Executive Summary

An application has been received from Groves and Clark Solicitors on behalf of their client TFS Properties Limited seeking approval for a Material Change of Use to establish a Sandalwood Industry (forestry) at 7868 Ayr Dalbeg Road & 7 Sellars Road, Dalbeg. (Lots 45 & 46 on GS326 Parish of Dalbeg, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

## Recommendation

That Council approves the Development Application for a Material Change of Use to establish a Sandalwood Industry at 7868 Ayr Dalbeg Road & 7 Sellars Road, Dalbeg (Lots 45 & 46 on GS326, Parish of Dalbeg, County of Gladstone) subject to the following conditions:

### GENERAL

- 1.1 The conditions of the development permit must be achieved prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting documents in the application submitted.
- 1.3 Harvesting of the sandalwood trees are to be conducted in an ecologically sustainable manner to ensure that no adverse environmental impacts arise.

### ROADWORKS

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

---

## DRAINAGE

3. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

## BUILDING WORK

4. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

## EXTERNAL WORKS

5. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

### **ADVICE (Note: These are not conditions)**

- *Any burning on site of crop or waste material is done in accordance with a permit from Queensland Fire & Rescue Service (QFRS).*

## Resolution

Moved Councillor Loizou, seconded Councillor Dalle Cort that the recommendation be adopted.

CARRIED

**5.16 TFS Properties Limited - Development Application for Material Change of Use to establish a Sandalwood Industry (forestry) at 7940 Ayr Dalbeg Road, Dalbeg (Lot 42 on GS326, Parish of Dalbeg, County of Gladstone)**

## Executive Summary

An application has been received from Groves & Clark Solicitors on behalf of their client TFS Properties Limited seeking approval for a Material Change of Use to establish a Sandalwood Industry (forestry) at 7940 Ayr Dalbeg Road, Dalbeg. (Lot 42 on GS326, Parish of Dalbeg, County of Gladstone). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

## Recommendation

That Council approves the Development Application for a Material Change of Use to establish a Sandalwood Industry at 7940 Ayr Dalbeg Road, Dalbeg (Lot 42 on GS326, Parish of Dalbeg, County of Gladstone) subject to the following conditions:

---

## **GENERAL**

- 1.1 The conditions of the development permit must be achieved prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the supporting documents in the application submitted.
- 1.3 Harvesting of the sandalwood trees are to be conducted in an ecologically sustainable manner to ensure that no adverse environmental impacts arise.

## **ROADWORKS**

2. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

## **DRAINAGE**

3. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.

## **BUILDING WORK**

4. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

## **EXTERNAL WORKS**

5. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

## ***ADVICE (Note: These are not conditions)***

- *Any burning on site of crop or waste material is done in accordance with a permit from Queensland Fire & Rescue Service (QFRS).*

## **Resolution**

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

CARRIED

---

**5.7 Development application for Material Change of Use for a Shopping Centre at 129, 129A, 131, 133, 135-137 and 139-141 Eighth Avenue, Home Hill (Lots 1 & 2 on RP700412, Lots 1 & 2 on RP707837, Lots 31 & 32 on H6166, Parish of Inkerman, County of Salisbury)**

Councillor Lewis declared a conflict of interest in respect of this application as his business has been asked to provide a quotation for the proposed development, and left the meeting.

The Mayor, Councillor McLaughlin declared a conflict of interest in respect of this application and agenda item 5.9 as the respective applicants are close family friends, and left the meeting.

Deputy Mayor, Councillor Loizou assumed the Chair.

**Executive Summary**

An application has been received from Richard and Karen Bonato seeking approval for a Material Change of Use for a Shopping Centre at 129, 129A, 131, 133, 135-137 and 139-11 Eighth Avenue, Home Hill (Lots 1 & 2 on RP700412, Lots 1 & 2 on RP707837, Lots 31 & 32 on H6166, Parish of Inkerman, County of Salisbury)

**Recommendation**

That Council approves the Development Application for a Material Change of Use for a Shopping Centre at 129, 129A, 131, 133, 135-137 and 139-11 Eighth Avenue, Home Hill (Lots 1 & 2 on RP700412, Lots 1 & 2 on RP707837, Lots 31 & 32 on H6166, Parish of Inkerman, County of Salisbury) subject to the following conditions:

**GENERAL**

- 1.1 The conditions of the development permit must be effected prior to the commencement of the use, except where specified otherwise in these conditions of approval.
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the approved plans listed below submitted by 'Phorm'; except where modified by the conditions of this Development Permit and any approval issued there under.

| Drawing No | Date       |
|------------|------------|
| DA_000     | 19/12/2011 |
| DA_100     | 19/12/2011 |
| DA_102     | 19/12/2011 |

- 1.3 All rates and charges (including infrastructure charges), in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.
- 1.4 All lots are to be amalgamated into one title.



