



BURDEKIN SHIRE COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

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

on 28 August 2012

COMMENCING AT 9:00AM



TUESDAY 28 AUGUST 2012

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BURDEKIN SHIRE COUNCIL



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ATTENDANCE

Councillors W.C. Lowis (Mayor), L.D. McCathie, L. Loizou, U.E. Liessmann and E.J. Bawden

Mr. K. Holt - Chief Executive Officer

Mr. D.P. Mulcahy - Director Corporate and Community Services

Mr. S. Great - Manager Planning and Development

Miss T. Jensen - Manager Environment and Health

Mr. W. Saldumbide - Manager Operations

Mr. K. Byers - Manager Technical Services

Minutes Clerk – Mrs. Vicki Walker

Leave of Absence: Councillors R.H. Lewis and P.M. Dalle Cort

Councillor McCathie was not in attendance at the commencement of the meeting. Councillor McCathie arrived at the meeting following the presentation on Wongaloo (Cromarty Wetlands) and was present for some of the general business discussions.

1 PRAYER

The meeting prayer was delivered by Martin Vucetic of the Burdekin Community Church.

2 DECLARATIONS OF INTEREST

The Mayor called for declarations of interest.

No declarations of interest were identified.

3 MINUTES AND BUSINESS ARISING

3.1 Ordinary Council Meeting Minutes - 14 August 2012

Recommendation

That the minutes of the Ordinary Council Meeting held on 14 August 2012 be received as a true and correct record.

Resolution

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

CARRIED

3.2 Budget Meeting Minutes - 21 August 2012

Recommendation

That the minutes of the Budget Meeting held on 21 August 2012 be received as a true and correct record.

Resolution

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

CARRIED

3.3 Burdekin Building Safer Communities Action Team Minutes - 8th August, 2012

Recommendation

That the minutes of the Burdekin Building Safer Communities Action Team Meeting held on 8th August, 2012 be received and adopted.

Resolution

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

CARRIED

4 REPORTS

5 ENVIRONMENT & OPERATIONS

5.1 Bonanno - Development Application - Material Change of Use for Intensive Agriculture (Sugar Cane Production) at 38 Davenport Road, Inkerman (Lot 7 on RP891971, Parish of Inkerman, County of Salisbury)

Executive Summary

An application has been received from S & D Bonanno & Sons, seeking approval for a Material Change of Use for Intensive Agriculture (Sugar Cane Production) at 38 Davenport Road, Inkerman (Lot 7 on RP891971, Parish of Inkerman, County of Salisbury). A Development Application (Code Assessable) has been triggered in accordance with the Burdekin Shire Council's IPA Planning Scheme.

Recommendation

That Council approves the Development Application for a Material Change of Use for Intensive Agriculture (Sugar Cane Production) at 38 Davenport Road, Inkerman (Lot 7 on RP891971, 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 supporting documents in the application submitted.

BUILDING WORK

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

EXTERNAL WORKS

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.

ENVIRONMENT AND HEALTH

- 5.1 A suitable buffer of a minimum distance of 40m must be maintained between intensive agricultural activities subject to this application and the boundary of adjoining properties. No activity such as the growing of cane, or the construction of drains, vehicle access or haulout routes must be undertaken within the buffer.
- 5.2 No intensive agricultural activities including any associated constructed drainage, vehicle access or haulout routes must be conducted within 100m from the high bank of any watercourse or wetland.
- 5.3 The activity of intensive agriculture must not cause a nuisance from the discharge of smoke, dust, fumes, noise or other emission at any time.

ADVICE ONLY

- There must be no clearing of remnant vegetation undertaken as part of this application.

Resolution

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

CARRIED

5.2 Grasso - Development Application for Reconfiguring a lot (5 into 5 lots) at 55, 74, 130, 131 & 169 Ferguson Road, Ayr (Lots 3 & 4 on SP113306, Lots 16 & 17 on RP894275 & Lot 15 on RP702289, Parish of Antill, County of Gladstone)

Executive Summary

An application has been received from Brazier Motti on behalf of their client Frank Grasso seeking approval for Reconfiguring a Lot (Boundary Realignment) at Ferguson Road, Ayr (Lots 3 & 4 on SP113306, Lots 16 & 17 on RP894275 & Lot 15 on RP702289, 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 (Boundary Realignment) at Ferguson Road, Ayr (Lots 3 & 4 on SP113306, Lots 16 & 17 on RP894275 & Lot 15 on RP702289, 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 \$149-00 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 55838/001A-2A;

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- (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.