---

## **BUILDING WORK**

2. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

## **ROADWORKS**

- 3.1 The construction of any crossovers to give access to the land is to be the owner's responsibility. All construction of new concrete walkways and crossovers in public roads is to be to the satisfaction of the Chief Executive Officer.
- 3.2 Construct a concrete footpath as shown on 'Phorm' plan DA\_100. The footpath is to comply with the Disability Discrimination Act.
- 3.3 Any awning or other overhang over the road/property boundary will require approval from Council.
- 3.4 Any alterations to on-street carparking shall be the responsibility of the developer, and to the satisfaction of the Chief Executive Officer.

## **ACCESS AND CAR PARKING**

- 4.1 Parking shall be provided generally in accordance with the approved plan from Phorm; Drawing No DA\_100.
- 4.2 Parking space, access and layout must be designed in accordance with the provisions contained in Schedule 2 – Vehicle Parking Rates & Standards of the Planning Scheme.
- 4.3 Access to the premises, car parking and manoeuvring areas must be constructed in an all weather low glare paving, exposed aggregate concrete or similar material to the satisfaction of the Chief Executive Officer.

## **DRAINAGE**

- 5.1 A detailed Soil Erosion and Sediment Control Plan must be provided as part of an Operational Works application. An appropriately qualified professional must design and certify the plan which must comply with the Environment Protection Act 1994 and all its subordinate legislation, and addresses the performance outcomes stated in State Planning Policy 4/10 Healthy Waters, Appendix 1, Part A.
- 5.2 A Stormwater Quality Management Plan which addresses the performance outcomes stated in State Planning Policy 4/10, Appendix 1, Part A, must be provided as part of an Operational Works application.
- 5.3 Any stormwater drainage from paved/sealed and roofed areas that is discharged under the footpath to kerb and channelling within the adjoining road reserves shall be in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.

- 
- 5.4 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.
- 5.5 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

## **PUBLIC UTILITY SERVICES**

6. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development.

## **OPERATIONAL WORKS**

7. An approval under the Sustainable Planning Act must be obtained for Operational Works. The Operational Works application shall include plans and specifications for works addressing the performance outcomes stated in State Planning Policy 4/10 - Healthy Waters, Appendix 1, Part A.

## **WATER SUPPLY**

8. The development must be connected to Council's reticulated water supply. The water connection must be provided at a location approved by Council and at the full cost of the developer.

## **SEWERAGE SUPPLY**

9. The development must be connected to Council's sewerage scheme. The sewerage connection must be provided at a location approved by Council and at the full cost of the developer.

## **ENVIRONMENT AND HEALTH**

10. Car parks, landscaping and paved areas shall be regularly maintained clear of litter and potential contaminants shall be cleaned from the site on a regular basis.
11. There shall be no release of litter or contaminants from the site to any roadside gutter, drain or waters.
12. An enclosed area of suitable size must be provided to store the number of waste bins required to service this site,  
The area must:
- Be of adequate size for the storage of all bins servicing the site;
  - Have a floor which is raised, imperviously paved and suitably drained to Council's sewer, via an approved bucket trap;
  - Be enclosed with walls to a height of approximately 1.2m;
  - Be roofed to prevent ingress of stormwater. If not, a first flush diversion valve shall be fitted; and
  - Include a suitable hosecock with hose attached, with dual check valve backflow prevention (RMC No. 7 or equivalent).

---

**Advice to applicant:**

- *Plans of any proposed food premises must be submitted to Council for approval prior to construction and must comply with the Food Safety Standards 2001. A licence must be held for the operation of any food premises prior to opening in accordance with the Food Act 2006.*
- *The operator of any proposed premises that provide services classified under the Public Health (Infection Control for Personal Appearance Services) Act 2003 as higher risk are required to hold a licence with Council under the Act prior to the premises opening.*
- *Trade Waste licenses may be required dependent on future shop usage.*

**Resolution**

Moved Councillor Dalle Cort, seconded Councillor Gazziola that the recommendation be adopted.

CARRIED

Councillor Lewis returned to the meeting.

**5.9 Shelley Norris - Development Application for Material Change of Use to increase the number of persons authorised to be accommodated on the premises to 102 persons at 30 Ninth Street, Home Hill (Lot 8 on H61618 Parish of Inkerman, County of Salisbury)**

**Executive Summary**

An application has been received from Shelly Norris seeking approval for a Material Change of Use for an increase to the number of persons authorised to be accommodated on the premises to 102 persons at 30 Ninth Street, Home Hill (Lot 8 on H61618 Parish of Inkerman, County of Salisbury). A Development Application (Impact Assessable) has been triggered in accordance with the Burdekin Shire IPA Planning Scheme.

**Recommendation**

That Council approves the Development Application for a Material Change of Use for an increase to the number of persons authorised to be accommodated on the premises to 102 persons at 30 Ninth Street, Home Hill (Lot 8 on H61618 Parish of Inkerman, County of Salisbury) subject to the following conditions:

**GENERAL**

- 1.1 The conditions of the development permit must be achieved prior to the commencement of the use, except where specified otherwise in these conditions of approval.

- 
- 1.2 The development and conduct of the approved use of the premises, the carrying out and maintenance of any works on the premises and construction and maintenance of any building on the premises must be generally in accordance with the approved plans listed below submitted by Tony Ferraris consulting building design; except where modified by the conditions of this Development Permit and any approval issued there under.

| Job No     | DWG No | Issue |
|------------|--------|-------|
| TFBD-11036 | SK01   | P2    |
| TFBD-11036 | SK02   | P2    |
| TFBD-11036 | SK03   | P2    |

- 1.3 All wastes and rubbish shall be stored, collected and disposed of to the satisfaction of the Council, and in accordance with the Environmental Protection (Interim Waste) Regulations 1996, with full cost borne by the applicant. No wastes or rubbish shall be burned on-site.

## **DRAINAGE**

- 2.1 Stormwater drainage from paved/sealed and roofed areas must be discharged under the footpath to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer or as otherwise required or agreed to in writing by council.
- 2.2 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.
- 2.3 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.

## **PUBLIC UTILITY SERVICES**

3. The developer must at its own cost undertake all necessary alterations to public utility mains and services as are rendered necessary by the carrying out of any required external works or other works associated with the approved development;

## **ROADWORKS**

4. The construction of any crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.

## **AMENITY**

5. Any night and outdoor lighting must be designed, conducted and operated in accordance with 'AS 4282 – Control of the obtrusive effects of outdoor lighting'. Lighting for the car park is not to cause a nuisance to any persons.

---

## **BUILDING HEIGHTS**

6. In accordance with the approved plans, no building shall exceed 2 stories in height.

## **BUILDING WORK**

7. A development permit for Building Works is to be obtained before any building works are carried out on the premise.

## **OPERATIONAL WORKS**

8. Where operational works are required to be carried out for the development, the developer must, within a period of two years from the date of this permit and prior to the commencement of any work, lodge with Council an application for a development permit for operational works. As part of such application, the developer must submit:-
- (a) detailed and complete engineering drawings and specifications of the proposed works prepared by a civil engineer, who is both registered under the Professional Engineer's Act 2002 and is current Registered Professional Engineer of Queensland; and
  - (b) certificate from the engineer who prepared the drawings stating that the design and specifications have been prepared in accordance with these conditions, relevant Council Codes and Planning Scheme Policies and the relevant Australian Standard Codes of Practice;

## **AMENITY – SCREEN FENCING**

9. A 1.8m high screen fence must be provided along the adjoining property boundaries. The type and design must be submitted and approved by the Chief Executive Officer as part of the Landscaping Plan;

## **LANDSCAPING AND SCREENING**

10. A landscaping plan shall be submitted and approved by the Chief Executive Officer. This plan must be prepared by a landscape architect or other suitably qualified and experienced person detailing the following;
- the location of existing and proposed plantings;
  - landscaping of the designated areas generally in accordance with the approved plans;
  - proposed fencing and screens, including rubbish bin enclosures;

## **TRADE WASTE**

11. A Trade Waste permit will be required. A Trade Waste Application for 'Permit to Discharge to the Sewer' is to be submitted to Council prior to the new building becoming operational.