ENVIRONMENT AND HEALTH

6. Any future development on newly created lots 1 & 2 including any dwelling house must not be constructed within 50m from the highbank of Plantation Creek.

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;*
- *The proposed lots may not be able to be connected to Council's reticulated water supply.*

Resolution

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

CARRIED

5.3 Burdekin Shire Council - Development Application for Reconfiguring a Lot at 1-23 Conlan Street, Ayr (Lot 1 on RP714591 Parish of Antill, County of Gladstone)

Executive Summary

An application has been received from the Burdekin Shire Council seeking approval for Reconfiguring a Lot at 1-23 Conlan Street, Ayr (Lot 1 on RP714591 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 at 1-23 Conlan Street, Ayr (Lot 1 on RP714591 Parish of Antill, County of Gladstone), subject to the following conditions:

GENERAL

- 1.1 The proposed lots must be filled and compacted with approved material to a minimum level equal to the level of a 50 year ARI flood and must be evenly graded to the road frontage or an approved inter-lot drainage system at not less than 0.25% to ensure that the land is free draining.
- 1.2 Where fill is incorporated on allotments, details of compaction standards obtained are to be provided to Council. Such standards are to comply with the minimum standard for building construction.
- 1.3 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.
- 1.4 Pay the sum of \$208-60 calculated on the basis of a charge of \$23-90 per lot to be levied on the Council by the Department of Environment & Resource Management for each new valuation.
- 1.5 The proposed residential lots are to be located or incorporate measures to minimise the impact of dust, smoke, noise and ash generated by nearby agricultural activities in accordance with the "*Planning Guidelines: Separating Agricultural and Residential Land Uses – August 1997.*"
- 1.6 Where inter-allotment drainage benefits only freehold lots easements shall be created in favour of benefitted lots.

PROPOSAL PLAN

2. The reconfiguration of the land must be carried out generally in accordance with:-
 - (a) (i) the proposed Burdekin Shire Council plan numbered M-1034 Revision A;
 - (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

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

SOIL EROSION SEDIMENT CONTROL & STORMWATER

- 3.1 A detailed Soil Erosion and Sediment Control Plan for the whole development must be provided as part of 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.
- 3.2 A Stormwater Quality Management Plan, for the completed subdivision, which addresses the performance outcomes stated in State Planning Policy 4/10, Appendix 1, Part A, must be provided as part of Operational Works application.
- 3.3 A stormwater management plan which shows
 - The proposed stormwater drainage layout, for the completed subdivision, including both surface underground drainage structures.
 - An adequately sized stormwater route from the proposed development to the lawful point of discharge
 - Measures to be used to minimise stormwater discharge rate from the developed site.must be provided as part of Operational Works application.
- 3.4 Provide to Council all stormwater calculations and design details for the whole development. Calculations must show:
 - hydrology calculations, for both Q5 and Q50 events, including runoff from individual catchments
 - hydraulic calculations, for both Q5 and Q50 events, including
 - backwater analysis
 - hydraulic grade line results
 - kerb and channel flow widths and depths
 - pipe flows and velocities
 - channel flows and velocities
 - overland flow volumes and velocitiesThese shall be certified by a Registered Professional Engineer of Queensland (RPEQ) and be included in the operational works application.

DRAINAGE

- 4.1 The developer shall provide a stormwater management plan for the entire development. The plan shall illustrate the flow paths for the minor and major drainage systems.
- 4.2 The minor drainage shall consist generally of an underground system capable of conveying 5 yr ARI flows from the development and any external catchments currently flowing onto the land being developed. Stormwater shall not overtop kerb for a 5yr ARI event.