---

## ENVIRONMENT AND HEALTH

- 12.1 Facilities for the use of occupants at the premises must comply and be maintained at all times in accordance with the provisions of the relevant Local Law.
- 12.2 Detailed plans of any proposed buildings or alterations, including details of all facilities provided must be submitted and approved prior to the occupancy or use of any buildings used in connection with the accommodation business.
- 12.3 The accommodation business and all ancillary activities must be conducted within the boundaries of premises that are the subject of this approval.

### ADVICE ONLY;

- It is advised to contact the Environment & Health Department in regards to licensing and registration in accordance with the Food Act 1981.
- The operator of the premises must hold a licence with Burdekin Shire Council for the operation of the accommodation premises under the provisions of the *Local Government Act 2009* and Local laws proclaimed pursuant to the Act.

**The following comments are from the Manager of Planning & Development, Mr Shane Great:**

### Background Information:

Burdekin Shire Council acting as the Assessment Manager has received a properly made Development Application for a Material Change of Use for an increase to the number of persons authorised to be accommodated on the premises at 30 Ninth Street, Home Hill (Lot 8 on H61618 Parish of Inkerman, County of Salisbury). The land is zoned 'Retail and Commercial' under the provisions of Council's IPA Planning Scheme. The level of assessment is 'Impact Assessable'.

### The Application:

The existing approval allows for 54 persons to be accommodated. The proposal is seeking approval to cater for an increase of 48 persons. This scenario has triggered the need to lodge a new development application. A new two story building will be built adjacent to the existing building to provide an additional 48 beds on two levels. It is intended to build a new building with a ground floor area of 208.6 m<sup>2</sup> and a new common living area of 72m<sup>2</sup>. The existing ambulance totals 206.15m<sup>2</sup> in ground floor area.

The use is best classified as 'Tourist Accommodation' under the provisions of Council's IPA Planning Scheme and is defined as:

**"Tourist Accommodation:-** Premises used for the accommodation of tourists including backpackers' lodgings and includes, dining, administration, housekeeping and maintenance facilities when carried on in conjunction with the use".

---

The subject land described as Lot 8 on H61618 is zoned 'Retail /Commercial' and has been assessed against the relevant sections of the planning scheme codes.

The applicant has stated that the existing facility has been successfully operating for nine years and has made a significant contribution to the Home Hill economy. With regard to car-parking provisions, the applicant has argued that given the nature of the industry, low car ownership statistics for backpackers and the fact the ample parking provision exists on-street, no car-parking allowance has been made for on-site car-parking. These reasons have contributed towards no car parking requirements being included in the recommendation.

Advice included in the decision notice will reiterate to the applicant that new approvals would need to be applied for in regards to licensing and registration in accordance with the Food Act 1981. In addition, an application is to be made under Council's Local Law No. 8 (Rental Accommodation with shared facilities) and approved prior to the business commencing operation.

The application was advertised in the Home Hill Observer on Thursday 1 December, 2011 and at the closing date for submissions on 10 January 2012, no submissions were received.

***Site Description and Surrounding Land Uses:***

The subject site is located at 30 Ninth Street, Home Hill with a total site area of 1,012m<sup>2</sup>. There is a mixture of uses in the surrounding area including park and recreational land, a commercial business and yards, the memorial hall and limited residential amenity.

***Recommendation:***

Council's Development Assessment Team members have assessed the application and have included reasonable and relevant conditions as part of the recommended approval. These conditions have been included to ensure any possible negative impacts on amenity are minimised. Given that the proposal complies with the provisions contained in Council's Planning Scheme, is for an extension to an existing use and no public objections were received, it is recommended that Council approve the application subject to the abovementioned conditions.

**Resolution**

Moved Councillor Lewis, seconded Councillor Dalle Cort that the recommendation be adopted.

FOR: Councillors Loizou, Haynes, Gazziola and Lewis

AGAINST: Councillor Dalle Cort

CARRIED 4/1

Councillor Dalle Cort advised that she voted against the motion due to concerns that conditions requiring the applicant to install laundry facilities in the premises may detrimentally affect two existing businesses in Home Hill that provide laundry facilities.

The Mayor, Councillor McLaughlin returned to the meeting and assumed the Chair.