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- 4.3 The major drainage system shall consist of overland flow paths or suitably sized underground drainage capable of discharging 50yr ARI flows from the development and any external catchments currently flowing onto the land being developed. Stormwater shall be confined to road reservations and easements for a 50yr ARI event.
 - 4.4 The lawful point of discharge for stormwater shall be at a location approved by Council.
 - 4.5 All surface drainage shall be suitably lined with concrete to maintain levels and grades;
 - 4.6 All drainage works are to be designed to ensure no detrimental affect to the upstream and downstream catchments;
 - 4.7 Downstream drainage paths and structures are to be analysed to ensure they are suitably sized for the increased flows from the development when fully developed. Any inadequate elements of the system are to be augmented at the developers full cost to allow for the increased flows;
 - 4.8 Drainage reserves and easements shall be provided as required by the stormwater design. The developer must at its own cost grant and register all such easements on the title document. Land within proposed reserves shall be transferred to the Burdekin Shire Council upon registration of the Survey Plan.

DRAINAGE RESERVES

- 5.1 Overland flow paths designed as part of the major drainage system shall be constructed within drainage reserves to be dedicated to Council.
- 5.2 Open drains within reserves shall have a 1.2m minimum width concrete invert constructed in the base of the drain.
- 5.3 Widths of drainage reserves shall be the width of the constructed drain plus a minimum of 3m each side of the top of the drain.

DRAINAGE EASEMENTS

- 6.1 Open drains incorporated in the minor drainage system shall be located within drainage easements and shall have a 600mm wide concrete invert constructed in the base of the drain.
- 6.2 Piped drains traversing allotments shall be located within drainage easements.
- 6.3 Width of drainage easements shall be the width of the constructed drain plus a minimum of 1m each side of the top of the drain, pipe or culvert with a minimum width of 4m.

ROADWORKS

Conlan Street

- 7.1 Provide stand up kerbing and channelling from the western boundary of proposed lot 1 to the existing concrete drain through proposed lot 7. The alignment of such shall provide 8.2m minimum between faces of the kerb.
- 7.2 Provide an asphalt seal (minimum 30mm thick) for all new roads.
- 7.3 Pavement design shall comply with Queensland Transport pavement design manual guidelines and shall be no less than 150mm thick compacted type 2.2 gravel.

Accesses

- 7.4 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. Any proposed purchaser of the land is to be advised accordingly.

PUBLIC UTILITY SERVICES

8. 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

- 9.1 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 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.

ELECTRICITY SUPPLY AND STREET LIGHTING

- 10.1 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 underground electricity supply to the subdivision and must provide at the developer's cost:-

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- (a) a reticulated underground electricity supply to each part of the subdivision in accordance with the requirements of the Electricity Service Provider;

10.2 The developer must install ducting to the satisfaction of the Electricity and Telecommunications Service Providers prior to the approval of the Plan of Survey, and

10.3 Street lighting is to be provided to Category P5 in accordance with AS 1158.3.11 – Road Lighting. The consent of the Chief Executive Officer will be required prior to the final design being adopted.

WATER SUPPLY WORKS INTERNAL

11.1 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. Each of the proposed lots shall have separate water services.

- a) A water network analysis for the entire development, prepared by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ), must be provided to Council for approval as part of the Development Permit for Operational Works.
- b) The water network analysis must demonstrate that for the entire development minimum pressure (head) of 22m is available at the most disadvantaged allotment frontage/meter location upon completion of the stage and detailing stages at which trunk components of the network should be implemented.

11.2 Any connection or upgrades to Council's existing water infrastructure required by the development shall be carried out by the Council at the developers full cost.

SEWERAGE SUPPLY

12.1 A sewerage network analysis, prepared by an appropriately qualified and experienced Registered Professional Engineer of Queensland (RPEQ), must be provided to Council for approval as part of the Development Permit for Operational Works.

12.2 The development must be connected to Council's reticulated sewerage system or as an alternative, construct the necessary infrastructure to each proposed new lot to allow an appropriate pressure sewer system to be installed. All works required are to be carried out at the developers full cost;

12.3 Any connection or upgrades to Council's existing sewerage infrastructure required by the development shall be carried out by the Council at the developers full cost;

12.4 Provide a sewer connection to each of the proposed lots included in the development to Council's sewerage scheme. All works required are to be carried out at the developers full cost;

12.5 The lawful point of discharge into Council's sewerage infrastructure shall be at a location approved by Council.

WATER SUPPLY AND SEWERAGE HEADWORKS

13. The developer must contribute in accordance with Council's Planning Scheme Policy for Infrastructure Provision - Developer Contribution for Provision of Water supply and Sewerage services is payable, the contribution must be paid at the rate current at the time of payment.