---

## **5.17 Reef Guardian Council Program Update**

### **Executive Summary**

The Reef Guardian Council Program has been developed as a vehicle for engendering community change to promote Great Barrier Reef protection through education, information sharing and involvement in on-the-ground actions.

The Burdekin Shire Council is currently part of the Reef Guardian Council network, with the Memorandum of Understanding between the GBRMPA and the council renewed on an annually basis. This is to ensure:

- The council has opportunity to discuss the program within council
- New activities and actions can be identified for the action plan, for promotion or further engagement through the action plan
- Resource limited activities and actions that apply under the program can be identified, for the GBRMPA to start seeking additional resources for these actions.

Through the Reef Guardian Council Program, the council and community can look at opportunities that:

- strengthen local economies
- promote of councils' environmental efforts
- expose new and innovative ideas from other communities
- improve the environment and beautify living spaces (eg. better water, more trees)
- leverage external endorsement, promotion, funding and/or marketing.

Attached is the Burdekin Shire Council MoU (with action plan) for the 2011 / 2012 financial year.

### **Recommendation**

That Council resolves to :-

- (i) Sign the MoU and letter of request to continue with the Reef Guardian Council program.

### **Resolution**

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

CARRIED

## **5.18 Nelsons Lagoon Stormwater Quality Improvement Device**

### **Executive Summary**

The design of the pollutant trap for Nelsons Lagoon has been completed. Council approval is required for its construction.



---

## **Recommendation**

- That council endorses the proposal for the pollutant trap at Nelsons Lagoon.
- Council provides the necessary budget for the construction of the pollutant trap.

## **Resolution**

Moved Councillor Dalle Cort, seconded Councillor Lewis that:

- Council endorses the proposal for the pollutant trap at Nelsons Lagoon;
- The design and construction of the pollutant trap be funded from the Enviro Levy budget noting the total estimated cost of the pollutant trap (design and construction) is \$175,000.

CARRIED

## **6. CORPORATE & COMMUNITY SERVICES**

### **6.1 Interest Free Loan Request - Home Hill Golf Club**

#### **Executive Summary**

Home Hill Golf Club has requested an interest free loan of \$10,000 to purchase a mower.

#### **Recommendation**

That Council approves an interest free loan of \$10,000 (no GST applicable) to the Home Hill Golf Club Inc, subject to the following conditions:

1. Repayments to be made at the annual amount of \$2,000 for five (5) years;
2. Should there be any default in repayment of the financial assistance, interest will be charged at the rate of 15% per annum;
3. The applicant shall keep, repair and maintain the said plant in good repair and condition;
4. That if any monies that are due and payable to the Council are in default, the applicant shall forthwith deliver the item of plant to the Council for any action that it deems fit, including the sale thereof. If the sale proceeds are greater than the monies due and payable to the Council, together with the costs associated with the sale, the amount of surplus will be returned to the applicant;

- 
5. The applicant shall indemnify and agree to keep indemnified the Council against any claim arising out of or in any way connected with this transaction from the date of provision of revenue financial assistance, or any activity associated with the use of the item of plant (all referred to as “the indemnified acts or omissions”) save to the extent that the claim arises as a result of any negligent act or omission of the parties, however, any negligent act or omission of one of the parties does not negate the indemnity to the other parties. The applicant shall release and discharge the Council from any claim relating to the indemnified acts or omissions;
  6. The applicant shall during the term of this agreement until such time as all monies due and payable to the Council have been received by the Council, insure and keep insured in some public insurance office, the item of plant against loss or damage by fire, storm, tempest and theft to its full insurable value and will cause all monies received by virtue of such insurance to be forthwith laid out in re-instating the said item of plant so destroyed or damaged as aforesaid.
  7. The applicant must have in place a public risk policy of insurance in the amount of \$10,000,000 (\$10 million) in respect of any liability at law, for any loss of or damage to any property or for the injury (including death) to any person arising out of anything done or omitted in respect of the use of the item of plant; and against any claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof.
  8. The Council shall have the right from time to time personally or by their duly authorised agent or agents to enter upon land occupied by the applicant and all reasonable times to view and examine the condition of the item of plant and may give to the applicant not less than 48 hours notice in writing, specifying any repairs necessary to be done and requiring the applicant forthwith to execute the same and if the applicant shall not proceed diligently with the execution of such repairs, the Council may after the expiration of the period of notice enter upon the said land and execute such repairs and the costs thereof shall be a debt due from the applicant to the Council and be forthwith recoverable by action.

## **Resolution**

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

CARRIED

### **6.2 Resumption of Land - Department of Transport and Main Roads - Part of Lot 10 on RP890872**

## **Executive Summary**

The Department of Transport and Main Roads has been progressing steps in accordance with the Acquisition of Land Act 1967 to acquire land to create a cul-de-sac off one of the local streets to prevent blind left hand turns across a local railway line.

---

Approximately 11.7 square metres of Council freehold land is affected. The land is described as Lot 10 on RP890872. Council is required to provide advice on any objection it may have to the taking of the land.

### **Recommendation**

Council advises the Department of Transport and Main Roads of its approval to take approximately 11.7 square metres of Council owned Freehold land described as part of Lot 10 on RP890872 for transport and road purposes.

### **Resolution**

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

CARRIED

## **7. CORRESPONDENCE FOR INFORMATION**

## **8. NOTICES OF MOTION**

### **8.1 Appointment of Authorised Officers - Waste Reduction and Recycling (Authorised Persons) Delegation (No.1) 2011**

#### **Recommendation**

That the following Officers be appointed as Authorised Officers in accordance with Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2011.

- Tracy Jensen
- Linda Govan
- Anne McLaughlin
- Ron Paauwe
- Karl Schatkowski
- Chris Gallyer

and that the powers delegated as contained within the Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2011 also be delegated to those Authorised Officers.

#### **Resolution**

Moved Councillor Lewis, seconded Councillor Loizou that the Council delegates authority to the Chief Executive Officer for all matters under the Waste Reduction and Recycling Act 2011, including those matters that the state delegates to the local government.

CARRIED

---

## **9. URGENT BUSINESS**

## **10. GENERAL BUSINESS**

### **10.1 Council supports Application for removal of Emergency Bores in Home Hill from Water Flouridation Regulation 2008**

#### **Resolution**

Moved Councillor Haynes, seconded Councillor Lewis that Council supports the application to Queensland Health for the removal of emergency bores in Home Hill from the Water Flouridation Regulation 2008.

CARRIED

### **10.2 Extension of Kerbing and Channelling on corner of Young and Gordon Streets to be listed for Budget Consideration**

#### **Resolution**

Moved Councillor Dalle Cort, seconded Councillor Gazziola that the extension of kerbing and channelling on the corner of Young and Gordon Streets, Ayr be listed for consideration for inclusion in the Works Implementation Programme.

CARRIED

### **10.3 Councillor Dalle Cort granted Leave of Absence**

#### **Resolution**

Moved Councillor Haynes, seconded Councillor Gazziola that Councillor Dalle Cort be granted leave of absence from the Ordinary Council Meeting to be held on 28 February, 2012.

CARRIED

### **10.4 Councillor Loizou granted Leave of Absence**

#### **Resolution**

Moved Councillor Lewis, seconded Councillor Haynes that Councillor Loizou be granted leave of absence from 16 to 20 February, 2012.

CARRIED

---

## **11.IN COMMITTEE DISCUSSIONS**

### **Council meets In Committee under Section 72 of Local Government (Operations) Regulation 2010**

#### **Resolution**

Moved Councillor Haynes, seconded Councillor Gazziola that the Council meets in committee under the following sections of the Local Government (Operations) Regulation 2010:

72(1)(d) rating concessions

for the purpose of discussing an application for council rebate to be considered as a special circumstance.

### **Ordinary Meeting of Council Resumed**

#### **Resolution**

Moved Councillor Gazziola, seconded Councillor Haynes that the ordinary meeting of Council be resumed.

CARRIED

### **11.1 Confidential Application for Council Rebate to be considered as a Special Circumstance**

#### **Resolution**

Moved Councillor Loizou, seconded Councillor Lewis that the application for Council Rebate on Property No. 6765 to be considered as a special circumstance not be approved on the following grounds:

1. The applicant is no longer the legal owner of the property;
2. The Lease of life interest was drawn up to meet Centrelink requirements; and
3. Approval of this special circumstance may generate similar new application requests in the future due to ongoing changes to Centrelink requirements.

CARRIED

---

## **12.DELEGATIONS**

There being no further business the meeting closed at 11.56 am.

**These minutes were confirmed by Council at the Ordinary Council Meeting held on 28 February 2012.**

**MAYOR**