AS-CONSTRUCTED PLANS

14. Prior to the release of the plan, the developer shall provide Council with a complete set of as-constructed plans and an electronic copy which is to be compatible to Council's system at the relevant time, for all works. Such plans are to be certified by an R.P.E.Q.

OPEN SPACE AND PARKLAND

15. Instead of dedicating land for park purposes, the developer must pay to Council a cash contribution. The current amount payable is \$4,500.00 (i.e. 6 lots @ \$750.00/lot). Payment must be received before the formal plan of subdivision is released.

AMENITY – SCREEN FENCING

16. Provide evidence of or construct a suitable screen fence along the proposed access driveway (both sides) to the rear allotment (proposed Lot 6) to ensure that the existing residential amenity on both the subject and adjoining properties is protected. The fence design plan is to be submitted to gain the consent of Council to ensure that the construction method and building material is to the satisfaction of the Chief Executive Officer.

ACCESS

17. The accessway to proposed lot 6 shall be constructed with a driveway for its full length to the following standards:
 - a) A three (3) metre wide compacted gravel pavement not less than 150mm thick (type 2.2) and sealed with either:
 - 25mm of DG7 asphaltic concrete, or
 - hot sprayed bitumen consisting of a prime and 2 seal coats (10mm & 16mm); or
 - interlocking pavers on a base of a minimum 75mm thickness;
 - Or
 - b) A three (3) metre wide reinforced concrete driveway (not car tracks) not less than 100mm thick.

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.*
- *Any vegetation clearing may trigger an application under the Vegetation Management Act 1999.*

Resolution

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

CARRIED

5.4 Proposed Permanent Road Closure - Barratta

Executive Summary

Request to review objection to permanent road closure

Recommendation

Council resolves to advise the Department of Natural Resources and Mines (DNR&M) that it offers no objection to the proposed permanent road closure shown on plan DD201_176.

Resolution

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

FOR: Councillor Lewis

AGAINST: Councillors Loizou, Liessmann and Bawden

LOST 1/3

6 CORPORATE & COMMUNITY SERVICES

6.1 Amendment of Subordinate Local Law No. 4

Councillors considered a late report and discussed issues relating to the proposed amendment of Subordinate Local Law No. 4.

Executive Summary

Council has previously resolved to amend Subordinate Local Law No 4 (Local Government Controlled Areas, Facilities and Roads) 2012 with regards to the Home Hill Comfort Stop and Funny Dunny Park.

The amendments have been advertised and submissions received.

Council now has to decide whether to proceed with the amendments.

Recommendation

That Council resolves to –

- a) proceed with the making of Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2012 as advertised; and
- b) make Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2012 as advertised.

Resolution

Moved Councillor Loizou, seconded Councillor Liessmann that the report on Amendment of Subordinate Local Law No. 4 lay on the table for further consideration at a future Ordinary Council Meeting when all councillors are in attendance.

CARRIED

7 CORRESPONDENCE FOR INFORMATION

8 NOTICES OF MOTION

9 URGENT BUSINESS

10 GENERAL BUSINESS

10.1 Donation Requests

Director Corporate and Community Services, Mr. Dan Mulcahy reported and sought Council's views on donation requests received from:

- Budekin Flexible Support Service – request for donation towards Co-Ordination of NQ All Abilities Games
- Sharon Saxby – fund raiser for Black Dog Institute

It was the consensus of Council that correspondence be forwarded to both organisations advising that Council is unable to provide assistance due to budgetary constraints.

11 CLOSED MEETING ITEMS

12 DELEGATIONS

11.00 am – Update from Mark Stoneman, Honorary Executive Director, Wetlands and Grasslands Foundation on Wongaloo (Cromarty Wetlands) and Marty McLaughlin from the Department of National Parks, Recreation, Sport and Racing, Townsville.

There being no further business the meeting closed at 12.10 pm.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 11 September 2012.

MAYOR

